



BOARD OF ADJUSTMENT

Meeting Minutes

Date: February 21, 2024, 6:00 p.m.

Location: Missoula County Courthouse, Sophie Moiese Room (in person) or TEAMS (virtually)

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	APPLICANTS PRESENT
Ryan Schumacher Jonathan Haber Benjamin Yawakie Andy Mefford Babak Rastgoufard	Jennifer Schultz	Rachel Manning Heather Powers Laura Collins Tim Worley Karen Hughes	Kirk Farrelly, Developer Drew Pearson, WWC Engineering

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. Digital agendas and corresponding documents may be found on the main board page: CivicClerk Zoning Board of Adjustment February 21, 2024 ([CivicClerk BOA Feb 21, 2024](#))

I. CALL TO ORDER [0:16]

Babak Rastgoufard, Chair, called the meeting to order at 6:01 p.m.

II. ROLL CALL [0:25]

Rachel Manning called the roll. With 5 members present a quorum was met.

III. APPROVAL OF MINUTES [2:29]

Ryan Schumacher moved, and Jonathan Haber seconded approval of the January 17, 2024, minutes as written. The motion passed by unanimous voice vote.

IV. PUBLIC COMMENT ON NON-AGENDA ITEMS [3:15]

There were no public comments on non-agenda items.

V. STAFF ANNOUNCEMENTS [3:54]

There were no staff announcements.

VI. PUBLIC HEARINGS

A. Dollar General Variance [4:02]

Case Planner: Laura Collins, Planner I, Department of Planning, Development, and Sustainability



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STAFF PRESENTATION

Laura Collins, a planner with the Planning, Development & Sustainability Department, presented a variance request from applicant Michael Regan, represented by Capital Growth Buchalter and WWC Engineering who seeks the construction of a convenience store (Dollar General), located at 7332 HWY 200 E.

The subject property is zoned as Neighborhood Center (NC), allowing for both commercial and residential development as a mixed-use zone. The applicant's intention is to construct a convenience grocery store. However, the request is subject to review for a variance to the site design standards required by Section 2.3.J.4.b to allow for a building façade occupying less than 70% of the lot's Build-to-Zone (BTZ). It was noted the BTZ requirement mandates 70% of the building façade must be situated along frontages that border roads, right-of-ways, and easements. For the Neighborhood Center zoning, the lot width is 353 feet, necessitating 247 feet of the building facade to be within the BTZ.

An overview of the preliminary site plan summarized the complexities involved with the pre-engineered building, which focused on the set dimensions measuring 163 feet in length and covering a footprint of 12,480 square feet. The BTZ standard for NC requires the façade occupy 70% of the 353-foot lot width, but the total built area including the parking and landscaping will occupy 70%. The application is to seek a variance not to permitted use, but specifically for the build-to-zone requirement. This request was due to special conditions unique to the property, such as its size, shape, and the lack of municipal sewer and water services, which restricts the feasible building size and necessitates consideration of DEQ standards for stormwater and septic systems required in the site design. Allowing this variance would enable the efficient utilization of the property for constructing a new convenience store, providing local access to groceries and other services.

The presentation highlighted that meeting the BTZ requirements for this zoning district would be impractical given the size and shape of the proposed building. It would impose undue hardship, not of the applicant's own making, but due to the impracticality of meeting the 70% BTZ standard given the property's dimensional constraints. Additionally, it's mentioned that granting this variance would improve the site's appearance and quality, align with the growth policy and zoning, and not harm the neighborhood or public welfare. The area's land use designation as a neighborhood center and its alignment with the county's long-term economic and quality of life goals further justify the variance as well. Ultimately, staff determined that the requested variance complies with the growth policy and zoning, is suitable for the surrounding development, and addresses a critical need for better access to fresh food and groceries, particularly for residents of nearby W. Riverside who currently travel far for basic needs.

The presentation concluded with the project receiving no agency comments and the Missoula Rural Fire District and the County Floodplain Administrator specifically stating they had no concerns. Notices were sent to 44 adjacent property owners, receiving comments from four: two in support and two with various concerns. Supporters commended adding Commercial Services and the mixed-use development. Concerns included potential impacts from a Dollar



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General store, such as vehicle and foot traffic surrounding residential properties. One commenter preferred adding a perimeter fence.

Staff's Recommended Motion

Staff recommends **Approval** of the requested variance based on the Findings of Fact and Conclusions of Law presented in the staff report, subject to one condition of approval.

Recommended Conditions:

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

This concluded the staff report.

See PowerPoint presentation slides.

PUBLIC COMMENT

Residents raised concerns about the store not enriching the quality of life in the area, offering limited fresh and wholesome food options, and potentially not meeting SNAP (Supplemental Nutrition Assistance Program) guidelines. The presence of dollar stores potentially lowering property values by 16-21% and attracting problems like vagrancy and theft was cited as another concern. Increased traffic was also addressed, with worries about road safety for children, families, and wildlife.

Some commenters questioned the need for another store offering low-paying jobs, given the existing economic challenges in Missoula. There was concern about the impact on local wells and the broader environmental footprint of the store. They expressed frustration with the decision-making process, wanting more transparency and engagement from the developers. Questions were raised about zoning changes, the potential increase in property taxes, and infrastructure improvements to support the new store.

One resident did express support for the establishment of a Dollar General store on the subjected property, emphasizing its suitability given the requirements. They addressed Dollar General's minimal water and sewer needs make it a viable business as it can operate with a septic system and a well, and how it aligns with the original intent for the property use.

The developer representing the applicant, Kirk Farrelly, addressed public concerns and emphasized the store will offer fresh produce and meat, all prepackaged, without any on-site food serving. He highlighted the store's focus on everyday goods, catering to household needs. It's noted that the store expects to attract pass-by traffic from people commuting to work or school. Also addressed is reassurance that the project would undergo a rigorous review process, adhering to all required codes, including any necessary water treatment to gain



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MDEQ approval. Kirk concluded by stating the project is privately funded without the need for county contributions.

RECOMMENDED MOTION

Andy Mefford made the motion to approve the request, and Jonathan Haber seconded the motion:

I propose THAT the Board of Adjustment approve the Variance request to allow a variance from the required build-to-zone (BTZ) for the property located at 7332 HWY 200 E. 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.

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

The meeting concluded with the board needing clarification on how the lack of utilities influenced the subjected property's building size and the provision of services. Laura clarified the building being 163 feet long, will occupy 46% of the lot frontage, while the zoning requirement is for 70%. The board also addressed the policy intentions behind the BTZ requirements, specifically if maximizing space use was a goal for commercial spaces. They touched on the requirement for non-motorized facilities, inquiring on the use of bike lanes, sidewalks, and crosswalks in the neighborhood center, and how this requirement will be implemented.

The necessity of the required BTZ requirement, specifically how it requires buildings to cover a certain percentage of their frontage was questioned from the board. They expressed confusion on its purpose and impact on urban design. Karen Hughes, the Director of the Planning, Development & Sustainability Department, responded to this point, explaining the rule aims to promote urban-style development where buildings are closer to the street, facilitating pedestrian engagement with storefronts. However, it's acknowledged that the regulation may not always align perfectly with the area's context, leading to variance requests. Overall, the meeting was a thorough discussion regarding the built-to-zone requirements related to the size of the lot and the challenges of development, while acknowledging complications with the lot's width and accessibility to city sewer and water specifically.

VOTE

With no further discussion, the board voted by roll call and the motion passed unanimously.



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AYES: (5): Benjamin Yawakie, Jonathan Haber, Ryan Schumacher, Andy Mefford, and Babak Rastgoufard

NAYS: (0)

Vote results: Approved (5 to 0)

VII. COMMUNICATIONS & SPECIAL PRESENTATIONS [1:14:40]

There were no communications or special presentations.

VIII. COMMITTEE REPORTS [1:14:43]

There were no committee reports.

IX. OLD BUSINESS [1:15:31]

Babak Rastgoufard proposed to elect Andy Mefford as Vice Chair.

Andy Mefford stated he did not have any concerns and would be willing to remain as Vice Chair. He left it up to the collective decision of the Board.

MOTION: Ryan Schumacher made a motion to have Andy Mefford remain Vice Chair of the Missoula County Zoning Board of Adjustment.

The motion passed unanimously by voice vote.

X. NEW BUSINESS [1:16:08]

No new business was reported.

XI. COMMENTS FROM BOARD MEMBERS [1:16:12]

No comments from Board Members

XII. ADJOURNMENT [1:16:29]

The meeting adjourned at 7:18 p.m.

Respectfully submitted,
Analeshia Rodriguez
Administrative Assistant
Planning, Development and Sustainability

(To listen to the meeting in its entirety, click this link: [02 Feb. 2024 CoBOA MCAT](#))
(Meeting video available upon request through MCAT)

Missoula Board of Adjustment- February 21, 2024- Meeting Recording

Rachel C. Manning

This is the meeting of the Missoula County Board of Adjustment, and as a chair, I'm going to call the meeting to order and request that we have a roll call.

0:52:5.890 --> 0:52:8.510

Rachel C. Manning

Ryan Schumacher present.

0:52:11.880 --> 0:52:13.830

Rachel C. Manning

John Haber present.

0:52:17.150 --> 0:52:18.200

Rachel C. Manning

Ben, you Waukee.

0:52:22.190 --> 0:52:23.990

Rachel C. Manning

And the Medford here.

0:52:27.360 --> 0:52:28.230

Rachel C. Manning

Jennifer Schultz.

0:52:30.450 --> 0:52:31.520

Rachel C. Manning

Jennifer is absent.

0:52:33.650 --> 0:52:35.680

Rachel C. Manning

Epic grass covered here.

0:52:37.940 --> 0:52:38.660

Rachel C. Manning

Instagram.

0:52:38.670 --> 0:52:39.100

Rachel C. Manning

There are.

0:52:42.760 --> 0:52:48.930

Rachel C. Manning

Five members present in one member absent tonight and benzoin alternate.

0:52:48.980 --> 0:52:50.770

Rachel C. Manning

So do we need to elevate him for tonight?

0:52:53.170 --> 0:52:54.870

Rachel C. Manning

Yes, well.

0:52:59.140 --> 0:52:59.240

Rachel C. Manning

I.

0:53:1.740 --> 0:53:2.560

Rachel C. Manning

Yes, we can.

0:53:2.900 --> 0:53:5.130

Rachel C. Manning

Umm would you, Mr?

0:53:5.140 --> 0:53:5.750

Rachel C. Manning

Checks use me.

0:53:5.760 --> 0:53:10.210

Rachel C. Manning

Would you like to elevate then to voting member for the evening?

0:53:10.340 --> 0:53:11.190

Rachel C. Manning

I would please.

0:53:11.320 --> 0:53:11.800

Rachel C. Manning

Thank you.

0:53:15.150 --> 0:53:17.610

Rachel C. Manning

The next item on the agenda is the approval of minutes.

0:53:17.620 --> 0:53:22.530

Rachel C. Manning

This would be the minutes from the January 17th 2024 Board of Adjustment meeting.

0:53:24.660 --> 0:53:29.240

Rachel C. Manning

Actually, before I go on to that, I see that someone on the teams call is raise their hand.

0:53:33.860 --> 0:53:34.80

Karen Hughes

Hi.

0:53:34.90 --> 0:53:37.420

Karen Hughes

This is Karen Hughes from planning development sustainability.

0:53:37.430 --> 0:53:38.10

Karen Hughes

Can you hear me?

0:53:39.0 --> 0:53:39.650

Rachel C. Manning

Yes, we can.

0:53:41.50 --> 0:53:43.490

Karen Hughes

Umm, just a point of clarification, Mr.

0:53:43.500 --> 0:53:44.550

Karen Hughes

Chair the.

0:53:44.860 --> 0:53:45.440

Karen Hughes

Then you walked.

0:53:45.450 --> 0:53:47.350

Karen Hughes

He was appointed to be a regular member.

0:53:47.360 --> 0:53:48.570

Karen Hughes

He is no longer an alternate.

0:53:49.860 --> 0:53:50.160

Rachel C. Manning

Thank you.

0:53:49.400 --> 0:53:52.40

Karen Hughes

So right now, yeah, got it.

0:53:52.900 --> 0:53:53.260

Rachel C. Manning

OK.

0:53:53.340 --> 0:53:57.80

Rachel C. Manning

So appreciate the clarification and I apologize for for missing that.

0:53:59.970 --> 0:54:0.370

Rachel C. Manning

Sorry, Ben.

0:54:0.770 --> 0:54:0.890

Rachel C. Manning

Yeah.

0:54:2.610 --> 0:54:3.80

Rachel C. Manning

OK.

0:54:3.610 --> 0:54:4.340

Rachel C. Manning

Thank you again, Karen.

0:54:5.560 --> 0:54:5.990

Rachel C. Manning

Joe.

0:54:6.0 --> 0:54:6.430

Rachel C. Manning

Yeah.

0:54:6.480 --> 0:54:12.990

Rachel C. Manning

Moving on, the next item on the agenda is the approval of the Minutes from the January 17th, 2024 Board of Adjustment meeting.

0:54:13.70 --> 0:54:16.480

Rachel C. Manning

The meeting minutes were included in the agenda packet.

0:54:16.490 --> 0:54:19.50

Rachel C. Manning

Does anyone have any corrections?

0:54:19.60 --> 0:54:19.600

Rachel C. Manning
Edits.

0:54:19.610 --> 0:54:24.10

Rachel C. Manning
Comments or wish that they or wish to move, that they be adopted as submitted.

0:54:27.920 --> 0:54:29.920

Rachel C. Manning
I'm happy to make a motion if there's no comments.

0:54:32.800 --> 0:54:33.380

Rachel C. Manning
I'll second that.

0:54:34.360 --> 0:54:43.520

Rachel C. Manning
I I move to approve the meeting, the meeting minutes from January 17th 2024 and I'll second that.

0:54:43.620 --> 0:54:44.20

Rachel C. Manning
OK.

0:54:44.30 --> 0:54:46.340

Rachel C. Manning
Thank you all those in favor say aye.

0:54:46.430 --> 0:54:47.830

Rachel C. Manning
Aye, any opposed.

0:54:49.770 --> 0:54:50.380

Rachel C. Manning
All right.

0:54:50.480 --> 0:54:53.680

Rachel C. Manning
Hearing none, the meeting minutes are adopted as submitted.

0:54:54.290 --> 0:54:59.630

Rachel C. Manning
The next item on the agenda is public comment on any non agenda items.

0:54:59.730 --> 0:55:16.180

Rachel C. Manning
It appears that there's some members of the public here tonight, either both in person and possibly on

teams, so if any member of the public wishes who is here tonight and would like to speak to something other than the variance request, in other words, the we have a public hearing later.

0:55:16.570 --> 0:55:22.70

Rachel C. Manning

If you are here to comment on the public hearing your time to comment on that is coming up.

0:55:22.220 --> 0:55:27.840

Rachel C. Manning

But if you wish to comment on something else, now is your time to comment on something else.

0:55:31.580 --> 0:55:35.170

Rachel C. Manning

OK, hearing none, are there any announcements from staff?

0:55:39.900 --> 0:55:40.160

Rachel C. Manning

OK.

0:55:42.70 --> 0:55:44.560

Rachel C. Manning

We will go to our public hearing, which is the.

0:55:47.820 --> 0:55:47.990

Rachel C. Manning

OK.

0:55:48.390 --> 0:55:52.950

Rachel C. Manning

Public hearing the Dollar General variance and I think staff Laura, you have a presentation for us.

0:56:4.420 --> 0:56:12.770

Rachel C. Manning

Alright, so night we are going to hear the request for a variance at 7332 Highway 200 E My name is Laura Collins.

0:56:12.780 --> 0:56:16.340

Rachel C. Manning

I'm a planner with Missoula County planning, development and sustainability.

0:56:18.340 --> 0:56:27.90

Rachel C. Manning

We received the request from applicant Michael Reagan, represented by capital growth, Buckhalter and WWC Engineering.

0:56:27.420 --> 0:56:34.170

Rachel C. Manning

They are planning to construct a Dollar General at this at this property.

0:56:34.180 --> 0:56:38.290

Rachel C. Manning

However, this request is for the variance of the build to zone.

0:56:41.960 --> 0:56:44.860

Rachel C. Manning

So here's a vicinity for the property.

0:56:47.310 --> 0:56:47.830

Rachel C. Manning

You.

0:56:50.160 --> 0:56:51.430

Rachel C. Manning

So here we are.

0:56:51.500 --> 0:56:53.360

Rachel C. Manning

This is located in Bonner W Riverside.

0:56:57.650 --> 0:56:58.980

Rachel C. Manning

This property is vacant.

0:56:59.30 --> 0:57:10.580

Rachel C. Manning

It's 1.91 acres and it is zoned neighborhood commercial neighborhood commercial allows for commercial and residential development as a mixed use zone.

0:57:14.660 --> 0:57:48.190

Rachel C. Manning

So the applicant doesn't tend to construct a convenience grocery store on the property, but tonight they are requesting a variance to the Missoula County Zoning Regulations section, 2.3 point J .4 point B, which is the neighborhood center built two zone requirements which states that the build to zone for the building needs to be 70% and I'll get into what that means and just a minute.

0:57:51.20 --> 0:57:52.720

Rachel C. Manning

Here's the zoning map for the property.

0:57:54.430 --> 0:57:56.840

Rachel C. Manning

So you can see this section of Hwy.

0:57:56.850 --> 0:57:59.80

Rachel C. Manning

200 is zoned neighborhood center.

0:57:59.550 --> 0:58:2.580

Rachel C. Manning

Neighborhood Center is a mixed use zone.

0:58:2.590 --> 0:58:5.60

Rachel C. Manning

It's intended to provide commercial activity.

0:58:6.20 --> 0:58:8.30

Rachel C. Manning

Umm, that's walkable.

0:58:8.40 --> 0:58:12.480

Rachel C. Manning

It provides services to residents such as retail and employment needs.

0:58:16.190 --> 0:58:21.80

Rachel C. Manning

The build to zone is described in chapter four of the zoning code.

0:58:21.550 --> 0:58:37.610

Rachel C. Manning

It is required along frontages that about roads and right ways and easements and the percentage of the buildings facade required to be located within the build to zone is measured by dividing the building with the lots with.

0:58:40.250 --> 0:58:48.300

Rachel C. Manning

So neighborhood center requires 70% those properties lot with is 353 feet.

0:58:48.550 --> 0:58:51.810

Rachel C. Manning

So that would require 247 feet.

0:58:54.740 --> 0:58:59.90

Rachel C. Manning

This is the property looking northwest from Hwy 200.

0:58:59.340 --> 0:59:3.40

Rachel C. Manning

Currently it is just occupied by a billboard which will remain on the property.

0:59:4.770 --> 0:59:5.930

Rachel C. Manning

This is looking north.

0:59:10.40 --> 0:59:13.750

Rachel C. Manning

And the applicant has submitted some preliminary elevations.

0:59:13.760 --> 0:59:15.870

Rachel C. Manning

Just give an idea of what it'll look like.

0:59:15.880 --> 0:59:18.780

Rachel C. Manning

Potentially this is looking N from Hwy 200.

0:59:21.210 --> 0:59:24.410

Rachel C. Manning

And then looking northwest again.

0:59:29.240 --> 0:59:43.260

Rachel C. Manning

So some of the surrounding uses at this location, we have a auto detailing business over to the east and then beyond that is so sorry.

0:59:45.990 --> 0:59:58.780

Rachel C. Manning

Beyond that is university storage and then to the West we have, postal office, USPS and then we do have some residential to the north and then to the South is Hwy 290.

1:0:2.840 --> 1:0:5.390

Rachel C. Manning

Here's the applicants preliminary site plan.

1:0:5.400 --> 1:0:10.670

Rachel C. Manning

You can see the dimensions of the building here and it is a prototype building.

1:0:10.680 --> 1:0:16.590

Rachel C. Manning

That's one of the limitations of this request is this is the maximum size the building can be.

1:0:16.600 --> 1:0:27.630

Rachel C. Manning

It has set dimensions because it's pre engineered, so the building itself is going to be 163 feet long with a footprint of 12,480 square feet.

1:0:30.280 --> 1:0:44.250

Rachel C. Manning

And the build to zone requires the facade occupy 70% of the lots with, but the total built area, including the parking lot and landscaping, is gonna occupy 70%.

1:0:49.130 --> 1:0:55.280

Rachel C. Manning

So we use these variance criteria to review requests for zoning variance.

1:0:55.970 --> 1:1:0.550

Rachel C. Manning

I will read through the summary of the findings of fact from these criteria.

1:1:2.940 --> 1:1:9.700

Rachel C. Manning

So proposed variance will not authorize a use or density that is not authorized in the zoning district.

1:1:9.940 --> 1:1:22.130

Rachel C. Manning

So as I mentioned, the purpose of neighborhood center district is to ensure convenient access to goods, services within walking distance and concentrate commercial activity to serve residences needs.

1:1:22.740 --> 1:1:30.370

Rachel C. Manning

This is a permitted use in the zoning district, and this variance would not increase the density beyond what's permitted.

1:1:34.880 --> 1:1:41.920

Rachel C. Manning

And again, just to clarify a variance to use is not what's being requested, it's a variance to the build to zone specifically.

1:1:43.850 --> 1:1:46.10

Rachel C. Manning

Umm, so criteria 2.

1:1:46.80 --> 1:1:48.240

Rachel C. Manning

The proposed variance will not authorize.

1:1:48.250 --> 1:1:48.960

Rachel C. Manning

Oh, sorry.

1:1:49.390 --> 1:1:59.880

Rachel C. Manning

The special conditions exist that are unique to the property, such as size, shape, topography, location which do not apply to other lands in the same zoning classification.

1:2:0.730 --> 1:2:6.550

Rachel C. Manning

So in this specific conditions that are unique to this request.

1:2:8.470 --> 1:2:14.400

Rachel C. Manning

Is the the build to zone is really intended to preserve the character of mixed use districts.

1:2:14.410 --> 1:2:16.360

Rachel C. Manning

Usually those have smaller lots.

1:2:16.370 --> 1:2:23.620

Rachel C. Manning

This one is a bit larger than some of the lots in the nearby neighborhood center zoning districts.

1:2:26.930 --> 1:2:33.390

Rachel C. Manning

The lot size of the property makes compliance with this requirement challenging for multiple reasons.

1:2:34.230 --> 1:2:36.140

Rachel C. Manning

Umm one is in this area.

1:2:36.150 --> 1:2:42.80

Rachel C. Manning

There's a absence of municipal sewer and water at this time that restricts the building size.

1:2:42.90 --> 1:2:56.740

Rachel C. Manning

That's feasible here in general, and then the applicant needs to account for DQ standards for stormwater and septic system that are required in their site design.

1:2:56.750 --> 1:3:3.0

Rachel C. Manning

And so they need to account for those, umm setbacks and spacing considerations.

1:3:5.20 --> 1:3:5.840

Rachel C. Manning

So they wouldn't.

1:3:5.850 --> 1:3:9.210

Rachel C. Manning

They wouldn't really be able to have a larger structure even.

1:3:11.870 --> 1:3:14.880

Rachel C. Manning

Considering that this is a pre engineered building.

1:3:18.930 --> 1:3:24.150

Rachel C. Manning

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

1:3:24.360 --> 1:3:36.70

Rachel C. Manning

Granting this variance allows for the efficient use of the available area on the property and will allow the construction of a new convenience store to serve the neighborhood by providing groceries and other services.

1:3:36.920 --> 1:3:42.710

Rachel C. Manning

Literal enforcement of the provisions of this regulation will result in unnecessary hardship.

1:3:42.880 --> 1:3:44.940

Rachel C. Manning

That is not the applicants own making.

1:3:46.300 --> 1:3:58.80

Rachel C. Manning

So as I mentioned, the dimensions of the building are umm, a limitation and a hardship which make meeting the 70% bill two zone standard unfeasible.

1:4:1.410 --> 1:4:12.830

Rachel C. Manning

If this were to be literally enforced, it would require a building of the same square footprint with a 247 foot with to have a depth of only 50 feet.

1:4:14.800 --> 1:4:28.70

Rachel C. Manning

And a proportionately larger building wouldn't be feasible due to the previous noted limitations and then allowing a variance to the build to zone would significantly improve the appearance and quality of the site design.

1:4:29.960 --> 1:4:41.340

Rachel C. Manning

And finally, granting the variance will be in harmony with the growth policy and the zoning, and would not otherwise be injurious to the neighborhood or detrimental to public welfare.

1:4:42.870 --> 1:4:50.140

Rachel C. Manning

So this area is zoned and also as a land use designation of neighborhood center.

1:4:50.350 --> 1:4:55.560

Rachel C. Manning

The growth policy recommends that the county focus on long term economic development.

1:4:55.730 --> 1:5:3.60

Rachel C. Manning

That's fiscally responsible and does not unduly compromise quality of life or the natural environment and goal.

1:5:3.70 --> 1:5:14.280

Rachel C. Manning

Five of the Earth policy is to promote economic development that creates opportunities throughout Missoula County, including people living and working in rural communities and across wage levels.

1:5:16.0 --> 1:5:23.200

Rachel C. Manning

So the proposed commercial use complies with the growth policy, the zoning code and is compatible with the surrounding development.

1:5:26.330 --> 1:5:31.250

Rachel C. Manning

And the property is near one of the more intensely developed unincorporated areas in the state.

1:5:32.430 --> 1:5:34.380

Rachel C. Manning

Uh, that being W Riverside.

1:5:34.730 --> 1:5:50.90

Rachel C. Manning

So many of these residents have to travel to Missoula for their basic needs currently and granting this variance will allow the construction of a new store, which will serve the community where food access is currently lacking by providing fresh produce and groceries.

1:5:53.180 --> 1:5:56.170

Rachel C. Manning

We reached out to agencies to provide comment.

1:5:56.680 --> 1:6:1.10

Rachel C. Manning

Agencies either did not have concerns or comments in response to the request.

1:6:1.300 --> 1:6:9.710

Rachel C. Manning

So these two responses from Missoula, Rural Fire District and the county floodplain administrator, where that they did not have concerns with the project.

1:6:12.290 --> 1:6:15.800

Rachel C. Manning

We mailed 44 notices to adjacent property owners.

1:6:15.810 --> 1:6:22.810

Rachel C. Manning

We did receive comments back from four of those two in support and to with various concerns.

1:6:23.90 --> 1:6:48.140

Rachel C. Manning

The comments and support were for the addition of Commercial Services and the support of the mixed use development and then some of the concerns were for potential impacts by the addition of the Dollar General business including vehicle foot traffic umm and some foot traffic through those surrounding residential properties.

1:6:48.880 --> 1:6:55.0

Rachel C. Manning

Umm, one commenter wanted to express the preference for an addition of a perimeter fence.

1:6:56.100 --> 1:6:56.460

Rachel C. Manning

Umm.

1:6:57.60 --> 1:7:5.240

Rachel C. Manning

Again, I'd like to remind everyone we're just hearing a request for the bill two zone, but I did want to make some of these comments heard.

1:7:8.750 --> 1:7:31.730

Rachel C. Manning

So staff is recommending approval based on the findings of fact and conclusions of law in the Staff Report, subject to one condition of approval that all necessary permits administered by agencies other than planning, development and sustainability shall be obtained by the property owner or designated representative prior to filing the record of zoning variance.

1:7:31.800 --> 1:7:37.480

Rachel C. Manning

These permits may include, but are not limited to, building electrical, mechanical approach and sanitation permits.

1:7:41.300 --> 1:7:41.690

Rachel C. Manning

That's all.

1:7:41.700 --> 1:7:42.70

Rachel C. Manning

Have you?

1:7:43.110 --> 1:7:51.940

Rachel C. Manning

I angular what I'd like to do is my typical process, ask the board members if they have any questions or anything that they would like staff to clarify.

1:7:51.950 --> 1:7:52.880

Rachel C. Manning

We'll do that now.

1:7:53.170 --> 1:8:1.40

Rachel C. Manning

Then we'll hear from the applicant and then additional questions or clarifications, either from the applicant or staff and then public comment.

1:8:1.50 --> 1:8:7.50

Rachel C. Manning

So at this point, do any members of the board have any questions or items that they would like staff to clarify?

1:8:10.420 --> 1:8:10.660

Rachel C. Manning

Sure.

1:8:11.510 --> 1:8:19.560

Rachel C. Manning

Uh, couple 11 is the the NC designation is referred to as both neighborhood commercial and neighborhood center.

1:8:20.110 --> 1:8:23.170

Rachel C. Manning

Are those two different things, and does it matter?

1:8:25.260 --> 1:8:30.310

Rachel C. Manning

Yeah, I'm sorry if I if I refer to them as both it's neighborhood center.

1:8:30.320 --> 1:8:35.10

Rachel C. Manning

But I think sometimes it's used interchangeably, but in the zone or zoning code, it's neighborhood center.

1:8:36.160 --> 1:8:36.370

Rachel C. Manning

OK.

1:8:37.410 --> 1:8:40.350

Rachel C. Manning

And then on the very last page of the packet.

1:8:43.350 --> 1:8:43.600

Rachel C. Manning

Sure.

1:8:43.650 --> 1:8:46.560

Rachel C. Manning

All the it's the regulations, #6.

1:8:46.570 --> 1:8:52.790

Rachel C. Manning

It says compliance with the bill two zone and irregularly shaped lots.

1:8:53.70 --> 1:8:56.360

Rachel C. Manning

Maybe modified or eliminated through a minor waiver?

1:8:57.740 --> 1:8:59.130

Rachel C. Manning

You were non numeric standard.

1:8:59.140 --> 1:9:2.110

Rachel C. Manning

I wondered if what that was and whether that fit the situation.

1:9:2.860 --> 1:9:6.390

Rachel C. Manning

We do have a desk definition for irregularly shaped lots.

1:9:6.400 --> 1:9:8.890

Rachel C. Manning

It does not apply to this property.

1:9:9.650 --> 1:9:16.730

Rachel C. Manning

Umm, one of the distinctive features of an irregularly shaped lot is an irregular amount of sides.

1:9:18.710 --> 1:9:22.660

Rachel C. Manning

There may have been some other characteristics.

1:9:22.670 --> 1:9:27.140

Rachel C. Manning

What we consider regularly shaped watts, but this one we would consider regularly shaped.

1:9:27.490 --> 1:9:27.780

Rachel C. Manning

OK.

1:9:27.790 --> 1:9:28.130

Rachel C. Manning

Thank you.

1:9:34.500 --> 1:9:38.140

Rachel C. Manning

Any other board members have questions or items they would like staff to clarify.

1:9:41.640 --> 1:9:42.980

Rachel C. Manning

Lord, just one thing I'd like.

1:9:42.990 --> 1:9:46.230

Rachel C. Manning

I think you mentioned this and I just want to hear it again.

1:9:48.820 --> 1:9:49.340

Rachel C. Manning

Let me just.

1:9:49.390 --> 1:9:50.350

Rachel C. Manning

Sorry, I gotta scroll back.

1:9:55.900 --> 1:9:59.740

Rachel C. Manning

So one of the factors that we're supposed to look at is whether or not.

1:10:1.970 --> 1:10:4.510

Rachel C. Manning

There are actually read the factor, sorry.

1:10:10.620 --> 1:10:11.330

Rachel C. Manning

There we go.

1:10:11.630 --> 1:10:16.980

Rachel C. Manning

One of the factors is literal enforcement of the provisions of the regulations were result in unnecessary hardship.

1:10:16.990 --> 1:10:24.110

Rachel C. Manning

That is not of the applicants hold making extremely own making of the applicants own making and in the conclusions of law.

1:10:24.120 --> 1:10:45.0

Rachel C. Manning

It sounds like part of it is because the applicant has these prefab buildings, but I think the other part that you alluded to was that because of the lack of sewer and water connections, it would be essentially impossible to comply with the facade requirements in this bill to zone.

1:10:45.10 --> 1:10:47.110

Rachel C. Manning

Can you just want to make sure I'm tracking that correctly?

1:10:48.780 --> 1:10:49.410

Rachel C. Manning

So and.

1:10:51.790 --> 1:10:54.140

Rachel C. Manning

My understanding is the lack of being a spoils.

1:10:54.150 --> 1:10:55.420

Rachel C. Manning

Who are in water limits?

1:10:55.430 --> 1:11:1.550

Rachel C. Manning

The building sizes out here and that might be a factor as to why we don't see more. Umm.

1:11:3.820 --> 1:11:12.250

Rachel C. Manning

Grocery store type services offered right now, and the building size is going to be limited by the services that are provided in this area.

1:11:12.520 --> 1:11:16.470

Rachel C. Manning

And so now they are looking at doing septic.

1:11:20.590 --> 1:11:23.440

Rachel C. Manning

And just one other question and maybe it was in the back and I missed it.

1:11:23.490 --> 1:11:32.280

Rachel C. Manning

So the requirement is for I'm not blinking on the requirement what percentage of the?

1:11:34.910 --> 1:11:36.280

Rachel C. Manning

What percentage will they achieve?

1:11:36.290 --> 1:11:38.750

Rachel C. Manning

Not I know you said you include landscaping in the parking structure.

1:11:38.760 --> 1:11:57.730

Rachel C. Manning

They they comply with the zoning regulations, but what percentage is just the building facade itself, so the the building being let's see is 163 feet long is going to occupy 46% of the law front.

1:11:58.890 --> 1:11:59.210

Rachel C. Manning

OK.

1:11:59.220 --> 1:12:3.390

Rachel C. Manning

And then need to require and they need to zoning is for 70.

1:12:3.400 --> 1:12:3.640

Rachel C. Manning

OK.

1:12:3.650 --> 1:12:3.980

Rachel C. Manning

Thank you.

1:12:6.50 --> 1:12:19.260

Rachel C. Manning

And I guess I have a question just sort of about the the policy behind this is looks like it's to achieve more density and which you know certainly makes sense in that discussion of housing.

1:12:19.270 --> 1:12:25.960

Rachel C. Manning

But does it also make sense from a commercial standpoint that you should be trying to maximize the space used?

1:12:28.50 --> 1:12:40.80

Rachel C. Manning

There's that was that part of the discussions of this or did it just kind of end up there because because it's mixed use, do you mean as far as the build to zone requirements?

1:12:40.90 --> 1:12:40.230

Rachel C. Manning

Yeah.

1:12:41.570 --> 1:12:42.920

Rachel C. Manning

So my understanding is that.

1:12:44.860 --> 1:12:47.880

Rachel C. Manning

It applies to mixed use districts.

1:12:50.260 --> 1:12:52.450

Rachel C. Manning

That typically of smaller lot sizes.

1:12:52.460 --> 1:13:2.230

Rachel C. Manning

So it's a little bit more feasible to fill up 70% of the lot frontage and this particular area of the lots are a little larger.

1:13:2.960 --> 1:13:15.730

Rachel C. Manning

So it is unfortunately literally it's requiring a much larger building or if this one were to be the required width, then it would only be 50 feet deep.

1:13:23.80 --> 1:13:23.240

Rachel C. Manning

OK.

1:13:24.760 --> 1:13:31.90

Rachel C. Manning

Is the applicant here, and if so, does the applicant wish to, umm, provide any additional?

1:13:33.500 --> 1:13:33.620

Kirk Farrelly

Yes.

1:13:33.550 --> 1:13:39.460

Rachel C. Manning

Comment or explanation of the project beyond what staff report.

1:13:40.80 --> 1:13:40.530

Kirk Farrelly

Yes.

1:13:40.640 --> 1:13:41.280

Kirk Farrelly

Can you hear me?

1:13:42.820 --> 1:13:43.450

Rachel C. Manning

Yes, we can.

1:13:43.600 --> 1:13:52.680

Kirk Farrelly

OK, this is Kirk fairly on with capital growth Buckhalter, we're the developer of this project also have Drew Pearson with WC Engineering on with me as well.

1:13:53.720 --> 1:13:56.650

Kirk Farrelly

Umm, so we're commercial state developer uh.

1:13:56.660 --> 1:14:2.890

Kirk Farrelly

Retail and restaurant properties throughout the United States, we are preferred developer for Dollar General in the state of Montana.

1:14:3.340 --> 1:14:7.630

Kirk Farrelly

So we've been working many locations throughout the state and we're here before you tonight.

1:14:8.440 --> 1:14:10.880

Kirk Farrelly

Umm, everything in the staff report.

1:14:10.940 --> 1:14:13.360

Kirk Farrelly

Uh is accurate and and much appreciated.

1:14:13.370 --> 1:14:16.980

Kirk Farrelly

It was very comprehensive to add on to a few things.

1:14:18.710 --> 1:14:30.200

Kirk Farrelly

It's not in the packet, but we do have a a substantial landscape plan that was submitted which has landscape St trees along the frontage.

1:14:30.450 --> 1:14:55.560

Kirk Farrelly

It has parking lot islands that are being landscaped and then also if the rear we have a perimeter fence as was actually requested by one of the residents were already planning for that as well as landscaping grasses et cetera throughout as mentioned, UM, the constraints here we are proposing the largest building that Dollar General currently has in their arsenal, which is the 12,480 square foot.

1:14:56.210 --> 1:15:7.820

Kirk Farrelly

Umm we have maximized the bill two zone as much as possible and then we also have, as mentioned the parking driveways which add up and exceed that 70%.

1:15:8.530 --> 1:15:15.160

Kirk Farrelly

We also have to have the on site septic and it's associated mixing zones and that's on the east side of the site.

1:15:15.510 --> 1:15:26.900

Kirk Farrelly

And then we have to also maintain separation to our required water well, which has the 100 foot well isolation radius and then also our stormwater pond, which is at the Northwest a part of the property.

1:15:29.420 --> 1:15:38.200

Kirk Farrelly

And then as far as the question about, you know if it was enforced literally and having a building that was much longer and then only 50 feet wide.

1:15:38.780 --> 1:15:44.50

Kirk Farrelly

Umm, you know, having developed many different types of commercial properties for national tenants.

1:15:44.970 --> 1:15:46.940

Kirk Farrelly

UM, having something like that?

1:15:46.950 --> 1:15:48.380

Kirk Farrelly

It would be hard to tenant.

1:15:48.390 --> 1:15:51.560

Kirk Farrelly

Not to mention you'd have to turn it into, you know, more or less.

1:15:51.570 --> 1:16:2.320

Kirk Farrelly

It strip center with multiple tenants and when you start adding uses for multiple people, you're not gonna meet your on site septic requirements and have the space to fit that.

1:16:2.730 --> 1:16:18.860

Kirk Farrelly

And Dollar General is a good fit for this area because out of, you know, a lot of tenants that are out there, they have a very low water usage and hence we're able to have everything kind of fit pretty, pretty nicely honestly with the size property.

1:16:19.720 --> 1:16:26.530

Kirk Farrelly

Umm, I really don't have anything else to add other than you know, we'll just stay in the staff report and I'm here for any questions as it's true.

1:16:31.960 --> 1:16:34.350

Rachel C. Manning

Any members of the board have questions for the applicant.

1:16:39.480 --> 1:16:39.750

Rachel C. Manning

OK.

1:16:41.160 --> 1:16:47.800

Rachel C. Manning

Then, like you hear from, if there are any members of the public that wish to comment by no means a requirement.

1:16:47.810 --> 1:16:53.840

Rachel C. Manning

If you're here attending the meeting, I I just wanna clarify a couple things if anyone does want to comment.

1:16:54.570 --> 1:16:56.280

Rachel C. Manning

First, it is a comment.

1:16:56.290 --> 1:16:56.800

Rachel C. Manning

Period.

1:16:57.210 --> 1:16:57.760

Rachel C. Manning

It is not.

1:16:59.750 --> 1:17:2.620

Rachel C. Manning

Just the the way this is structured, it's not an opportunity.

1:17:2.630 --> 1:17:4.70

Rachel C. Manning

It's not a Q&A session.

1:17:4.80 --> 1:17:18.220

Rachel C. Manning

You could certainly ask questions and perhaps the boards, a member of the board will then take that on

as a question of his or her own or their own and and present that question to either staff or the applicant.

1:17:18.230 --> 1:17:24.740

Rachel C. Manning

But it is just a time for comment, so again you could if you have a question, you could raise it, but you cannot.

1:17:24.780 --> 1:17:38.280

Rachel C. Manning

You cannot direct that question to anyone, and I think during the staff report Laura hit on this a couple times, umm and maybe I'll ask her to clarify before we open up for public comment, but.

1:17:40.230 --> 1:17:41.410

Rachel C. Manning

My understanding is.

1:17:43.150 --> 1:17:47.800

Rachel C. Manning

Dollar General or any type of convenience store can go in.

1:17:47.810 --> 1:18:0.380

Rachel C. Manning

It's a permitted use, so the the issue before this board, the Board of Zoning adjustment is just the issue of the building frontage along Hwy 200.

1:18:0.390 --> 1:18:14.790

Rachel C. Manning

And whether it, uh stretches 46% of the lot size along Hwy 200 versus 70% cause the zoning requires that the frontage have that facade be 70%, so.

1:18:16.990 --> 1:18:33.740

Rachel C. Manning

If you're welcome to opine on the nature of the business because that's, you know, just how that fits in the neighborhood, but that's that's not really for us to decide whether it's a Dollar General or whatever else is allowed by zoning apartments or CBS or something like that is that I characterize that correctly.

1:18:34.450 --> 1:18:35.680

Rachel C. Manning

Yes, that's correct.

1:18:35.760 --> 1:18:37.630

Rachel C. Manning

I'd also like to add that when.

1:18:39.990 --> 1:18:55.760

Rachel C. Manning

Depending on the decision tonight, when Dollar General comes through for permitting, they're gonna be subject to very rigorous zoning review, including landscaping, parking lot loading zones, so they'll need to meet all those requirements.

1:18:57.980 --> 1:18:58.270

Rachel C. Manning

Yes.

1:18:58.280 --> 1:19:6.650

Rachel C. Manning

Tonight it we are just discussing the build to zone and as the applicants representative mentioned, they are going to exceed many of those requirements.

1:19:6.660 --> 1:19:11.10

Rachel C. Manning

So that's a nice plus and I guess just one last question, I apologize.

1:19:11.20 --> 1:19:13.640

Rachel C. Manning

What are the permitted uses in the NC zoning?

1:19:15.540 --> 1:19:15.750

Rachel C. Manning

Yeah.

1:19:16.220 --> 1:19:17.660

Rachel C. Manning

Sorry, no worries.

1:19:17.860 --> 1:19:21.490

Rachel C. Manning

Umm, there there's several permitted uses.

1:19:21.500 --> 1:19:21.950

Rachel C. Manning

Commercials.

1:19:21.960 --> 1:19:22.570

Rachel C. Manning

One of them.

1:19:22.580 --> 1:19:28.970

Rachel C. Manning

I'm happy to pull up the uses by district table and I can display that.

1:19:28.980 --> 1:19:29.120

Rachel C. Manning

Umm.

1:19:29.130 --> 1:19:33.670

Rachel C. Manning

If you wanna display that, yeah, we'll we'll open up public comment and then, yeah, don't mind looking for that at the same time.

1:19:33.680 --> 1:19:40.910

Rachel C. Manning

So again, if there's any members of the public here who wish to comment on the variance request, now is your opportunity to do so.

1:19:41.820 --> 1:19:45.110

Rachel C. Manning

I guess we'll start with any individuals in the room.

1:19:46.200 --> 1:19:52.650

Rachel C. Manning

If you wish to comment, please approach the podium and identify yourself name and your comment.

1:20:3.950 --> 1:20:4.980

Rachel C. Manning

That OK?

1:20:5.50 --> 1:20:20.820

Rachel C. Manning

My name is Debbie Mattson, and it was somewhat confusing when the letter came out to to me and to neighbors around me that it was a surprise for one, that a Dollar General was planning, you know, to go in.

1:20:20.930 --> 1:20:28.720

Rachel C. Manning

And I knew it was a variance, but I didn't know until I talked, called and talked with Laura that it was already done.

1:20:28.770 --> 1:20:35.780

Rachel C. Manning

So many steps and I I think she said that she did give you my letter to the board.

1:20:36.180 --> 1:20:53.650

Rachel C. Manning

And so this is me and I she encouraged me to just come and say my comments, even though they don't really pertain to the zoning that's here, but I am a strongly opposed to a Dollar General business in the neighborhood.

1:20:54.180 --> 1:21:3.90

Rachel C. Manning

And then it was kind of interesting because when Laura started, she called it a market, a grocery store.

1:21:3.560 --> 1:21:19.440

Rachel C. Manning

And I have never, you know, I know dollar stores have canned goods, but maybe apples or bananas, but not really a a grocery store where there's a lot of fresh or wholesome meats.

1:21:19.450 --> 1:21:58.530

Rachel C. Manning

This that I've yet to see that in a dollar store, so I will be surprised, but the store in my opinion doesn't doesn't really and will not enrich the quality of life around around me and most of the people that I know in the neighborhood there are there is food available out there, you know it's kind of like maybe, but there's fresh produce, milk, eggs, butter at the travel Plaza and that's close and not a lot of people don't have to, you know walk.

1:21:58.600 --> 1:22:8.370

Rachel C. Manning

But there's a bus availability to Albertson's, but the food and products that dollar stores sell are usually not fresh and wholesome.

1:22:8.920 --> 1:22:26.800

Rachel C. Manning

I don't know if this dollar store will have the guidelines and meet SNAP approval for food stamps, which a lot of people in low income and fixed income neighborhoods like W Riverside is use the snap for their foods.

1:22:27.860 --> 1:22:32.30

Rachel C. Manning

Umm, a lot of the foods are canned.

1:22:32.80 --> 1:22:35.880

Rachel C. Manning

They come from Asia and other places.

1:22:36.280 --> 1:22:37.720

Rachel C. Manning

They're repackaged.

1:22:37.850 --> 1:22:39.300

Rachel C. Manning

They can be toxic.

1:22:39.390 --> 1:23:4.130

Rachel C. Manning

There's off gassing in stores like that, and unbranded brands that I've never heard of, but and online, some of these things I'm saying or not they I researched on the Internet and one was specifically by an article by the Institute for Local Self Reliance Online.

1:23:5.30 --> 1:23:29.80

Rachel C. Manning

They say that property values where dollar stores are located can lower those properties as much as 16 to 21% and dollar stores can attract a variety of people in those neighborhoods of low income and fixed incomes, and they can attract that can cause vagrancy and theft, which we already struggle with.

1:23:30.40 --> 1:23:32.10

Rachel C. Manning

And attracted homeless people.

1:23:32.310 --> 1:23:42.830

Rachel C. Manning

And then there's the traffic idea around the neighborhood would worsen already poor conditions of roads, and it could make it more dangerous.

1:23:43.910 --> 1:23:48.200

Rachel C. Manning

I'm glad to hear that there's going to be a fence in the rear of it.

1:23:48.250 --> 1:23:56.640

Rachel C. Manning

That's good news to me, but many children and teens and families play, walk, dog, walk around the neighborhood.

1:23:56.650 --> 1:24:4.670

Rachel C. Manning

Around 200, there's a path on the other side, and then. Not to mention there's many wildlife around there.

1:24:4.760 --> 1:24:5.250

Rachel C. Manning

Deer.

1:24:5.260 --> 1:24:7.570

Rachel C. Manning

Bighorn sheep variety of birds.

1:24:7.580 --> 1:24:8.50

Rachel C. Manning

Fox.

1:24:8.60 --> 1:24:15.830

Rachel C. Manning

Skunks, raccoons and some of those not wanted, but with the rivers close by, and they may be affected.

1:24:16.340 --> 1:24:18.10

Rachel C. Manning

I have no idea this is.

1:24:18.20 --> 1:24:18.430

Rachel C. Manning

I don't.

1:24:18.440 --> 1:24:29.90

Rachel C. Manning

I'm not a well expert, but I even thought about the well because there's been so many impacts of the wells that are already established that have had to be redone.

1:24:29.400 --> 1:24:32.370

Rachel C. Manning

And I heard you say that there was water problems.

1:24:32.380 --> 1:24:41.400

Rachel C. Manning

You know that that's a consideration out there, not problems, but it's and it seems like with the drought, there's less runoff and everything of water.

1:24:42.10 --> 1:24:45.240

Rachel C. Manning

So I'm hoping that, you know, that's a concern.

1:24:47.80 --> 1:25:2.110

Rachel C. Manning

But All in all, I appreciate the chance to say my comments and I just don't think I don't see I I'm not trying to stop, but I think there could be a a different kind of business.

1:25:2.380 --> 1:25:7.130

Rachel C. Manning

I I know that you can't stop, you know, development.

1:25:7.900 --> 1:25:10.620

Rachel C. Manning

But thank you for listening to me.

1:25:12.180 --> 1:25:12.500

Rachel C. Manning

Thank you.

1:25:14.40 --> 1:25:14.770

Rachel C. Manning

Are they?

1:25:14.940 --> 1:25:18.440

Rachel C. Manning

Looks like other audience members wish to comment.

1:25:23.650 --> 1:25:34.560

Rachel C. Manning

Hi, my name's Patty Kearney and I live at 7450 SOG Drive, which would be directly behind the dollar store and my biggest concern would be the traffic in the summer.

1:25:34.790 --> 1:25:36.940

Rachel C. Manning

It's just crazy out there.

1:25:36.950 --> 1:25:40.350

Rachel C. Manning

You have the river traffic, the bike traffic, the.

1:25:42.630 --> 1:25:49.120

Rachel C. Manning

All that is just you have to go like 5 miles an hour through down Brickyard Hill into that area.

1:25:49.420 --> 1:25:55.470

Rachel C. Manning

So that's my biggest concern and I really think wonder if Missoula needs another low paying.

1:25:58.190 --> 1:25:58.900

Rachel C. Manning

Job.

1:25:59.10 --> 1:26:7.720

Rachel C. Manning

You know they their average dollar store pays between 13 and \$14.00 as we all know, you can't live in Missoula on that income.

1:26:7.830 --> 1:26:18.60

Rachel C. Manning

So those the and the, well, I worry we had, we've had to have new well and since they lowered the got rid of the dam.

1:26:18.430 --> 1:26:21.20

Rachel C. Manning

But I worry about our well being.

1:26:21.560 --> 1:26:24.980

Rachel C. Manning

You know that's 11 building, but it's for many people.

1:26:25.920 --> 1:26:35.500

Rachel C. Manning

So those and then I echo what depth at about the poor quality food, and I've never seen fresh vegetables in a dollar store.

1:26:37.650 --> 1:26:38.550

Rachel C. Manning

But thank you.

1:26:41.850 --> 1:26:42.170

Rachel C. Manning

Thank you.

1:26:49.610 --> 1:26:51.200

Rachel C. Manning

Hi, I'm Steve Jansen.

1:26:51.650 --> 1:26:53.200

Rachel C. Manning

I'm 2 doors down.

1:26:53.800 --> 1:26:55.800

Rachel C. Manning

I have Jensen's handyman and modeling.

1:26:55.910 --> 1:26:57.520

Rachel C. Manning

I'm 2 doors down from that property.

1:26:59.780 --> 1:27:2.100

Rachel C. Manning

I'll have to admit, ladies and gentlemen, that I'm.

1:27:2.170 --> 1:27:4.680

Rachel C. Manning

I'm angry, you know, to a lot of things.

1:27:4.690 --> 1:27:14.830

Rachel C. Manning

And so, you know, my current concerns about the new store moving in there at this time, I I can't see any problem with it, but but.

1:27:17.710 --> 1:27:21.270

Rachel C. Manning

Maybe you can tell me the steps.

1:27:21.280 --> 1:27:24.570

Rachel C. Manning

I mean, right now all we're doing is figuring out.

1:27:25.380 --> 1:27:25.880

Rachel C. Manning

All right.

1:27:25.890 --> 1:27:28.410

Rachel C. Manning

Now all you're trying to do is figure out the change the zoning.

1:27:28.420 --> 1:27:48.180

Rachel C. Manning

So so they can put their store in, but the things that I'm concerned with and maybe is it, is it something that that has to be addressed later on down the road, like for example, if this door moves down, everybody on our area on that block is everybody's, you know, property tax is going to go up.

1:27:51.400 --> 1:27:51.900

Rachel C. Manning

I don't know.

1:27:54.230 --> 1:28:5.330

Rachel C. Manning

I know that when they bought the the down the street, there's that rental storage rental place and when that property was bought, my property went up almost double.

1:28:6.120 --> 1:28:9.760

Rachel C. Manning

And so, you know, and I'm worried about things like for example.

1:28:12.50 --> 1:28:14.340

Rachel C. Manning

What a what ticket?

1:28:15.200 --> 1:28:23.710

Rachel C. Manning

There's the taxpayer is gonna have to use to be the responsible for for this property to advance.

1:28:23.920 --> 1:28:25.250

Rachel C. Manning

Like for example.

1:28:25.520 --> 1:28:30.370

Rachel C. Manning

OK, umm, the county and the city and stuff.

1:28:30.380 --> 1:28:35.940

Rachel C. Manning

And let several places they supply sidewalks, sidewalks next to the street.

1:28:36.300 --> 1:28:36.690

Rachel C. Manning

OK.

1:28:36.700 --> 1:28:45.410

Rachel C. Manning

And then when you put things like that in maybe more than they are going to be responsible for the cost of that sidewalk, you know this things, I don't know.

1:28:45.500 --> 1:28:46.590

Rachel C. Manning

I mean, are we going?

1:28:46.600 --> 1:28:49.990

Rachel C. Manning

Is the taxpayer gonna have to pay for the sidewalks?

1:28:50.60 --> 1:28:55.670

Rachel C. Manning

Are they going to have to be put a sidewalk by the highway in front of the store?

1:28:55.860 --> 1:28:58.0

Rachel C. Manning

There's no other sidewalks out there.

1:28:58.350 --> 1:29:2.380

Rachel C. Manning

So are, you know, are we gonna be stuck for the tab to the sidewalk?

1:29:2.450 --> 1:29:5.230

Rachel C. Manning

You know, these are just little things.

1:29:5.390 --> 1:29:6.890

Rachel C. Manning

You know it's going through my mind.

1:29:7.40 --> 1:29:13.680

Rachel C. Manning

It appears that you've already got it figured out that, umm, you know, the sewage plan is good.

1:29:13.750 --> 1:29:16.990

Rachel C. Manning

I was concerned with that before I came.

1:29:17.110 --> 1:29:26.400

Rachel C. Manning

I'm a master plumber, so I was concerned that the that if they had enough room for for a drainage system, septic tank system.

1:29:26.530 --> 1:29:30.120

Rachel C. Manning

But apparently I guess that's all been thought out and it's good.

1:29:30.190 --> 1:29:35.510

Rachel C. Manning

But I mean as this is this all like I say, I'm ignorant.

1:29:36.140 --> 1:29:49.500

Rachel C. Manning

Is this all cut and dried and once they give the yes that they're gonna, I'm sure that you know that there is probably a I don't know about, you know the the building and all that stuff if asked.

1:29:49.610 --> 1:29:52.360

Rachel C. Manning

I'm sure it has to be accepted and all this stuff.

1:29:52.430 --> 1:29:55.950

Rachel C. Manning

I don't know if that's already been done with this building.

1:29:55.960 --> 1:30:1.890

Rachel C. Manning

You know the shape of this building or the structure of this building, those that already been accepted, you know, to fit in this property.

1:30:3.920 --> 1:30:21.430

Rachel C. Manning

You know, so I just just kind of concerned about those issues of what we're going to be, what we're going to be stuck with and if anybody can clarify that or or you know, just tell me, say, well, that all comes later down the road, we're just going for a zoning today.

1:30:22.670 --> 1:30:26.430

Rachel C. Manning

So are we going to have any choice in the matter?

1:30:26.880 --> 1:30:31.630

Rachel C. Manning

You know the neighbors of me and my neighbors or, you know, a county in Missoula.

1:30:32.410 --> 1:30:36.440

Rachel C. Manning

They're gonna have to fork out a bunch of things for this property.

1:30:36.450 --> 1:30:37.480

Rachel C. Manning

Like I say, sidewalks.

1:30:37.490 --> 1:30:38.140

Rachel C. Manning

I don't know.

1:30:38.490 --> 1:30:40.940

Rachel C. Manning

I don't know what else turn out lanes.

1:30:41.730 --> 1:30:48.920

Rachel C. Manning

I don't know what else it's gonna go out on this, but the are we going to be, you know, stuck with the with the price of all this?

1:30:53.830 --> 1:30:54.150

Rachel C. Manning

Thank you.

1:30:55.720 --> 1:31:1.380

Rachel C. Manning

And I think some of those we could probably address in a minute, I want to ask if there's any.

1:31:3.190 --> 1:31:5.500

Rachel C. Manning

Members of the public online I could.

1:31:6.60 --> 1:31:11.20

Rachel C. Manning

The way it's in front of me, it looked like there's could see three people, but it looks looks like there may be other screen.

1:31:11.30 --> 1:31:23.760

Rachel C. Manning

So if there's anyone on the teams meeting who wishes to any member of the public who wishes to comment on the variance request, please use the raise your hand feature on teams and we will call on you.

1:31:33.910 --> 1:31:44.930

Rachel C. Manning

OK, seeing no one online, wishing to comment, Laura, were you able to pull up one of the questions, I guess, umm, I'll, I'll get to run in one second.

1:31:45.240 --> 1:31:47.790

Rachel C. Manning

Were you able to pull up the permitted uses?

1:31:47.860 --> 1:31:52.490

Rachel C. Manning

OK, let's let's take a quick look at that and then we'll go to the public commenter.

1:32:13.60 --> 1:32:26.770

Rachel C. Manning

So here is the table of uses by zoning district that we have in chapter two of the zoning code, and so we are looking here popping up, makes use and see.

1:32:27.40 --> 1:32:28.630

Rachel C. Manning

Yes, you've got it.

1:32:28.640 --> 1:32:31.890

Rachel C. Manning

So that's this third from the right, yes.

1:32:31.940 --> 1:32:33.170

Rachel C. Manning

Yep, third column.

1:32:33.540 --> 1:32:37.120

Rachel C. Manning

If I can get my laser pointer to work, I'll point it out not working.

1:32:39.210 --> 1:32:47.240

Rachel C. Manning

So yeah, so this is a several page table we can run through it pretty quickly and she is a variety of uses that are permitted.

1:32:49.490 --> 1:32:51.710

Rachel C. Manning

Admin facility, agriculture.

1:32:54.650 --> 1:32:56.110

Rachel C. Manning

Add related business.

1:32:58.270 --> 1:32:59.290

Rachel C. Manning

Animal Services.

1:32:59.300 --> 1:33:3.470

Rachel C. Manning

Small where you see these empty boxes here.

1:33:3.530 --> 1:33:12.840

Rachel C. Manning

Those are uses that are permitted by special exceptions, so they would have to come back and see you guys for special consideration for these uses. Umm.

1:33:14.950 --> 1:33:16.790

Rachel C. Manning

Community residential facility.

1:33:22.220 --> 1:33:23.950

Rachel C. Manning

Cottage court development.

1:33:25.720 --> 1:33:33.160

Rachel C. Manning

Cultural services, daycares and then basically every type of dwelling.

1:33:33.170 --> 1:33:36.600

Rachel C. Manning

So single family, multifamily, duplex.

1:33:38.370 --> 1:33:40.550

Rachel C. Manning

Eating and drinking establishments.

1:33:40.790 --> 1:33:42.290

Rachel C. Manning

Small entertainment venues.

1:33:47.310 --> 1:33:48.810

Rachel C. Manning

Financial, food, beverage.

1:33:51.330 --> 1:33:56.200

Rachel C. Manning

Let me know if I'm going too fast at all funeral galleries.

1:33:57.920 --> 1:34:3.160

Rachel C. Manning

Home occupation is a small business you can have inside of your home.

1:34:5.680 --> 1:34:7.320

Rachel C. Manning

Homeless Shelter meal center.

1:34:9.160 --> 1:34:18.860

Rachel C. Manning

Lodging so like a bed and breakfast, hostel, motel, tourist home is what you think of, like an Airbnb or VRBO.

1:34:24.400 --> 1:34:30.530

Rachel C. Manning

So walk-in medical facility, Microbrewery, Winery, Distillery, mobile food court.

1:34:34.340 --> 1:34:37.650

Rachel C. Manning

You have a mobile Home Park and nursing facility.

1:34:37.880 --> 1:34:45.200

Rachel C. Manning

Open space, private or public park per personal improvement service, preschool preschool center.

1:34:50.700 --> 1:34:53.850

Rachel C. Manning

So you have office public Safety service facility.

1:34:54.880 --> 1:34:56.250

Rachel C. Manning

Recreation.

1:34:56.680 --> 1:34:57.780

Rachel C. Manning

Either outdoor indoor.

1:34:58.610 --> 1:35:2.120

Rachel C. Manning

UM, you have a church?

1:35:2.170 --> 1:35:6.790

Rachel C. Manning

Some religious assembly refers to religious structures.

1:35:7.800 --> 1:35:12.490

Rachel C. Manning

UM commercial retail sales and services is what this use would fall under.

1:35:12.780 --> 1:35:15.80

Rachel C. Manning

School Social service facility.

1:35:18.510 --> 1:35:18.950

Rachel C. Manning

Solar.

1:35:22.180 --> 1:35:24.480

Rachel C. Manning

More solar tiny home development.

1:35:25.970 --> 1:35:31.20

Rachel C. Manning

Uh minor utility services vehicle on small engine maintenance repair.

1:35:32.590 --> 1:35:33.880

Rachel C. Manning

Umm, that's it.

1:35:33.890 --> 1:35:35.120

Rachel C. Manning

But that that covers a lot.

1:35:35.130 --> 1:35:36.180

Rachel C. Manning

So you can do.

1:35:36.630 --> 1:36:11.350

Rachel C. Manning

You can have a lot of uses in this district and just to respond to the comments inquiring what they will be required to do and they come through for permit, they need to umm, so when someone applies for a building permit, they need to comply with all of the building codes and we will also review them for zoning and we have very rigorous standards for commercial buildings that I'm happy to follow up with anybody by email later.

1:36:11.360 --> 1:36:16.710

Rachel C. Manning

If you're curious about what those entail, but there's a lot that they'll be held to as far as site design standards.

1:36:16.930 --> 1:36:17.500

Rachel C. Manning

Umm.

1:36:18.210 --> 1:36:26.610

Rachel C. Manning

On site pedestrian facilities, if they're required, are the responsibility of the developer, not the public.

1:36:31.940 --> 1:36:32.350

Rachel C. Manning

Thank you.

1:36:32.360 --> 1:36:41.770

Rachel C. Manning

And again, while the nature of the use is not before us, I was curious to see how this use fits in the general zoning code.

1:36:42.300 --> 1:36:50.890

Rachel C. Manning

As I mentioned earlier, there was a individual online Ren can you looks like you're unmuted, you have a comment.

1:36:50.900 --> 1:36:53.680

Rachel C. Manning

Can you please identify yourself and share your comment?

1:36:55.270 --> 1:36:55.610

Ren

Sure.

1:36:55.620 --> 1:36:55.820

Ren

Yeah.

1:36:55.830 --> 1:37:4.410

Ren

My name is Rene Reagan and I just wanted to voice my support for this back when the zoning changed to neighborhood center.

1:37:5.930 --> 1:37:16.320

Ren

It really impacted what was able to be put into this area and for me I feel like something like the Dollar General would be the perfect fit for this.

1:37:17.290 --> 1:37:25.190

Ren

As was mentioned, it's not a place where there's good infrastructure for water and sewer, so they do have to.

1:37:25.200 --> 1:37:34.300

Ren

They're limited in having to put in the septic and a well which you can't build huge projects with.

1:37:34.310 --> 1:37:46.100

Ren

That and in changing that area to a neighborhood center, it was presented as something that was being supported by the residents of the area.

1:37:46.110 --> 1:38:0.150

Ren

That's what we were told a couple years ago when this went through, that the residents of the area had wanted stuff like coffee shops, stores, shops, things to make it appear more like a neighborhood center.

1:38:0.160 --> 1:38:3.570

Ren

And that's why this zoning designation was changed.

1:38:4.340 --> 1:38:21.200

Ren

But it's in seeing that in having the limitations of the infrastructure in the area, I don't know how many other things could possibly go in here and you have a store that would be providing a great service to the area employment to the area.

1:38:21.390 --> 1:38:33.660

Ren

And as was mentioned, they were they're planning on doing a nice job with landscaping and having a good appearance and making it a nice, presentable item for the area.

1:38:33.790 --> 1:38:36.710

Ren

So that's really all I have to say, but I'm definitely in favor.

1:38:52.810 --> 1:38:54.200

Laura Collins

Hi Ryan, this is Laura.

1:38:54.210 --> 1:38:54.770

Laura Collins

Can you hear me?

1:38:55.770 --> 1:38:56.500

Ren

Yes, I can.

1:38:57.310 --> 1:38:57.620

Laura Collins

OK.

1:38:57.630 --> 1:39:7.380

Laura Collins

Just wanted to let you know that we may have missed part of your comment and we're getting the meeting booted back up here in the the room.

1:39:7.390 --> 1:39:8.730

Laura Collins

So just hang tight real quick.

1:39:9.830 --> 1:39:10.280

Ren

Oh OK.

1:39:10.290 --> 1:39:11.600

Ren

I'm not sure when I dropped but.

1:39:10.340 --> 1:39:13.270

Laura Collins

Sorry, I'm so sorry about that.

1:39:13.280 --> 1:39:13.670

Laura Collins

Yeah.

1:39:13.680 --> 1:39:15.520

Laura Collins

Uh, we'll get you back up here in just a moment.

1:42:42.990 --> 1:42:48.40

Laura Collins

OK, so for folks online ran, I believe you are making a comment.

1:42:48.50 --> 1:42:49.850

Laura Collins

We're going to try to.

1:42:52.480 --> 1:42:55.470

Laura Collins

Broadcast your comment through my computer.

1:42:55.480 --> 1:43:3.150

Laura Collins

We are having some technical difficulties, so Ren, whenever you're ready, I'm going to have you.

1:43:3.380 --> 1:43:3.990

Laura Collins

I'm so sorry.

1:43:4.0 --> 1:43:8.170

Laura Collins

Restate your comment and I'll pick it up on the microphone here.

1:43:10.100 --> 1:43:25.810

Ren

OK, I'm sure sorry if I'm repeating myself, but I just wanted to voice my support for this for the Dollar General coming in, I think it's a perfect fit for the requirements of the property.

1:43:26.700 --> 1:43:44.890

Ren

I do know that in coming up with the neighborhood center concept for this chunk of land, it sounds like it was primarily put through because people in the area wanted things like coffee shop stores, dental offices and things like that.

1:43:45.0 --> 1:44:2.600

Ren

And unfortunately there is a problem with the infrastructure when it comes to water and sewer, and this is a great fit because the water and sewer use is minimal enough that they can put in septic and a well to fit those needs.

1:44:2.900 --> 1:44:8.690

Ren

So I don't really know at this point what other items could be put in this area.

1:44:8.700 --> 1:44:10.710

Ren

That would be a much better fit.

1:44:10.760 --> 1:44:15.680

Ren

You know you have a, a, a business plan and a a building plan.

1:44:15.690 --> 1:44:32.270

Ren

I guess I should say that encourages nice landscaping of building facade that has a nice clean appearance and it's gonna bring in jobs to the area it's gonna bring in another food source option to the area.

1:44:32.390 --> 1:44:34.440

Ren

I just don't see any drawbacks.

1:44:34.450 --> 1:44:46.930

Ren

I feel like that's exactly what was the intended use of this piece of property when the use changed over to neighborhood center and I think that's all I have to say about it.

1:44:46.940 --> 1:44:49.850

Ren

But I do want it to be recorded that I am in support of this.

1:44:55.650 --> 1:44:56.180

Laura Collins

Thank you.

1:44:56.250 --> 1:45:1.210

Laura Collins

And Laura, are you able to see if anyone else hopefully can focus on teams hear me.

1:45:4.250 --> 1:45:5.50

Laura Collins

Then everyone.

1:45:4.380 --> 1:45:5.840

Kirk Farrelly

Yes, we can hear you.

1:45:5.550 --> 1:45:6.760

Laura Collins

OK, great.

1:45:6.770 --> 1:45:7.360

Laura Collins

Thank you.

1:45:7.570 --> 1:45:8.120

Laura Collins

Wonderful.

1:45:8.190 --> 1:45:12.350

Laura Collins

Sorry, we can't see you difference or indicating there's some technical difficulties.

1:45:12.390 --> 1:45:20.810

Laura Collins

I can relay in the room, but if there anyone on teams, anyone else members of the public who wish to comment, please use the raise your hand feature.

1:45:22.910 --> 1:45:23.990

Laura Collins

And everyone online hear that?

1:45:30.40 --> 1:45:30.300

Laura Collins

OK.

1:45:29.880 --> 1:45:31.520

Kirk Farrelly

Yes, this is Kirk, the applicant.

1:45:31.530 --> 1:45:34.660

Kirk Farrelly

I can respond to some of the other items, but if you're ready for me yet.

1:45:37.60 --> 1:45:43.900

Laura Collins

Sure, it's the applicant has some additional words that the applicant we should add for us that would be great.

1:45:44.730 --> 1:45:45.160

Kirk Farrelly

Sure.

1:45:45.210 --> 1:45:46.310

Kirk Farrelly

Uh, yeah.

1:45:46.320 --> 1:45:48.820

Kirk Farrelly

So some of the concerns were mentioned.

1:45:48.830 --> 1:45:51.390

Kirk Farrelly

You know the products and and things of that nature.

1:45:51.730 --> 1:45:54.170

Kirk Farrelly

So this store will have fresh produce and meat.

1:45:54.180 --> 1:45:55.370

Kirk Farrelly

Everything is prepackaged.

1:45:55.380 --> 1:45:58.710

Kirk Farrelly

There's no serving of food as far as you know.

1:45:58.720 --> 1:46:2.780

Kirk Farrelly

The the other products offered, it's really been everyday goods type of store.

1:46:3.150 --> 1:46:6.940

Kirk Farrelly

You're gonna have your national brands that people are accustomed to seeing.

1:46:6.950 --> 1:46:25.20

Kirk Farrelly

You know Frito-lay, Nestle, General Mills, Procter and Gamble, you know, everyday has some household items as far as the traffic, you know, a lot of our businesses generated is is passed by TRIPS, which are people, you know in their way to or from work or school or whatever that say.

1:46:25.30 --> 1:46:43.750

Kirk Farrelly

Ohh I need this and they they stop by and all that would be coming from, you know Missouri or Montana 200 as far as the well, you know having gone through the MQ process on several of these projects, it's very rigorous you know they have a lot of codes that you have to follow.

1:46:43.810 --> 1:46:54.370

Kirk Farrelly

So it's a lengthy review process, which we will follow, you know through whatever is required of us, if there's any treatment required to the water, we'll do it.

1:46:54.730 --> 1:47:13.570

Kirk Farrelly

If we have to do other measures to get the MDQ approval and we'll do whatever is required and then as far as the question about you know, any county contributions or anything like that as mentioned, this is a privately funded project with no county funds or anything like that required to construct it.

1:47:14.0 --> 1:47:16.260

Kirk Farrelly

And then I'm here for any other questions they don't have.

1:47:19.490 --> 1:47:20.60

Laura Collins

Thank you.

1:47:20.330 --> 1:47:27.350

Laura Collins

You members of the board have any other comments or questions that they wish to direct you either staff or the applicant.

1:47:30.120 --> 1:47:41.790

Laura Collins

I might have a couple in there and they're not really related to this, so I'll keep them very brief, but one of them was on the well and septic and sounds like my question was it did have you obtained that approval and sounds like the answer to that's no.

1:47:42.180 --> 1:47:44.410

Laura Collins

So sounds like you'll be working forward to that.

1:47:46.950 --> 1:47:48.40

Kirk Farrelly

Yes, Sir, that's correct.

1:47:48.250 --> 1:47:49.380

Kirk Farrelly

We haven't formally applied.

1:47:50.880 --> 1:47:51.320

Kirk Farrelly

Oh, I'm sorry.

1:47:46.880 --> 1:47:52.130

Laura Collins

At 500 weeks in at 500 foot, mixins own hopefully will be successful for you.

1:47:53.750 --> 1:48:5.690

Kirk Farrelly

As I say, we've had a pre development meeting with MDQ, so it's conceptually acceptable, but we have not formally applied until we get through this first step and then finish our final submittals to MQ for well and septic consumer model.

1:48:6.400 --> 1:48:9.950

Laura Collins

And then one of them just again completely really not related.

1:48:9.960 --> 1:48:13.170

Laura Collins

It looks like you got some pin down curbs, thickened edge sidewalk.

1:48:13.180 --> 1:48:17.650

Laura Collins

Maybe compete with one another and then the other one is the overhead power.

1:48:17.660 --> 1:48:20.200

Laura Collins

I assume you're relocating and depending and easement.

1:48:21.180 --> 1:48:22.0

Kirk Farrelly

Yes, that's correct.

1:48:22.710 --> 1:48:22.880

Laura Collins

OK.

1:48:23.0 --> 1:48:25.930

Kirk Farrelly

And we're still working with the power company on the best route for that.

1:48:25.940 --> 1:48:28.990

Kirk Farrelly

It'll have to, you know, you around the building in some form or fashion.

1:48:29.0 --> 1:48:30.160

Kirk Farrelly

We're figuring out to what side.

1:48:36.200 --> 1:48:36.730

Laura Collins

Thanks.

1:48:37.220 --> 1:48:45.570

Laura Collins

Any other comments or questions from members of the board, members of the board to either staff or the applicant and the question for the safe?

1:48:46.660 --> 1:48:50.140

Laura Collins

I'm reading the neighborhood center purpose talks about.

1:48:52.560 --> 1:48:59.900

Laura Collins

The street network includes non motorized facilities such as protected or buffered bike lanes, sidewalks, and enhanced crosswalks.

1:49:0.950 --> 1:49:5.760

Laura Collins

So it says that's a requirement of development, but what?

1:49:6.130 --> 1:49:7.940

Laura Collins

How does that look or how would that look?

1:49:8.650 --> 1:49:17.990

Laura Collins

Yeah, if we approve this probably heard this variance that any of that would be developed looking at the map right now.

1:49:18.0 --> 1:49:22.930

Laura Collins

And as this gentleman said, excuse me, that there's no sidewalks in the neighborhood.

1:49:22.940 --> 1:49:23.240

Laura Collins

Mm-hmm.

1:49:23.750 --> 1:49:31.780

Laura Collins

Umm, so believe you're referring to the complete St described in the purpose of the the district.

1:49:31.840 --> 1:49:32.30

Laura Collins

Yeah.

1:49:33.320 --> 1:49:38.220

Laura Collins

Umm, so yeah, it's my understanding that that's gonna that's an intent.

1:49:40.290 --> 1:49:45.430

Laura Collins

And so it's not broadly required of every development in the district and.

1:49:47.790 --> 1:49:48.20

Laura Collins

Yeah.

1:49:48.30 --> 1:50:1.390

Laura Collins

The fact that there isn't pedestrian facilities in that area right now, I I don't believe that's going to be required at this point, but the intent of the district is to move towards walkability and connectivity.

1:50:6.790 --> 1:50:13.990

Laura Collins

I guess I have my other questions related to staff more and it's this this rule about this percentage coverage.

1:50:16.220 --> 1:50:17.830

Laura Collins

Is this all new?

1:50:17.840 --> 1:50:22.460

Laura Collins

I mean it with the county rezone those kinds of tests didn't exist before.

1:50:24.100 --> 1:50:26.710

Laura Collins

Drew, I I believe that's true.

1:50:26.920 --> 1:50:28.990

Laura Collins

Somebody correct me if I'm mistaken.

1:50:31.840 --> 1:50:32.750

Laura Collins

And is not in his head.

1:50:33.720 --> 1:50:46.170

Laura Collins

So I think this is one of these implications in this major zoning and this larger footprint of zoning and a lot of other meat and zoning, the zoning used to be this thick and zoning this thing.

1:50:46.180 --> 1:50:49.390

Laura Collins

Now we're starting to see some of these implications.

1:50:49.800 --> 1:50:53.900

Laura Collins

I personally don't understand what the point in the 70% is.

1:50:53.910 --> 1:50:57.170

Laura Collins

I mean, you're just promoting someone to build a wide building.

1:50:57.180 --> 1:50:59.170

Laura Collins

I I don't really get the gist of that.

1:50:59.180 --> 1:51:11.820

Laura Collins

I get the gist of minimum lot areas, so maybe some dimensions, but this idea of enforcing someone to build a percent of their frontage I I guess I missed the point of that.

1:51:12.280 --> 1:51:15.0

Laura Collins

I heard someone say density and I don't see how that does that.

1:51:16.20 --> 1:51:23.530

Laura Collins

We talked about character, but I guess if you start a rule and you say everyone shall be 70%, that can create character.

1:51:23.540 --> 1:51:47.520

Laura Collins

But I don't know that the character of these areas is occupying 70% and I guess I don't know how broad of a map this in C covers with this 70% or other coverages, but that's certainly there would have been a lot of research to say we're going to blanket E Missoula, we're going to say 50% coverage because most houses are 40 feet wide and lots are XY.

1:51:47.530 --> 1:51:49.420

Laura Collins

And so we think that complies.

1:51:49.430 --> 1:51:57.470

Laura Collins

I I I just can kind of lost in the whole value of this ratio and let me see if I can pull up.

1:51:59.70 --> 1:52:1.720

Laura Collins

I don't know if it'll actually show.

1:52:1.830 --> 1:52:3.460

Laura Collins

UM, see.

1:52:3.470 --> 1:52:9.290

Laura Collins

I would have liked to have shown you the nearby neighborhood center zoning district.

1:52:12.150 --> 1:52:12.800

Laura Collins

That's in.

1:52:12.810 --> 1:52:16.150

Laura Collins

Bonner does have the smaller lot sizes that I mentioned.

1:52:16.370 --> 1:52:21.920

Laura Collins

It is less about density and more about just avoiding these.

1:52:22.160 --> 1:52:32.10

Laura Collins

UM, well, that's mixed use areas that have these lots that are covered and that's usually referring to smaller lot sizes.

1:52:32.20 --> 1:52:42.250

Laura Collins

It just so happens I think it was mentioned that this specific area was rezoned, that these lots over here a little bit wider doesn't apply as well. Umm.

1:52:44.300 --> 1:52:45.790

Laura Collins

And yeah, I agree, it's.

1:52:49.400 --> 1:52:57.580

Laura Collins

It's challenging to meet in these circumstances, so I think the variances warranted.

1:52:59.360 --> 1:53:1.970

Laura Collins

They are, as far as the intent of the build to zone.

1:53:1.980 --> 1:53:2.700

Laura Collins

It is mostly.

1:53:5.30 --> 1:53:11.680

Laura Collins

And tempting to improve site design and it might not to that well in every situation.

1:53:16.140 --> 1:53:17.590

Laura Collins

I'm just wondering the same.

1:53:17.600 --> 1:53:24.970

Laura Collins

I think the idea is maybe to I I wasn't behind it, usually by the ideas to kind of create more walkable.

1:53:24.980 --> 1:53:27.630

Laura Collins

Not quite a downtown, but sort of a downtown.

1:53:27.640 --> 1:53:30.820

Laura Collins

Ask, you know, passion friendly versus maybe like a.

1:53:33.50 --> 1:53:41.680

Laura Collins

I don't know to use an example like a fast food joint that's just surrounded by parking lot and has no connection with the the street the facade.

1:53:41.690 --> 1:53:47.320

Laura Collins

But you know here and then, isn't that there be a door or an entrance on the on the front?

1:53:47.330 --> 1:53:58.190

Laura Collins

It's just in the facade and I guess I don't understand that because if you want walkability, then you require sidewalks along the frontage, you get walkability and you don't have to have a 70 foot long, 70% long building.

1:53:58.560 --> 1:54:6.730

Laura Collins

I mean the complete this building, we need to be 250 feet and then people would say it looks long and unbroken and we don't like long blocks and we want to break up blocks.

1:54:6.740 --> 1:54:14.920

Laura Collins

So I I don't, I struggle with this deal of making people build long, tying up the frontage of their properties, but I guess I'm a simple mind.

1:54:14.930 --> 1:54:15.940

Laura Collins

So I'm gonna.

1:54:15.950 --> 1:54:16.880

Laura Collins

I looks like Karen.

1:54:16.890 --> 1:54:18.140

Laura Collins

He uses something to add.

1:54:18.150 --> 1:54:24.30

Laura Collins

I'm going to let her say her piece. Umm.

1:54:26.560 --> 1:54:27.660

Laura Collins

Karen, you're muted.

1:54:29.90 --> 1:54:30.180

Karen Hughes

Yeah, I think so.

1:54:30.230 --> 1:54:30.700

Karen Hughes

Can you hear me?

1:54:31.120 --> 1:54:31.280

Laura Collins

Yes.

1:54:33.40 --> 1:54:35.610

Karen Hughes

So maybe I think you were.

1:54:35.620 --> 1:54:42.530

Karen Hughes

You hit the point pretty well and between you and Laura, the basic concept is to make this very urban.

1:54:42.760 --> 1:54:53.370

Karen Hughes

This is this is a design standard for urban areas, so it's intended to have your your building frontage right up against your idealia walkway.

1:54:53.480 --> 1:54:57.910

Karen Hughes

It's not perfect because we're in the county and not everything has the true urban forum.

1:54:58.220 --> 1:55:9.560

Karen Hughes

But to have that building up near where people would be walking by, where people can engage with storefronts and not have them set back so far away from the road, that's what the idea is.

1:55:9.830 --> 1:55:12.620

Karen Hughes

As we pointed out, it doesn't work perfectly.

1:55:12.630 --> 1:55:14.140

Karen Hughes

That's why we have variance requests.

1:55:14.150 --> 1:55:24.470

Karen Hughes

Is so that when it doesn't work exactly right and it's not really the applicant's fault that there's a way, a relief valve to take care of it and for some cases we can do that through a minor waiver.

1:55:24.480 --> 1:55:36.30

Karen Hughes

In other cases, we have to do it through a variance and and as you know, we've where I hopefully you know we every year are doing maintenance amendments to the zoning.

1:55:36.40 --> 1:55:44.960

Karen Hughes

And so as we figure out standards that don't work exactly right, we're keeping a log of those and making amendments to them.

1:55:50.410 --> 1:55:50.730

Laura Collins

Thank you.

1:55:52.510 --> 1:55:54.340

Laura Collins

Use any other members of the board.

1:55:54.350 --> 1:55:59.190

Laura Collins

Have comments or questions because for staff or the applicant.

1:56:3.700 --> 1:56:5.570

Laura Collins

It's the speed limit in this area.

1:56:6.160 --> 1:56:10.460

Laura Collins

Does anyone know this is my thank you.

1:56:13.330 --> 1:56:16.250

Laura Collins

Right in the store for it like.

1:56:22.250 --> 1:56:29.640

Laura Collins

I can not big enough to hold everybody, or if there's going to have to pull parked out in the highway walking there right there.

1:56:29.650 --> 1:56:37.440

Laura Collins

Bike there and so five more pavement and really in front of the sidewalks where people can park out by the highway.

1:56:40.320 --> 1:56:43.460

Laura Collins

Umm, extra signs and no parking out here.

1:56:43.500 --> 1:56:46.340

Laura Collins

If I could, I would display the site plan again but.

1:56:46.400 --> 1:56:46.520

Laura Collins

That.

1:56:48.560 --> 1:56:48.850

Kirk Farrelly

Yeah.

1:56:48.770 --> 1:56:49.720

Laura Collins

I'm having children.

1:56:48.860 --> 1:56:51.600

Kirk Farrelly

And I I can answer the parking question, if that's helpful.

1:56:49.930 --> 1:56:52.60

Laura Collins

Ohh OK great.

1:56:53.110 --> 1:56:53.380

Kirk Farrelly

Yeah.

1:56:53.390 --> 1:56:58.380

Kirk Farrelly

So, umm, we've done parking studies at sites, you know after they've been constructed in in Dollar General.

1:56:58.430 --> 1:57:1.200

Kirk Farrelly

Obviously it was a huge arsenal size that they've looked at as well.

1:57:1.690 --> 1:57:10.180

Kirk Farrelly

We estimated about 10 cars per hour for the hours of operation, so typically there's there's no issues with parking even during like, peak holiday season.

1:57:11.230 --> 1:57:20.340

Kirk Farrelly

The Max that I've seen and this was in, you know, very dense New Jersey where we've done projects was like 25 or 27 cars at the most.

1:57:20.350 --> 1:57:22.630

Kirk Farrelly

And the site, I believe it's fully spaces.

1:57:23.80 --> 1:57:24.450

Kirk Farrelly

I don't have permission.

1:57:29.620 --> 1:57:30.170

Laura Collins

Thank you.

1:57:30.620 --> 1:57:37.220

Laura Collins

Any other questions from board members to either staff or the applicant?

1:57:41.430 --> 1:57:45.590

Laura Collins

Any comment or discussion amongst our Members which just share?

1:57:52.740 --> 1:57:53.790

Laura Collins

I guess I would just.

1:57:56.50 --> 1:58:8.520

Laura Collins

I think I agree to what Andy was getting to you that we're just in a situation where the zoning, the build to zone doesn't make sense for the size of the lot is we're what I'm seeing.

1:58:8.530 --> 1:58:10.520

Laura Collins

And UM, you know.

1:58:13.620 --> 1:58:24.900

Laura Collins

I think uh, there is a lot of complications to a lot this wide actually being developable with that in mind.

1:58:25.120 --> 1:58:27.110

Laura Collins

And uh.

1:58:30.770 --> 1:58:35.740

Laura Collins

What it's worth, considering those complications, I I kind of see.

1:58:35.750 --> 1:58:36.900

Laura Collins

I see the the.

1:58:39.860 --> 1:58:41.280

Laura Collins

It's building not being.

1:58:43.380 --> 1:58:44.420

Laura Collins

Not having access to.

1:58:46.500 --> 1:58:48.860

Laura Collins

City Sewer city water being.

1:58:51.700 --> 1:58:53.850

Laura Collins

It's a tough, tough nut to crack.

1:58:53.860 --> 1:58:55.460

Laura Collins

If you're gonna try to spam that whole with.

1:59:1.900 --> 1:59:2.420

Laura Collins

Agree. There's.

1:59:4.630 --> 1:59:6.610

Laura Collins

Agree with Andy that and both of you and I, right.

1:59:6.620 --> 1:59:17.600

Laura Collins

Right, Andy, that the zoning seems a little bit, there's some components there that might not be the perfect fit you, I I have some personal thoughts on this specific use.

1:59:17.690 --> 1:59:20.980

Laura Collins

I will keep those to myself because that's not really what we're here for.

1:59:20.990 --> 1:59:25.660

Laura Collins

It's just, you know, does the build they need to be really long on Hwy.

1:59:25.670 --> 1:59:33.760

Laura Collins

200 and in that regard, I don't, you know, and supportive of this variance request just on that that's that's the only issue before us.

1:59:33.770 --> 1:59:34.170

Laura Collins

I don't.

1:59:34.180 --> 1:59:39.310

Laura Collins

I don't see that it's, you know, each all the factors outlined in the report.

1:59:44.690 --> 1:59:48.470

Laura Collins

Making Curry really support make a motion to move forward.

1:59:52.330 --> 2:0:11.290

Laura Collins

That being said, I propose that the Board of adjustment approved the variance request to allow the variance for the required building to zone for the property located at 7332 Highway 200 E this approval is based on the findings of fact and conclusions of law found in the staff report and public testimony, and is subject to the recommended condition of approval.

2:0:12.440 --> 2:0:27.500

Laura Collins

That condition being all necessary permits administered by agencies other than planning, development and sustainability shall be obtained by the property owner, designated representative prior to the filing are to filing their record of zoning variances.

2:0:28.410 --> 2:0:34.470

Laura Collins

These permits may include, but are not limited to, building electrical, mechanical approach and sanitation permits.

2:0:37.220 --> 2:0:37.830

Laura Collins

Is there a second?

2:0:43.60 --> 2:0:43.630

Laura Collins

I'll second that.

2:0:51.320 --> 2:0:53.250

Laura Collins

I think probably is discussion.

2:0:53.260 --> 2:0:58.290

Laura Collins

If there's any discussion on that motion, any not right, any discussion on the motion.

2:1:5.500 --> 2:1:5.930

Laura Collins

Hearing.

2:1:5.940 --> 2:1:9.580

Laura Collins

Hearing none, you know he's gonna call.

2:1:18.430 --> 2:1:19.270

Laura Collins

And you working.

2:1:24.510 --> 2:1:24.610

Laura Collins

Yes.

2:1:28.780 --> 2:1:30.250

Laura Collins

And the neighbor, yes.

2:1:34.330 --> 2:1:36.190

Laura Collins

Didn't you? Yes.

2:1:39.390 --> 2:1:41.570

Laura Collins

And yes.

2:1:44.140 --> 2:1:45.230

Laura Collins

And right?

2:1:45.720 --> 2:1:48.390

Laura Collins

Yes, motion passes unanimously.

2:1:50.890 --> 2:1:51.400

Laura Collins

Thank you.

2:1:51.450 --> 2:1:55.890

Laura Collins

Oh, thank the applicant and the members of the public who are here tonight.

2:1:56.390 --> 2:1:59.950

Laura Collins

As you heard, this is just one step in the process and this was our.

2:2:2.170 --> 2:2:4.500

Laura Collins

Yeah, just one narrow issue before us.

2:2:5.410 --> 2:2:6.270

Laura Collins

The applicant does have.

2:2:7.740 --> 2:2:14.560

Laura Collins

They're variance request to that concludes the public hearing portion of the there's still some other agenda items.

2:2:16.240 --> 2:2:20.720

Laura Collins

Looks like if you questions here I just like to make a request.

2:2:21.690 --> 2:2:22.550

Laura Collins

Apparently the.

2:2:25.110 --> 2:2:32.430

Laura Collins

People that own property around there have been notified by letter on this.

2:2:33.320 --> 2:2:33.840

Laura Collins

Zoning.

2:2:33.850 --> 2:2:49.880

Laura Collins

Very and I like to make a request that the same list of people you have, if you would please send us all up a copy of the Minutes so that you have done enough and then certainly do that.

2:2:53.300 --> 2:2:57.30

Laura Collins

I think it would work best if I collect some emails.

2:2:57.850 --> 2:2:59.360

Laura Collins

Umm. OK.

2:2:59.410 --> 2:2:59.840

Laura Collins

Perfect. Yeah.

2:3:1.960 --> 2:3:2.310

Laura Collins

Yeah.

2:3:2.700 --> 2:3:3.410

Laura Collins

Yeah, for sure.

2:3:4.60 --> 2:3:4.510

Laura Collins

Yeah.

2:3:4.520 --> 2:3:18.920

Laura Collins

For those I don't know if everyone on the team, if there's any members of the public who are still here, some of the individuals in the meeting room requested copy of the meeting minutes and sent he sent directly to them, which we can facilitate.

2:3:18.930 --> 2:3:26.110

Laura Collins

The county can facilitate and and or, you know by default if they could just go to the same list of neighbors who are notified.

2:3:26.120 --> 2:3:28.270

Laura Collins

But how much?

2:3:29.390 --> 2:3:33.820

Laura Collins

The staff figure that out, but we can certainly get those minutes to uh, do you?

2:3:33.830 --> 2:3:40.300

Laura Collins

And if for some reason there's a glitch, I think at some point those will be posted online for our next meeting.

2:3:40.570 --> 2:3:43.420

Laura Collins

But we'll certainly 72.

2:3:43.430 --> 2:3:44.660

Laura Collins

Two reasonable request.

2:3:44.950 --> 2:3:45.280

Laura Collins

Yeah.

2:3:45.290 --> 2:3:50.240

Laura Collins

Any public meeting at any public meeting, we keep recording minutes.

2:3:50.250 --> 2:3:53.60

Laura Collins

You can always contact our office to get a copy of this.

2:3:55.810 --> 2:4:8.460

Laura Collins

And I think there's a I don't know if it's saved, but Emcat Missoula Community access cable tables channel that does other public meeting and so forth.

2:4:8.610 --> 2:4:10.970

Laura Collins

Yeah, I think they might have a recording of this as well, so.

2:4:17.520 --> 2:4:17.730

Laura Collins

You know.

2:4:20.730 --> 2:4:21.570

Laura Collins

You don't have anything else.

2:4:22.670 --> 2:4:27.330

Laura Collins

And he asked for her right step up here to give her my email address.

2:4:27.590 --> 2:4:28.390

Laura Collins

There's some.

2:4:28.470 --> 2:4:31.460

Laura Collins

There's a a paper to sign that there.

2:4:31.470 --> 2:4:31.790

Laura Collins

Thank you.

2:4:33.100 --> 2:4:33.310

Laura Collins

Yeah.

2:4:33.320 --> 2:4:33.890

Laura Collins

Thank you.

2:4:33.930 --> 2:4:34.470

Laura Collins

Thank you.

2:4:35.440 --> 2:4:36.600

Laura Collins

Any question that I have here?

2:4:38.980 --> 2:4:40.130

Laura Collins

Or we can have the minutes.

2:4:40.710 --> 2:4:42.820

Laura Collins

Uh, you find 2 years.

2:4:42.830 --> 2:4:46.760

Laura Collins

You wait a month for you vote on accepting the minutes.

2:4:47.10 --> 2:5:4.200

Laura Collins

So should we wait for a month before you can still when you guys accept the Minutes and it's all legal,

legal, what happens is the minutes are reviewed at the next meeting of this board, the Board of Zoning Adjustment, we are scheduled to meet the third Wednesday of every month.

2:5:4.550 --> 2:5:8.760

Laura Collins

I I don't know if we will have a hearing.

2:5:8.950 --> 2:5:14.480

Laura Collins

I guess I could normally ask again, but I guess now if we will have a hearing and my point is it could be a month, it could be longer.

2:5:14.490 --> 2:5:21.600

Laura Collins

It just depends on if there's nothing for us to consider in March the 3rd, Wednesday in March, we will not meet.

2:5:21.610 --> 2:5:24.250

Laura Collins

It could be the third Wednesday in April, but we don't.

2:5:24.690 --> 2:5:37.310

Laura Collins

We need as frequently as once a month, but it could be less frequent based on the volume of requests and work at the the county has before, but and but it fired.

2:5:37.320 --> 2:5:47.320

Laura Collins

Our next meeting will be that'll be publicly noticed and they'll be online, but I guess I guess I normally ask again, but I could ask now, do we anticipate having any agenda items for March?

2:5:47.880 --> 2:5:50.110

Laura Collins

Ohh no.

2:5:50.680 --> 2:5:57.650

Laura Collins

But I also wanted to mention that the meeting recording it's been recording the entire time, so it's still the my computer.

2:5:57.660 --> 2:5:58.510

Laura Collins

It's being recorded.

2:5:59.50 --> 2:6:3.300

Laura Collins

That'll be available fairly quickly because the weekend.

2:6:4.120 --> 2:6:14.140

Laura Collins

Yeah, there's any issues or corrections once it's printed as a meeting and it's we will, umm, sounds like April or potentially later, umm, when this board reconvenes and very much.

2:6:17.10 --> 2:6:18.320

Laura Collins

To the next items on the agenda.

2:6:18.780 --> 2:6:23.30

Laura Collins

Uh, I'm communications and special presentations committee.

2:6:23.40 --> 2:6:23.410

Laura Collins

Reports.

2:6:23.420 --> 2:6:24.530

Laura Collins

Do we have either of those two?

2:6:24.540 --> 2:6:28.970

Laura Collins

I know we have one matter of old business, but are there any something?

2:6:29.0 --> 2:6:30.950

Laura Collins

There any communications and special presentations.

2:6:31.40 --> 2:6:37.860

Laura Collins

The one matter of gold business at the prior meeting, we we voted on a chair.

2:6:38.640 --> 2:6:42.280

Laura Collins

I was lucky enough to draw the short straw.

2:6:42.290 --> 2:6:49.440

Laura Collins

The long straw depend on your perspective and we did not over kind of vice chair and there was some discussion that.

2:6:50.170 --> 2:6:56.340

Laura Collins

You last year and he was the vice chair and we thought he did a fine job in that capacity.

2:6:56.350 --> 2:6:59.930

Laura Collins

And I spoke to him before we called this meeting to order.

2:6:59.940 --> 2:7:2.440

Laura Collins

And he was willing to continue in that role.

2:7:2.450 --> 2:7:8.960

Laura Collins

But we didn't wanna vote in your absence in and tag you with that that you need without your consent.

2:7:8.970 --> 2:7:16.760

Laura Collins

So as a matter of old business, I would like to propose that we elect Andy as Vice Chair.

2:7:17.430 --> 2:7:20.790

Laura Collins

Unless you have any concerns, or anyone, Andy or anyone else has any concerns.

2:7:22.840 --> 2:7:26.410

Laura Collins

I don't have any concerns and would be willing to do it unless someone else is interested.

2:7:26.420 --> 2:7:28.670

Laura Collins

I don't mind you not doing as well.

2:7:29.70 --> 2:7:32.230

Laura Collins

I'll second the proposal to make Andy the vice chair.

2:7:33.420 --> 2:7:36.240

Laura Collins

Alright, all those in favor of Andy's continuing on his vice chair.

2:7:37.600 --> 2:7:39.660

Laura Collins

I I any opposed?

2:7:42.130 --> 2:7:42.640

Laura Collins

Thank you.

2:7:42.710 --> 2:7:44.310

Laura Collins

Alright, thank you.

2:7:44.920 --> 2:7:54.300

Laura Collins

Umm, last two items on the agenda and new business or comments from board members, do we have any new business or comments promote, excuse me comments from board members?

2:7:56.270 --> 2:8:2.780

Laura Collins

And like we will not be meeting in March, which is good because the third Wednesday in March is also spring break.

2:8:3.450 --> 2:8:5.760

Laura Collins

So that will be convenient.

2:8:6.550 --> 2:8:8.280

Laura Collins

Maybe we'll community April.

2:8:8.370 --> 2:8:10.160

Laura Collins

Otherwise, we can adjourn it.

2:8:10.170 --> 2:8:11.960

Laura Collins

It's 7:18 PM.

2:8:11.970 --> 2:8:12.290

Laura Collins

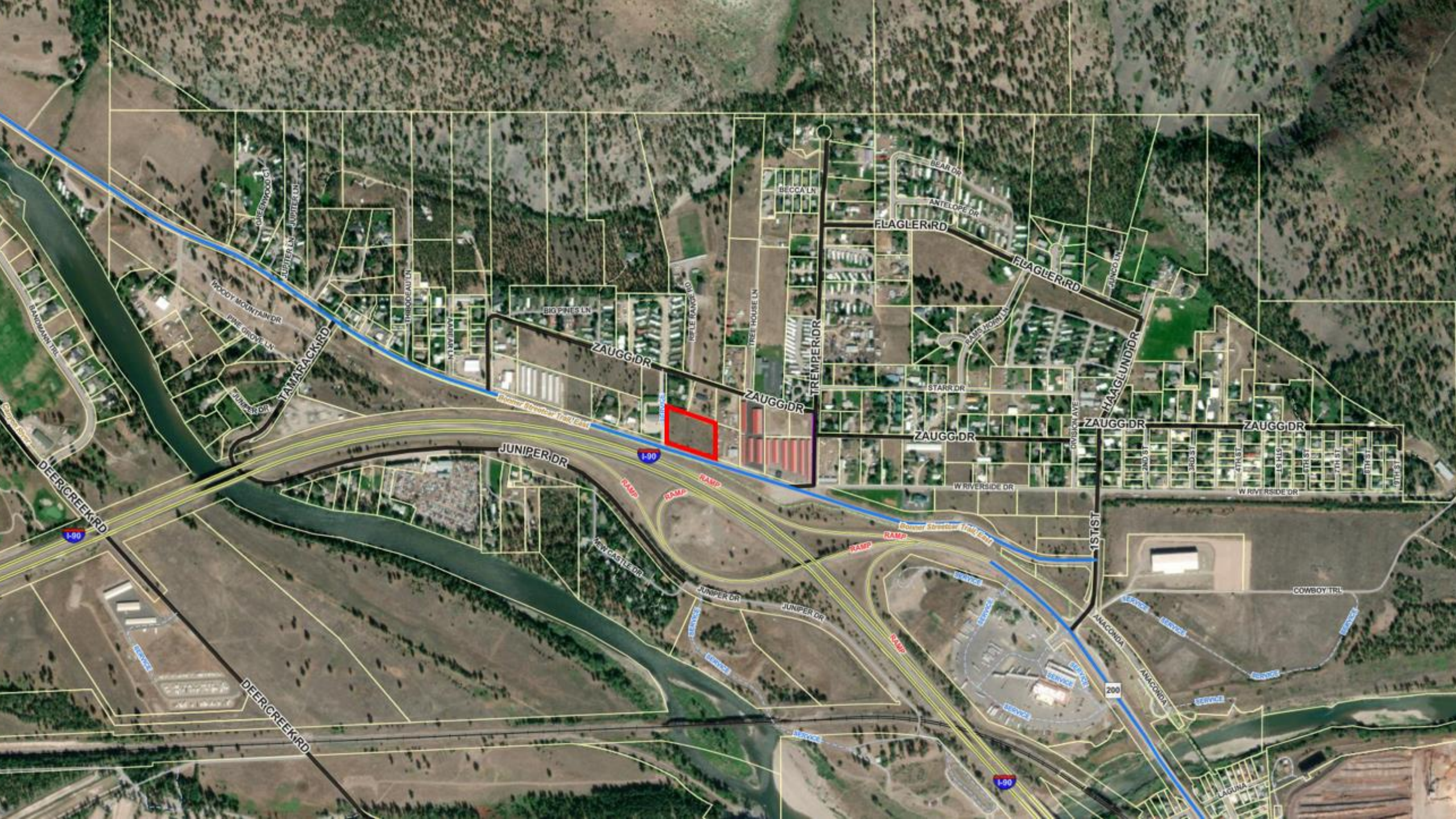
Thank you.



7332 HWY 200 E Request for Variance to Build-to-Zone

FEBRUARY 21, 2024

LAURA COLLINS, PLANNER I



Background

- ▶ The applicant intends to construct a convenience-grocery store on the vacant property

- ▶ They are requesting a variance to Missoula County

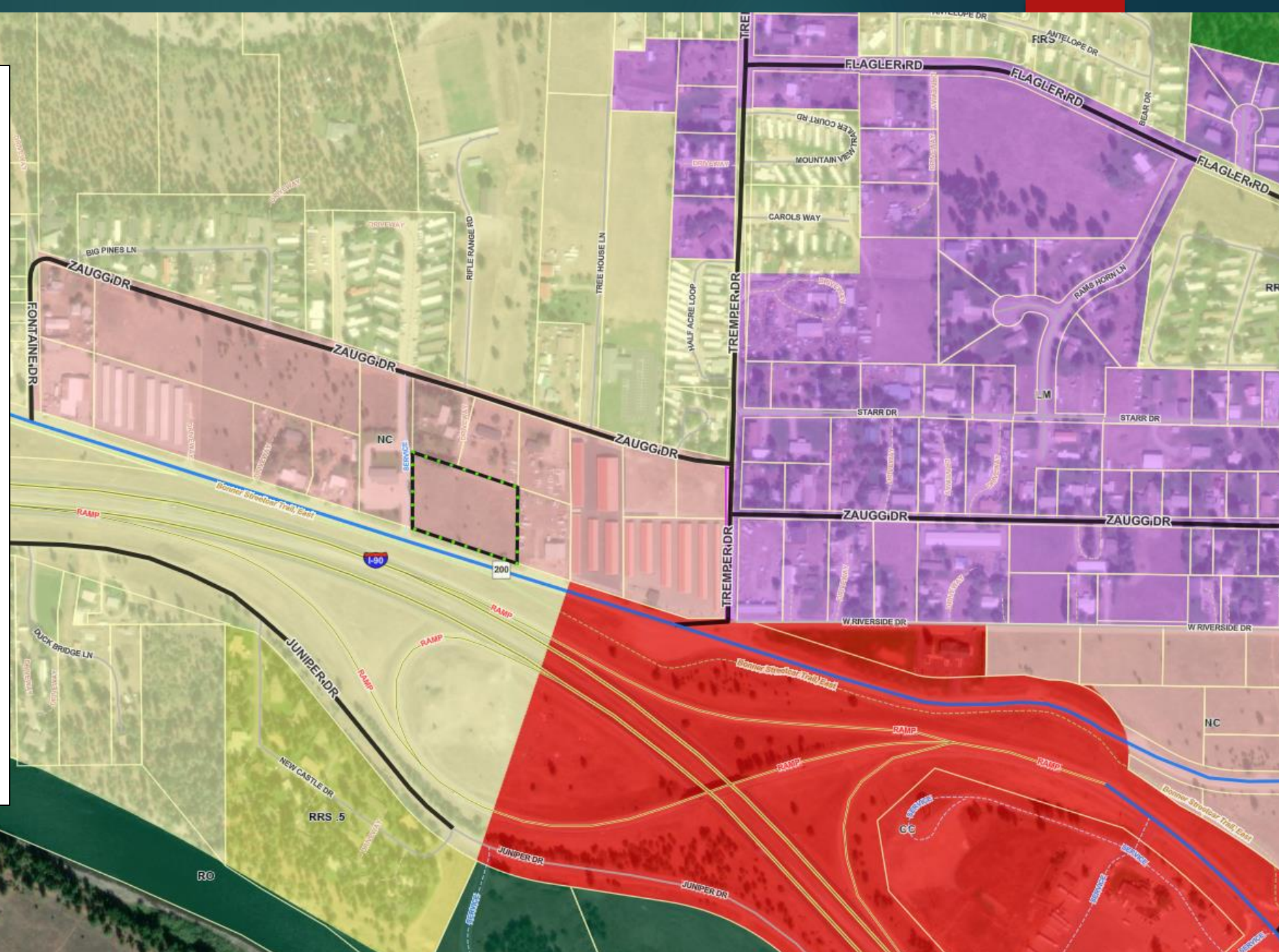
Zoning Regulations section 2.3.J.4.b

- ▶ NC required BTZ percentage of 70%

Neighborhood Center

Provide limited, clustered commercial activity in neighborhoods that serve nearby residents: retail, service, and employment needs.

Convenient access to goods and services within a walkable distance to and from adjacent neighborhoods



Build-to Zone (BTZ)

- ▶ BTZ is defined in Section 4.5.B
 - ▶ BTZs are required along frontages that abut a road right-of-way or easement.
 - ▶ The percentage of the building façade required to be located within the BTZ shall be measured by dividing the building width by the lot's width.

Build-to Zone (BTZ), cont.

- ▶ NC requires a BTZ of 70%
- ▶ The property's lot width is 353'
- ▶ BTZ requires façade width of 247'



7531 MT-200

Missoula, Montana



Google Street View

Oct 2021

[See more dates](#)



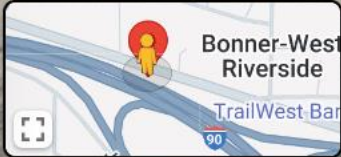
Google



7332 MT-200
Missoula, Montana

 Google Street View

Oct 2021 [See more dates](#)



Google





Layers: On/Off



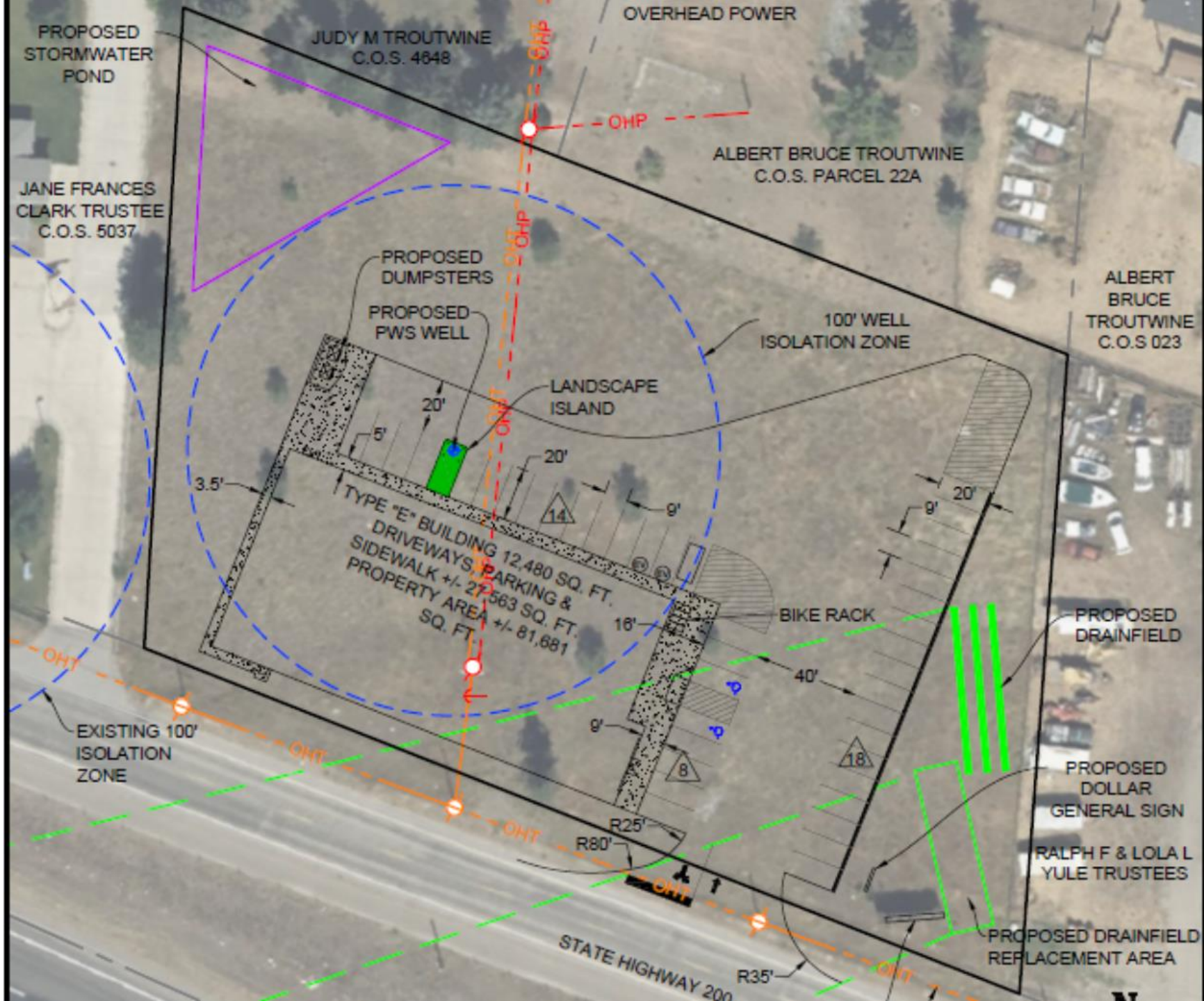
HELP CONTACT

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Lat/Lon 46.87895 -113.89399 | Scale 1:1128 | Zoom 19







Agency Comment

- ▶ Agencies either did not have concerns or comment in response to the request.
- ▶ **Missoula Rural Fire District: no comments or concerns on this request**
- ▶ **County Floodplain Administrator: there are no floodplain concerns**

Public Comment

- ▶ 44 notices mailed to adjacent property owners
- ▶ 4 Comments received
 - ▶ (2) support for the addition of commercial services which will advance the mixed-use development of the area and zoning district.
 - ▶ (2) concern for community impact by the addition of a Dollar General
 - ▶ Vehicle and foot traffic through surrounding residential properties
 - ▶ One commenter expressed preference the addition of a perimeter fence

Variance Criteria

1. The proposed variance will not amount to a change in the use of the property that is not permitted.
2. The proposed variance will not authorize additional density beyond what is permitted.
3. Special conditions exist that are unique to the property.

Variance Criteria, cont.

4. The request for the variance is not based on monetary factors.
5. Literal enforcement of the provisions of the regulations will result in unnecessary hardship that is not of the applicant's own making.
6. Granting the variance will be in harmony with the purpose and intent of the regulations and the Growth Policy and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Staff Recommendation

- ▶ Staff recommends **Approval** of the requested variance based on the Findings of Fact and Conclusions of Law presented in the staff report, subject to one condition of approval.
 1. All necessary permits administered by agencies other than Planning, Development, and Sustainability shall be obtained by the property owner or designated representative prior to filing the record of zoning variance. These permits may include but are not limited to, building, electrical, mechanical, approach, and sanitation permits.

Recommended Motion

I move the Board of Adjustment approve the Variance Request to deviate from section 2.3.J.4.b of the Missoula County Zoning Regulations, as presented in the proposed application, subject to the recommended conditions as presented.