



BOARD OF ADJUSTMENT

Meeting Minutes

Date: July 17, 2024, 6:00 PM

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

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Owen Mayer Ryan Schumacher Jonathan Haber Jennifer Schultz	Benjamin Yawakie Andy Mefford Babak Rastgoufard	Analeshia Rodriguez Zach Jones Tim Worley	Tony Hilliard, Woith 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 July 17, 2024](#)

I. CALL TO ORDER [Time stamp – 0:14]

Jennifer Schultz, Chair, called the meeting to order at 6:01 p.m.

II. ROLL CALL [Time stamp – 0:26]

Analeshia Rodriguez called the role. Four regular members were in attendance.

III. APPROVAL OF MINUTES [Time stamp – 1:37]

Ryan Schumacher moved, and Owen Mayer seconded approval of the April 17, 2024, minutes as written. The motion passed by unanimous voice vote.

IV. PUBLIC COMMENT ON NON-AGENDA ITEMS [Time stamp – 5:06]

There were no public comments on non-agenda items.

V. STAFF ANNOUNCEMENTS [Time stamp – 5:30]

No staff announcements.

VI. PUBLIC HEARINGS

A. Zach Jones, Planner I, Planning, Development, & Sustainability - Kemosabe Subdivision Development Zoning Variance to Driveway Access Request **[Time stamp – 5:39]**



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STAFF PRESENTATION

Zach Jones, Planner I, Planning, Development & Sustainability (PDS), presented a proposal submitted by Woith Engineering, Inc. representing Spanish Skies, LLC, who is requesting a variance for the driveway access to the proposed Kemosabe Subdivision development from Highway 93 S. The subject property is zoned as CC (Commercial Center) and is currently occupied by a mechanic shop. The CC zoning allows for commercial development. The Missoula County Zoning regulations require that driveway access for corner lots should be from the roadway with a lower classification, which in this instance would be Blue Mountain Road. The applicants are requesting access from Highway 93 S, where a driveway already exists.

This variance is part of a broader development that includes a subdivision currently in sufficiency review. Staff highlighted that approval of the variance, or a redesign of the subdivision is required for the subdivision to move forward for review by the County Commissioners. No public comments were received regarding this variance.

Jones provided an overview of where the site is located. He explained the proposed driveway that would access Highway 93 S will function as a right-in, right-out access point. Northbound traffic on Highway 93 won't be able to turn left into the development; instead, they will need to access the property via Blue Mountain Road. Additionally, there's a proposed removal of a third driveway access located southwest of the variance driveway.

Staff summarized the proposal against the variance criteria. It was highlighted that the requested driveway access does not change the property's use or exceed the allowed density within the zoning regulations. Staff noted that the project is for commercial condominiums, which aligns with the zoning. They emphasized strict enforcement of the zoning regulations would limit the entire development to one access point, creating additional traffic congestion at Blue Mountain Road and Highway 93 and safety impacts. They shared this would cause unnecessary hardship, not due to any fault of the applicant. Without the variance, traffic and safety issues could arise, affecting not just the property but surrounding areas. Granting the variance would promote smoother traffic flow with minimal changes (restricting the driveway to right-turns only) and would enhance safety while aligning with the Growth Policy.

Jones addressed agency comments that were received for the variance. Missoula County Parks, Trails, and Open Lands commented the developer is offering an easement for a future non-motorized path along Blue Mountain Road. The variance would lower the number of cars crossing the future path, benefiting trail users. Missoula County Public Works approved an approach permit for the property for commercial use, and the result of granting the variance would be acceptable to them. Montana Department of Transportation (MDT) had initial concerns about the driveway's proximity to the busy Blue Mountain Road and Highway 93 intersection. However, the development plan involves removing one of two current approaches to the highway, which MDT considered beneficial. MDT also recommended evaluating the possibility of a raised "pork chop" right-in/right-out turn to prevent unauthorized left turns. Staff concluded the presentation by recommending approval of the variance, contingent upon two conditions: the applicant must obtain all necessary permits and the third access point to Highway 93, southwest of the driveway, must be removed.

See PowerPoint presentation slides for additional information.



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PUBLIC COMMENT

No public comment

RECOMMENDED MOTION

Jonathan Haber made the motion to approve the request, and Ryan Schumacher seconded the motion.

THAT the Board of Adjustment approve the Variance Request to allow driveway access for the Kemosabe Subdivision Development from Highway 93 S. 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.
2. Any proposed development shall only be granted one driveway access to Highway 93 S, subject to PDS review and approval prior to building permit approval. The southernmost driveway shall be removed in accordance with MDT's control access plan for the property, prior to new construction

In response to questions and comments by the board, staff clarified that the mechanic shop will continue to operate on the property, but it is uncertain what other businesses will come in once the commercial condos are built. They confirmed no feedback was received from law enforcement or Missoula Rural Fire Department. Board members inquired if there were any accidents directly involving the property, to which staff referred to a traffic study conducted for the subdivision that might have additional data. They explained if the subdivision were to not move forward with access to Highway 93, the only entrance would be from Blue Mountain Road, though it is uncertain of the exact traffic circulation changes that would occur. They also noted that the existing access could only disappear because of conditions placed on the subdivision's approval. Board members sought clarity on whether the Highway 93 corridor study was factored into the study. It was stated the Montana Department of Transportation (MDT) has not addressed it and clarified that the project most likely hasn't been included in the Highway 93 study, because the study was initiated before this project was considered.

Tony Hilliard, with Woith Engineering, provided more detail on the project proposal by discussing the necessity of the variance. He cited the variance aims to improve access to the subdivision, which will alleviate traffic congestion and enhance safety. Hilliard highlighted that a traffic impact study conducted by Sanderson Stewart revealed potential queuing issues at the intersection of Blue Mountain Rd and US Hwy 93 S if only one access point is used. Maintaining an additional access would help with these concerns as well. Larger vehicles, such as those for the mechanic shop on Lot 1, require more direct access, which the variance would help provide. Hilliard clarified a non-motorized easement is being proposed for a future Bitterroot Trail extension project along Blue Mountain Rd. He mentioned that a raised "pork chop" design will restrict traffic flow at one of the access points, allowing better control over right-in, right-out movements. In response to questions about traffic impacts of the



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development, Hilliard estimated the proposed subdivision at full build-out will generate 830 daily trips. A concern was raised about how the subdivision might impact or facilitate access to an adjacent property to the west. It was confirmed that this is not being proposed or considered as part of the current development. Hilliard clarified that the plan under review already includes the Highway 93 S access arrangement, and MDT will require it as part of their access permit process. Zach confirmed that the review is based on the information provided in the submitted plan.

VOTE

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

AYES: (5): Jonathan Haber, Ryan Schumacher, Owen Mayer, Jennifer Schultz

NAYS: (0)

VII. COMMUNICATIONS & SPECIAL PRESENTATIONS

There were no communications or special presentations.

VIII. COMMITTEE REPORTS

There were no committee reports.

IX. OLD BUSINESS

No old business was reported.

X. NEW BUSINESS

No new business was reported.

XI. COMMENTS FROM BOARD MEMBERS

No comments from Board Members.

XII. ADJOURNMENT [Time stamp – 43:27]

The meeting adjourned at 6:44 p.m.

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

(To listen to the meeting in its entirety, click this link: [17 July. 2024 CoBOA MCAT](#))

(Meeting video available upon request through MCAT)

Missoula Board of Adjustment- July 17, 2024- Meeting Recording

Analeshia Rodriguez

Welcome to the July 17th Missoula County Zoning Board of Adjustment.

0:32:15.150 --> 0:32:20.760

Analeshia Rodriguez

Meeting it is 601 and I'd like to call the meeting to order.

0:32:21.650 --> 0:32:28.490

Analeshia Rodriguez

I'd like to remind everyone attending in person to speak clearly and directly into the room mics so that those attending virtually can hear.

0:32:29.420 --> 0:32:30.770

Analeshia Rodriguez

Can we have a roll call please?

0:32:34.0 --> 0:32:35.200

Analeshia Rodriguez

Roll call vote.

0:32:37.320 --> 0:32:39.280

Analeshia Rodriguez

Ryan Schumacher present.

0:32:42.860 --> 0:32:43.700

Analeshia Rodriguez

Then you walkie.

0:32:46.960 --> 0:32:47.880

Analeshia Rodriguez

Ben is absent.

0:32:49.560 --> 0:32:51.470

Analeshia Rodriguez

John Haber present.

0:32:54.10 --> 0:32:55.270

Analeshia Rodriguez

Babic risk of hard.

0:32:57.300 --> 0:32:58.410

Analeshia Rodriguez

Ben is absent.

0:32:58.460 --> 0:32:59.380

Analeshia Rodriguez

Babic is absent.

0:33:1.360 --> 0:33:2.80

Analeshia Rodriguez

Andy mefford.

0:33:4.960 --> 0:33:6.590

Analeshia Rodriguez

Andy is absent.

0:33:7.360 --> 0:33:9.260

Analeshia Rodriguez

Jennifer Schultz present.

0:33:11.900 --> 0:33:12.330

Analeshia Rodriguez

Mr.

0:33:12.340 --> 0:33:12.950

Analeshia Rodriguez

Chair.

0:33:12.960 --> 0:33:16.460

Analeshia Rodriguez

There are three members present and two alternates present.

0:33:16.470 --> 0:33:21.920

Analeshia Rodriguez

Would you like to appoint yourself and Owen as voting members for tonight?

0:33:22.20 --> 0:33:22.610

Analeshia Rodriguez

Yes, please.

0:33:23.60 --> 0:33:30.550

Analeshia Rodriguez

And then I also like to note that with Babic and Andy being absent, Jennifer will be promoted as chair for the evening.

0:33:35.860 --> 0:33:36.490

Analeshia Rodriguez

Thank you.

0:33:36.500 --> 0:33:46.180

Analeshia Rodriguez

And Alicia, we have been presented with the Minutes from the April 17th, 2024 meeting.

0:33:47.490 --> 0:33:51.250

Analeshia Rodriguez

Umm at this time I would entertain a motion to.

0:33:52.390 --> 0:33:54.260

Analeshia Rodriguez

And approve those minutes.

0:33:57.570 --> 0:34:1.20

Analeshia Rodriguez

I'll move to approve the Minutes from April 17th, 2024.

0:34:2.70 --> 0:34:2.870

Analeshia Rodriguez

We have a motion.

0:34:2.880 --> 0:34:3.560

Analeshia Rodriguez

Is there a second?

0:34:9.320 --> 0:34:9.930

Analeshia Rodriguez

Second motion.

0:34:11.500 --> 0:34:18.120

Analeshia Rodriguez

Owen has secreted the motion to approve the Minutes from April 17th.

0:34:19.350 --> 0:34:21.410

Analeshia Rodriguez

We can now open this for discussion if there's any.

0:34:24.900 --> 0:34:40.270

Analeshia Rodriguez

I ask a question online about the fact that the Minutes have been in a somewhat different format this time, and in particular my name was mentioned many times and nobody else was in the transcript.

0:34:40.280 --> 0:34:45.400

Analeshia Rodriguez

So I kind of asked what was going on and maybe she'll give us a few couple of minutes of explanation.

0:34:48.70 --> 0:35:3.830

Analeshia Rodriguez

So I can mention with my name being mentioned only in the transcription, it's because I'm the organizer in the teams, so that's why my name gets brought up in the transcript only.

0:35:5.340 --> 0:35:12.930

Analeshia Rodriguez

But versus the meeting minutes, we have transitioned to a more narrative style versus the dialogue.

0:35:13.780 --> 0:35:17.640

Analeshia Rodriguez

I can refer to this email as well.

0:35:19.610 --> 0:35:28.420

Analeshia Rodriguez

I believe it's been announced in previous meetings, but we were doing it for both the Planning Board and the Board of adjustment.

0:35:29.0 --> 0:35:42.530

Analeshia Rodriguez

Umm, we are doing a middle ground approach so a more detailed than what is being done for BBC meetings where they just document the decisions and votes and attach to the recording and the transcript.

0:35:43.380 --> 0:35:57.730

Analeshia Rodriguez

UM, we've done it with transition to this route because of staffing, staffing transitions versus a more detailed dialogue summary, which is a little bit more time consuming.

0:35:59.590 --> 0:36:3.760

Analeshia Rodriguez

And I guess I can end it with this also meets the.

0:36:3.830 --> 0:36:8.0

Analeshia Rodriguez

This approach meets the requirements that are required.

0:36:10.620 --> 0:36:11.170

Analeshia Rodriguez

Alright, thank you.

0:36:13.920 --> 0:36:20.390

Analeshia Rodriguez

Great to have a motion and a second to approve the Minutes for April 17th, 2024.

0:36:20.480 --> 0:36:24.780

Analeshia Rodriguez

Were there any changes to the Minutes or are we good to vote?

0:36:27.430 --> 0:36:28.580

Analeshia Rodriguez

Hearing no more discussion.

0:36:31.280 --> 0:36:35.920

Analeshia Rodriguez

All in favor of approving the Minutes for April 17th.

0:36:37.820 --> 0:36:40.570

Analeshia Rodriguez

Do you do a roll call?

0:36:40.580 --> 0:36:41.150

Analeshia Rodriguez

Vote on that?

0:36:41.160 --> 0:36:43.0

Analeshia Rodriguez

Or is it just all in favor, say aye?

0:36:46.70 --> 0:36:48.60

Analeshia Rodriguez

Umm, yeah.

0:36:48.250 --> 0:36:51.520

Analeshia Rodriguez

All in favor approving the minutes? Yes.

0:36:53.990 --> 0:36:56.880

Analeshia Rodriguez

Yes, yes, and all opposed.

0:36:58.640 --> 0:37:0.650

Analeshia Rodriguez

Umm minutes have been approved.

0:37:0.820 --> 0:37:1.210

Analeshia Rodriguez

Thank you.

0:37:1.220 --> 0:37:3.50

Analeshia Rodriguez

And Alicia, for that explanation as well.

0:37:5.640 --> 0:37:6.0

Analeshia Rodriguez

Right.

0:37:6.660 --> 0:37:10.770

Analeshia Rodriguez

Umm, now we can move on to public comment on non agenda items.

0:37:10.780 --> 0:37:15.970

Analeshia Rodriguez

Is there anyone from the public would would like to speak on non agenda items?

0:37:21.50 --> 0:37:21.850

Analeshia Rodriguez

Is there anybody online?

0:37:25.510 --> 0:37:25.770

Analeshia Rodriguez

OK.

0:37:29.290 --> 0:37:29.910

Analeshia Rodriguez

Seeing none.

0:37:33.380 --> 0:37:37.380

Analeshia Rodriguez

And staff announcements, do we have any staff announcements?

0:37:38.120 --> 0:37:41.640

Analeshia Rodriguez

There's none great moving right along.

0:37:41.650 --> 0:37:47.650

Analeshia Rodriguez

It is time for our public hearing and I will turn it over to Zach for this portion.

0:37:53.480 --> 0:37:53.960

Analeshia Rodriguez

OK.

0:37:53.970 --> 0:37:54.560

Analeshia Rodriguez

Thank you.

0:37:54.740 --> 0:37:59.480

Analeshia Rodriguez

For the record, I'm Zach Jones, Planner with planning, development and sustainability.

0:38:1.670 --> 0:38:3.610

Analeshia Rodriguez

I'm going to bring up a presentation.

0:38:31.960 --> 0:38:38.310

Analeshia Rodriguez

And as usual, there is a bit of a lag and when I actually click things on my computer and when they show up.

0:38:38.320 --> 0:38:41.810

Analeshia Rodriguez

So if there is an awkward pause, that might be why.

0:38:49.490 --> 0:38:58.540

Analeshia Rodriguez

OK, so with the hearing I'm presenting for today is the kemosabe development driveway variance.

0:38:58.550 --> 0:39:16.700

Analeshia Rodriguez

Request the subject properties are addressed AS5055 and 5115 Highway 93 S and the applicants are Spanish Skies LLC, and they're represented by Tony Hilliard from Wyeth Engineering.

0:39:27.370 --> 0:39:37.740

Analeshia Rodriguez

So this variance is for a driveway access to the proposed development on the property from Hwy 93.

0:39:38.510 --> 0:39:54.930

Analeshia Rodriguez

The Missoula County Zoning regulations require that for a corner lot, which this is driveway access has to be from the roadway of lower classification, which this development is on the corner of Blue Mountain Rd and Hwy.

0:39:54.940 --> 0:39:59.410

Analeshia Rodriguez

93 S and of those two roads, Blue Mountain Rd.

0:39:59.420 --> 0:40:8.990

Analeshia Rodriguez

Is the roadway of lower classification and the applicants proposed to have a driveway that accesses the development going off of Hwy.

0:40:9.40 --> 0:40:17.220

Analeshia Rodriguez

93 and they're actually is a driveway there in the same location that they are proposing for the project already.

0:40:20.70 --> 0:40:23.460

Analeshia Rodriguez

Just a little bit of background on the site.

0:40:23.870 --> 0:40:42.590

Analeshia Rodriguez

The property is zoned as commercial center or CC and surrounding properties are also zoned CC and then CC D18, which is one of our citizens zoning districts that actually that district allows for residential and commercial uses.

0:40:42.880 --> 0:40:45.440

Analeshia Rodriguez

It's kind of separated by area.

0:40:49.830 --> 0:40:56.470

Analeshia Rodriguez

And this project is or this variance is part of a broader development project.

0:40:58.130 --> 0:41:22.760

Analeshia Rodriguez

One major part of it is a subdivision, and the subdivision is currently in what's called sufficiency review, and one one of the items that needs to be addressed to be declared sufficient is the granting of this variance or the redesign of the subdivision to not have this Hwy.

0:41:22.770 --> 0:41:23.610

Analeshia Rodriguez

93 access.

0:41:25.560 --> 0:41:31.850

Analeshia Rodriguez

And once either of those conditions are met and resubmitted to us, the subdivision can be declared sufficient.

0:41:31.860 --> 0:41:41.170

Analeshia Rodriguez

And then move forward to governing body review, which is where the board of County Commissioners eventually will have the say to approve or deny the subdivision.

0:41:43.540 --> 0:41:49.230

Analeshia Rodriguez

And we did not receive any public comment on this variance.

0:41:56.200 --> 0:41:59.710

Analeshia Rodriguez

So this is just a little overview of where the site is located.

0:42:0.240 --> 0:42:27.50

Analeshia Rodriguez

Like I mentioned, you have Blue Mountain Road to the north and east more so east of the subject property, which I've highlighted in red and then Hwy 93 is the red line that kind of travels along the SE boundary of the project site, which is actually, I believe four different parcels.

0:42:33.510 --> 0:42:36.100

Analeshia Rodriguez

And this is the zoning for the site.

0:42:36.880 --> 0:42:46.880

Analeshia Rodriguez

This lighter red color is the commercial center CC zoning, and then this darker, more maroon color is C18.

0:42:49.250 --> 0:42:58.260

Analeshia Rodriguez

And like I kind of mentioned before, this area is residential and then this area is more commercial.

0:42:58.940 --> 0:43:10.630

Analeshia Rodriguez

There's a church there where my uh laser pointer cursor is and you have the bitter river just to the east and South of the property.

0:43:17.660 --> 0:43:26.910

Analeshia Rodriguez

And this is a UM fight plan that shows where the proposed access that is the subject of this variance is actually located.

0:43:27.300 --> 0:43:31.20

Analeshia Rodriguez

So my cursor is hovering right over it right now.

0:43:31.30 --> 0:43:31.870

Analeshia Rodriguez

This is the driveway.

0:43:31.880 --> 0:43:34.750

Analeshia Rodriguez

That would access Hwy.

0:43:34.760 --> 0:43:44.980

Analeshia Rodriguez

93 and there is currently a driveway there right now, and applicants are also proposing that this will only be a write in write out.

0:43:45.60 --> 0:43:53.350

Analeshia Rodriguez

So people trying to access the development could not turn left if they're northbound on Hwy 93.

0:43:53.360 --> 0:44:2.820

Analeshia Rodriguez

They'd have to go in from the Blue Mountain Rd access and the same thing for if they're leaving, they can only go right on Hwy 93 southbound.

0:44:5.460 --> 0:44:5.880

Analeshia Rodriguez

And.

0:44:7.750 --> 0:44:11.750

Analeshia Rodriguez

This is kind of a matter for the subdivision, but.

0:44:13.250 --> 0:44:24.60

Analeshia Rodriguez

Commercial condominium units are proposed and this part of the subdivision, and there's a existing mechanic shop over here, which is there already.

0:44:24.990 --> 0:44:33.910

Analeshia Rodriguez

There also is 1/3 driveway access which currently exists which is proposed to be removed, which is more.

0:44:35.410 --> 0:44:40.80

Analeshia Rodriguez

I'm South and West, southwest of the, uhm.

0:44:40.660 --> 0:44:44.530

Analeshia Rodriguez

Subject Variance driveway, if you will.

0:44:51.960 --> 0:44:59.340

Analeshia Rodriguez

So I'll talk a little bit about each of the variance criteria criteria that we review for all zoning variances.

0:45:1.140 --> 0:45:10.310

Analeshia Rodriguez

So this driveway access will not amount to a change in use of the property to anything that's not permitted in the zone.

0:45:11.40 --> 0:45:24.830

Analeshia Rodriguez

It's not really a project that has anything to do with the use on the property, and it will not authorize additional density beyond what is allowed in the zoning district.

0:45:30.460 --> 0:45:42.70

Analeshia Rodriguez

I should also note though, that the overall project this is attached to is for the development of commercial condominiums and that is in line with the zoning on the property and.

0:45:45.10 --> 0:45:49.770

Analeshia Rodriguez

The those would be for uses that are allowed in the zoning district.

0:45:55.800 --> 0:45:59.80

Analeshia Rodriguez

This is a very important one to this project.

0:45:59.360 --> 0:46:34.120

Analeshia Rodriguez

Umm, that special conditions exist on the property such as size, shape, topography or location which do not apply to other lands in the same zoning, classification, being CC, Community commercial and there I guess if you were to strictly apply the zoning regulations, there could only be one access to this entire development, which would have to be from Blue Mountain Rd and the entire development is about 6 acres with numerous businesses on it.

0:46:34.350 --> 0:46:45.660

Analeshia Rodriguez

After the condos will be fully built out, so that would likely create some traffic problems on the Blue Mountain Rd access and near that intersection with Hwy 93.

0:46:45.670 --> 0:46:46.970

Analeshia Rodriguez

Whether it's currently a traffic light.

0:46:48.910 --> 0:47:3.190

Analeshia Rodriguez

Umm, cars would have to queue on Blue Mountain Rd and it might cause backups that could potentially extend to the Highway 93 intersection, which could be a significant safety concern.

0:47:8.510 --> 0:47:20.420

Analeshia Rodriguez

And another very important criteria is that the literal enforcement of the provisions of the

regulations would result in an unnecessary hardship that is not of the applicants own making.

0:47:20.430 --> 0:47:26.290

Analeshia Rodriguez

So I kind of started to address these items already, but there would be.

0:47:27.130 --> 0:47:30.160

Analeshia Rodriguez

Umm, issues with traffic circulation.

0:47:30.720 --> 0:47:49.260

Analeshia Rodriguez

If this variance was not granted and that would make it harder to access the businesses in the development and also might create safety concerns as well, which would affect not only this property but also other properties in the vicinity.

0:47:57.510 --> 0:48:12.670

Analeshia Rodriguez

And next criteria is that granting the variance will be in harmony with the general purpose and intent of the regulations of the county growth policy and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

0:48:15.680 --> 0:48:24.100

Analeshia Rodriguez

So like, I've kind of said before, there is already an existing driveway where this access is proposed.

0:48:24.410 --> 0:48:31.340

Analeshia Rodriguez

So the actual change that would be occurring there would be relatively insignificant.

0:48:32.90 --> 0:48:36.500

Analeshia Rodriguez

However, the driveway would be restricted to only right turns.

0:48:36.850 --> 0:48:46.670

Analeshia Rodriguez

Currently, people can turn left in and out of that driveway if they want, which is definitely more dangerous than right in and write out only.

0:48:50.550 --> 0:49:3.920

Analeshia Rodriguez

And the proposed uses for this development do comply with the growth policy and zoning regulations which recommend and require commercial uses in the CC zoning.

0:49:6.670 --> 0:49:11.120

Analeshia Rodriguez

And we and our review found no reason to believe that there would be any.

0:49:11.970 --> 0:49:12.500

Analeshia Rodriguez

Uh.

0:49:13.130 --> 0:49:20.630

Analeshia Rodriguez

Impacts that would be injurious to the neighborhood or detrimental to public welfare from the granting of this variance.

0:49:25.380 --> 0:49:35.400

Analeshia Rodriguez

And the final criteria is that the request for the variance is not based on monetary factors or potential economic gain.

0:49:35.820 --> 0:49:51.60

Analeshia Rodriguez

And the purpose for this variance is really to ensure ease of site access and improve traffic flow internally and externally around and inside the property, and also to allow for easier emergency access to the property.

0:50:6.420 --> 0:50:6.890

Analeshia Rodriguez

OK.

0:50:6.900 --> 0:50:16.110

Analeshia Rodriguez

So, uh, we did receive a few agency comments for this variance first from Missoula County parks trails and open lands.

0:50:16.840 --> 0:50:40.820

Analeshia Rodriguez

They stated that the this is kind of regarding the subdivision project actually, but the

developer is providing an easement for a non motorized future path on Blue Mountain roads, so this variance would actually lower the amount of cars that would be crossing that future path, which would be beneficial to trail users.

0:50:42.850 --> 0:50:44.580

Analeshia Rodriguez

And Missoula County public works.

0:50:46.520 --> 0:50:59.10

Analeshia Rodriguez

Stated that they have an approved approach permit for the property for commercial use and umm what would result from the granting of this variance would be acceptable.

0:51:9.850 --> 0:51:10.190

Analeshia Rodriguez

And then.

0:51:12.10 --> 0:51:26.40

Analeshia Rodriguez

More comments from MDT, the Montana Department of Transportation PDS, was in communication with them back and forth several times about this project and this driveway approach.

0:51:26.690 --> 0:51:33.650

Analeshia Rodriguez

We initially had some concerns about having, umm, a driveway to access the highway.

0:51:33.660 --> 0:51:42.540

Analeshia Rodriguez

That was still pretty close to Blue Mountain Rd, and it's a pretty busy intersection with traffic moving at high speeds.

0:51:43.10 --> 0:51:49.600

Analeshia Rodriguez

I think the speed limit there is 65 miles an hour, but there is a signaled intersection at Blue Mountain Rd and Hwy 93.

0:51:50.490 --> 0:52:1.550

Analeshia Rodriguez

Umm, so we really wanted to consult with MDT and get there thoughts on the project and actually see if they were approving it.

0:52:2.340 --> 0:52:16.900

Analeshia Rodriguez

Umm, so we did get this comment from them stating that there are already 2 approaches currently and the development will actually be removing one which is overall beneficial and then.

0:52:18.670 --> 0:52:31.220

Analeshia Rodriguez

Umm, they also talked about the right in right out turn and stated that in the future it should be evaluated as a raised pork chop and pork chop.

0:52:31.230 --> 0:52:39.530

Analeshia Rodriguez

I believe kind of means the right and right out turn umm to actually prevent people from doing unauthorized left turns.

0:52:45.140 --> 0:53:0.220

Analeshia Rodriguez

And one of the attachments to the overall packet was also a meeting minutes from a meeting that PDS, the developer reps and MDT had together just about the whole project.

0:53:2.140 --> 0:53:14.570

Analeshia Rodriguez

Kind of to explain the rationale for this and safety concerns that would be present on Blue Mountain Rd with the queuing of traffic turning into the development.

0:53:16.790 --> 0:53:30.100

Analeshia Rodriguez

And we also talked about the UM access plans that MDT has for the Highway 93 corridor and how this is in alignment with those plans as well.

0:53:35.660 --> 0:53:49.40

Analeshia Rodriguez

So with that, we are recommending approval of the variance based on the findings of fact and conclusions of law I presented in the staff report and we have two conditions of approval.

0:53:50.370 --> 0:54:8.100

Analeshia Rodriguez

The first one is our fairly standard condition, just that the applicants would have to get all

necessary permits for the development and then the second is the removal of that third access point to Hwy.

0:54:8.110 --> 0:54:12.210

Analeshia Rodriguez

93 which is to the southwest of the driveway.

0:54:12.220 --> 0:54:22.620

Analeshia Rodriguez

That's the subject of this variance and I have the applicants plan to do this anyways, but this condition is just kind of formalizing that requirement.

0:54:29.20 --> 0:54:40.700

Analeshia Rodriguez

And I have a recommended motion on the screen, but before we get to that I am available for any questions and the applicants Rep is here as well for that.

0:54:45.140 --> 0:54:45.810

Analeshia Rodriguez

Thank you, Zach.

0:54:46.40 --> 0:54:57.920

Analeshia Rodriguez

One question that came to mind for me was are are you saying that the mechanic shop will remain on the property and be sharing the access?

0:55:0.620 --> 0:55:1.150

Analeshia Rodriguez

Yes.

0:55:1.160 --> 0:55:3.110

Analeshia Rodriguez

To my understanding that are the.

0:55:3.160 --> 0:55:10.310

Analeshia Rodriguez

That is, the plans for the future use of the property, and then what were the other businesses that are on the property?

0:55:12.860 --> 0:55:31.760

Analeshia Rodriguez

I think right now it is just that mechanic shop, but after this subdivision actually kind of comes to fruition and then the commercial condos are built, there would be well, we can't really say what businesses would actually be there now, but hope is that there will be more business.

0:55:31.810 --> 0:55:32.160

Analeshia Rodriguez

OK.

0:55:32.210 --> 0:55:32.720

Analeshia Rodriguez

Yeah.

0:55:32.770 --> 0:55:33.140

Analeshia Rodriguez

Great.

0:55:33.300 --> 0:55:33.640

Analeshia Rodriguez

Thank you.

0:55:39.330 --> 0:55:46.440

Analeshia Rodriguez

Anyone else have questions for Zach before we invite the applicant to present, I have one question.

0:55:48.60 --> 0:55:49.310

Analeshia Rodriguez

Zach is there.

0:55:49.350 --> 0:55:52.80

Analeshia Rodriguez

Was there any feedback from like police or fire?

0:55:55.370 --> 0:55:58.60

Analeshia Rodriguez

Umm, we did not hear anything from them.

0:55:58.130 --> 0:56:11.410

Analeshia Rodriguez

Uh, typically, we don't send agency comment requests to umm, well, we actually did send this to Missoula, Rural Fire department and I did not hear anything from them.

0:56:14.230 --> 0:56:17.640

Analeshia Rodriguez

OK, I just know it's like a dangerous stretch of Hwy.

0:56:17.650 --> 0:56:19.280

Analeshia Rodriguez

So I figured they might have some.

0:56:21.180 --> 0:56:21.560

Analeshia Rodriguez

Umm.

0:56:23.840 --> 0:56:26.410

Analeshia Rodriguez

Like, excuse me if I could follow up on that question.

0:56:26.420 --> 0:56:31.600

Analeshia Rodriguez

There were some statistics in there on the number of accidents sort of in the area.

0:56:31.610 --> 0:56:35.60

Analeshia Rodriguez

Do you know if there were any accidents directly involving this property?

0:56:37.500 --> 0:56:39.560

Analeshia Rodriguez

Umm, like with the driveway.

0:56:41.680 --> 0:56:42.400

Analeshia Rodriguez

I don't know.

0:56:44.150 --> 0:56:57.110

Analeshia Rodriguez

I know in the subdivision application there was a traffic study done by standards and Stewart, which I think would have data on that.

0:56:57.250 --> 0:57:0.380

Analeshia Rodriguez

Maybe Tony would be better to answer that one.

0:57:2.310 --> 0:57:2.660

Analeshia Rodriguez

Sure.

0:57:3.470 --> 0:57:5.340

Analeshia Rodriguez

Or I can wait till I have another.

0:57:5.390 --> 0:57:6.580

Analeshia Rodriguez

Why don't you wait till you're?

0:57:7.10 --> 0:57:17.800

Analeshia Rodriguez

I didn't want to ask another question, so I'm assuming that the the purpose of this requirement of that would have put the only driveway on Blue Mountain Rd has to do with traffic and safety and those sorts of things.

0:57:17.810 --> 0:57:22.160

Analeshia Rodriguez

And in this case it seems like it would work the opposite way.

0:57:22.170 --> 0:57:28.770

Analeshia Rodriguez

So this all makes a lot of sense to me, but I'm a little unclear at what what would actually happen.

0:57:28.850 --> 0:57:35.720

Analeshia Rodriguez

Just hypothetically, if we denied this, that would help me understand what's really going on here.

0:57:35.810 --> 0:57:36.220

Analeshia Rodriguez

Sure.

0:57:36.230 --> 0:57:43.900

Analeshia Rodriguez

So if we denied this, they could not move forward with the subdivision as proposed with that access to Hwy.

0:57:43.910 --> 0:57:50.810

Analeshia Rodriguez

93 so they would have to, I guess, redesign the driveway and internal.

0:57:52.580 --> 0:58:3.10

Analeshia Rodriguez

Traffic circulation for the subdivision to only be accessed from Blue Mountain Rd, and I couldn't necessarily tell you what that would look like.

0:58:3.20 --> 0:58:9.50

Analeshia Rodriguez

I would think it would use the same access that's already there and that would just have to be the the one access point.

0:58:9.60 --> 0:58:14.610

Analeshia Rodriguez

I was wondering how how the existing access would actually disappear in this process.

0:58:14.980 --> 0:58:17.50

Analeshia Rodriguez

That means physically located there.

0:58:17.300 --> 0:58:17.910

Analeshia Rodriguez

So how?

0:58:17.920 --> 0:58:19.520

Analeshia Rodriguez

How does it no longer exist?

0:58:19.650 --> 0:58:29.500

Analeshia Rodriguez

Umm yeah, I think that would likely be done as a condition of approval for the subdivision.

0:58:31.540 --> 0:58:39.910

Analeshia Rodriguez

But I am not totally sure, so I don't want to say that for sure and or I guess the other option is that they decided not to subdivide.

0:58:39.920 --> 0:58:42.850

Analeshia Rodriguez

It would still have the existing situation the way it is.

0:58:42.860 --> 0:58:44.450

Analeshia Rodriguez

Basically, OK, yeah.

0:58:46.40 --> 0:58:50.110

Analeshia Rodriguez

Yeah, well, it makes seems like this makes a lot of sense from a lot of different angles to do this.

0:58:52.390 --> 0:58:52.770

Analeshia Rodriguez

Thank you.

0:58:54.250 --> 0:59:0.880

Analeshia Rodriguez

Zach, do you know if the UM, Hwy 93 quarter study has has this wrapped into it at all?

0:59:1.270 --> 0:59:5.490

Analeshia Rodriguez

You know, that's been a big ongoing process and I just wondered if this project has been included.

0:59:6.680 --> 0:59:10.80

Analeshia Rodriguez

Ohh the yeah, the current ongoing one that they're doing.

0:59:12.520 --> 0:59:15.650

Analeshia Rodriguez

I am not aware if it's been included.

0:59:16.240 --> 0:59:36.450

Analeshia Rodriguez

MDT, no one from their agency mentioned that when we met with them and it wasn't really something that we were thinking about, but I would assume it probably hasn't been

because they probably, you know, undertook that whole study long before they were made aware of this project, OK.

0:59:42.340 --> 0:59:47.850

Analeshia Rodriguez

When the applicants ready to go up or we're ready for the applicant, I would be interested in hearing about.

0:59:49.850 --> 1:0:1.400

Analeshia Rodriguez

The I believe I heard Sanderson Stewart traffic study that proved some of the special conditions about safety and how many you know, access how people would access the site.

1:0:2.610 --> 1:0:9.190

Analeshia Rodriguez

Just general information about that and then if you could point out the.

1:0:11.550 --> 1:0:25.540

Analeshia Rodriguez

Future easement and path for non vehicular traffic and how that would lower approaches that cross that I just so I can get my head around it visually.

1:0:29.660 --> 1:0:30.990

Analeshia Rodriguez

We don't have anything else for Zach.

1:0:31.0 --> 1:0:32.280

Analeshia Rodriguez

We can invite our presenter.

1:0:34.490 --> 1:0:35.290

Analeshia Rodriguez

Remind me of your name.

1:0:37.590 --> 1:0:39.610

Analeshia Rodriguez

My name's Tony Hilliard with Wythe Engineering.

1:0:40.100 --> 1:0:45.510

Analeshia Rodriguez

I'm representing Spanish Guys LLC on this matter and think first of all, thank you.

1:0:45.680 --> 1:1:9.0

Analeshia Rodriguez

Zach, for your present presentation and for your consideration on this matter, it's been a pleasure working with the Planning department on this project so far and Zach and Tim actually took the time to sit down with the development team and MDT representatives to get further insight on this variance request and.

1:1:11.900 --> 1:1:13.880

Analeshia Rodriguez

Which is very much appreciative and.

1:1:16.820 --> 1:1:28.280

Analeshia Rodriguez

This variance requests aims to help better the access for the proposed subdivision and circulation overall and help mitigate the adverse effects of and any safety concerns.

1:1:31.10 --> 1:1:32.960

Analeshia Rodriguez

We've partnered with Sanderson Stewart.

1:1:33.290 --> 1:1:59.580

Analeshia Rodriguez

They completed a, umm, traffic impact study of the area, looked at present and proposed conditions and they did find that if this uh, if we were limited to only one access on the Blue Mountain Rd, that would cause some queuing issues that could extend into the intersection of Blue Mountain Rd and US Hwy 93.

1:2:0.330 --> 1:2:18.540

Analeshia Rodriguez

So we're proposing to maintain the existing approach to help alleviate some of those queuing issues and just allow for better circulation as well as you know, the mechanic shop has some larger vehicles that need to access the site from time to time.

1:2:19.410 --> 1:2:41.260

Analeshia Rodriguez

So it helped provide them with more direct access to to lot one of the proposed

subdivision, umm, as well as the emergency egress and help better emergency services response times and people having to leave the site for any emergency just opens up better options for that so.

1:2:44.10 --> 1:2:47.630

Analeshia Rodriguez

Yeah, other than I would, I'm happy to address any questions you might have.

1:2:48.740 --> 1:2:54.950

Analeshia Rodriguez

I think that UM the non motorized easement and correct me if I'm wrong.

1:2:54.960 --> 1:2:57.830

Analeshia Rodriguez

Tony is located here about where my cursor is.

1:3:9.410 --> 1:3:9.920

Analeshia Rodriguez

So can you.

1:3:9.970 --> 1:3:12.480

Analeshia Rodriguez

Can you explain that non motorized easement again?

1:3:12.490 --> 1:3:18.520

Analeshia Rodriguez

A little bit, just so I understand it better, it's for a future county trail.

1:3:18.530 --> 1:3:30.70

Analeshia Rodriguez

The Bitterroot Trail extension project and the developers agreed to dedicate additional right away using it for that trail to extend further to the north.

1:3:30.350 --> 1:3:32.960

Analeshia Rodriguez

Umm along Blue Mountain Rd.

1:3:33.270 --> 1:3:33.990

Analeshia Rodriguez

OK, OK.

1:3:34.0 --> 1:3:34.600

Analeshia Rodriguez

That makes a lot.

1:3:34.610 --> 1:3:35.100

Analeshia Rodriguez

Thank you.

1:3:35.190 --> 1:3:35.340

Analeshia Rodriguez

Yeah.

1:3:36.550 --> 1:3:45.870

Analeshia Rodriguez

And then I see the triangle at the right in right out, and I'm assuming that's the pork chop.

1:3:46.80 --> 1:3:48.970

Analeshia Rodriguez

Yeah, the raised pork chop that I'll restrict traffic.

1:3:48.980 --> 1:3:49.390

Analeshia Rodriguez

OK.

1:3:49.860 --> 1:3:50.220

Analeshia Rodriguez

Thank you.

1:3:51.510 --> 1:3:54.980

Analeshia Rodriguez

The purple is the purple is that uh, no. No.

1:3:55.70 --> 1:3:55.570

Analeshia Rodriguez

Right here.

1:3:56.560 --> 1:3:57.790

Analeshia Rodriguez

Yeah. That. Yeah.

1:3:57.940 --> 1:4:1.350

Analeshia Rodriguez

Umm my cursor is on the.

1:4:1.460 --> 1:4:6.980

Analeshia Rodriguez

Essentially, it'll just be a fully curbed kind of looks like a pork chop, but it'll be fully curbed.

1:4:7.720 --> 1:4:15.210

Analeshia Rodriguez

I median around, so restricting the write and write out turning movements right and so.

1:4:15.220 --> 1:4:26.910

Analeshia Rodriguez

So if this is not approved, then what they're saying is that there would only be the one access off of Blue Mountain, and that definitely is a really short distance from 93 to get to that access.

1:4:26.920 --> 1:4:27.450

Analeshia Rodriguez

Exactly.

1:4:27.460 --> 1:4:40.990

Analeshia Rodriguez

There could be, you know, some cars or vehicles queuing up and stacking up in that right turn or left turn lane at the intersection of the signalled intersection.

1:4:41.100 --> 1:5:1.310

Analeshia Rodriguez

So yeah, do you know if there's been any discussion about increasing the the times that allow for, you know, a left hand turn if you were to be heading on to Blue Mountain, I would that that was mentioned in our traffic impacts study by Sanderson, Stewart.

1:5:1.640 --> 1:5:13.150

Analeshia Rodriguez

Umm, but the intersection as I believe with the the proposed traffic counts was operating at a sufficient level to not require that at this time.

1:5:13.400 --> 1:5:15.880

Analeshia Rodriguez

With what is proposed but OK.

1:5:18.240 --> 1:5:23.380

Analeshia Rodriguez

Hey, I travel this road a lot so this ones pretty near and dear to me.

1:5:24.570 --> 1:5:24.660

Analeshia Rodriguez

Yes.

1:5:24.670 --> 1:5:31.90

Analeshia Rodriguez

So, but I agree with John that there's a seems like significant issues with not.

1:5:33.480 --> 1:5:50.290

Analeshia Rodriguez

Having that additional access and you're saying that that would be the existing one that is Scott or the EQ, the the mechanic shop is that existing entry is going to be the entry to section one or umm, yeah.

1:5:50.300 --> 1:6:4.290

Analeshia Rodriguez

So that would, I mean both lots could technically be accessed from either end access point, but it would just it allows you know larger vehicles to directly access Lot 1 which is kind of located.

1:6:4.760 --> 1:6:8.70

Analeshia Rodriguez

That's just the mechanic shop will be located on lot 1.

1:6:8.560 --> 1:6:11.910

Analeshia Rodriguez

So then where would the access that would be closed?

1:6:11.920 --> 1:6:12.670

Analeshia Rodriguez

Which one would that be?

1:6:14.540 --> 1:6:22.980

Analeshia Rodriguez

We've already we're we're not proposing there's an existing access kind of right where Zach has its cursor, but we were never proposing to.

1:6:24.930 --> 1:6:31.720

Analeshia Rodriguez

Having access there and that aligned with the MDT access control plan that that they published.

1:6:31.730 --> 1:6:34.620

Analeshia Rodriguez

So that one will it won't stay open?

1:6:34.710 --> 1:6:35.760

Analeshia Rodriguez

No, it'll be removed.

1:6:35.770 --> 1:6:36.600

Analeshia Rodriguez

It will be removed.

1:6:36.910 --> 1:6:37.300

Analeshia Rodriguez

OK.

1:6:37.310 --> 1:6:43.800

Analeshia Rodriguez

So then the only way to access the mechanic shop is through the pork chop and Blue Mountain Rd and Blue Mountain.

1:6:44.70 --> 1:6:45.440

Analeshia Rodriguez

OK, OK.

1:6:49.510 --> 1:6:51.490

Analeshia Rodriguez

There any other questions from board members?

1:6:52.700 --> 1:7:0.30

Analeshia Rodriguez

Could could you give me a sense of the change in amount of traffic that will result from the subdivision project?

1:7:0.80 --> 1:7:9.490

Analeshia Rodriguez

Yeah, it's about 830 daily trips estimated from the proposed subdivision at full build out compared to what?

1:7:10.260 --> 1:7:17.450

Analeshia Rodriguez

Umm I I don't have that figure off the top of my head, I'd have to refer to the the traffic impact study, but that's the additional.

1:7:19.560 --> 1:7:20.570

Analeshia Rodriguez

Generated trips.

1:7:29.150 --> 1:7:33.40

Analeshia Rodriguez

It is a clarification or question about the quote Unquote workshop.

1:7:33.90 --> 1:7:42.570

Analeshia Rodriguez

Is that was that included in the original plan or the wording kind of made it sound like it was to be considered for the future or is it, I guess I'm just a little bit unclear on that.

1:7:44.670 --> 1:7:45.780

Analeshia Rodriguez

That was it was.

1:7:45.790 --> 1:7:48.420

Analeshia Rodriguez

It was always gonna be a raised pork chop median.

1:7:48.480 --> 1:7:48.920

Analeshia Rodriguez

Yeah.

1:7:49.390 --> 1:7:55.930

Analeshia Rodriguez

To clarify that, I'll go to the MDT comment slide.

1:8:4.860 --> 1:8:13.160

Analeshia Rodriguez

So I think what this part of this comment is maybe what you're referring to is actually addressing.

1:8:14.300 --> 1:8:14.630

Analeshia Rodriguez

Umm.

1:8:15.610 --> 1:8:20.940

Analeshia Rodriguez

Having like a median raised median on Hwy.

1:8:20.950 --> 1:8:35.80

Analeshia Rodriguez

93 itself to stop people from kind of using the right in right out, but just kind of turning left with it anyways, even though you're kind of not supposed to, you know, be kind of awkward and hard to do.

1:8:35.850 --> 1:8:36.960

Analeshia Rodriguez

So I think MDT.

1:8:38.940 --> 1:8:42.580

Analeshia Rodriguez

Was trying to address that there to evaluate in the future.

1:8:48.490 --> 1:8:56.580

Analeshia Rodriguez

So I had the question earlier about whether whether you knew there any accidents actually occurring as a result of the existing driveway on 93.

1:8:56.670 --> 1:9:5.990

Analeshia Rodriguez

Again, I I don't have those figures with me off hand, I'd have to refer to the traffic impacts study that was completed by Sanderson Stewart.

1:9:8.810 --> 1:9:9.60

Analeshia Rodriguez

OK.

1:9:9.70 --> 1:9:16.620

Analeshia Rodriguez

And there was also mentioned in one of the documents about some relationship to the adjacent property to the West.

1:9:16.630 --> 1:9:25.430

Analeshia Rodriguez

It was as if someone had suggested this might somehow facilitate access to that, but that was not being proposed and was not.

1:9:26.840 --> 1:9:30.220

Analeshia Rodriguez

Nothing was not really on the table in any form, no. OK.

1:9:43.140 --> 1:9:50.460

Analeshia Rodriguez

There anymore questions from board members before we open it up to public comment.

1:9:55.780 --> 1:9:56.490

Analeshia Rodriguez

I'm seeing none.

1:9:58.280 --> 1:9:58.600

Analeshia Rodriguez

Uh.

1:10:0.620 --> 1:10:2.950

Analeshia Rodriguez

In person attendees, are there any questions?

1:10:3.140 --> 1:10:7.70

Analeshia Rodriguez

Public comment for the presenter.

1:10:11.130 --> 1:10:11.880

Analeshia Rodriguez

I'm seeing none.

1:10:13.140 --> 1:10:15.870

Analeshia Rodriguez

Umm, what about on teams or phone?

1:10:19.490 --> 1:10:19.690

Analeshia Rodriguez

OK.

1:10:22.230 --> 1:10:23.930

Analeshia Rodriguez

Right. Well.

1:10:27.480 --> 1:10:33.30

Analeshia Rodriguez

If we have no more discussion and if there's no discussion or questions from the public.

1:10:35.660 --> 1:10:37.400

Analeshia Rodriguez

Have we could entertain a motion?

1:10:44.720 --> 1:10:45.950

Analeshia Rodriguez

I just have to read this right?

1:10:45.960 --> 1:10:46.180

Analeshia Rodriguez

Yeah.

1:10:46.330 --> 1:10:53.130

Analeshia Rodriguez

It's so I will move that the Board of Adjustment approved the variance hang on.

1:10:55.570 --> 1:11:19.80

Analeshia Rodriguez

I have requested to allow driveway access to the Khemosabi subdivision development from Hwy 93 S This approval is based on the findings of facts and conclusions of law found the staff report and public testimony, and is subject to the recommended conditions of approval, which are two number one all necessary permits administered by agencies other than the planning development.

1:11:19.140 --> 1:11:24.430

Analeshia Rodriguez

Sustainability shall be obtained by the property owner or designated representative prior to filling.

1:11:26.20 --> 1:11:35.10

Analeshia Rodriguez

Filing the record of zoning variance, these permits may include, but are not limited to, building electrical, mechanical approach and sanitation permits.

1:11:37.540 --> 1:11:41.440

Zach Jones

Any proposed development shall only be granted one driveway access to higher.

1:11:35.440 --> 1:11:41.450

Analeshia Rodriguez

Second condition is any proposed development shall only be granted one driveway access to Hwy.

1:11:41.460 --> 1:11:47.180

Analeshia Rodriguez

93 S subject to PDS review and approval prior to building permit approval.

1:11:47.530 --> 1:11:54.540

Analeshia Rodriguez

The southernmost driveway shall be removed in accordance with MD's control access plan for the property prior to new construction.

1:11:57.690 --> 1:11:57.950

Analeshia Rodriguez

OK.

1:11:58.150 --> 1:12:2.870

Analeshia Rodriguez

There a second to the motion that John just read for us.

1:12:5.520 --> 1:12:7.340

Analeshia Rodriguez

John, I'm wondering if we should.

1:12:9.370 --> 1:12:18.790

Analeshia Rodriguez

For discussion, add anything about the highway 93 access being right in right out.

1:12:21.680 --> 1:12:22.260

Analeshia Rodriguez

Or if.

1:12:24.390 --> 1:12:29.540

Analeshia Rodriguez

Uh, that is going to be expected anyway. Yeah.

1:12:29.550 --> 1:12:35.290

Analeshia Rodriguez

Is that is necessary that included in the recommended conditions of approval?

1:12:35.540 --> 1:12:38.190

Analeshia Rodriguez

I didn't see it in the recommended conditions.

1:12:38.200 --> 1:12:41.630

Analeshia Rodriguez

I mean, it's shown in the plan that was submitted which we are reviewing.

1:12:41.640 --> 1:12:47.590

Analeshia Rodriguez

So I think that maybe we're covered there, but would like to make sure.

1:12:49.100 --> 1:12:49.570

Analeshia Rodriguez

Sure.

1:12:49.760 --> 1:12:52.400

Analeshia Rodriguez

Yeah, I could speak to that as well.

1:12:52.740 --> 1:12:57.860

Analeshia Rodriguez

MDT will be requiring that as part of their access permit as well.

1:12:57.970 --> 1:12:59.150

Analeshia Rodriguez

That would be so.

1:13:2.710 --> 1:13:3.50

Analeshia Rodriguez

Thank you.

1:13:4.140 --> 1:13:8.760

Analeshia Rodriguez

And then Zach is part of US reviewing this actual plan where.

1:13:11.330 --> 1:13:14.740

Analeshia Rodriguez

Making approval based on the information that's in front of us.

1:13:14.750 --> 1:13:16.800

Analeshia Rodriguez

So I think we're also covered in that, right?

1:13:16.810 --> 1:13:17.860

Analeshia Rodriguez

Is that correct?

1:13:17.870 --> 1:13:19.960

Analeshia Rodriguez

Yeah, that would be correct.

1:13:20.250 --> 1:13:24.280

Analeshia Rodriguez

OK, then that I would second the motion.

1:13:26.720 --> 1:13:32.470

Analeshia Rodriguez

OK, we have our uh motion from John and a second from Ryan.

1:13:34.930 --> 1:13:36.210

Analeshia Rodriguez

I don't have to read it all again, do I?

1:13:40.520 --> 1:13:41.560

Analeshia Rodriguez

I don't think so. OK.

1:13:43.760 --> 1:13:44.920

Analeshia Rodriguez

There any discussion on the motion?

1:13:51.770 --> 1:13:52.380

Analeshia Rodriguez

Being none.

1:13:54.200 --> 1:14:0.840

Analeshia Rodriguez

We can take a vote, so we do roll call, OK.

1:14:2.980 --> 1:14:3.880

Analeshia Rodriguez

Roll call though.

1:14:6.60 --> 1:14:8.310

Analeshia Rodriguez

Ryan Schumacher, yes.

1:14:11.420 --> 1:14:12.990

Analeshia Rodriguez

John Haber yes.

1:14:15.840 --> 1:14:18.250

Analeshia Rodriguez

Owen mayor? Yes.

1:14:20.130 --> 1:14:22.90

Analeshia Rodriguez

Jennifer Schultz, yes.

1:14:24.550 --> 1:14:25.940

Analeshia Rodriguez

And it is unanimous.

1:14:25.950 --> 1:14:26.870

Analeshia Rodriguez

The motion passes.

1:14:29.410 --> 1:14:29.790

Analeshia Rodriguez

Great.

1:14:32.630 --> 1:14:33.100

Analeshia Rodriguez

OK.

1:14:33.250 --> 1:14:36.640

Analeshia Rodriguez

So and thank you.

1:14:36.650 --> 1:14:37.320

Analeshia Rodriguez

Appreciate your time.

1:14:38.360 --> 1:14:47.660

Analeshia Rodriguez

The next piece is the Communications and special presentations portion, and Alicia, was there anything?

1:14:47.750 --> 1:14:48.670

Analeshia Rodriguez

No. Right?

1:14:49.250 --> 1:14:52.800

Analeshia Rodriguez

Uh committee reports none.

1:14:53.50 --> 1:14:54.940

Analeshia Rodriguez

OK, old business.

1:14:57.960 --> 1:14:58.930

Analeshia Rodriguez

Don't believe so?

1:14:58.980 --> 1:15:0.980

Analeshia Rodriguez

Ready and new business.

1:15:2.700 --> 1:15:7.490

Analeshia Rodriguez

Nothing on my end and we don't have a meeting next month, correct?

1:15:7.500 --> 1:15:9.330

Analeshia Rodriguez

The meeting was cancelled for next month, correct?

1:15:11.670 --> 1:15:13.640

Analeshia Rodriguez

Is there any other comments from board members?

1:15:19.110 --> 1:15:19.820

Analeshia Rodriguez

Great.

1:15:20.390 --> 1:15:23.890

Analeshia Rodriguez

Well, I believe that this is the moment in time where we can adjourn.

1:15:25.190 --> 1:15:29.500

Analeshia Rodriguez

And the time is 644.

1:15:31.650 --> 1:15:31.990

Analeshia Rodriguez

Thanks.



5055 and 5115 Highway 93 S

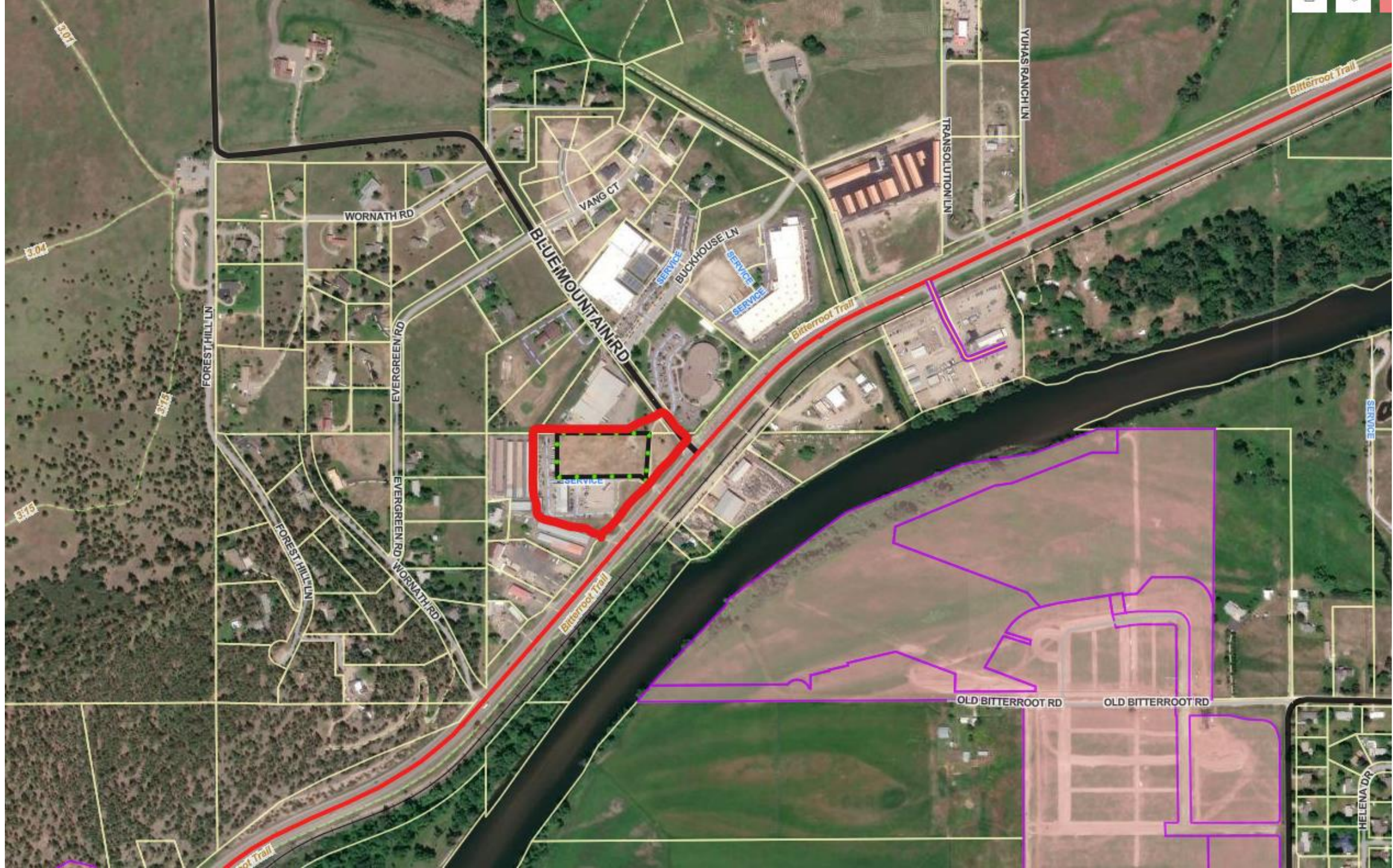
KEMOSABE DEVELOPMENT DRIVEWAY VARIANCE REQUEST

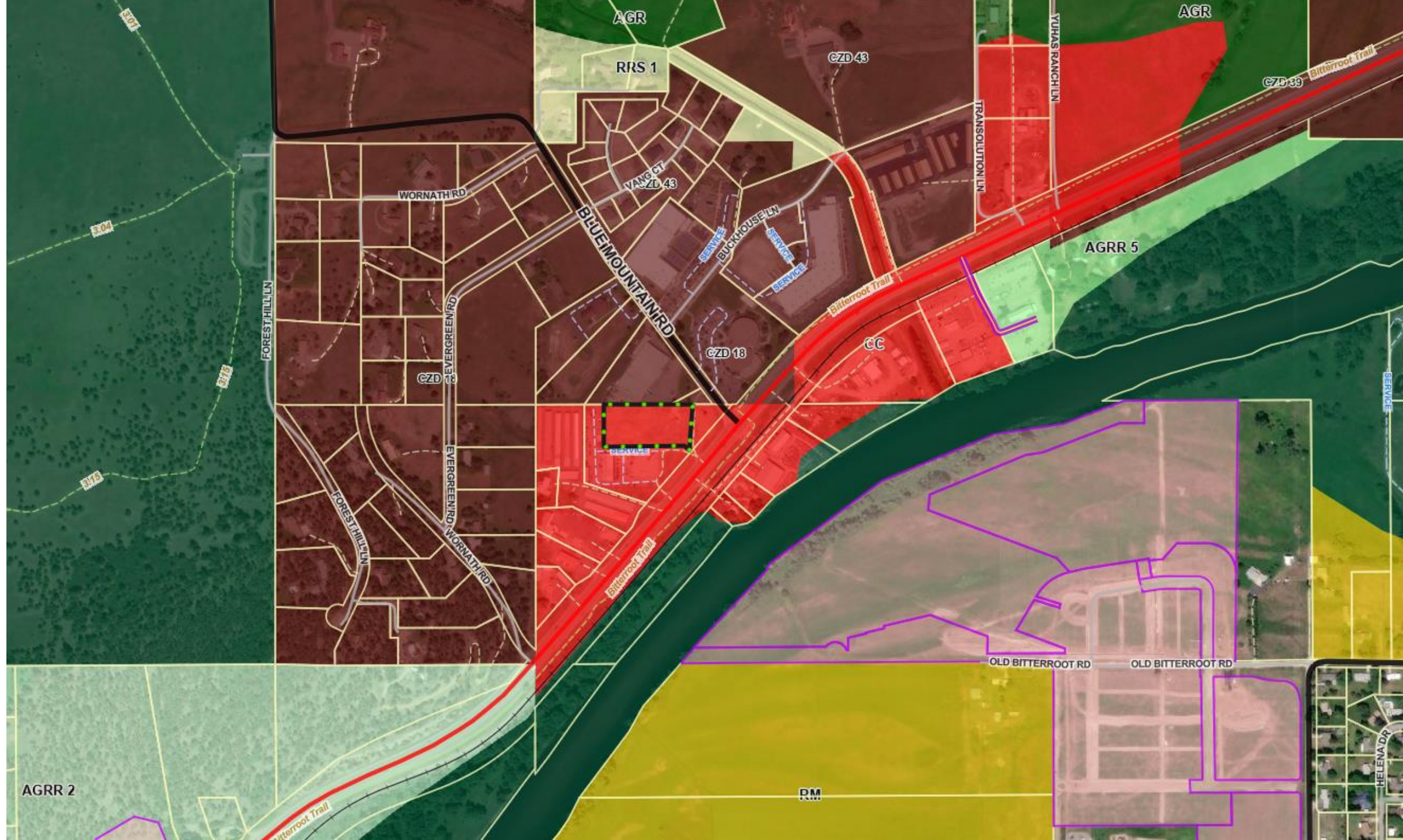
JULY 17, BOARD OF ADJUSTMENT

PLANNER: ZACH JONES

Variance – Driveway Access to Highway 93 S From Corner Lot

- ▶ Property is zoned Commercial Center, and surrounded by Commercial Center (CC), and CZD 18.
- ▶ Zoning regulations require access to a corner lot from road of lesser classification – Section 6.2.B.3.b.i.
- ▶ This is part of a broader minor subdivision project, granting of this variance OR redesign without Highway 93 access is required for subdivision to be declared sufficient.
- ▶ No Public Comment received





Variance Criteria

1. The proposed variance will not amount to a change in the use of the property to a use that is not permitted in the zone.
 - ▶ The use of the property is currently a mechanic shop.
 - ▶ The proposed variance will not affect this, and the overall project it is attached to will develop commercial condominiums for uses that are allowed in the CC zoning district.
2. It will not authorize additional density beyond what is allowed in the zoning district.

Variance Criteria

3. Special conditions exist that are unique to the property, such as size, shape, topography, or location, which do not apply to other lands in the same zoning classification.
 - ▶ With only one access to the development for an approximately six-acre property with numerous businesses after full build-out, traffic problems would be created near the Blue Mountain Road and Highway 93 intersection.

Variance Criteria

4. Literal enforcement of the provisions of the regulations will result in unnecessary hardship that is not of the applicant's own making.

- ▶ Allowing for only one access off of Blue Mountain Road may create issues with internal and external traffic circulation, making it more difficult to access businesses in the development.
- ▶ Safety concerns with traffic queuing on Blue Mountain Road near signaled intersection.

Variance Criteria

5. Granting the variance will be in harmony with the general purpose and intent of the regulations and the Missoula County Growth Policy and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

- ▶ This variance is only for how a proposed development is accessed from existing roads.
- ▶ The proposed uses for the Kemosabe development are compliant with the growth policy and zoning regulations.
- ▶ Staff found no reason to believe this would cause impacts injurious to the neighborhood or public welfare.

Variance Criteria

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

- ▶ This request is intended to ensure ease of site access and improve traffic flow, as well as allow for easier emergency access.

Agency Comments

- ▶ Missoula County Parks, Trails and Open Lands
 - ▶ “No objections from PTOL. The developer is providing a non-motorized public access easement for a future shared use path on Blue Mountain. This variance would lower the number of approaches that cross that future path which would be beneficial to trail users.”
- ▶ Missoula County Public Works
 - ▶ "The county approved an approach permit for this property in 2016 for commercial use. This point of access is acceptable to our department. We will review construction plans if the subdivision is approved by the County Commissioners."

Agency Comments – MDT

“MDT is in favor of the project for the following reasons:

- ▶ There are already two approaches on US93, and the development will remove one, which is beneficial for the system overall.
- ▶ We have discussed with the developer regarding different alternatives, and the approach on US93 will have a right-in right-out movement.

However, the future approach on US93 should be evaluated as a “raised pork chop” to actually prevent people from doing unauthorized turns.”

Staff Recommendation and Conditions

Staff recommends Approval of the requested variance based on the Findings of Fact and Conclusions of Law presented in the staff report, subject to two 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.
2. Any proposed development shall only be granted one driveway access to Highway 93 S, subject to PDS review and approval prior to building permit approval. The southernmost driveway shall be removed in accordance with MDT's control access plan for the property, prior to new construction.

Recommended Motion

- ▶ I move to approve the Variance Request to deviate from section 6.2.B.3.b.i. of the Missoula County Zoning Regulations, as presented in the proposed application, subject to the recommended condition as presented.