



MISSOULA COUNTY ZONING BOARD OF ADJUSTMENT

Meeting Minutes

Missoula County
Planning, Development & Sustainability
(406) 258-4657

Date:	July 16, 2025, 6:00 pm
Location:	Missoula County Courthouse, Sophie Moiese Room (in person) or TEAMS (virtually)
Members in Attendance:	Babak Rastgoufard, Andy Mefford, Rick Hall
Members Absent:	Jennifer Schultz, Benjamin (Ben) Yawakie

- I. CALL TO ORDER [Time stamp – 01:09]**
Chair, Babak Rastgoufard (Babak) called the meeting to order at 6:00 p.m.
- II. ROLL CALL [Time stamp – 01:19]**
Jill Johnson called the roll. Three regular members were present. A quorum was met.
- III. APPROVAL OF MINUTES [Time stamp – 01:46]**
Rick Hall (Rick) moved, and Andy Mefford (Andy) seconded the approval of the July 17, 2024 meeting minutes as well as the June 18, 2025 meeting minutes, as written. The motions passed unanimously.
- IV. PUBLIC COMMENT ON NON-AGENDA ITEMS [Time stamp – 05:38]**
There were no public comments on non-agenda items.
- V. STAFF ANNOUNCEMENTS [Time stamp – 06:30]**
Staff brought to the attention of the Board the election of officers for the 2025 calendar year. Andy nominated Babak, and Rick seconded the motion to elect Babak as Chair. The motion passed by unanimous vote. Babak nominated Andy, and Rick seconded the motion to elect Andy as Vice Chair. The motion passed by unanimous vote.
- VI. PUBLIC HEARINGS [Time stamp – 09:27]**

A. Jennie Dixon, Planner IV, Missoula County – 7102 Highway 200 E – Titan Self-Storage Special Exception and Variance

STAFF PRESENTATION - [Time stamp – 10:01]

Jennie Dixon (Jennie), Planner IV with Missoula County Planning, Development & Sustainability presented a Special Exception and variance request from Titan Self Storage, LLC (Applicant) represented by James Sage (James) of Missoula Engineering, LLC. The Applicant owns and operates a self-storage facility located at 7102 Highway 200 E, Bonner, Montana, which currently consists of seven existing storage buildings totaling 26,100 feet and containing 42 storage units.

The Applicant desires to expand the storage facility and the request seeks approval of (i) a special exception to expand an existing legal non-conforming use and (ii) a variance to deviate from the required build-to-zone on Highway 200 E. Jennie provided photos of the existing development on the subject property, explained the layout of the

subject property, the location of the proposed project and a general description of the zoning associated with the surrounding area.

(i) Request for a Special Exception

The original seven storage buildings were completed in 1996, when the subject property was unzoned. Applicant purchased the subject property in 2021. On July 1, 2022, Missoula County adopted new Zoning Regulations (Zoning Regulations), which designated the subject property as Neighborhood Center (NC). NC zoning districts provide for limited commercial activity and are intended to provide convenient access to goods and services within a walkable distance to and from adjacent neighborhoods. However, self-storage facilities (mini-warehouses) are not permitted in NC zoning districts. Pursuant to Section 10.4 of the Zoning Regulations, the existing self-storage facility is considered a legal non-conforming use.

The Applicant is requesting a Special Exception to the legal non-conforming use to expand the self-storage facility by constructing two new single-story buildings totaling 12,900 square feet, increasing the overall storage capacity by 49.4%. The expansion is proposed to occur on the subject property's undeveloped east side, previously approved for open-air outdoor storage (which was never implemented) prior to the 2022 zoning change.

Jennie provided the definition of a Special Exception as a type of land use approval that allows a property owner to use their land in a way that is not automatically permitted under the Zoning Regulations. Such requests are evaluated on a site-by-site basis and with conditions imposed to ensure that the proposed use is consistent with the overall community character, growth policy goals and land use designations.

Jennie outlined the key criteria considered in evaluating the request for a Special Exception:

- The proposed expansion of the self-storage facility will be compatible with and will not injure the value of the adjoining property.
- The proposed expansion of the self-storage facility will preserve the character of the NC zoning district, and the subject property is suitable for the use proposed.

In making the recommendation, Jennie considered factors such as access, traffic, utility impacts, nearby residential use, natural resource protections and consistency with the intent of NC zoning district. Jennie noted the changing character of the area along Highway 200 E and cited two compatible developments - University Storage and an approved Dollar General store.

In addition to Applicant's required compliance with all other necessary permits, Jennie recommended approval of the Special Exception, subject to the following conditions 3 through 9 in the staff report, and additional condition 10:

3. Substantial Compliance with the Site Plan:
4. No Future Expansion as a Non-Conforming Use.
5. Outdoor Lighting.
6. Street Frontage Landscaping.
7. Landscape Buffer Adjacent to Residential.
8. Landscape Maintenance Plan.
9. Weed Management and Revegetation Plan.
10. Compliance with sign regulations for NC zoning districts.

(ii) Request for a Variance

Section 2.3.J.3(b) of the NC zoning code requires that the buildings be placed within 0-10 feet from the primary street (the build-to-zone or setback). The Applicant is requesting a variance to place two new buildings 35–40 feet from Highway 200 E, consistent with the existing buildings.

Jennie outlined the key criteria considered in evaluating the request for a variance:

- That there will not be a change in the use or unpermitted uses of the subject property.
- That the variance will not authorize additional density beyond what is permitted.
- There are special conditions that are unique to the subject property and the request is not based on monetary factors.
- Literal enforcement of the provisions of the Zoning Regulations will result in unnecessary hardship.
- The variance is consistent with the purpose and intent of the Zoning Regulations and Missoula County Growth Policy and not injurious to public welfare.

Jennie recommended approval of the variance, subject to the condition that the proposed two new buildings be constructed consistent with the site plan and that the Applicant shall be in compliance with all other necessary permits, including but not limited to building, zoning compliance and sanitation permits.

No agency comments were received. A total of 38 notices were mailed to adjacent property owners and a total of four comments were received from two individuals who opposed the proposed project.

See PowerPoint presentation slides.

BOARD DISCUSSION

Following the staff presentation, Rick asked if the property had always been a single, contiguous parcel. Jennie believed it was deeded as one parcel to the current owner. Patrick Swart, Planner II with Missoula County, confirmed the property was transferred via a single deed referencing multiple tracts on an exhibit, but noted this does not create legal tracts of record. A formal determination would require a title search. He also confirmed Titan Self-Storage, LLC purchased the property before the adoption of the Zoning Regulations in 2022.

Andy inquired about the public comments. Jennie read statements from Gary Matson and John Wilke, both strongly opposing the Special Exception. Gary Matson asked that the Applicant seek uses that are consistent with the current NC zoning district, while John Wilke expressed concerns that the approval is a missed opportunity to align land use decisions with the broader goals to retain the character of the community.

Andy also requested clarification on recommend condition 6 associated with street frontage landscaping. Jennie explained that street frontage landscaping is recommended along the entire frontage—not just the expansion area

Babak asked about the current use status. Jennie confirmed the NC zoning district

does not permit mini-warehouses or open-air storage. However, prior to the adoption of the Zoning Regulations in 2022, the Applicant was granted a legal non-conforming use status through zoning permit LZ22046514, which also authorized the addition of open-air storage on the undeveloped area. At the time, Missoula County staff confirmed that further expansion could be allowed under the Zoning Regulations. Jennie stressed that this is a unique situation and that this type of development could no longer occur in NC zoned areas *anywhere* in Missoula County.

Permitted uses in NC zones are limited to small-scale, pedestrian-oriented commercial activity. Rick, disclosing his roles on the Bonner-Milltown Community Council and the Missoula Consolidated Planning Board, confirmed that while this expansion is vehemently opposed by the neighbors, the subject property was rezoned NC after Applicant purchased the property. Rick recalled that Missoula County acknowledged the owner's grandfathered status, allowing future expansion despite community opposition.

REPRESENTATIVE PRESENTATION - [Time stamp – 43:39]

James Sage (James) of Missoula Engineering, LLC, representing the Applicant, attended in person, while Mike Regan, owner of Titan Self Storage, LLC, participated online. James explained that the Applicant believed, based on prior approval of the open-air outdoor storage area and legal non-conforming use status, that a 50% expansion would be automatically allowed the NC zoning district. Had that not been the understanding, the Applicant would have submitted a building permit application to preserve the right to expand.

James stated the Applicant is requesting modifications to two of the recommended conditions and expressed concern about only learning of condition 10 requiring compliance with the sign regulations on the day of the hearing. James provided Jennie and the Board members with a written set of the Applicant's proposed changes to the conditions of approval. The Applicant accepted staff recommended conditions 1, 2, 4–6, 8, 9, and the new condition 10 in their entirety. Requested modifications were limited to recommended conditions 3 and 7 as follows:

3. *Substantial Compliance with the Site Plan:* The two new buildings and driving lanes substantially match the site plan provided by the Applicant, **but with the allowance to swap the building footprints**, and in compliance with the NC zoning code set forth in Section 2.3.J of the Zoning Regulations, **but with the following clarifications and provisions:**
 - a. **Section 2.3.J.4.a Lot Dimensions and Gross Density shall not apply.**
 - b. **Per Section 2.3.J.4.c. Building Scale First Story Min. Height shall be modified to allow the two new proposed storage buildings to be of equal or greater height as the existing storage buildings.**

James stated that swapping the building locations would give the Applicant flexibility for traffic planning while preserving the required setback. James also noted that his interpretation of the NC zoning site design standards does not apply to the proposed expansion, as the zoning code lacks applicable building types which apply to the proposed expansion of the self-storage facility. Furthermore, the Applicant

desires to match the existing height of the new buildings with that of the existing structures.

7. ~~Landscape Buffer Adjacent to Residential.~~ That a landscape buffer be incorporated along the eastern boundary of the subject property, adjacent to the residential development, in accordance with Section 6.4.F.3.f.i of the Zoning Regulations. **The Applicant proposed striking this condition in its entirety** with the intention that the Applicant is planning to place a screen fence on the eastern side of the subject property and they also relocated the proposed buildings an additional 65 feet to the west to provide an additional buffer between the self-storage facility and the residential area to the east.

See Proposed Revisions to Conditions of Approval.

BOARD DISCUSSION

Following the representative's presentation, Babak asked James to clarify the proposed changes to condition 7. James explained that the Applicant agrees to all NC zoning district landscaping requirements but opposes staff's request for an additional buffer more typical of industrial zones. James noted existing trees and a driveway along the eastern boundary already act as a buffer and proposed a screened fence instead.

Regarding staff's recommended condition 3, James raised concerns about the 20% pervious surface requirement, which would limit usable area for drive lane space and conflict with the operational needs of a self-storage facility. James believes the intent of this recommendation is predominantly associated with stormwater management and stated that the Applicant plans to install several sumps to mitigate any drainage issues associated with the underlying sand and gravel on the subject property. Additionally, the 4-acre parcel of property north of and bordering the subject property is completely pervious and serves as the natural drainage area for the Applicant's proposed paving.

APPLICANT PRESENTATION - [Time stamp – 59:05]

Mike Regan, Owner of Titan Self-Storage, LLC stated that they own about 16 of the 26 acres in this NC zoning district corridor, along with University Storage. While supportive of improving the area, he emphasized that the lack of water and sewer infrastructure limits his development opportunities, including on the adjacent 4-acre parcel north of the subject property. Mike's goal is to expand his businesses and generate revenue for the community. He is comfortable with the staff's landscaping recommendations and confirmed that he intends to install a well to ensure that the landscaping is as nice or nicer than University Storage.

BOARD DISCUSSION

Following Applicant's presentation, Rick noted conflicting requests between James and Applicant with regard to the Special Exception request. James is proposing that staff eliminate the landscaping requirement set forth as condition 7, which condition is designed for more industrial use zoning, but that Applicant has expressed a desire to use the subject property as if it were zoned industrial rather than currently designated NC zoning district. Rick supports staff's recommended condition 7. Applicant reiterated that a screen along the eastern boundary of the subject property will be installed in addition to landscaping, but Mike does not believe a 15-foot landscaping buffer is necessary. However, Mike agreed to the staff's recommendations due to his investment in the site.

Jennie clarified that James' proposed revisions would require a variance. Through the

Special Exception, the buildings are treated as "all other types of buildings as permitted", so standard NC zoning rules apply.

Andy asked about swapping building footprints under condition 3, and Jennie confirmed staff supports that change. James provided clarification on Applicant's proposed revisions to condition 3 and reiterated that, in his view, since the buildings are not permitted, the staff recommendations do not apply because the buildings are not explicitly permitted. James stated that limiting the maximum density to 80% of the lot size and limiting the building height to 14 feet is not viable for this type of business. Rick opposed Applicant's proposed subsection b. as it would allow an unlimited building height and indicated he would not support a motion incorporating subsections a. and b. to condition number 3. Mike clarified that tall buildings are not planned, as that would exceed the 50% expansion limit.

Following the discussion, the Board confirmed they understood both the staff's recommendations and the Applicant's position.

PUBLIC COMMENT - [Time stamp – 1:16:52]

There was no public comment.

BOARD DELIBERATION - [Time stamp – 1:18:05]

Prior to the Board's deliberation, Jennie confirmed that the 14-foot height limit referenced in James' subsection b. to condition 3, does not appear to apply to the proposed building expansion and only applies to multiplex (large), apartments, mixed-use/industrial and miscellaneous building types. The proposed mini-warehouses are considered distribution and storage building types.

Rick supported the staff's recommended conditions of approval for the Special Exception and variance request and is opposed to representative's proposed revisions to condition numbers 3 and 7. Babak agreed with staff, noting the issue only arises because the use is non-compliant with the current Zoning Regulations. Mike agreed with staff's recommended street frontage landscaping and landscaping buffer requirements and confirmed he would like to reinstate staff's recommended condition 7. The parties agreed that if the staff's recommend conditions were accepted, the only change allowed would be to allow Applicant to swap building footprints.

Andy disagreed with majority of the Board on condition 7, but deferred since the Applicant accepted it. Regarding the gross density requirements, Jennie indicated that staff's recommended condition 3 would require 24,000–25,000 square feet pervious surfaces. Mike expressed concern, citing plans to increase landscaping and noting the adjacent parcel provides natural drainage. However, he did not want the proposed project abandoned over the 80/20 pervious surface rule.

The Board declined to interpret zoning law and discussed four options: withdraw, table, approve, or deny the requests. If application is withdrawn a new application and additional fees are likely required as process would start over with public notice requirements. Tabling may be the best option to put all requests together if Applicant would like an additional variance.

The Applicant ultimately chose to rescind all proposed revisions and proceed with the Special Exception and variance, subject to staff's recommended conditions (including new condition 10), with the sole modification to allow the building footprint swap. Staff expressed a desire to continue working with the Applicant toward a successful outcome.

RECOMMENDED MOTION

Andy Mefford made the following motion to approve the special exception request, subject to the staff recommended conditions, as amended, which amendment includes condition number 10 and which authorizes Applicant to swap the two building footprints, and Rick Hall seconded the motion:

THAT the Special Exception Request to expand the Titan Self-Storage existing legal non-conforming use with two additional storage buildings shown on the site plan be **approved**, subject to the ten recommended conditions of approval, as amended.

VOTE

The Board voted unanimously to approve the special exception.

AYES: (3): Babak Rastgoufard, Andy Mefford, Rick Hall

NAYS: (0): None

RECOMMENDED MOTION

Rick Hall made the following motion to approve the variance request, subject to the staff recommended conditions, and Andy Mefford seconded the motion:

THAT the Variance Request to not comply with the 0-10' Build-To-Zone along Highway 200 E be **approved**, subject to the recommended conditions of approval.

VOTE

The Board voted unanimously to approve the variance.

AYES: (3): Babak Rastgoufard, Andy Mefford, Rick Hall

NAYS: (0): None

B. Patrick Swart, Planner II, Missoula County – U-Haul Mini-Warehouse Special Exception

STAFF PRESENTATION - [Time stamp – 2:05:12]

Patrick Swart (Patrick), Planner II with Missoula County Planning, Development & Sustainability presented a Special Exception request from Amerco Real Estate Company (Applicant). Applicant desires to develop a U-Haul mini-warehouse self-storage facility on a parcel of real property located at 4567 Yuhas Ranch Lane, Missoula, Montana owned by Highway 93 Properties, LLC.

The subject property consists of 61.61 acres, with split zoning between Agriculture Reserve (AGR) and Commercial Center (CC). The proposed development would be located on an 11.26-acre portion zoned as CC. Pursuant to Section 2.4.G of the Zoning Regulations, a mini-warehouse self-storage facility may be permitted in CC zoning districts by Special Exception. The proposed development will also include retail sales of moving supplies, truck/trailer rentals, and a mechanic shop, all of which are automatically permitted in a CC zoning district. The proposed development consists of four buildings, three of which would house the mini-warehouse self-storage units to accommodate 333 interior access units, 54 exterior access units and warehousing of 600 U-Box units. Accordingly, the Applicant is seeking a Special Exception specific to the mini-warehouse self-storage facility.

Patrick reviewed the site plan, noting access from Highway 93 S, location within the Missoula Rural Fire District, and compliance with riparian and wetland buffer standards. The site is near the 100-year floodplain and regulated wetlands but would be in compliance with all related requirements.

Patrick highlighted that the adjacent zoning districts are a mix of Part 1 citizen initiated zoning districts and Part 2 zoning districts, with the proposed development falling within the Part 2 zoning districts and subject to the Zoning Regulations. Nearby uses include retail sales, auto services, another storage facility, residential neighborhoods and open space.

Patrick summarized the agency comments received as follows:

- **Floodplain Administrator:** The site is in the Bitterroot River Flood Hazard Area and will require floodplain review.
- **Missoula Rural Fire District:** The buildings may need sprinklers and alarms, but access and onsite circulation are adequate based on the site plan.
- **Montana Department of Transportation (MDT):** the project will impact Highway 93 S. access, requiring an approach permit and improvements.
- **Missoula County Parks, Trails, and Recreation:** Raised concerns about impacts to the adjacent Bitterroot Trail and recommended safety improvements.
- **Missoula County Public Works:** Building and trade permits will be required.

Patrick outlined staff findings considered in evaluating the request for a Special Exception, noting the proposed use is compatible with nearby commercial and light industrial uses, meets space, bulk, and design requirements, and that traffic impacts can be mitigated through an MDT-required approach permit. The project aligns with the intent of the Commercial Center zoning district.

Per Section 11.6.D.3 of the Zoning Regulations, approval of the Special Exception Request is recommended subject to the following the conditions 1 through 8 in the staff report and summarized as follows:

- **Parking Lot Interior Landscaping.** Subject to standards for 101 or more parking spaces and to include landscaped beds along building façade and incorporate parking modules bookended with landscaping. Although the site plan shows a total of 60 parking spaces, staff recommends enhanced landscaping that is typically required for lots with 101 or more parking spaces due to 6.5 acres of impervious surface, which includes 4.5 acres of pavement for parking, parking stalls and drive aisles. The purpose of the elevated requirements is to reduce heat island effects. Due to the location of the subject property adjacent to a floodplain, the reduction in impervious surface area will serve to mitigate storm water impacts in this area.
- **Street Frontage and Perimeter Landscaping.** Incorporate landscaping both along Yuhas Ranch Lane and Highway 93 S along with parking lot perimeter landscaping. The street frontage and perimeter landscaping requirements are base requirements of the Zoning Regulations. Patrick presented a Landscaping Exhibit

depicting the recommended locations for parking lot interior landscaping as well as the street front and perimeter landscaping.

- **Screening Walls and Fences for Mini-Warehouses.** Screening is required for mini-warehouses pursuant to Section 6.4.F.3, Table 10 and Section 5.20.B.3 of the Zoning Regulations. Screening requirements can be accomplished with fences, walls, landscaping or a landscaped berm. If the Applicant chooses to implement screening with fences or walls, the fences or walls are to be located on the interior side of street frontage landscaping so as not to obstruct public view of the required street frontage landscaping.
- **Bitterroot Trail Improvements.** All mitigation measures recommended by Missoula County Parks and Trails shall be implemented. The applicant must obtain an MDT approach permit or exemption. Improvements to Yuhas Ranch Lane must ensure the Bitterroot Trail crossing is at or above the road grade to maintain visibility. The trail must be separated from turning movements into the U-Haul facility from Highway 93 S., include clearly marked crossings, detectable warning surfaces, trail stenciling, and a stop sign before exiting onto Highway 93 S.
- **General Conditions.** Compliance with all other necessary permits administered from other agencies, including but not limited to building, electrical, mechanical, zoning compliance, approach and sanitation permits. Substantial changes to the development plan are subject to review and approval by the Board of Adjustment.

See PowerPoint presentation slides.

REPRESENTATIVE PRESENTATION - [Time stamp – 2:21:33]

Steve Hansen (Steve), representative of U-Haul in Montana, attended in person. Steve objected to the recommended conditions associated with street frontage and perimeter landscaping as well as the screening requirements citing excessive costs estimated at \$300,000 - \$400,000 for installation, plus additional irrigation and maintenance costs.

While U-Haul supports incorporating landscaping, it objects to the elevated levels recommended in the staff report as the proposed development includes 60 parking spaces, not 101. Steve indicated the staff's recommended conditions create an unnecessary financial burden and may potentially reduce the visibility of business along the highway.

He noted that similar storage facilities in Missoula do not appear to meet these standards and expressed concern over inconsistent application. U-Haul seeks to serve both Missoula and Ravalli Counties and is not asking to eliminate landscaping entirely, but to reduce its extent.

BOARD DISCUSSION

Babak requested clarification regarding the baseline requirements for parking lot interior landscaping. Patrick explained that while the proposed development only has 60 parking spaces, the 4.5-acre paved area associated with parking and drive aisles is more likely to be constructed for a parking lot containing 101 parking spaces. Zoning Regulations place interior parking lot landscaping within two categories, either 11-100 parking spaces or 101 or more parking spaces. Under the first category, consisting of 11-100 spaces, approximately 5% of the interior parking area is required to be landscaped, under the second category consisting of 101 or more parking spaces,

approximately 10% of the interior parking area is required to be landscaped, with additional landscaping to be incorporated along building façades and bookending parking modules. Staff recommended pushing this into the second category due to the size of the paved area. The parking lot perimeter landscaping is a condition required by the Zoning Regulations.

Screening location is also a discretionary condition recommended by staff. Zoning Regulations require street frontage landscaping and parking lot perimeter landscaping, as well as a minimum of 6-foot-tall screening of landscaping, fences or walls. If the Applicant chooses to incorporate a fence or wall to satisfy the screening requirements, the staff's recommended conditions require the screening to be placed on the interior of the street frontage landscaping. Patrick noted that the street frontage landscaped area is required to be the depth of the required setback, and the street tree calculation is one tree for every 30 linear feet of street frontage, with the requirement that 50% of that street frontage landscaped area be made-up of approved landscape materials for live ground cover. There is no requirement for 4-foot-tall shrubs.

Steve inquired as to why the Titan Self-Storage project presented earlier was not required to comply with the same landscaping and screening requirements. Staff confirmed that the Titan Self-Storage project is required to meet all landscaping and screening requirements set forth in the Zoning Regulations.

PUBLIC COMMENT - [Time stamp – 2:42:02]

There was no public comment. Staff also confirmed that no public comment was received prior to the hearing.

BOARD DELIBERATION - [Time stamp – 2:42:50]

Babak asked whether MDT could require reduced landscaping if it obstructs sight lines. Staff clarified that street frontage landscaping is fully within the subject property, outside MDT's right-of-way, and approaches are via Yuhas Ranch Lane, a private road not subject to MDT or Missoula County Public Works permits.

Andy raised concerns about stop sign placement near the Bitterroot Trail and suggested a "yield to pedestrians" sign may be more appropriate. Motorists will likely be inclined to pull forward across the Bitterroot Trail. Andy supported the 10% interior parking landscaping requirement, noting that the Landscaping Exhibit likely overstates its burden. He advised U-Haul to consult a landscaper for practical solutions. Andy also clarified that landscaped beds must be at least 10 feet deep, with one tree per 30 feet of building façade.

Steve expressed concern about buying a property on the highway and then having to screen it from public view. Patrick noted that if Applicant proposed an outright approved use on the subject property, that did not require a Special Exception, the parking lot perimeter landscaping requirements would still apply under the Zoning Regulations, unless the use proposed parking lot contained less than 10 parking spaces.

Babak raised concerns about protecting sight lines along the Bitterroot Trail. Patrick confirmed that the Zoning Regulations require sight visibility standards to be met in connection with the site plan and landscaping areas.

Staff recommended conditions 3, 4 and 5 are discretionary conditions authorized under the Zoning Regulations and were incorporated by staff due to the large area of paved surfaces. Rick supported reducing requirements to correspond to the 11–100 parking space category. The Board agreed to strike staff's recommended conditions 3, 4 and 5 thereby revising the landscaping requirements to align with the baseline

requirements of the Zoning Regulations for 11–100 parking spaces, rather than the higher threshold for 101 or more parking spaces.

RECOMMENDED MOTION

Rick Hall made the following motion to approve the special exception request, and Andy Mefford seconded the motion:

THAT the Special Exception request to allow the mini-warehouse use at 4567 Yuhas Ranch Lane, subject to staff recommended conditions of approval 1, 2, 6, 7, and 8 as included in the staff report, be **approved**.

VOTE

The Board voted unanimously to approve the special exception.

AYES: (3): Babak Rastgoufard, Andy Mefford, Rick Hall

NAYS: (0): None

C. Kevin Dantic, Planner I, Missoula County – 7605 Pontrelli Place at the Wye Special Exception

STAFF PRESENTATION - [Time stamp – 3:26:22]

Kevin Dantic (Kevin), Planner I with Missoula County Planning, Development & Sustainability presented a Special Exception request for non-conforming use from SK Gordon, LLC (Applicant) represented by Ryan Yarbrough (Ryan) of Carl Construction, Inc. The Applicant owns and operates Galaxy Cheerleading and is proposing to develop a cheerleading specific training facility located at 7605 Pontrelli Place, Missoula, Montana, for educational and hands-on training.

The subject property is zoned Industrial Center, Light (ICL), which allows for light industrial, artisan, and limited commercial activities, but which require more physical space or have unique site design considerations. Buildings located within ICL zoning districts may be single use or incorporate a mix of uses.

The proposed use of the facility is classified as Recreation Commercial (Indoor). Pursuant to Section 2.4.G of the Zoning Regulations, the proposed use may be permitted in ICL zoning districts by Special Exception. Kevin noted that the building exterior is substantially complete, and interior improvements will include restrooms, a janitor's room, and an office.

No public comment was received in connection with the 19 notices that were mailed to adjacent property owners. One agency comment was received from MDT inquiring as to how traffic will be affected with the proposed development compared to the current condition.

Kevin outlined the key criteria considered in evaluating the request for a Special Exception:

- **Compatibility.** The proposed use will be compatible with and will not substantially injure the value of adjoining property. Although traffic may increase due to the site's current vacancy, no public infrastructure upgrades are needed. Staff considered access, circulation, hours of operation, and other site impacts.
- **Character of the Neighborhood.** The proposed use preserves the character of

the district, and the property is suitable for the use proposed. The intent of ICL zoning is to allow for light industrial and limited commercial activities to operate away from sensitive natural environments. The proposed use requires a large indoor space that is consistent with the character of the neighborhood and there are no anticipated impacts to the surrounding land.

- **TIF District Compliance.** The 2019 Missoula Land Use Element of the 2016 Comprehensive Plan identified this geographical area as an Industrial Center. The proposed use promotes the purpose and intent of the TIF Special District, where applicable. The subject property is located the Wye Targeted Economic Development District established in 2020 where the proposed Recreational Commercial, Indoor uses do not conflict with the intent of this Development District.
- **Design Standards.** Substitute or additional design standards will preserve and protect the area's architectural and aesthetic qualities. The proposed development will not result in a need for new setbacks, density considerations or mobility design standards. The Applicant does not intend to modify the exterior of the existing building, except for the installation of signage and lighting in accordance with the Zoning Regulations.

Kevin recommended approval of the special exception, subject to the following conditions which include:

- All other necessary permits administered by agencies including but not limited to, building, zoning compliance, electrical, mechanical, approach, and sanitation permits.
- The Applicant shall complete landscaping in compliance with the Zoning Regulations set forth in Chapter 6.4.C.5 and Chapter 6.4.F.2 (Table 8), including installation of a 5-foot-wide perimeter landscaping buffer along the southwest, northwest, and northeast sides of the parking area with all required plantings in place. In addition, a Weed Management Plan drafted under the guidance of the Missoula County Department of Ecology and Extension shall be completed for the current portions of the property landscaped with rock.

See PowerPoint presentation slides.

BOARD DISCUSSION

Babak asked for clarification regarding the landscaping provisions. Kevin confirmed that the landscaping provisions are baseline for ICL zoning districts and would require the Applicant to essentially come into compliance the Zoning Regulations. In connection with the landscaping, there is a conditional use permit that is active.

REPRESENTATIVE PRESENTATION - [Time stamp – 3:37:10]

Ryan Yarbrough (Ryan) of Carl Construction, Inc. represents Applicant and attended the meeting in person. Ryan added that it can be difficult for youth in Missoula to practice sports indoors during unseasonable weather and the proposed development would provide this needed opportunity. He noted that the cheerleading activities required a high roof and large area which can be difficult to find outside of an industrially zoned area. Ryan confirmed Applicant agrees with staff's recommended conditions of approval.

PUBLIC COMMENT - [Time stamp – 3:40:04]

There was no public comment.

BOARD DELIBERATION - [Time stamp – 3:40:29]

Rick Hall disclosed that he has family members who attended Galaxy Cheerleading and does not believe it is a conflict. All Board members agreed with the request for a Special Exception.

RECOMMENDED MOTION

Andy Mefford made the following motion to approve the special exception request, and Rick Hall seconded the motion:

THAT the Special Exception Request from SK Gordon LLC to deviate from Chapter 2.4.G of the Missoula County Zoning Regulations, as presented in the proposed application, subject to the recommended conditions as presented, be **approved**.

VOTE

The Board voted unanimously to approve the special exception.

AYES: (3): Babak Rastgoufard, Andy Mefford, Rick Hall

NAYS: (0): None

VII. COMMUNICATIONS & SPECIAL PRESENTATIONS [Time stamp – 3:41:51]

There were no communications or special presentations.

VIII. COMMITTEE REPORTS [Time stamp – 3:41:51]

There were no committee reports.

IX. OLD BUSINESS [Time stamp – 3:41:58]

Staff confirmed that feedback on a possible consolidated land use board will be moved to the next meeting of the Board.

X. NEW BUSINESS [Time stamp – 3:42:13]

There was no new business.

XI. COMMENTS FROM BOARD MEMBERS [Time stamp – 3:42:13]

There were no additional comments from Board members.

XII. ADJOURNMENT [Time stamp – 3:42:23]

The meeting was adjourned at 9:41 p.m.

Missoula County Zoning Board of Adjustment July 16, 2025 – Transcription

This transcription was produced by transcription software. There may be discrepancies between this transcription and meeting dialogue. You can view the recording of the meeting at this link: <https://missoulacomt.portal.civicclerk.com/event/9744/media>.

Missoula County Zoning Board of Adjustment July 16, 2025 – Meeting Recording

1:03

Good evening, everyone.

1:04

It is 6:00 PM.

1:06

It is July 16th, 2025, and I would like to call to order the meeting of the Missoula County Board of Adjustment.

1:15

And like I said, it's to July 16th, 2025, 6:00 PM.

1:19

And can we have a roll call please?

1:24

Ben Yawaki.

1:27

Ben is absent.

1:29

Rick Hall here, Andy Mefford here, Fabric Rascafard here.

1:37

Mr. Chair, there are three regular members present.

1:40

Quorum has been met.

1:42

Thank you.

1:43

The first item on the agenda is approval of minutes, and we have two sets of meeting minutes to approve, one from July 17th, 2024.

1:54

So basically 365 days ago.

2:00

And the reason for that is we attempted to approve those minutes last month, but we only had two members vote 1 abstain.

2:08

And staff discovered after the fact that we need at least three affirmative votes to approve the minutes.

2:17

So I'd like to try and do that again today.

2:20

I know some of us weren't here on July 17th, myself included, but the the longer we wait, the the more it's going to be out there.

2:30

I don't know, Rick, Andy, if you have any concerns, we approve minutes if we weren't at the meeting.

2:42

Sounds good to me.

2:43

OK.

2:48

I know we heard last month, some I think forget now, but one of the members was present and acknowledged that they they were accurate and so forth.

2:57

And I think Andy, you were might have been here and I would be curious.

3:00

I'm don't know easily if you know I was there.

3:02

I'm guessing I was, but take a quick check.

3:05

I'll have to double check on that.

3:06

Here, let me just pull them up.

3:07

Bear with me.

3:22

Andy, you were absent.

3:23

You were at that meeting.

3:29

I guess I'll I'll put it to the other members who are here today.

3:31

If, if one of you would like to move that we approve those minutes then we can take action on that.

3:45

Is there a second?

3:51

Did I know password never get close enough.

3:53

That's it.

3:55

Thank you.

3:55

For the record, Rick had moved that we approved the minutes as submitted.

4:00

Waiting on a second, I'll second.

4:08

OK, all those in favor for approving the minutes from July 17, 2024 is submitted say aye, aye, aye.

4:15

Any opposed?

4:17

All right, hearing none the minutes or do we need to do a roll call to make sure we have 3 affirmative votes, Sir?

4:31

We don't need to do a roll call.

4:33

We did hear someone have their mic on.

4:39

Yeah, OK.

4:42

We don't need to.

4:43

We did hear 3 affirmative votes, OK in the minute.

4:46

Wonderful.

4:46

Don't want to, don't want to run afoul of any procedural rules again and be here another month or so from now and still trying to approve those minutes.

4:54

OK, Appreciate everyone's patience as we get to some of these initial housekeeping issues.

5:01

The next item on the agenda is the approval of the minutes from June 18th, 2025 S only one month ago instead of 12 months ago.

5:09

Do you have a motion to approve those minutes as submitted?

5:12

I was there at that meeting, so I'll make a motion to approve June 18th, 2025 minutes is written.

5:20

I'll second.

5:21

OK, thank you all those in favor of approving the minutes as submitted say aye, aye.

5:26

Any opposed.

5:29

All right, hearing.

5:31

No, no one in opposition.

5:32

Those minutes have been approved as well.

5:34

Thank you.

5:35

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

5:41

So if any member of the public is here in person or participating virtually on teams and wishes to comment on something not on the agenda.

5:49

So we have three items, three public hearings, the Titan self storage EU Haul facility and then the the gymnastics facility by out by the why.

6:02

If someone would like to comment on anything other than those three items, this is your opportunity and time to do so.

6:12

It doesn't appear that anyone in person wishes to provide public comment on non agenda items.

6:17

Do we have anyone on teams who wishes to comment on something other than an agenda item?

6:27

OK, hearing none, we'll go to the next item on the agenda, which is staff announcements and Babic.

6:35

This is for the election of officers, the chair and vice chair for 2025, correct?

6:42

So typically at the beginning of the calendar year, we need to elect officers chair and vice chair.

6:48

Our first meeting of 2025 was last month in June, and we postponed electing chair and vice chair and just had Andy and myself carry over as vice chair and chair.

7:02

We didn't vote last month because we didn't have that many people.

7:05

But I guess to avoid kicking the can down the road, I would propose that we elect chair and vice chair.

7:15

And I guess the other reason why we didn't vote last month is I was hoping Andy would stay on as vice chair.

7:19

I'm willing to continue to serve as chair, but he wasn't here last month, so I didn't want to elect and nominate him as vice chair if he, if he didn't want or if you want to be the chair, I'm happy to, to step down and, and pass that baton to anyone who would like that.

7:37

I think you're doing an excellent job and I would prefer you to stay as chair myself, so I would.

7:44

So that was the nomination for Babicus Chair and I'm I'm the new guy, but I'm happy to stand as vice chair if you're don't want to do it again.

7:53

So it's up to you.

7:57

I don't mind vice chair, but I just don't really want to be the chair.

8:01

But I don't really matter to me either.

8:03

I titles are pretty non consequential to me.

8:09

Well, I guess just to keep things consistent.

8:11

I appreciate the offer.

8:12

Well, I'm going to nominate Andy for vice chair and maybe we'll we'll switch things up at the end of the calendar year.

8:18

So do we need to make a motion?

8:24

We need a motion and a second.

8:27

Oh, OK, was the first one second with my nomination.

8:32

Second, the motion for OK that working, I think I made a nomination for Babic as chair.

8:42

So I think it would need a second for second for Babic, OK the vice chair.

8:46

I think any all those in favor of reappointing me as chair say aye, aye aye.

8:56

I can vote OK, aye, any opposed.

8:58

All right, hearing no opposition, I will continue to serve as chair.

9:05

I will make a motion that we appoint Andy Medford, reappoint Andy, Andy Medford as Vice Chair.

9:11

And I'll second that all those in favor of reappointing Andy as vice chair say aye, aye, aye any opposed.

9:21

All right, thank you.

9:24

Now we will move to our public hearing portion of the meeting and the first public hearing is in regard to 7102 Highway 200 E Titan Self Storage special exemption and variance request.

9:39

And we'll have a presentation from staff.

9:48

Not sure why that's not taking up the whole screen.

9:52

So I will, it's taking up my whole screen.

9:56

So I, I hope that it eventually, maybe it's just the Wi-Fi connection.

10:01

In any case, my name is Jenny Dixon.

10:03

I'm a planner with planning, development, sustainability.

10:06

This is the first of three hearings this evening.

10:12

The project before you, the Titan Self Storage, is a special exception and a variance combined, as is the next one special exception and variance.

10:21

And then the last hearing is special exception.

10:27

The project is Titan Self Storage which is located out in the A Bonner W Riverside area along Hwy.

10:36

200.

10:37

Some landmarks that you might recognize would be over here is the Town Pump site, the interchange and then Hwy.

10:47

200 coming from East Missoula and the site is here.

10:51

It's tight and self storage has been there for quite some time and this is what it looks like when you drive by it on the on the highway.

11:06

Sorry, let me get this out of the way.

11:11

As you can see a little bit older type of construction, older development.

11:16

It's been there since 1996.

11:18

No pedestrian walkways on the side of the street where they're located.

11:23

There is a trail on the opposite side of the road.

11:31

There we go.

11:32

This is let me go back.

11:35

So this is on the West End of the site.

11:38

This is on the East End of the site where the proposed expansion is to occur.

11:43

And the idea would be to remove this fence and build two additional structures comparable to what is there in terms of size and shape.

11:56

As you can see, the seven structures here are existing with some landscape strip here, some grass here.

12:04

And then this is the area of expansion adjacent to the property.

12:10

To the West is commercial light industrial.

12:13

To the north is open air storage, I believe also under the same ownership as these storage units and to the east of I believe according to camera data for residential or dwellings.

12:31

Actually, I want to take you back also just to give you a little more context or at least to just putting your mind into context.

12:38

And we do have an Interstate interchange, a highway and some other down the road, some other mini warehouse and some general commercial light industrial along here.

12:53

But but for the residences I just mentioned and then back interior is residential development.

13:05

As I said the mini warehouses were established in 1996 and that was when the site was on the zone and now with zoning being in place which is NC Neighborhood Center, the self storage mini warehouse is non conforming.

13:20

The applicant is requesting to expand and in order to expand the nonconforming use they need to request a special exception.

13:30

These are the existing conditions where you can see the access point from Hwy.

13:35

200 to the existing 7 structures with paving pretty much extending to the property line.

13:43

But for grass, grass strip along the frontage.

13:47

And then here in the middle, the proposed expansion is showing a little bit larger building

and then another one of similar size on the East End and again with some with asphalt around.

14:06

Of course, driving lanes and access to those buildings are of paramount importance.

14:12

That's the whole point is to be able to bring your stuff to store.

14:17

But as you'll see in the condition recommended conditions of approval, we are suggesting a landscape buffer over on this and that would remove some of this asphalt from the proposed site plan.

14:35

It's about two almost 2 and 2 3/4 acres, a little bit more.

14:41

The existing buildings cover 2026 thousand square feet.

14:45

And to expand on legal non conforming use through special exception, you can under usual circumstances you can expand up to 50% of a non conforming use and in this case they are just at about 50% with 13,000 square feet of a new building and also would know the site is not served by public sewer or water systems.

15:18

It is our neighborhood commercial which is intended to provide convenient shopping and access to goods and services within a walkable distance, distance from adjacent neighborhoods.

15:30

This does this zoning is along this stretch of Hwy.

15:35

200.

15:36

And then when you get over to the entrance, what we all I guess think of as perhaps the entrance to town pump across the road.

15:45

There is some NC zoning as well in this area and that's to serve this W Riverside neighborhood.

15:56

So I wanted and to set the stage a little bit for the projects that are coming after this, I want to talk a little bit about what is a special exception so that as you go through the next couple of hearings, you can keep this in mind because each one is going to involve a special exception.

16:15

It's a type of land use approval that allows a property owner to use their land in a way that is not automatically permitted under the county zoning, but might be acceptable under specific conditions.

16:27

Conditions should be imposed on a special exception to ensure that the use is consistent and compatible with the overall character of the community, the context of the neighborhood in which it sits, the zoning of the growth policy, and the land use designation.

16:42

The project proposal should or approval should provide for an enhanced environment that protects adjacent land owners and I should add anyone who in the vicinity, whether it be land owners or people frequent in the area.

16:58

It's intended to create an enhanced environment that also that reduces potential negative impacts.

17:05

Typical conditions usually relate to site design, design and site features, operational aspects, infrastructure and public use areas as they relate to site specific conditions.

17:15

So this special exception is going to be different from the one that you hear after after this one.

17:21

And then the third one will be different and the conditions are different.

17:23

You just have to evaluate on the site by site basis.

17:27

And the special exception is just as it implies, it's an exception to the rule.

17:34

The criteria.

17:37

Generally speaking, the proposed use will be compatible and will not injure the value of adjoining property owners, preserves the character of the district and the property is suitable for the proposed use.

17:48

And then I won't mean through these, but these are the factors to consider that when we're talking about site design conditions, these are some of the things that we look at in order to evaluate whether a special exception is appropriate.

18:03

And if not, can conditions relative to these factors create a scenario where the site is appropriate for that special exception use?

18:14

So staff is recommending approval of this special exception.

18:23

And you'll notice I have three through 10 conditions here.

18:29

The reason for that is that the first two conditions have to do with the overall site plan and the variance which I will get to in a minute.

18:36

But but the conditions on the special exception in this in this case have to do with substantial compliance with our site plan that was submitted, no future expansion, compliance with our outdoor lighting requirements in Arizona regulations.

18:53

St.

18:53

frontage landscaping, landscaping buffer, as I mentioned on that East End adjacent to the residential, a maintenance plan for the landscaping, a weed management and the veg plan and then an additional condition above and beyond.

19:07

What was in your staff report that you received last week relative to the sign compliance with the sign regulations.

19:17

I think they'll be, there will be a slide coming up that I can point out where that we believe there to be some sign violations and the condition is and I'll have the condition on the screen here for you in a minute.

19:28

Essentially no permit will be issued until any signed violations are remedied.

19:33

And what I would point out also with these conditions three through 10 that they are, we've had some issues with zoning compliance of late.

19:44

And so one of the things we've been doing is recommending conditions of approval that are already required by our zoning.

19:52

And so not that you can't discuss and deliberate and, and, and potentially even modify conditions 3, three through 10, but they're already required.

20:05

So if you, for example, were to delete condition 5 relative to outdoor lighting, it's going to come back at the time of zoning compliance review because it's already required.

20:15

So I just want to make it clear that the one that.

20:19

Is probably more discretionary and was intended to address those issues I raised about compatibility with the community in the neighborhood and protecting from negative impacts.

20:30

Is condition #7 buffering to the adjacent residential use.

20:35

And I'm going to talk about that in just a minute the the zoning regulations.

20:44

Well, let me let me back up a little bit.

20:47

The MC zone does not allow mini warehouse and in this situation through a variety of events the expansion of this non conforming use was requested and we move forward with it based on what I would call detrimental reliance upon communication that indicated that this could move forward as a special exception as a non conforming use.

21:14

In fact, it could not.

21:15

But because of the communication we are bringing this forward and we are recommending approval.

21:22

But we are also looking at how to make this use that is not allowed in the zone nor to expand in this zone compatible with the character of the area and non injuries to the adjacent residences to the to the east.

21:41

And so one way to we're doing now is that discretionary condition #7 that I was telling you about is this landscape buffer along the east side of the property.

21:50

Where that comes from is that if this were a mini warehouse and an industrial district and it was in an industrial district that was allowed to expand, that would be required 15 feet of landscaping adjacent to the residences to the east.

22:09

It's not like I just pulled this out of the hat and just dreamed this up.

22:13

This is already in our zoning and would be required for other mini warehouse adjacent to residential.

22:21

So the the idea being not sure that we really need extra paving beyond what is necessary for driving adjacent to mini warehouse storage units.

22:34

And because it's a condition that would be required anyway, we recommended it as a condition on this special exception.

22:44

And what we're looking at here is a, is a, an evolving character of this highway with an already existing mini warehouse development that I think is a really great example of fitting in with the area and also enhancing potentially future pedestrian access in the area.

23:06

The neighbor of the sorry, the vehicular experience as you drive by, it's pleasant.

23:11

It provides landscaping, which reduces carbon and you know, absorbs carbon, reduces heat island effect and all of those things.

23:19

That's one.

23:20

And then next to that, so actually let me take you back.

23:25

That's down the street here just a little bit, maybe 6 lots down to the east.

23:31

Next to that is an approved Dollar General with enhanced landscaping along its frontage.

23:39

And that is that is the streetscape that we're going to start seeing in this area.

23:44

And so with that, the expectation for this mini warehouse to match that here's the and so you can kind of imagine what this could look like in terms of matching the character of what's around it.

24:04

I also put this slide in here as just in case I forgot to mention this, the signage that isn't appears to be in violation of these banners on the on the fence there.

24:18

So I'm going to move to the variance portion of this request and the variances to the build to zone in the neighborhood commercial district, which is one way to think of it, I think makes it pretty simple is that it's the opposite of a set back, where set back requires you to be a certain distance back.

24:37

Build to zone requires a portion of your building to be within a certain distance of your property line.

24:43

And in the NC zone, it's where 70% of the building facade must be located.

24:50

And and in this case it would be required to be within zero to 10 feet of the property line, whereas the existing structures are 35 to 40 feet back.

25:00

And you can see this blue line here indicating a desire to maintain a similar set back as the other structures, which of course in this scenario makes sense.

25:13

We don't want to be bringing a non conforming use to the street frontage for that pedestrian experience.

25:21

That's that is not what the build to zone is intending to do.

25:26

Therefore we are recommending approval of the variance.

25:33

While I have a slide up, I would I also want to go back for a minute on that E Eastern landscape buffer and just also mention that we have many warehouse special use standards in our zoning that requires screening and buffering adjacent to the property of residential properties.

25:58

And in this case to the east where the applicant has proposed a fence along that line, we and and just to reiterate, that's where we're asking for the additional 15 feet of landscaped area because of the kind of use this is, I'm not going to go through the variance criteria for approval.

26:20

You guys hear this probably every time you're here, but I just wanted to bring this up in case anyone has questions later or wants to talk more about what are the criteria for approving the variance.

26:30

But essentially it boils down to there needs to be a hardship in the land and that that are, you know, unique conditions on the property.

26:37

And this is certainly a unique situation.

26:40

We did not receive any agency comments regarding, you know, with concern about the proposal.

26:46

We did mail 38 notices to adjacent property owners, received 4 comments back from two people.

26:53

So we got 2 emails from 2 two people, and then Mozilla County Voice comments from those same two people opposed to the project.

27:04

And so then I have a recommended motion with the new condition of approval.

27:09

So your staff report has the initial 9 conditions.

27:14

This is a new condition #10 When you get to the point of making a motion on the special exception, I would just suggest that you, you know, bring this up and read it.

27:23

And as you can see at the end, conditions of approval as amended.

27:27

We spoke earlier today about how to go about doing this and I can bring up all the conditions of approval on the screen if you want.

27:36

I also have them on paper.

27:38

Any way you want to approach this in terms of making motions, I would suggest making a motion, a main motion for approval or denial of the special exception, main motion for approval and denial of the variance.

27:54

And within those two motions, as you go through those, you can then make kind of like sub motions to amend conditions for each of those should you decide to do that.

28:09

I think with that I'll conclude I know you have a lot on your agenda tonight and I don't want to take up too much time, but I hope I hit all the high points for you.

28:18

Thanks.

28:19

Appreciate it for those who are attending and just for those, those members of the public, excuse me, who are attending and just the members of the board.

28:31

Just what I'd like to do at this juncture is ask the board members if they have any initial questions of staff and then we'll hear from the proponent or the proponents representative.

28:42

Then any initial questions for proponent or proponent representative and then we'll go to public comment.

28:48

I'll say a few more words about public comment when we get to that, but I guess at this juncture and then they'll be time for members to ask any additional questions of staff and, and or the proponent once we hear from the proponent and members of the public if any wish to comment on this.

29:06

But so at this point, are there any initial questions for staff from members of the board?

29:12

Mr.

29:13

Chair, I do.

29:15

Is that parcel A contiguous parcel?

29:18

Has it always been one parcel owned by the owner now?

29:22

I don't, it wasn't fully developed, I believe so.

29:27

I don't know the the tract history, but it was, I think it is because it's pretty old and we have our expert here.

29:35

I can tell he's.

29:36

Yeah, if it's one parcel, then it probably is.

29:39

Yeah, yeah.

29:42

It's through a deed exhibit from I think a long time ago.

29:45

So.

29:51

And if I'm, if I may Babic, well, I I have the site plan up.

29:55

I one thing I guess I would, I forgot to mention that I would like to point out so that when you're deliberating to give you a sense of relative measurements distances, you can see that 35 to 40 foot set back here.

30:11

And just imagine like half of that red line is a 15 feet of that landscape area on the east side that we're talking about.

30:20

So we're not, we're not even consuming hardly even.

30:24

I think about 25% of that distance would be in landscaping.

30:29

And I guess if they want the rest to be asphalt, they certainly could, but we're looking for 15 feet.

30:39

I had a couple.

30:40

I don't know.

30:41

It's complicated, Rick, sorry.

30:46

So we're going to leave that one as it's complicated.

30:48

OK.

30:49

It's, it's a deed exhibit our expert here can probably fill you with.

30:55

So to get a clear answer on that, it was deeded to them on a single deed.

31:01

The deed references multiple tracks on a deed exhibit, which doesn't necessarily mean that they're independent tracks of record.

31:07

Deed exhibits themselves don't create tracks of record.

31:10

So if since creation they've always been deeded together, there's a chance it could be a single tract.

31:15

But if at some point those were deeded prior to requirements, the subdivision and plotting acts separately.

31:20

There may be some tract issues, but it hasn't been formally surveyed like on a certificate of survey or in a subdivision.

31:26

So without like a full title search, it would be difficult to say.

31:30

If it's a single tractor, multiple tracks exist.

31:34

I can kind of give you an idea why I asked the question because I was involved in the rezone and with the Consolidated Planning Board.

31:43

And if it was always one parcel when it was purchased under the old zoning, that's different than if they bought it zoned NC to develop it as what?

31:57

As a what it is.

31:59

So the deed that put it into the Titan storage ownership was in 2021 prior to the adoption of the current zoning.

32:09

Perfect.

32:13

I can't read that dimension is is that 60 feet from that building into the property line 65 or 63 five.

32:20

OK, is there any possibility those public comments can be popped up on the screen?

32:28
Sure, absolutely.

32:30
Let's see here.

32:32
Oh my God.

32:43
So first comment is from Gary Matson should not grant a special exception to allow the additional makes 0 contributions to the community sacrifices valuable land and simply financial landmine for their owners.

32:58
The neighborhood zone, neighborhood center zone recognizes community values that should guide land, land use choices here.

33:06
They then they asked the owner to seek uses that are consistent with the zoning.

33:11
And then I go to the other one is from John Loki, who is, I think a resident and yeah, a resident in the area.

33:21
Strong opposition to the request.

33:24
Yet another missed opportunity to align land use decisions with the broader goals of the neighborhood center zoning and the character of the community.

33:31
I mean, do let me know.

33:33
That sounds like.

33:34
So this is Mike Riggan.

33:37
Can I make one comment?

33:39
Who is this?

33:41
It's Mike Riggan, the owner of Titan Storage.

33:43
Oh, I'm gonna look at the proponent in a in a minute.

33:45
So I appreciate you.

33:47

As I mentioned a minute ago, the way I like to do this is after staff presents its report, just any initial questions from the Board, then we'll hear from the proponent, members of the Board of zoning adjustment, we'll have questions, We'll have the opportunity to present any questions and then we'll hear from public, public comment.

34:07

I'll explain what that typically is like and then the board can deliberate and if they have any questions either for staff or the proponent or in this case the owner, you will go to that.

34:19

But certainly, certainly would like to hear from you.

34:21

In fact, it's part of our bylaws that the proponent or its representative appear and present.

34:28

So if you don't mind holding, I would appreciate it, but your time is coming soon.

34:35

Thank you.

34:36

OK.

34:37

Thank you.

34:38

So those two comments are from neighbors in the community, but not the direct neighbors.

34:43

You said there's four residences, I am assuming rentals.

34:48

Yeah, I don't believe they're those two comments are not from the adjacent, I don't believe.

34:51

So the the streetscaping that's proposed on that site plan that's up does not extend to the existing use.

34:58

It's only on the proposed expansion area.

35:02

That's correct.

35:03

That's what's proposed and the recommended conditions of approval would impose the landscape, St.

35:09

frontage landscaping along the entire site and the Dollar Tree that was approved.

35:15

I know it came to this board.

35:17

Did they have side landscape requirements?

35:20

I know you pointed out the front scape and the streetscape.

35:24

What about the side on the Dollar Tree?

35:27

They being a commercial use with no residential adjacent to them.

35:31

They did not have the Dollar Tree had no side.

35:35

No, it's a different if it's a different situation.

35:37

Yeah, that's all I have for now.

35:40

I have a couple questions and look at let me look at my notes here.

35:48

If and I'm not at this juncture prepared to say I'm inclined to vote for or against this special exemption or, or the variance, but I'm just trying to understand what the status quo is.

36:04

It's a non conforming use.

36:06

They cannot expand that non conforming use.

36:09

So I, I, I want to make sure I understand what that means.

36:11

They cannot build any additional facilities.

36:13

But if they wanted to, I thought I saw something that it could currently be used or this is my question, can it currently be used as open air self storage, for instance, parking of RV's and boats and that kind of what what is the status quo with regard to that portion of the property?

36:31

If so, if they weren't before us, what what what is permitted?

36:38

Yeah.

36:39

So the, and you're talking about this area over here, the open area where they're proposing to expand, correct.

36:47

So that's Zone NC neighborhood commercial open air storage, storage open air, I think it is.

36:54

And if you don't, if you want to look at that, we can, we can come back to that.

36:58

But I think that would be be help, at least for my purposes, it'd be helpful to understand what the property owner can do.

37:04

So any action from the board, let me take you oops, back to that.

37:13

I'm here so you can see more barely.

37:18

I'm now I know it's really small.

37:19

I don't know why it's not filling the screen, but north of the storage units is open air storage, and I believe that is also under the same ownership.

37:28

Open air storage is a special exception in this zone.

37:32

Mini warehouse is not It is only permitted in industrial zones.

37:40

Excuse me, excuse me.

37:43

This is not CC, sorry.

37:45

Open air storage is not permitted here neither is mini warehouse.

37:51

But the applicant purchased the property as I sounds like in 2021 attempted to establish non conforming, non conforming status to do these storage units and open air storage.

38:06

And that is why this is here before you.

38:08

This will not happen anywhere else in the county on MC zoning.

38:13

This is it.

38:16

But if I heard correctly and I I'm probably going to come back to this later.

38:20

I that's OK.

38:21

If I heard correctly, if if they wanted to do open air storage, that is a distinct use from mini warehouse.

38:29

I mean, obviously the the whatever you want to call it, the establishment is non conforming.

38:39

And so I'm just trying to figure out what what's what's permitted within their existing non conforming Ness to the, you know, if if nothing was were done.

38:49

So are you saying that the only thing they could do with that grassy parcel would be something that fits within would be to establish some other use allowed by NC already allowed that doesn't require a special and and that would be those or it could be it could be something that requires a special exception.

39:11

But this is this is here before you.

39:14

It's an anomaly.

39:15

It it really shouldn't have happened, but we're here.

39:19

And so the uses that can go here, there are special exceptions and there are permitted uses, Open air storage and mini warehouse are not one of them.

39:33

And maybe I guess we could after I want to see if members have any of the board have any other preliminary questions for you and then we could hear from the proponent.

39:42

But I do want to better understand and what I was getting, my question here is if we could see the permitted uses or at least I would like to see the permitted uses if it's not too lengthy of a list.

39:55

And then the special, the uses that are allowable under a special exemption, because I think you've said this was not Yeah, it's not listed as a special exemption.

40:06

So I guess I'm also confused.

40:07

And I realized that there might there was information that was communicated erroneously, you know, Yeah, that happens.

40:15
I feel right.

40:16
It happens.

40:16
But we all make mistakes.

40:17
And but I guess I just want to make sure that that legally that this.

40:23
Board, if we were to say yes, applicant, you can have your special exemption.

40:29
Someone looks at the zoning and says the allowable special exemptions that we could vote on are A through F or A through Z or whatever the case might be.

40:37
And this isn't one of them.

40:39
I've already consulted with the county attorney's office and he acknowledged that, you know, the communications that took place that led the applicant to have reliance on being able to to continue this use and expand this use at this location even when it was zoned NC.

40:59
The attorney's office is is comfortable with that.

41:05
There's there is a list of a variety and I'm not sure if you want me to tell you what they are, but there are a variety of things you can do in the NC either as permitted or special exception.

41:16
But they're much, you know, smaller scale, neighborhood service oriented, pedestrian oriented type, small scale, you know, commercial activity and and even you know, residential is of course allowed.

41:33
Here is that Mr.

41:37
Chairman.

41:37
I could probably help explain this parcel if you'd like, but you, you're at questions so I do I, I guess I'll defer to you if you want to do that now.

41:50
Sure.

41:51
I'm on the bottom of Milltown Community Council, so I'm very familiar with the parcel.

41:57

I'm also on the consolidated planning Board.

42:00

The zoning was changed to neighborhood commercial after, well, after the applicant bought it.

42:08

And I was actually there when he was told that he could expand the property because he would not lose the ability to, because he would be grandfathered in that he would still be able to expand his property.

42:24

That's one of the reasons I asked if this has always been his property.

42:28

I honestly think that if you did not allow him to expand the property, it would kind of constituted taking and would be an issue.

42:39

I would jump in on that and say that you have to make sure that you need the special exception criteria that it's, it's in the area.

42:47

And if you find that it doesn't, you can deny this.

42:52

So that's just kind of the history of the property.

42:54

And I'm sure the applicant will will, is probably happy I'm backing up his what will I'm sure be his version of the story.

43:01

So while it is opposed by the neighbors vehemently, it was what it was before the zoning change.

43:11

So thank you.

43:16

Do members of the board have any initial questions?

43:18

I'm good for now.

43:19

Any more additional questions?

43:21

OK, I guess let's hear from the applicant who I think introduced himself a minute ago.

43:27

OK, So we have someone in the room and then we also have.

43:29

All right, So we'll hear from the gentleman in the room and then go to the individual who is on Teams.

43:35

And can you please state your name?

43:38

And yeah, of course, my name is James Sage.

43:41

I'm with Missoula Engineering and the our client is Mike Reagan, the owner of Titan Storage and he's asked us to represent us here to him here today.

43:53

He's also on the line.

43:54

Sounds like he also wants to contribute to answering some of your guys's questions.

43:58

Is your mic on or just want to make sure I can hear you fine.

44:00

Yeah, I believe so.

44:02

Is that better?

44:07

Yeah.

44:07

So I guess let's to start out with I, I guess maybe answer some of your initial questions that you guys have addressed.

44:18

So prior to the zoning update, we had engaged with the county planning department on numerous occasions specifically about this parcel as well as the parcel that he owns to the north.

44:33

There was no development currently on the parcel to the north at that point in time prior to the zoning update.

44:41

He's submitted an application for open air storage like you, you'd suggested for for this site at that point in time prior to the zoning.

44:52

But he had specifically discussed this parcel as far as the allowance for a 50% expansion.

44:59

And it was very clearly stated to us that that would be allowed moving forward that the

unzone property would be even when it was moved into the NC zoning district would be allowed a 50% expansion of those existing facilities.

45:18

Had that not been the case, we were prepared to submit a building permit application at that time to basically grandfather that process in.

45:27

So then here we are today where that that turned out not to be the case with the way that the zoning district was established in the regulations that were placed in that.

45:39

So that information that we were we're given was was not entirely accurate.

45:44

So working with the county, we determined that a special exception process would be the correct route to go to sort of rectify the situation.

45:56

Is that sort of alleviate kind of the, the background and and all of these parcels were purchased as one parcel with with this intention of them being self storage facility.

46:12

So, yeah, I, I guess to start out with, I'd also like to kind of go through some of the recommended conditions of approval.

46:21

And I think maybe there's some disagreements between staff and our interpretation of the zoning regulations related to items three through 10.

46:34

We have some, we've prepared amended conditions of approval based on the, the nine conditions that we received last week.

46:46

We believe, I believe it was the last Wednesday that we received the 9 conditions.

46:51

So those address these, those nine conditions in this packet that I'll give you guys today, we received the 10th condition just moments before this hearing started.

47:01

There's no concern with the 10th condition, but I would like to go over these.

47:05

Can I?

47:08

Thank you.

47:25

Thank you.

47:26

So I guess start out with we, we, we don't have any proposed alterations to conditions one or two.

47:36

So in this packet that I gave you, we've put in red italic just the changes to the conditions that we would like that we're proposing be approved by the board.

47:52

And with condition three, it says plans for two new storage buildings and drive lanes shall substantially match the site plan on page C5 of the application.

48:05

What we're asking is that we insert additional language to allow for with the allowance to swap the building footprints, meaning we have the larger building to the West and the smaller building to the east.

48:19

We would like the ability to coordinate traffic planning and kind of go through that process a little bit in a little bit more detail and determine which building should be at which location maintaining that 65 foot set back to the east.

48:37

And then it states except where zoning requirements are out of compliance and no case shall structures associated with storage facility located less than 60 feet to the eastern property boundary as shown on the proposed site plan.

48:52

All zoning requirements shall be reviewed for compliance with the applicable zoning district provisions in Section 2.3.

48:59

JNC and all site design standards at the time of zoning compliance permit with the following clarifications and that we added with the following clarifications and provisions which state Section 2.3 J .4 point a lot dimensions and gross density shall not apply and B per Section 2.3 J4C building scale first story minimum height shall be modified to allow the two new proposed storage buildings to be of equal or greater height as the existing storage buildings.

49:38

So I kind of just want to take a moment to to go through those and our reasonings behind those two provisions.

49:47

The NC design requires a minimum building height of 14 feet.

49:54

Our intention is not to be as intrusive on the property as 14 feet.

49:59

We'd like to just the ability to match the existing elevation of the existing buildings and with regards to the lot dimensions and gross density shall not apply.

50:13

I I think we have a different interpretation of the the regulation for the NC design standard.

50:21

And in this packet, let's see we have a page 72 that says at the top site design standards.

50:33

If you look at table a lot dimensions and gross density, this this table is in reference to specific building types.

50:45

There are no specific building types within this table that apply to this special exception request because the only one that could apply would be other building, other other, all other types as permitted.

51:01

As we just stated, this building type is not permitted.

51:06

So that is, we're requesting that this table not be used in the conditions and for review during the zoning compliance permitting process, and I can continue forward with the additional changes to the special exceptions.

51:35

Special exception #4 We don't have any changes.

51:42

5 no changes.

51:43

6 no changes 7 which is the 15 foot screening and buffering for industrial districts subject to review and approval by planning.

51:55

We asked the the landscape buffer adjacent to residential be stricken entirely item number 7 with with the intention that we are going to place a fence on the a screen fence on the eastern portion of the property to provide screening.

52:19

And we also relocated the building 65 feet to the West to provide additional buffering space between the property to the east.

52:39

So I would, I guess, let's see.

52:42

And I believe that those are the only modifications to the conditions of approval that we're proposing.

52:52

And I guess I can certainly go into more detail as to why we believe that those are legitimate requests and in conformance with the intent of the special exception request.

53:18

If you don't mind me asking, since I don't have the sections that in front of me, I'm looking at condition #7.

53:26

Staff has recommended that the eastern portion of the property be landscaped in accordance with section 6.4 point F .3 point FI and you're proposing that the landscaping plan conform with 6.4 Point C .3 and and then I guess 3 through 5.

53:56

Can you just summarize for me since I don't have the text in front of me, What the what exactly those differences would be?

54:04

I mean they're both sounds like staff is recommending that we apply one set of landscaping conditions and you're proposing that we provide, excuse me, apply a different set of landscaping conditions.

54:17

Can you kind of break that down for me sort of in plain English what the landscape conditions might be?

54:25

We, we are proposing to allow for the NC underlying zoning conditions of landscaping to apply to this parcel.

54:33

But what the staff is recommending is an additional landscaping buffer that would be representative of an industrial use type adjacent to a residential property.

54:48

OK, I, I, I understand, I understand why.

54:50

I understand what you're proposing and why you're proposing it.

54:54

I understand why staff is proposing and why they're proposing.

54:56

And I'll, I'll expand share my views on the various proposals when we get to that.

55:00

And I do, I don't know if it's possible.

55:02

We do have kind of some additional images to kind of show you why we think this is justified, not just a random request and trying to eliminate landscaping.

55:12

Our our intent is to provide a, a buffered screened fence to sort of protect that.

55:18

And on the eastern edge of the property it's completely lined with existing coniferous trees on the neighboring property.

55:28

And then there is a driveway that provides additional buffering from the multi family residential development to the east.

55:36

So this is not just one single family residential home.

55:40

It's a mixed-use rental property with difficult to explain what how the how it's being used currently.

55:58

I appreciate it sounded like you were, I don't want to cut you off, but it sounded like you were done with your presentation.

56:05

Was there more that you wanted to say?

56:07

I apologize if I, well, I, I really, I guess I really want to go more into depth as to why we were requesting in special exception #3 part AB 2.3 J for a that that gross density shall not apply.

56:27

What that gross density requirement would require is that 80%, I believe it's 80, that 80% of the entirety of the lot.

56:43

The other 20% would have to be impervious or pervious surfacing.

56:53

But pervious surfacing obviously that's, that's not in congruity with the intent of a storage facility to have 20% of, I mean the, the, the previous storage facility is already developed and now we have a small chunk of land left for these two, two buildings in which we need adequate traffic flow, we need paved surfaces.

57:21

We're proposing and I I believe the intent of that 20% pervious space is predominantly for stormwater mitigation.

57:32

This site is predominantly underlying sands and gravels.

57:37

We're proposing A substantial amount of sumps to mitigate that.

57:41

The property of the north that's also owned by our client is as an open air space is is all impervious or all pervious and that's like four and three quarter or four and a quarter acre, 4.75 acres of of land which is in the natural drainage collection area for this entire development.

58:07

The the natural cheap flow of water goes to the north can easily accept the runoff associated with the proposed paving and I guess do it on it one second, please.

58:33

All right, what I propose to do we again, I don't want to end your presentation early if OK, So what I propose to do is that we hear from your client, the owner, because I know he he tried to come on and then members of the the board, any questions for either you or the owner.

58:51

But if the owner is still on the line, I guess can you please come back on and introduce yourself And I know you had something you wanted to say earlier.

59:00

So this would be the time.

59:04

Well, thank you.

59:05

First of all, I want to thank you all for taking time on your busy schedules to look at this.

59:11

And for your consideration.

59:13

I just want to put into context.

59:16

We own about 16 of the 26 acres in this neighborhood Center corridor roughly.

59:22

We also own University Storage, which was used as an example earlier of what this property could be.

59:29

I wanted to point out that, and I think this is the biggest point, when we bought both of these properties, we actually also own the land that Dollar General just purchased and we were very instrumental in getting Dollar General to that property.

59:45

So we are a big advocate of cleaning up this area and I would just, I would love for somebody to go back and see what University Storage property look like prior to us buying it.

59:56

It was a disaster and we cleaned it up.

59:59

We made it look as nice as we could.

1:00:00

We put in all the necessary landscaping.

1:00:03

We were doing a great job of trying to clean up the neighborhood, and I'm a big advocate of that.

1:00:07

I love this area and that's part of why we got Dollar General in there.

1:00:12

But with that being said, when they zoned this neighborhood center, I don't think they took into consideration that we have no infrastructure in that area.

1:00:21

There's no water, there's no sewer.

1:00:23

We would love to bring in large apartment buildings.

1:00:28

Coffee shops, all these other things, that large grocery store we looked into that you can't do anything in this area.

1:00:35

There's no water, there's no sewer, none of the grocery stores would even think about coming in.

1:00:41

So you can't do a large development, can't do an apartment complex or anything like that because again, you don't have any way to work with the water and sewer.

1:00:51

So we are trying to do the most we can with this property that we own, again, 16 of the 26 acres in that corridor and try to generate revenue not only for us, but property taxes for the area.

1:01:03

And one thing I'd like to point out, Gary Madsen has been someone that has been not supportive of storage units the whole time we've been trying to develop any of these properties.

1:01:15

And I don't think he realizes how much we generate in property taxes out there.

1:01:19

And that's one thing I want to point out is for the schools, the fire department, the police, we generate a significant amount of property tax revenue.

1:01:28

And again, if we were able to develop this property, that is a win win for not only us, but for the county, the schools, the fire department, the police, and we would love to have the opportunity to clean up this area.

1:01:41

In fact, when I was on with our engineer today, he was mentioning about the landscaping and I said, that's no problem.

1:01:47

That's a slam dunk.

1:01:48

I want to beautify this property.

1:01:50

I want to clean it up.

1:01:51

You know, we we don't currently have water too tight in storage and I would drill a well and

we will put in landscaping and we will make it as nicer, nicer than university storage because that's a win win for us as well.

1:02:02

It just adds value to our property, beautifies the neighborhood.

1:02:06

And again, we would love to do a large scale development on that back parcel, that 4.75 acres with apartment buildings or other things.

1:02:13

But we've looked into it and currently until they get water and sewer out there, we cannot develop that property.

1:02:17

The only thing we can do is open air storage.

1:02:20

And again, when I purchased this property in 2021 with the intention to expand the storage facility, because it was unzoned, it was light industrial.

1:02:28

There's nothing out there that conforms to coffee shops or or grocery stores or anything.

1:02:34

We were just going with what was in that area and on the corridor of I-90.

1:02:39

So I would love to agree to almost all of the things that you guys have suggested.

1:02:48

I'm a big advocate of this area.

1:02:49

We really want to beautify it and just see if there's anything else that I had missed that I wanted to bring up to you.

1:02:57

But in terms of the restrictions out there, we're just trying to conform to what we can do and generate revenue.

1:03:04

So we would love to be able to expand these businesses.

1:03:07

And I promise you it will be as nice or nicer than University Storage because again, it just adds value to our property.

1:03:13

Do you guys have any questions for me?

1:03:20

Your representative is proposing that they eliminate the, the proposed landscaping, which is designed for industrial, which is the use that you want and substituted for NC, which is the use that you're not doing.

1:03:38

I have an issue with that.

1:03:39

I mean, do you have a prop?

1:03:41

Are you talking about the landscaping on the east border?

1:03:43

That's exactly I'm, I, I'm fine with what's proposed by the county.

1:03:48

I have an issue with and I'll be honest with you.

1:03:52

I live across street from this and this reference been made to the neighbors.

1:04:00

Bonne and Milltown is an affordable area.

1:04:03

There are a bunch of junkie trailers in this property and they're junkie because people have are low income and retired in this area.

1:04:12

We have a lot of trailer parks.

1:04:14

They have every right to screening as any other house does.

1:04:18

And, and so, so I have an issue with that.

1:04:25

Well, can I just clarify something really quick?

1:04:27

So we aren't, we aren't eliminating, I want to add landscaping.

1:04:31

We're going to landscape the whole front of the property, not just these two buildings.

1:04:35

I'm going all the way down all 7 buildings.

1:04:38

We're going to put in trees is all I need is water.

1:04:41

And I propose that we drill a well and I'll put landscaping not only in front of these two buildings, but all the way down the front, in front of those other seven buildings.

1:04:48

We're going to put a privacy screening along the east fence, which is the screen that goes along the chain link fence and then we will add a buffer of landscaping along there.

1:04:58

We were just saying that the 15 feet, if you have 15 feet of landscaping along that buffer and you have screening, I don't really know who's benefiting from the landscaping if you have buildings there, but we would definitely consider doing something along that fence.

1:05:19

I don't know if 15 feet is necessary, but whatever you guys, you know, propose, we're willing to accept.

1:05:26

My main objective here is to make this property nice and without water.

1:05:31

Up to this point, it's been pretty hard to do much landscaping at all.

1:05:35

And I understand that the signage out front and some of the things we have going on is not conducive with what you guys want in the neighborhood.

1:05:43

But if you have seen this property since 2021 and realize the investment we've put in it, I've invested already \$120,000 into the buildings.

1:05:53

We replaced all the metal structures that were damaged.

1:05:55

We repainted every single building.

1:05:57

We put all new lighting on there twice because I didn't like the first set of lighting.

1:06:02

We just put new lighting on it again.

1:06:03

We updated the fence, all the security, cleaned up the whole back portion that had all the old campers and trailers and, and you know, 2 foot field of weeds.

1:06:14

We've done a lot back there and I just plan to improve it even more.

1:06:17

So I hope that makes you feel better about that.

1:06:26

Other questions for the applicant or applicants representative?

1:06:31

Sure, if I could just a couple.

1:06:32

I, I see Jenny, I don't know, maybe Jenny, you should go ahead.

1:06:38

Go ahead.

1:06:40

I want to clarify that first of all, I'm working with Mike and James.

1:06:46

Jenna has been great how I see had I seen this beforehand and I'm not I'm not at all being critical because I know it's like last things are always kind of coming up.

1:06:56

These A&B cannot happen.

1:07:00

Sorry, what James distributed to you without a variance going to be one of my questions later on.

1:07:07

So you know, while I, I understand we wouldn't support the removal of the 80% impervious surface, but I can understand wanting to not have to do 14 feet.

1:07:21

But I don't know if storage units have are tall or whatever, but can't do either of those without a variance request.

1:07:28

So I don't know how much time you want to spend talking about either of those tonight.

1:07:33

Maybe they want to bring that back as a separate variance, but also clarify something that Mike said.

1:07:40

Maybe a a little nervous that maybe there's a lack of understanding that when the the conditions refer to the entire site such as St.

1:07:48

frontage trees along the entire site.

1:07:51

We are talking about the entire lot, the entire ownership.

1:07:56

And also just for the record, for future, when people are looking at this for building permit this, these buildings will fall under all other types as permitted because they would be authorized through the special exception.

1:08:09

So just wanted to get that on there.

1:08:11

So you didn't spend a lot of time talking because I know you got a lot of other stuff.

1:08:15

Well, that definitely helps because some of my questions was about A&B.

1:08:18

So one of the questions I had is this addition or request to swap the buildings.

1:08:24

That's that's fine with us.

1:08:27

It doesn't matter to us.

1:08:29

I mean it's about square footage and 50% and so fine.

1:08:33

The the other one was I had so deeper dive into that A&B and I heard on your second deal that sort of a makes this site plan as it's presented unworkable.

1:08:43

It's not viable as presented because of the 80% issue.

1:08:47

The 14 foot, if I understood you were saying that it was requiring you to build a 14 foot building and you didn't want to do that.

1:08:56

It's not the intention to build 14 foot buildings.

1:08:58

You don't need to or don't want to build 14 foot buildings.

1:09:01

We don't need to.

1:09:01

Yeah, we're not for the zoning.

1:09:04

So A&B is going to be an issue.

1:09:05

We're going to have to I guess, parse out how we're going to deal with that because it doesn't sound like that variance for those was on the application today.

1:09:12

So not sure about that one.

1:09:15

I did want to clarify that condition 6 you said you were OK with and that was back to what the owner just mentioned is he's offered to streetscape not only the expansion area, but the entire site and you guys were accepting of that, correct?

1:09:32

OK.

1:09:33

And then if I understand correctly as well that current NC zoning is what we brought up earlier, the Dollar Tree does not require.

1:09:42

So if you build a compliant use in NC zoning, you would not be required to sites landscape, correct?

1:09:51

OK.

1:09:52

And the other one is I believe you said your client was OK or you guys were accepting of that condition 10 that was just added about bringing the signs into compliance, correct?

1:10:02

Thank you.

1:10:03

Can I, can I just offer something up?

1:10:07

Sure.

1:10:08

I think we have a different position than the planning department related to A&B that we included there.

1:10:16

So I would request that this board agree to those conditions within if you if you agree to move forward with this simply for the fact that the the language in the the neighborhood center zoning district states that I have so much paper all other types as permitted.

1:10:46

This is not a permitted building.

1:10:49

Therefore there's nothing within this table that can be applied to what we are proposing.

1:10:59

I, I understand, I understand your position and I understand staff's position.

1:11:04

I'm, I'm not, I'm not in a position to to opine on on which interpretation is, is the legally proper one.

1:11:10

I mean, I'll just say that typically when a special exemption or variance request is granted, that one of the conditions that it complies with all other provisions of the zoning.

1:11:21

And so there's, I guess when you go through that zoning compliance review process with staff that that might be a juncture where you hash it out.

1:11:31

At least that's, it seems like to me.

1:11:33

But and maybe maybe we would have to come back for, but I would, I would certainly agree with with staff if and and we would have requested a variance had it not said as permitted.

1:11:46

They chose to use that language within that table.

1:11:49

This is not permitted.

1:11:55

Just out of curiosity here, if this user project is approved, is that sorry, I just reversed it.

1:12:02

If this project were permitted or approved, is that not permitting the project by the board making action to say you can move forward?

1:12:11

You are approving the special exception to allow a non conforming non permitted building to be developed on this property.

1:12:29

I know AMD are.

1:12:32

Are we going to be voting on A or B or not?

1:12:34

Because I've got a comment about B that hasn't been discussed.

1:12:38

It says equal or greater height than the existing storage building.

1:12:43

That that change allows you to build virtually any height storage facility that you want.

1:12:50

Not equal, not equal or lesser.

1:12:53

Your says equal or greater height than the existing storage buildings.

1:12:58

And I can tell you I can't vote for it written like that, nor can I vote for it with the landscape buffer removed.

1:13:05

So it's your choice.

1:13:07

I I understand your concern there.

1:13:09

I'm certainly happy to add a Max height limitation of what the NC district allows or or whatever you think is suitable.

1:13:18

It's not the intention to to to build high out of the ground.

1:13:22

It the the intention of that request was was simply to to allow it to be lower.

1:13:28

So it, it was, it was just to modify the minimum height, height standard.

1:13:36

And I'll jump in there for once.

1:13:38

And this is, this is Mike.

1:13:40

We can't actually if we, there's no, just to alleviate some of your concerns, we can't do A2 story building because again, that would go beyond our 50% expansion for square footage.

1:13:52

Like James was just saying, we're trying to accommodate their height of 14 feet on the main level.

1:13:58

It costs us more money to build higher.

1:14:01

So James is exactly correct.

1:14:03

If we're not our intent is not to go really high with these buildings.

1:14:06

If that makes you feel better and, and all that all that might comment as far as the the buffer strip on the on the eastern side, if he wants to keep that within the amended conditions or remove that requirement.

1:14:32

I'm all about beautify in the neighborhood.

1:14:34

So that's a condition that's fine.

1:14:46

I had a question earlier and I can't remember what it was, but hopefully I will, it'll come back to me.

1:14:52

So what I would propose we do at this juncture is that we open it up for public comment and then there will be opportunities for board members to ask any clarifying questions or remarks of either the applicant or staff.

1:15:08

But at this juncture, I'd like to hear from members of the public or at least give members of the public an opportunity should anyone wish to comment.

1:15:15

And I want to explain or emphasize this is a public comment.

1:15:21

You're certainly welcome to ask questions, but you cannot direct your questions to staff or the applicant.

1:15:28

And you know, if you want to raise a question that you think the board should ask staff or the applicant that, that is fine.

1:15:35

But it's not a, it's not a question and answer session.

1:15:38

It's just a public comment.

1:15:42

I'm not sure.

1:15:43

I see several people in the room.

1:15:44

I'm not sure how many people are here to comment on this, debating whether we should impose some initial time limits, but I guess I'll just ask that that folks keep their comments succinct so that everyone has a chance to to speak if they would like.

1:16:09

So I guess at this point, if there's anybody in the room who wishes to provide public comment on the special exemption request or the variance request or any of these conditions of approval that have been recommended by staff and proposed to be modified by the applicant, quite a mouthful, this would be the opportunity to do so.

1:16:34

So anyone in the room, if you'd like, please step up to the podium and introduce yourself.

1:16:47

OK, Looks like folks here are just here to listen or about other things.

1:16:52

Is there anyone on Teams participating virtually who member of the public who would like to comment on everything I just said?

1:17:08

OK, hearing none, I guess we will open this up for deliberation by the board.

1:17:16

Before we do that, I one other housekeeping issue, I'd like to ask staff.

1:17:23

There are three members here today.

1:17:27

We obviously have a quorum.

1:17:28

In order to approve any of the special exemption, the variance, any conditions, does that need to be voted on affirmatively by a majority of those present?

1:17:40

So in other words, would 2 to one carry the day or do we need 3 affirmative votes to carry the day?

1:17:48

You need 3 votes to carry the day.

1:17:50

OK, 3 affirmative votes.

1:17:52

That's what I thought.

1:17:53

I just wanted to make make that clear because we need a minimum of three votes.

1:17:57

But OK, at this point I'll ask the board members if there's any deliberations, initial thoughts, comments, any other questions for staff or remember the public yet.

1:18:16

But actually before we go to that, Steph as a, Jenny as All just discovered something that I think will help James with Mike and James.

1:18:26

The minimum ground story height requirements were that he's asking for in B.

1:18:37

Do not let me just read it again and make sure.

1:18:47

I don't believe the that that 14 feet applies to this building type.

1:18:51

It doesn't make any sense to and I was looking for a way to find out for them.

1:18:57

There's a section in here that says minimum ground story height requirements, which is the 14 feet you're talking about, apply only to Multiplex, large, mixed-use, industrial and miscellaneous building types.

1:19:11

This is a distribution and storage building type, which I still feel is a permitted by the special exception.

1:19:18

I mean, if you approve it.

1:19:20

So I think that 80% and honestly, I don't frankly understand why it would be hard to have 20% impervious if you're already going to have water on site and to pave 100% of basically 124,000 square feet.

1:19:39

I don't, I don't think that's necessary and the regs don't allow it.

1:19:42

But the minimum height, I think the 14 feet can be accepted here through this this section.

1:19:54

Thanks for the clarification.

1:19:56

You bet.

1:19:57

Just trying to dig through and help you as you go.

1:20:00

Sorry for interruptions.

1:20:06

Yeah, You know, I'm on the Bonner Milltown Community Council, so I had to disclose that because we know the area.

1:20:18

I'm prepared to support it because as a matter of equity, when they got the property, it was zoned for what they asked it to be used for.

1:20:28

Now I'm prepared to have something that matches the existing buildings, even though the residents of the area are vehemently opposed to it.

1:20:39

But I'm certainly not prepared to vote for the modifications.

1:20:44

The landscaping.

1:20:45

I'm, I, I'm fine with what the county proposes.

1:20:49

I'm not fine with the amendments to that the applicant is putting forth.

1:20:54

So that's my position.

1:20:57

And if it takes three, that means that's a no for me.

1:21:01

So on the on the landscaping issue, I I agree.

1:21:05

I understand applicant is saying this is NC so we should comply with NC landscaping requirements.

1:21:12

Staff is saying, but this use is industrial, so you should comply with the industrial landscaping requirements.

1:21:20

In my opinion, staff's proposal, they both make complete logical sense.

1:21:26

But it I, I, I agree with staff as opposed to the applicant that because the use, I'm looking at the use, not necessarily the zoning, because if the use was in compliance with zoning, we wouldn't be here.

1:21:41

So that's why I, I agree with you on, on that condition.

1:21:46

I forget which number it was 7, I believe.

1:21:50

What if I can just interject for one second?

1:21:54

I'm actually proposing that we increase the amount of landscaping.

1:21:57

I don't know if that was clarified, but I'm trying to actually do more landscaping than I think they were initially required.

1:22:04

If that makes you feel better.

1:22:05

I, I, I think there's two separate landscaping issues.

1:22:08

One is the street frontage, which I think I've heard from both staff and and yourself, the owner all in agreement that if this were to be approved, one of the conditions would be that the the frontage as it as it gets Hwy.

1:22:25

200.

1:22:27

I'm proposing landscaping all the way down Hwy.

1:22:29

200 in front of all buildings and if necessary, down the east border.

1:22:33

I'm if you look at university of storage, that's pretty much what I'm looking to do at this property as well.

1:22:40

We're going to do rock, bushes, flowers, trees.

1:22:46

It's going to be like university storage.

1:22:47

It's going to be very nice.

1:22:49

And so then just to clarify, the other landscaping element was on the eastern portion of the property.

1:22:55

So it would be essentially parallel to the Yeah, I agree to that.

1:23:00

The 15 foot, OK.

1:23:02

I'm, I'm doing whatever you guys propose because it benefits me, it benefits the community.

1:23:11

I'm not looking to cause any problems.

1:23:13

I want to make it nice.

1:23:14

OK.

1:23:14

And so, so you agree with staff's recommendation as opposed to the modification that was presented?

1:23:20

Yes.

1:23:21

OK.

1:23:21

So reinstate condition 7 is what I'm, is what I hear Mike saying.

1:23:25

That's what I hear as well.

1:23:26

Yeah.

1:23:27

OK.

1:23:28

And Jenny, did you have anything you wanted to add to that or no?

1:23:33

And thank you, Mike for clarifying.

1:23:35

Sorry.

1:23:35

Yeah, that's that's fantastic.

1:23:37

And I again, I, I just heard something that makes me think there's a lack of maybe I'm not being clear.

1:23:43

Staff is recommending a Commission and it's written in your staff report.

1:23:48

And if you move staff's conditions, it is to put St.

1:23:51

frontage landscaping from the Far East side to the far West side.

1:23:59

OK.

1:24:01

And maybe just.

1:24:01

Yeah, I think it proposed.

1:24:03

I think it proposed trees every 30 feet.

1:24:05

But I'm going above and beyond that.

1:24:06

I'm gonna.

1:24:08

Yeah.

1:24:08

And if if you make it look like university storage, we will be thrilled.

1:24:13

No, that's we're and we're happy to have you doing that for the community.

1:24:18

And thank you.

1:24:19

Yeah, no, I that's my full intent.

1:24:22

I don't like to have a property that doesn't look nice.

1:24:24

And the only hold back with this one so far is the water.

1:24:27

But when we develop this new section that will allow us to put in a well and have a place to store the components for the well, that has been the issue.

1:24:35

So with this proposed development, I can do all of that and make it look nice.

1:24:48

Babic it just for sake of getting to motions when you're all ready, I'm going to make some assumptions based on the conversation I've heard.

1:24:57

And so your motion will be to approve with conditions as recommended by staff as amended, as amended and then clarify those those sections that you want to amend.

1:25:11

And from what I hear, condition #3 would allow the swapping of buildings.

1:25:16

And I think that is the only amendment I've heard that you're interested in making.

1:25:22

So I just summarizing what I've heard that is that's what I've heard as well that you know what other members of the board correct me if they've heard something different that the only proposed amendment on on the table or on the floor, whatever you want to call it.

1:25:40

The the only proposal from the proponent, the only proposal to change staff's recommendation would be to allow the applicant to consider swapping the building.

1:25:53

It would be the same 2 buildings as in the plan, but we might reach the order and and not having to be subject to that 15 foot height.

1:26:01

But you don't need to build that into your condition.

1:26:03

I just want to make sure that's clear on the record.

1:26:11

And did you have any other thoughts or considerations on I have a disagreement with the majority of the board.

1:26:16

It appears on condition 7, but in spirit of compromise and everybody seeming on board with it, there's no reason to make that pitch.

1:26:26

I feel like that it is not necessary to have that buffer.

1:26:30

I feel like the screening and the setbacks and the vegetation and things that are there and the compliance with NC zoning is adequate, but the applicant seems to be offering it.

1:26:39

So I don't want to keep them from getting that.

1:26:43

And I think they are going to have to work in the spirit possibly to meet this condition.

1:26:48

A, it sounds like you're thinking that's still beholden to that condition.

1:26:52

So they may have to use the, they may need the 15 feet to get to the 80%.

1:26:58

And so from that in the streetscape and other things, I, I think I could be on board with that.

1:27:04

And as long as James feels that the 80% could be achieved, James, you feel like the 80% could be achieved if we do some landscaping along that border.

1:27:13

So can I comment?

1:27:17

Sure.

1:27:17

I don't want to disrupt the process.

1:27:21

But I guess I guess my concern is, so we're taking the whole site into consideration where there's an existing development, right.

1:27:27

So we have to account for that across the whole site.

1:27:31

So if we calculate 20% of the entirety of the site with oh, it's 20% of the entire yes property, not just the park portion where it would be that would be that would require that 51% of the remaining undeveloped portion of the property be in it'd be pervious.

1:27:56

How's that attainable so that you have landscaping on site.

1:28:05

Have you, have you, are you, have you counted this area within the property line as well as this, if we take into consideration the existing landscape, it, it means 30% of the the remaining portion of the undeveloped area needs to be.

1:28:21

And so I mean, it seems like perhaps this of these buildings could be shifted closer.

1:28:28

I mean, all you need is as evidenced by right here is a driving lane adjacent to the storage units.

1:28:37

What's our intention was to provide a site plan to present to the board that we thought could be developed.

1:28:47

And unfortunately these conditions came last Wednesday.

1:28:52

And rather than working with staff in the, you know, 2 month long, three month long process to bring this out, you know, here we are at a hearing sort of working this out in front of this board.

1:29:08

And that's, you know, the unfortunate situation.

1:29:12

There are a lot of nuanced details to how how wide the drive lanes need to be in order to get certain types of vehicle types and things into the storage facilities that are proposed, which is part of the reason why we wanted to leave the flexibility of the the building swap.

1:29:29

You know, some of these facilities are going to be used to house potentially boats and trailers and, and things of that nature that require large turning radiuses and the ability to back them up into a storage facility.

1:29:42

So it, it really limits the ability to have this force a store, you know, a house storage facility.

1:29:51

It it, it certainly limits the type of building that he's going to be able to put on site.

1:29:57

And it, and I think that's one of the large demands in the whole area, which is driving the development of this storage facility.

1:30:04

The, the expansion of the storage facility in the 1st place.

1:30:06

There's, there's not very much on street parking or off street parking in a lot of these places.

1:30:12

And it, that, that's what a lot of people are using storage facilities for.

1:30:18

So that, that is the intent.

1:30:20

But the the 20% of the overall site requirement of pervious area is is a substantial requirement in my opinion.

1:30:36

Jenny, it look like you're doing some math.

1:30:38

Did you want to I I look like it, huh.

1:30:43

Let's see So learning.

1:30:47

Yeah.

1:30:48

I mean, aside from the fact that to not comply with this would require a variance for another day.

1:30:54

So I don't, but I I it seems to me that let me share my screen.

1:31:02

No, where am I, I guess while you're looking at that, I guess that was my or while you're pulling that up.

1:31:08

I was going to comment and also ask the question that it, it seemed to me that procedurally that if we were to grant this exemption as currently presented without any changes other than to swap the building, you know, which one's going to be in which order.

1:31:28

That as the applicant works through zoning compliance review, if there's an issue later in the process, they could come back for a variance request on that provisional.

1:31:40

Of course, you know, no applicant wants to go through this process or any process or procedure more than is needed.

1:31:48

But I, I just, I just wanted to clarify that if that, that does become an issue, there is still a remedy or potential remedy available.

1:31:55

I don't, I don't want to just want to clarify.

1:31:58

So that's the question.

1:31:58

I just want to so that is a possibility, right.

1:32:01

And and you know, of course we would work with Mike and and James and Jenna on any future invariance request.

1:32:09

But I think we would also explore in this particular case the the reason for the need to do full down lay down paving on the whole site versus breaking it up with.

1:32:22

Now of course you can't really you know retro back too much into what's here, but there may be places to gain or I don't.

1:32:36

Let's see can I?

1:32:37

Yeah, the requirement of 20% pervious surface ends up being about, I think 2425 thousand square feet.

1:32:49

When you add this strip in the eastern area, you're at about 8-8 or 98000 I think square feet.

1:33:00

So you do have, you know, another 13,000 square feet to, you know, get some landscaping or at least make it, make it pervious.

1:33:11

There are ways to make driving surfaces pervious.

1:33:14

So I'm going to leave it at that.

1:33:18

I, I have the, I have the numbers, I can, I can assist with that.

1:33:22

So the currently undeveloped area is 48,762 square feet, which represents 39% of the site including all the landscaping that exists and is proposed.

1:33:36

An additional 13,984 square feet, or 29% of the remaining undeveloped land, would be required to be pervious.

1:33:54

I appreciate that might present a hardship or might require some creativity such as pervious driving services, but I is, I'm, I'm open to persuasion from other members of the board.

1:34:06

But what I've heard from from staff is that essentially you're asking for a provision in the neighborhood community, the NC zoning provision of the, the zoning regulations, you're asking that a certain provision not apply.

1:34:25

And there are criteria essentially for a variance request.

1:34:28

And I don't think, I don't think in staff has stated that they don't think that we can grant a variance request unless that goes through the proper application and public notice.

1:34:40

I, I understand the concern.

1:34:42

I understand staff's concerned, but that that's my understanding.

1:34:44

And so I don't think I don't think we have the authority and I would hate to, you know, even if it's 5050 questionable and we grant it and then there's some question down the road and it's, you know, deemed outside of our authority.

1:35:00

Well then you know, you're probably in a worse situation.

1:35:04

But I'll give staff the opportunity to to clarify.

1:35:09

I mean, is that is that what I just said?

1:35:12

Correct.

1:35:12

That essentially there that the provision is part of the NC zoning.

1:35:16

Yeah, yeah.

1:35:18

And if there, if there was an impossible, if it was impossible to provide it, a variance would be appropriate.

1:35:25

I just they would need to demonstrate that that there was no other place to find the pervious surfaces through a variance process.

1:35:38

Just one quick question.

1:35:39

So this property has been there for almost 30 years and we're now trying to retrofit it into a zoning that was never required initially.

1:35:52

And we're putting all these requirements on this tiny little segment on the east side to try to accommodate the current zoning.

1:36:01

And my only thought is, is that we're going to sacrifice beautifying this property and cleaning

it up for the neighborhood and adding value and generating tax revenue for the county, the schools, the fire department to accommodate this pervious surface.

1:36:18

When James mentioned earlier that whole north side is pervious and we have sumps that are going to drain all this.

1:36:25

I think that it would not only benefit the community and Bonner Milltown to have more trees, more landscaping, 2 buildings and not worry so much about the 8020 rule and have that drainage go either north or in the pumps.

1:36:42

So I mean, if you look at the plans we have, sumps and University operates perfectly with the sumps.

1:36:47

And I would hate to have this property and this project scrapped and the beautification that's going to happen for this neighborhood, all because of an 8020 rule.

1:36:58

I think there's got to be some sort of exception that can be made because otherwise all that's going to grow in that field is nap weed for the next 30 years.

1:37:05

There's nothing that can be done with that property.

1:37:07

And I've looked, trust me, for three years, I've looked at projects that can be done and there is nothing that can be done other than outdoor parking until we get infrastructure, which there's no plan for that.

1:37:18

There's no, there's no revenue generated for the county and it's going to look a lot better than the knapweed that's growing on there right now.

1:37:26

I can tell you that I'll make this property look really nice.

1:37:29

So I wouldn't sacrifice this project over an 8020 pervious surface.

1:37:34

And, and just to clarify my understanding and what I was trying to say earlier is that we wouldn't, the board would not necessarily deny this request, at least the way it's presented.

1:37:48

And I mean, when I say request, I mean the special exemption request and the variance request.

1:37:52

Instead, what might have to happen is if hypothetically this board were to grant those a special exemption in the variance request as you and your representative go through zoning compliance review with staff, potentially you could work something out.

1:38:07

But if not, you might have to come back here just to address the 8020 that I.

1:38:12

All I'm saying is that I don't think we have the authority, legal authority to resolve that specific issue right here tonight.

1:38:21

I I understand why you'd like to get it done.

1:38:24

No one wants to have to come back and go through these hoops again.

1:38:28

But I don't as the way staff explained it is that essentially you're asking for a waiver or in the term terminology of the zoning variance, what's that?

1:38:41

Currently it's not developable.

1:38:43

If we have to do 20% of that land, you have to be able to generate money.

1:38:48

This is expensive.

1:38:49

I I think people don't understand billing storage units is expensive and all the landscape is expensive.

1:38:53

And to donate 20% of that entire parcel to pervious requirements, it doesn't make sense to even develop it.

1:39:03

So instead of generating more tax revenue for the county and beautifying our property, I, I can't justify expanding this property and having 20% of that little parcel be or 20% of the entire property on that little tiny parcel be pervious.

1:39:19

It doesn't make sense.

1:39:20

And I'm a business guy.

1:39:21

This, this is what I do.

1:39:24

You have to look at the numbers and it doesn't pencil at all.

1:39:29

So I would like to beautify it.

1:39:33

We're permitted to do outdoor parking, open air parking on that entire parcel.

1:39:38

I can do open air parking on that parcel.

1:39:40

I would like to do storage and I would like to do landscaping, but I don't know what else to do.

1:39:51

Yeah, good.

1:39:54

So just to clarify with staff, we have two choices.

1:39:58

They can withdraw their application which is changed or we can approve the one that's before us.

1:40:07

Those are the two issues we have, right?

1:40:09

We cannot approve it as amended their amendments.

1:40:12

No, I would agree yes, I would agree with you.

1:40:15

Those are the options we are obligated to make the public aware of non, you know, proposals to not comply with zoning regulations.

1:40:24

So those are the choices for you and the owner.

1:40:29

That that was my understanding as well.

1:40:30

And I, I just want to reiterate to the owner that I mean, there, I don't have the whole zoning code booklet in front of me, but there's, you know, several other provisions in the NC zoning.

1:40:43

But we were just made aware of this last like literally we've had not even a week that we knew about this.

1:40:48

We've been working on for two months and didn't know that this 8020 existed.

1:40:52

Well, I guess as Rick said, the other board member said, if you'd like to withdraw the proposal and resubmit it as one proposal.

1:41:04

So to be as I understand it is could be right now we have essentially 3, it's one package, one hearing with three, which should be with two elements.

1:41:13

The first element is the special exemption request to allow the construction to take place and the the second element is the variance request to not comply with the build to zone.

1:41:25

In other words, we don't you know, to have the set back be consistent with the existing structures.

1:41:32

What I'm hearing from you and your representative is there should be another variance, a second variance request or a third element to this project having to do with the 8020.

1:41:42

So I guess I'll ask you and if you need to go offline and speak with your representative.

1:41:49

But you know, you don't have to do that in the public forum.

1:41:51

But it seems like as long as procedurally it's permissible through staff that you know can withdraw it and resubmit it.

1:41:59

But your representative has something you must say.

1:42:02

Good.

1:42:03

Can I just say that's not my, that's not my position.

1:42:07

My position is that this this table with this 8020 requirement does not apply.

1:42:15

And I am just specifically asking that the Board put provision A within the amended conditions of approval so that there's clarity within that regulation to state that this provision, because it is not a permitted building type, does not apply.

1:42:36

That isn't, that is my stance on, on this issue.

1:42:40

And I, I understand it's in disagreement with the staff.

1:42:43

And I remember you said that earlier.

1:42:44

And I, and I, and I, I hear what you're saying.

1:42:48

You know, you're, you're trying to parse the language and staff is trying to parse the language.

1:42:52

You know, you're trying to, I don't think it's the province of the Board of Zoning adjustment to make a, a legal interpretation as to what that language means.

1:43:02

And so I don't want to write into, I would, I'm personally disinclined, I'm hoping to persuasion from other members of the board, but I'm personally disinclined to write into what essentially would be a special conditions condition and interpretation of the zoning regulation.

1:43:18

I don't think that's our, our province.

1:43:22

You know, maybe when you sit down and go through zoning compliance review with staff, you'll reach agreement and you won't have to make another variance request.

1:43:30

Or you know, if, if there's disagreement, you could pursue A variance request or other, other avenues that might be available.

1:43:37

Seem like Andy, you had a comment on on this.

1:43:42

One of the questions I had is when is this kind of seems like the last thing we're kind of wrangling about.

1:43:47

And it sounds like this hasn't become known to the applicant until the last week.

1:43:51

It sounds like.

1:43:54

It seems like I, I heard Rick say earlier there was two options.

1:43:57

I think there's possibly four options.

1:44:00

One is the applicant withdraw.

1:44:03

The other question I have is could we table this?

1:44:07

The other one is we can vote up or down and that we can vote no or we can vote yes with amended conditions.

1:44:13

So I think there's four options on the table.

1:44:15

Is that true withdrawal approve table or what was the other one deny.

1:44:26

I mean, we we could deny it, we could approve it with some value lag of conditions.

1:44:32

The applicant would just say I'm going to go back to the drawing board and I don't want I don't want a decision.

1:44:37

I want to withdraw or could we table It is a question I have so that maybe rather than I heard this reapply, reapply sounds more painful than maybe amending an application to come back and ask for this second variance that maybe that's not any different.

1:44:52

It's it's if it may, it may feel less onerous to them, but for us it's a new a new application, new fee new and and we can bring it back that way.

1:45:04

Certainly it would probably be earliest would be September.

1:45:09

All right.

1:45:09

So maybe tabling just means they're basically are withdrawing and bringing a new application.

1:45:12

So maybe tabling is not really an option.

1:45:14

No, I mean, I don't think it's a bad idea at all.

1:45:17

I mean, if they want to table it and then bring it back in conjunction with a new variance request, that's that's I think it's possible.

1:45:28

So the other hybrid I have to this question is the role or the power of this board?

1:45:32

So it's for special exceptions for variances, but if there's a difference in opinion of a zoning officer and an applicant, is that something that can come before this board?

1:45:42

A difference of opinion as what?

1:45:45

Because because you guys, there's two differences of opinion about the application of this rule.

1:45:49

And hopefully you guys could set it down, maybe massage the site, maybe find 13,000 square feet.

1:45:54

I don't know that would be the applicant and you know, to figure that out.

1:45:58

But is there a if, if they ultimately they don't want to ask for a variance and if it's just a, an interpretation issue?

1:46:06

I thought there was a point of a zoning officer decision could be appealed to this board.

1:46:11

That's my point.

1:46:12

That's what I was going to have, right.

1:46:14

So I phrased it incorrectly.

1:46:16

Yeah.

1:46:16

An appeal of an administrative decision would first go to the planning.

1:46:20

So first we would have to issue an opinion.

1:46:22

And let's say I've, let's say by me saying it here tonight, I've issued our opinion, then it gets appealed to our planning director and then, then the planning director's opinion, if it's, if it's contrary to what the applicant wants, then they can appeal to you.

1:46:35

It's again, it's a process.

1:46:38

I've never done it.

1:46:39

So I don't know the details of how to do that would be another hybrid option of going forward.

1:46:43

Either they went to a variant or they have this opinion and bring convincing evidence to the pros and cons and we can look at that.

1:46:51

The problem with that is that really wasn't on the table today.

1:46:54

You haven't made an opinion they've known in the last week.

1:46:58

So it just seems like unfortunately it that's where we're back to approve it with conditions that maybe aren't perfect.

1:47:05

Deny it, table it or withdraw it.

1:47:08

Yeah, I think, I mean, I think there's a variety of options and it's just whatever the applicant wants to do.

1:47:16

And just two things real quick, Andy, that's I agree.

1:47:19

I think that is an option and that's why I said earlier they could, you know, if there's disagreement, they could pursue A variance request or whatever avenues.

1:47:27

What I'd like to do, if it's all right with everyone in the room, is give the applicant and his representative a time, you know, 5 minutes to confer.

1:47:38

If anyone needs a water break, comfort break, this would be the time.

1:47:42

I, I know we have other items on the agenda.

1:47:45

I want to be respectful of everyone's time, but I I don't want the applicant to feel like they have to make a decision right here, right now on the spot.

1:47:52

So 5 minutes.

1:47:54

I know that's still, you know, not a huge amount of time, but the representative could.

1:47:58

Yeah.

1:47:59

Can I just ask a point of clarification?

1:48:01

If we you mentioned withdrawing the application, If we withdraw the application is a new application fee, a whole new application process required to move forward.

1:48:12

Staff is shaking her head and looking at we'd have I think we'd have to talk.

1:48:17

Maybe we'll we will hope could we do you think we we might know and if we took a 5 minute break, I guess you'd need to know as part of your confirmed or heard heard just like I heard I

mean it there there are there are so many permutations of what I hear could be coming forward.

1:48:34

I don't know that I can answer that, but we have to do all new notice Missoula County voice APO letters, a new staff report come to the hearing again.

1:48:43

So yeah, likely it would be, but if you table it so I don't I wouldn't unless you don't want to do this.

1:48:50

I would not advise withdrawing this.

1:48:52

That's that was my next question is so tabling is different that does that require a new application fee and a whole new not for these two, not for the special exception and the variances that you've already requested.

1:49:05

There will be no fees for a new variance request.

1:49:12

OK, I I guess on that logic if they wanted to roll in this 80% argument, sorry, I just injected myself.

1:49:21

If they wanted to add this 80% to the discussion more formally for staffing the pinned and everyone had their position, it's another variant.

1:49:29

So there's a fee for a variance.

1:49:31

Is that per head or is it one fee covers 5 variances or well, if it had, if it had been part of the request.

1:49:39

And, and James and I met months ago and we went through every element of the zoning.

1:49:46

And I, I don't want to, you know, discredit anybody, but I feel like he was fully informed that the MC zoning is what applied and getting a staff report on the Wednesday before the meeting, which is more than a full week in advance, is how every applicant in this county operates.

1:50:07

And so be just saying that there wasn't enough time.

1:50:12

I'm, I'm going to have to push back on that.

1:50:15

But I, I feel like I've worked with them for months to get this through, acknowledging the the kind of unusual circumstances.

1:50:30

And I, I guess I feel a little offended that it doesn't feel like it's been good enough.

1:50:38

So the application that he made, we'll work together on and to get to what I thought he was looking for.

1:50:47

If there's more.

1:50:49

Yeah, it's going to be a lot more work.

1:50:52

And I guess what I was really trying to get to the root of it was, is there a difference?

1:50:56

Because I heard you say a few minutes ago, I believe you would recommend they table it not withdraw.

1:51:01

That would be my advice if, if tabling it doesn't let them bring this other element to the table.

1:51:06

And if that's important to them, then withdraw may be the only option or accepting what they may get as an approval table.

1:51:13

What I guess what I'm imagining is you table this this request and then you make application for whatever other requests you want to make.

1:51:23

We'll bring it back on the same day we open, we run table it and we take it all together with three separate motions or however many variance requests we table it.

1:51:36

We would not need a new staff report on the two items before correct this stand just just be so tabling would be a more streamlined economically and time wise I guess is my I think so if that if that's the inclination of the applicant not and they can still get the same decision they would possibly get today is we wouldn't accept the 80% or yeah, I don't know.

1:51:59

Or maybe you can amend it to be 7030, you know, because if we're doing a variance, that's why we're doing a variance from 8020 so we can make it 7030.

1:52:08

Yeah.

1:52:09

OK.

1:52:11

Are are we good taking a break?

1:52:12

All right, Yeah, I have 751.

1:52:18

Let's be back at 7:57.

1:52:32

I wonder why they can't just take an approval and then just try to hash out.

1:52:37

That's what I thought they were heading an administrative decision, right?

1:52:50

I thought we, yeah, I thought that was something that they, we talked as an option and then they started going towards withdraw our table.

1:52:57

So I don't know it would be worth them attempting.

1:54:04

I know, how are you?

1:55:30

Yeah.

1:56:02

Yeah.

1:57:54

All right, it is 757.

1:57:57

We're going to resume.

1:58:00

It is 757.

1:58:02

We're going to resume the Missoula County Board of Adjustment meeting July 16th, 2025.

1:58:11

Prior to taking a little break, we had discussed with applicant with the applicant if they wish to have this board consider the variance request and special exemption request should be in the other order.

1:58:26

I apologize or if they wish to table or I guess withdraw or any other options that are available to them.

1:58:32

So I guess before we do anything else, we'd like to hear from the applicants representative James.

1:58:40

Yeah.

1:58:41

It's decision of our client to move forward with the special exemption process as recommended by staff, rescind our proposal for amendment and move forward as staff has recommended.

1:58:57

OK.

1:58:58

And so I would just like like to make a statement for the record based on what happened prior to going to this break.

1:59:05

I'm not using the time there's any type of excuse and I appreciate all the work that staff has done.

1:59:11

That was that was not the intention of anything I said here today.

1:59:14

So I'm sorry that that was interpreted the way it was by staff, but that wasn't was never my intention.

1:59:23

I was simply simply saying, I wish we could have worked this process out process out ahead of the meeting so that it was presented in a better manner.

1:59:33

That's all.

1:59:35

Appreciate it.

1:59:36

And I'll note for the record that I know staff puts a lot of time and effort into these applications, into these meetings.

1:59:44

And so I reiterate, I will repeat the support for staff and the hard work that they do.

1:59:51

And these are not often, they're not easy issues with a lot of nuances and so great, thank you.

2:00:05

So there's the board wish to deliberate or.

2:00:11

I guess I just want maybe apologize.

2:00:14

We the applicant we still want to keep the there was we have Staffs recommended recommended conditions and there was a proposal to on one of the conditions that the applicant be permitted the flexibilities of swap building footprints.

2:00:32

You still still want that OK, you're not in yet.

2:00:34

So that's, so we will keep that amendment.

2:00:37

Jenny, were you going to say something or?

2:00:39

Oh, sorry, no, I was, I was going to pull up the slide for the motion.

2:00:44

OK, Yeah, I, I guess what the applicant just said is they were basically entirely deferring to what staff had there.

2:00:57

Seems like there's sort of 1 issue about them requesting that swapping the building, but I'm not even sure from what I saw from staff that that's necessary, which then just brings it back into compliance with the staff report without amendments other than the condition 10 being added for the signs.

2:01:20

I think that just for because the applicants requested and I think would alleviate any anxiety they might have about being able to swap those buildings.

2:01:28

Not at all, not at all.

2:01:30

And if they decide to, you know, if it's approved tonight and we want to work with them to see if there's a creative solution to getting to that 8020 if they want, if we come up and it's, you know, they can't do it course and appeal.

2:01:48

It is not a personal thing.

2:01:50

We, you know, we facilitate that as well.

2:01:52

And if they need to then come to the board for variance.

2:01:55

Happy to bring it.

2:01:56

So I have a the motion for the special exception on the, I think on the screen for the 10 recommended Commission conditions of approval as amended, which is simply the swapping of the two buildings, didn't they?

2:02:12

Did I hear something different?

2:02:13

I heard that they were going to withdraw and request a variance.

2:02:21

No, no, they want they want to move forward with with the two requests before you tonight as presented.

2:02:30

I think the only thing they were withdrawing is their is what they handed us with the yeah, the OK, got it.

2:02:35

So the only thing we're that's a been meant is the swapping of the buildings, correct, I think yes.

2:02:45

Well, if someone needs to take a stab, I'll take a stab at it.

2:02:48

The conditions is the one.

2:02:49

Am I to read these 10 conditions?

2:02:51

No, no, just the motion here on the on the screen.

2:02:54

I move that the special exception request to expand the Titan self storage existing legal and non conforming use with two additional storage buildings shown on the site plan be approved subject to the 10 recommended conditions of approval as amended.

2:03:10

And I'll second it.

2:03:12

And the only amendment is to staff recommended condition #3 to add additional text to allow the applicant to swap the two building footprints.

2:03:26

Yes, we Board of zoning adjustment like any further discussion, are we ready to take a vote on this?

2:03:31

I would accept that amendment roll call.

2:03:38

Please recall in favor Andy Mafford.

2:03:45

Yes.

2:03:46

Babic Rascafarb.

2:03:48

Yes, the motion has passed.

2:03:53

Thank you.

2:03:53

Motion has passed with the unanimous vote.

2:03:56

Thank you.

2:03:56

You have your special exemption.

2:03:58

Now we have another motion that's per recommended motion before us.

2:04:07

I can try this one recommend that the variance request did not comply with the zero to 10 foot build to zone along Hwy.

2:04:17

200.

2:04:17

E's be approved subject to the recommended recommended conditions of approval.

2:04:24

I'll second any need for discussion or can we go to roll call on that please?

2:04:31

Roll call for recall, yes.

2:04:35

Andy Mifford, yes.

2:04:37

Babak Rascoffard yes, and we have unanimous vote on the second motion.

2:04:44

You have your variance request as well.

2:04:47

Thank you very much.

2:04:49

We're going to go to the next item, public hearing item, which is EU Haul mini warehouse special exemption.

2:04:57

Patrick, you're going to, we're going to hear from staff, staff's report.

2:05:00

So we'll follow the same process.

2:05:03

I think this one's a little bit.

2:05:06

I don't want to, I don't want to.

2:05:11

Good evening.

2:05:12

For the record, Patrick Swart, I'm a planner with the Office of Planning, Development and Sustainability, and today I'm presenting the staff report for a special exception request out at 4567 U Haas Ranch Lane.

2:05:24

This is to allow for a mini warehouse use.

2:05:26

Looks like Nope.

2:05:32

It was lagging for a second, but it's up on the screen there now.

2:05:35

So here we can see the property location outlined in black and green on the screen.

2:05:40

We're just north of Hwy.

2:05:42

93 S, about halfway between the intersection with Blue Mountain Rd.

2:05:47

and Buckhouse Bridge.

2:05:50

The applicants are requesting special exception approval from the Board of Adjustment to operate a mini warehouse in the Commercial Center zoning district tonight.

2:06:00

This is part of a broader request for AU Haul Center development at this location, which would include, in addition to the mini warehouse storage unit uses, retail sales, vehicle and equipment rentals and U-Haul vehicle maintenance facility on site as well.

2:06:16

With the exception of the mini warehouse use, all of those other uses are outright permitted in the Commercial Center zoning district and could be approved if it meets all of the zoning requirements with just an administrative zoning compliance permit.

2:06:29

But the storage units per zoning regulations fall in the light industrial use category and can only be permitted through the special exception process.

2:06:39

In this zone of the on site proposed improvements, they're showing 4 total proposed buildings.

2:06:44

Three of those four would house this special exception use and would include a total of 333 interior access storage units, 54 exterior access units, And one of the buildings would be a warehouse for storing up to 600 U Box units, which is from my understanding of their application where you order like a storage pod that gets delivered to whichever location you load your stuff up and then it gets hauled back and stored in this warehouse on their property.

2:07:14

Their proposed hours of operation for this use would be Monday to Thursday 7:00 AM to 7:00 PM, Friday 7:00 AM to 8:00 PM, Saturday 7:00 AM to 7:00 PM, and Sunday 9:00 AM to 5:00 PM.

2:07:27

A little bit of background on the property here, 4567 U Haas Ranch Lane is a 61.61 acre parcel and as we can see on the screen here, it's split zone between agricultural reserve and commercial center.

2:07:41

So the vast majority of the property seen in this darker green shade is agricultural Reserve and then 11.26 acres in red is the commercial center zoning district.

2:07:52

For the zoning regulations.

2:07:54

In this instance, the regulations for each zone would apply to those particular portions of the property.

2:08:00

So their project site is just the 11.26 acres on commercial center and they're only subject to those commercial centers zoning regulations and the special exception criteria as well.

2:08:13

The property is located in the Missoula Rural Fire District and their proposed access is going to be off of U Haas Ranch Lane, which is a private access Rd.

2:08:22

that runs NS along this western property boundary and has an approach directly on the Highway 93 S.

2:08:32

The proposed project site falls entirely within shaded X500 year floodplain seen in yellow here.

2:08:39

The floodplain boundary also aligns with the zoning boundary in this instance and then the remainder AGR portion that's proposed to just remain undeveloped with this project falls within zone AE 100 year floodplain.

2:08:52

We did get some comments from the Missoula County floodplain Administrator and I'll get into those in a little bit more detail further on in the presentation here.

2:09:01

The property is also there's some mapped wetlands on site for the Montana Natural Heritage Programs riparian resource and wetland mapping database.

2:09:12

This is regulatory per our zoning, but the proposed project site would be in compliance with all of our riparian and wetland resource buffer standards.

2:09:25

So here we can see the proposed site plan and I'll turn my laser pointer on so you can kind of track what I'm pointing at here.

2:09:32

We can again see outlined the zoning boundary, which will serve as our project site boundary for this project.

2:09:38

Again, it's 11.26 acres.

2:09:41

The north most building they're showing on the proposed site would house their vehicle repair facilities and they're also showing some office space and employee spaces like restrooms and a it looks like an employee break room on their site plans and their floor plans.

2:09:56

None of the uses in here would be subject to the special exception down in the middle building.

2:10:01

This building would be primarily self storage and there's a small section of it dedicated to retail space, which would be on the western end of the building towards this parking module.

2:10:11

The southern building here would be entirely self storage.

2:10:14

And then we have EU Box facility over here.

2:10:20

I apologize in advance.

2:10:22

This slide is a bit chaotic, but I think necessary to illustrate a little bit more about kind of the nature of the zoning districts in this area and the existing uses in this area.

2:10:32

So as you can see by all the different color shades here, we've got a variety of different zoning and it's a mix of both Part 1 and Part 2 zoning districts.

2:10:40

Everything we see in this maroon color is a Part 1 citizen initiated zoning district.

2:10:47

The remainder of the colors are Part 2 zoning and would fall under this big book of zoning regulations that we're dealing with tonight.

2:10:53

And that's what their project is subject to.

2:10:56

Zoning districts range from resource and open lands all the way up to agricultural, low density residential and then some commercial center uses.

2:11:08

Much of this area developed prior to the adoption of our current 2022 zoning regulations.

2:11:13

So we have quite a bit of legal non conforming uses and site development in this area that just predated the regulations and haven't come in for new development permits that would require them in some cases to come in to compliance with the existing regulations.

2:11:29

As we can see here, there's some adjacent auto repair and used car sales.

2:11:33

There's a nearby existing mini warehouse facility that's currently being built out in phases.

2:11:39

We have furniture and appliance sales, shed sales, trailer sales and services.

2:11:44

And then to the north and West here we've got quite a large area of open land, most of which is all within that zone, a floodplain or directly within the floodway.

2:11:56

And I will also note some adjacent residential as well.

2:12:05

This project was sent out to agencies for comment and we received a handful of comments back.

2:12:12

One from the floodplain administrator who just noted that the property is located within that Bitterroot River flood hazard area and stated that the current request that we're considering tonight does not conflict with floodplain regulations, though when they come in for permitting, they'll have to go through that floodplain review and assessment and maybe subject to permitting requirements.

2:12:32

The Missoula Rural Fire District commented that the buildings may require fire sprinklers and alarm systems and noted that access and on site circulation looked adequate based upon the existing site plans submitted.

2:12:46

The Montana Department of Transportation identified that this change of use will impact their facilities, specifically that approach from U Haas Ranch directly onto Hwy.

2:12:55

93 and they requested a condition that requires them to get an approved approach permit from them and complete any necessary improvements to that approach.

2:13:07

So we are recommending a condition of approval that that MDT approach permit be acquired before they would be issued A zoning compliance permit.

2:13:18

We also received a comment from the Missoula County Parks, Trails and Recreation Department and they expressed concerns about impacts to the Bitterroot Trail and non motorized trail that runs parallel to Hwy.

2:13:29

93 S there and crosses over EU Haas U Haas Ranch Lane.

2:13:35

They have recommended some proposed improvements to that to help ensure public health and safety for trail users.

2:13:40

And when I get a little bit further into this presentation, I'll go through their specific recommendations and what we're recommending for conditions of approval.

2:13:48

And then lastly, we just received a comment from the Public Works Building Division noting that future structures on these sites are going to require appropriate building permits and or trade permits if necessary.

2:14:01

Just an overview of staff findings.

2:14:03

Complete findings and recommendations are included in the staff report that was attached to tonight's agenda.

2:14:08

But just to give a little bit of an overview, u

2:14:47

This slide here is just kind of to give a quick illustration of when we're recommending conditions of approval in relation to a special exception request.

2:14:55

This is the criteria or I guess the parameters that are laid out in our regulations and I, I won't read that for you.

2:15:03

We can come back to it if we need to.

2:15:08

So the first condition that I'd like to discuss is related to parking lot interior landscaping.

2:15:15

We are recommending a condition that goes above and beyond the standard parking lot interior landscaping, which is required on this property.

2:15:23

The way that parking lot interior landscaping is currently required is based upon the number of proposed parking spaces and that would put it in our zoning category basically for 11 spaces to 100 spaces.

2:15:36

And that has a specific set of criteria for how they have to landscape their parking lot interior.

2:15:41

That would be required as a base requirement and zoning regulation.

2:15:45

Regardless, what we are proposing with our condition of approval is that they have to meet the standards for 101 or more parking spaces.

2:15:53

And I will clarify they're showing 60 on their site plan.

2:15:56

And just to give a little bit of a, I, I guess, background and rationale for why we're proposing this elevated parking lot interior landscaping.

2:16:06

This site has a proposed area here that we're seeing of approximately 6 1/2 acres of impervious surface.

2:16:13

If you exclude the buildings, the parking, parking stalls and Dr.

2:16:17

aisles are about 4 1/2 acres of pavement.

2:16:21

When we look at the intent of our zoning regulations here, the parking lot interior landscaping is intended to one, reduce things like the heat island effect that comes from putting in that much paving, breaking up those impervious surfaces to improve on site drainage, which we feel is a particular concern in this case where we're directly upgrading adjacent to zone AE floodplain, we'd like to see that impervious surface broken up as much as possible to help with water to help manage storm water impacts associated with introducing this large, large paved area as part of that parking lot interior landscaping, we drafted up an exhibit here that shows recommended locations for that parking lot interior landscaping.

2:17:09

So we'd like to see it book ending their proposed parking modules in these locations here.

2:17:15

They had proposed interspersed within this Isle of parking modules.

2:17:19

And then we also recommended landscaped beds along blank building facades and there are some allowances in there.

2:17:27

I believe these two buildings have a single access door along there that would allow them to break it up and and accommodate pedestrian access into and out of the buildings.

2:17:38

In addition to that, just as a base requirement per our zoning regulations, they'd also be required to meet our street frontage landscaping requirements along both U Haas Ranch Lane and Hwy.

2:17:49

93 S within their proposed project site.

2:17:52

And the requirements for parking lot perimeter landscaping shown in purple on here are also just base requirements of our zoning regulations.

2:18:04

Another condition that we're recommending is related to screening requirements associated with mini warehouse uses in the commercial center zoning district.

2:18:12

Screening is required outright and there are options for landscape screening, fences or walls.

2:18:19

This is a bit of a design preference that we discussed in our office and I think there is a bit of discretion here.

2:18:26

We're proposing A requirement that if they choose to do screening with fences or walls that those be placed on the interior side of the required St.

2:18:36

frontage landscaping so as not to obstruct public view of the required St.

2:18:40

trees and landscaped areas moving into the next condition.

2:18:50

These are the require, pardon me, recommended proposed mitigation that we received from the Parks, Trails and Recreation Department concerning the Bitterroot Trail crossing, which we can see illustrated on the screen here.

2:19:03

So the property of the trail, excuse me, currently crosses U Haas Ranch Lane here.

2:19:09

They recommended that with any improvements to U Haas Ranch Lane ensuring that the trail crossing is at least at the same grade, if not elevated above the grade, they don't want it lower than and obstructed from view.

2:19:22

As drivers are going across that trail crossing, they recommend that it be separated from turning movements on Hwy.

2:19:30

93 and into EU Haul facility by as much distance as possible.

2:19:35

They are requesting clearly delineated crossings, so striped lines on either side, detectable warning surfaces on both approaches to the crossing, and as well as stenciled notices being painted on the trail on either side to notify users of the upcoming crossing.

2:19:51

And then lastly, based upon the recommendation, they'd like to see a stop sign placed approximately in this area for traffic leaving the facility before they cross the trail and then exit onto Hwy.

2:20:04

93 S.

2:20:05

So we incorporated all of their recommended trail improvements as a condition of approval.

2:20:13

And then two other conditions which kind of fall more under the boilerplate condition category here.

2:20:18

Just one requiring them to receive all other necessary permits by offices other than planning that may be required for this development.

2:20:26

And one noting that the project shall comply with all applicable zoning regulations to be reviewed and approved at the time of permitting and noting that substantial changes to the project, if approved today, would require them to come back before the Board for your review and approval.

2:20:45

With that, I do have a recommended motion, but I can pull this back up when we get to that point.

2:20:54

Thank you.

2:20:56

As we did with the first item, I'll ask the members of the Board if they have any initial questions for staff and we'll have time and opportunity for further questions should folks have any additional questions.

2:21:10

But any threshold questions for staff?

2:21:14

OK, doesn't look like the Board has any questions right now as the applicant or applicants representative here today and able to comment on staff's report or any of the recommended conditions.

2:21:29

We appreciate that.

2:21:30

Yeah, if you could come up to the podium and introduce yourself.

2:21:37

And you know, if, if, if, yeah, if you just come up to the podium, introduce yourself.

2:21:42

If you have anything to add, that's great.

2:21:44

If you don't just, you know, state that you agree with staff's report and would appreciate the if you can comment on the conditions if you have any opinion on them.

2:21:53

And before you begin, I'm going to ask, did you turn on your mic?

2:21:57

There's a little button because I can see.

2:22:00

Got it.

2:22:01

All right, I'm Steve Hanson with you all.

2:22:06

I cover the state of Montana for all operations.

2:22:10

I don't know a lot of what all of these details that we're talking about, I'm not that person.

2:22:16

But in the end, I'm stuck with make sure it operates, get the staffing for it, maintenance and all that stuff.

2:22:23

So I don't want to sound argumentative at all.

2:22:32

I want landscaping.

2:22:33

I just think that the proposal, I don't know if we can pull it up, share that again of the

recommendations of additional landscaping that they're recommending, the ones with the blue line and the purple line and the red line and all that.

2:22:59

What's that?

2:23:01

My mic was off.

2:23:04

I think one, one of the landscaping elements had to do with screening along the perimeter and the other had to do within the interior, breaking up the parking space.

2:23:12

A little bit of a little bit of all of it.

2:23:14

OK, not, not much.

2:23:15

I won't.

2:23:16

I'll try to make this fast.

2:23:18

So that's the, oh, you can't zoom in on that, huh?

2:23:23

So along the frontage we got the 30 foot between the trees, right?

2:23:30

And we got to have 50% of the space between the 30 feet to be shrubs of some type that are at least 4 feet high.

2:23:44

And then so all the red where the red line is and then the purple around the whole rest of the property needs to be the same.

2:23:56

And then we have to have islands that are 6 feet wide with trees in them.

2:24:03

Again, I don't mind doing a landscaping, but it just based on the verbiage I've heard, it's what they're recommending above.

2:24:12

You know, they said, well, we got 60 spaces and we're going to put them in the 101 category.

2:24:18

I, I guess I just don't understand that because in the end I'm, I'm the one that needs to make sure I put somebody in charge of this location and can make a profit and make money.

2:24:30

And I mean, we're bringing all these jobs.

2:24:32

It's not like a lot of other storage places where they're on man.

2:24:36

You know, we're bringing a lot of jobs here and you know, to do a couple \$100,000 worth of landscaping plus irrigation, plus the maintenance every year for a site that you only buy on a highway for visibility to hide it all.

2:24:54

I, I, you know, and we don't have any neighbors except a farmer and the storage place that's next to us to the West of us.

2:25:02

I know I get the whole point of him being in a different zoning, but this property that we're looking at used to be in that zoning and all he has to do is put a tree every 50 feet.

2:25:16

So he's going to only going to have about 6 or 6 to 8 trees along the front when I'm going to have I mean, I didn't want to count, but it's looking to be close to 100 trees.

2:25:29

I just, you know, I can't be here if that's what is is made of us.

2:25:36

I guess I'm just asking for maybe and I don't know if this is the right time to do it.

2:25:42

I'm sorry if it's not, but I don't want to waste anybody's time if I can't do 300, four, \$100,000 worth of landscaping, plus all the other stuff that I'm going to do and be able to afford to pay people the Missoula wages.

2:25:59

I mean, we got to be here in Missoula area.

2:26:02

I mean, for U-Haul, it's the 20.

2:26:05

It's ranked #20 for most people, you know, designated destination.

2:26:11

As you guys know, I'm sure that this area is booming, but I've all North America, United States and Canada is #20 on our list last year.

2:26:21

So our existing store has 15 storage rooms and a small parking lot and three others that I have to rent just to accommodate the growth in this Missoula area.

2:26:35

The kids come in and out all that stuff.

2:26:39

So this site or, and we have to be here, you know, in Missoula area and you know, we looked at this site to kind of draw people from the Hamilton Stevensville people, you know, because it's going to be climate controlled, which is not a lot of climate control.

2:26:54

Most of its drive up minis, but all the interior is going to be climate controlled.

2:26:59

And, and I, I believe that people from Hamilton to Stevensville and all that stuff will come up to the Missoula area to conduct business, get fuel with the trucks or what not.

2:27:11

So I'm just asking to take a look at what they're suggesting.

2:27:17

And I'm not saying that Patrick didn't do a good job.

2:27:19

He just said a lot of things I didn't quite understand.

2:27:22

And I was with them yesterday and he tried to explain it again, but I get in, in my head, I'm like the prior owner before, you know, it's got to make sense.

2:27:33

So we can probably be here and be able to again have all this personnel.

2:27:39

So, you know, I mean the perimeter on the guy before me was a fence, 6 foot fence.

2:27:48

I have to put the Botanical Garden around my property.

2:27:53

Again, not that I don't agree that we need to, but landscaping, I just don't understand the excessive amount of it compared to I drove around this whole city.

2:28:01

I couldn't find anybody that had a tree every 30 feet and 50% shrubs that are 4 feet high.

2:28:08

I couldn't find it.

2:28:10

I couldn't even find a six foot wide island.

2:28:14

Now I might have not seen every building, but I went to all of the same zoning that we went and and maybe they were built before 2022.

2:28:23

I get it.

2:28:23

But and like I told Patrick yesterday, we're here to make an exception for us to put minis there were allowed for everything else.

2:28:32

I just, I would ask you for some consideration to on the landscaping to more reasonable.

2:28:42

Yeah.

2:28:43

And so and just I understand, I understand where you're coming from.

2:28:46

I just want to make sure.

2:28:46

So what you're presenting to the board is that you're not suggesting, I don't want to put words in your mouth.

2:28:56

So just you're not proposing that we scrap the requirement or the condition, the landscaping condition instead as I what I think I'm hearing is that it be modified in some manner to decrease the amount of required landscaping.

2:29:14

You're not.

2:29:15

Is that what I'm hearing?

2:29:15

Yeah.

2:29:16

I mean, again, I don't mind where it's all at.

2:29:18

I just again, from what I interpreted, we normally do X, but we put you X higher.

2:29:26

You know, I mean, I can't find any storage place that, you know, like that guy that was here before.

2:29:33

He only has that landscaping along the front.

2:29:36

Nothing, nowhere else.

2:29:38

You know, I mean, I don't even have houses next to me.

2:29:40

So I'm not beating up Patrick by any means because he was very helpful yesterday, believe me.

2:29:47

But I'm I this is just seems to be OK, unreasonable.

2:29:55

Do members of the board have any question for the applicant either on the landscaping or any other item?

2:30:08

I didn't mean to cut you.

2:30:09

We we I didn't mean to cut you out.

2:30:11

Your presentation.

2:30:11

Were you going to present?

2:30:12

OK, OK.

2:30:14

That's the only thing is I was just asking for a little bit of help to make sure that this OK makes sense for us.

2:30:22

I guess I'll ask Patrick staff if they could.

2:30:26

What's the baseline landscaping?

2:30:28

I understand the parking.

2:30:30

So it falls within.

2:30:32

Let's do the parking.

2:30:33

I think that's easiest sure, easier of the two the parking day because there's only 60 some parking spots.

2:30:39

You don't need all this interior.

2:30:42

So keeping to break up all the concrete staff says, well, yeah, you don't have that much parking, but you have all this other impervable surface from buildings.

2:30:51

And so we're going to it's kind of like 101 parking lot because of all the concrete and asphalt and building space.

2:31:01

But but I just want to understand it would be there would be no requirement for interior landscaping on the just on the parking one.

2:31:10

So the that that is correct.

2:31:12

That was a rationale was that the paved area, the approximately 4 1/2 acres of pavement for Dr.

2:31:18

Aisles and parking was much more would be much more likely what you'd see with the parking lot of 101 or more spaces.

2:31:25

So that was the rationale for that part of the rationale for that recommendation.

2:31:31

So what we're talking about here is shown in green on the screen that parking lot interior landscaping as recommended.

2:31:37

The condition of approval was to push it into that next category and to require landscaping along certain building facades as shown on here in in these specific locations.

2:31:50

So if we don't do that in the base, just what zoning would require is that they do parking lot interior landscaping for the zoning regulations for a parking lot that has between 11 and 100 spaces, which I don't have the exact numbers off the top of my head, but I believe it's something like 5% of the area of parking stalls on site.

2:32:10

Once you get to the next category, the baseline is 10% and it's got a little bit different design standards for what needs to go in those beds, but that that's the substantially the difference there.

2:32:20

We're looking at 5 to 10%.

2:32:21

And so we're proposing at that minimum 10% and landscaping on these building facades, which if the parking stall stuff like we could count that in towards that 10% if they didn't get there with bookending parking stalls etcetera.

2:32:37

OK.

2:32:39

So baseline zoning 5% staff is recommending that we bump that up to 10%, minimum 10 plus these areas shown on the exhibit or if if the area is shown on the exhibit don't quite get them to 10, they'd also have to add additional landscaping to get to that 10% number.

2:33:02

I guess there's another way to put that.

2:33:06

OK.

2:33:06

And then that's the interior parking and then there's additional, there's a second so landscaping related condition.

2:33:13

The only other discretionary not baseline required is our recommended condition about the placement of fence or walls for screening if that's the route they choose to go.

2:33:26

This just shows the standard location that they'd be required to meet St.

2:33:30

frontage landscaping and parking lot perimeter landscaping per the regulation.

2:33:34

So that's not going above and beyond as a recommended condition for the special exception request.

2:33:39

That's just illustrating where they're required to do it per the zoning regulations.

2:33:44

One thing to clarify, just for the record here, along the street frontage landscaping, the landscaped area is basically a bed.

2:33:53

The depth of the required set back is what that landscaped area is.

2:33:56

The street tree calculation along there is one tree for every 30 or linear feet of frontage and then they need to have at least 50% of that landscaped area be made-up of approved landscape materials for live ground cover.

2:34:10

The remaining 50% could also be live ground cover if they choose to do that, or it can be approved non living rock, mulch, whatever else they choose to put in there.

2:34:19

There isn't a requirement for four foot tall shrubs, etcetera.

2:34:22

I mean, they potentially could do an approved shrub in that area, but that's kind of the baseline for the street frontage landscaping, one tree for every 30 linear feet of frontage, 50% living minimum, 50% live ground cover that that's the the baseline zoning requirement and the only we're not, there's no change to that.

2:34:43

The only change is if there's a screening fence in terms of or wall, we were requesting that it be placed interior from that landscaping.

2:34:52

So on the yeah, on the project site side, not the street side of the landscaping, does the did you did you catch that?

2:35:03

I think what he said was there is No 4 foot high requirement anymore of the shrubs.

2:35:09

So yeah, I'm not sure where you got the four foot high shrubs there.

2:35:12

May I mean, you may do shrubs as an option, but the way that the street frontage landscaping requirements read, you need one tree for every 30 linear feet of frontage and 50% of the required landscaped area.

2:35:24

It needs to be live ground cover or, or shrubs or trees.

2:35:29

You can do more trees, you can do more shrubs, but it needs to be 50% living and 50% at least 50% living ground cover.

2:35:36

And it obviously has to be approved species like there's a list of prohibited invasive species that so OK, and what about what is this fence that you're talking about now?

2:35:48

So the the screening requirements for storage units besides the trees and bushes, you're required to provide screening in the form of either enhanced landscaping, fences, walls or how tall does it have to be a landscape firm?

2:36:03

I believe it depends on the type of screening that you choose, but I believe it's approximately 6 feet.

2:36:09

If I'm not mistaken.

2:36:10

I think it's a minimum 6 foot high screening.

2:36:16

OK, I don't remember that.

2:36:18

So it's trees, shrubs, 6 foot fence and then on the highway, on the highway and the fence has to be you can't see through it, right?

2:36:33

Yeah.

2:36:33

So the the intent is to provide screening.

2:36:36

The screening there's opacity standards.

2:36:38

Again, it's dependent on the kind of screening that you choose.

2:36:43

And again, to clarify, this is just a baseline requirement in the zoning.

2:36:47

So this isn't a recommended condition for screening.

2:36:51

Our recommended condition is just that it be placed on the interior side of the street frontage landscaping, paraphrase it, the zoning is going to require you to do some type of screening.

2:37:02

You have some flexibility with the screening that there, it could be, could be trees, could be a wall, it could be a fence.

2:37:09

I think staff is saying regardless of what type of screening method you choose, they want that to be interior.

2:37:17

They want that to be between the facility and the trees that need to be planted every 30 feet.

2:37:25

So you have to, there's two, you have to plant trees.

2:37:27

Landscaping is 1.

2:37:28

Landscaping is 1 requirement.

2:37:30

Screening is the other requirement.

2:37:31

They want it to be Hwy.

2:37:32

93.

2:37:33

Landscaping fence, fence and then or fence wall or.

2:37:37

Yeah, just asking why does the place before us not have to have bushes in between and the six foot tall fence and trees and shrubs around the whole property?

2:37:53

I guess I'm not understanding that.

2:37:55

Or our neighbor to the West of us, they have a fence, but it's just a chain link fence.

2:38:02

I guess I just don't understand that how could be so much different.

2:38:07

But I think I think maybe staff can clarify.

2:38:10

But I think the the picture we saw of the newer facility that you want to yell just going up next to us.

2:38:19

Yeah, you know, the, when we, the university, the red one that said, you know, that I'm hoping to make it look like this.

2:38:24

You know, I, I think there's zoning when it came 2022 is when the new zoning went into place.

2:38:32

And so, yeah, I guess maybe staff could be grandfathered and grandfathered since he's now, you know, and he would follow within my guidelines.

2:38:44

I guess I'm just, I just don't, I mean, if you were standing in my shoes, you were trying to drive around the whole city and like, why is everybody else got this and I have to got the whole new code thing.

2:38:57

But I mean, essentially what what I think we're talking about here is what if you didn't come before this board and you just wanted to build something that complies with the zoning, It would be the this landscape requirement is part of the zoning that went into effect in 2022.

2:39:17

And so if there's a hardship that that's presenting, then it would have to be presented as a variance request.

2:39:25

But that would mean coming back to this board.

2:39:28

And, you know, there's criteria, but that what I understand.

2:39:33

Yeah, I think the only change was that the location of any screening fence and then the interior parking lot.

2:39:43

I'm looking at staff.

2:39:44

Hopefully I've got that correct.

2:39:45

And I, and I do just to clarify, I guess one last thing, there was a landscaping requirement on the previous, the Titan storage, the the previous public hearing, I think it was, I don't know if it was every 30 feet or every 50 feet.

2:39:57

I can't remember what that was.

2:39:58

I'd have to go back that that's my understanding from the prior project as well, was that it had St.

2:40:04

frontage landscaping requirements.

2:40:05

There was screening requirements.

2:40:07

Along the adjacent shared property boundary with the residential use and a just generic condition that it needs to meet our zoning regulations, which will require that same screening standard along Hwy.

2:40:20

200 for the mini warehouse use in a mixed-use district.

2:40:51

Yeah.

2:40:51

I mean the there's a street frontage landscaping was, was was a condition on the other one.

2:40:59

So you don't have the other one had a added condition of the street frontage landscaping, but that's not being proposed here.

2:41:05

The only proposed change would be for the parking.

2:41:10

Hopefully I've I've clarified that.

2:41:15

OK.

2:41:15

Are there, do the members of the board have any questions for the applicant?

2:41:24

I guess hearing none, I guess unless there was.

2:41:27

Did you want to it sounded like you were done with your presentation.

2:41:30

I don't want to.

2:41:30

Yeah.

2:41:31

OK, OK.

2:41:32

I guess, I mean, it wasn't really a presentation.

2:41:33

It was just questions being, you know, I really want to be here.

2:41:36

And this is very difficult to put up, you know, a couple 100,000.

2:41:42

Now I have to put a fence up.

2:41:43

I know.

2:41:44

And, you know, I got to make it work for some.

2:41:49

You know, your daughter will come to work for me.

2:41:51

I gotta put her there.

2:41:52

So you're gonna be successful?

2:41:53

No.

2:41:53

I, I, I, I, I understand.

2:41:56

I I guess.

2:41:57

Then what I'd like to do is here, see if there's any public comment on this proposal.

2:42:03

Any individual here in in the room wish to present public comment?

2:42:10

Anyone on Teams, anyone attending virtually wish to comment on the proposal?

2:42:18

I guess hearing none, I'll ask the looks like staff has a comment to make and then after that I have a question and then I'll see if the board members have any other questions either for the applicant or for staff.

2:42:36

You asking for public comment reminded me.

2:42:38

I just wanted to clarify on the record as well.

2:42:40

We did not receive any public comment prior to the hearing today.

2:42:48

Had a couple questions.

2:42:52

We're looking at the street frontage.

2:42:56

We talked about the landscaping requirements and so forth.

2:42:58

But we also talked about an approach permit from MDT.

2:43:02

If I'm not mistaken, this section, it's might be 65 miles an hour.

2:43:08

I believe it was recently reduced down to 55 people are driving 55.

2:43:14

I, I can't confirm that, but I, I guess what I'm, I'm going with this is I'm not an engineer, I don't work for MDT, but I couldn't see MDT saying we don't want those trees right there because it's going to obstruct sight lines and we know people are going to try and peel out of there as quickly as possible.

2:43:35

So if, if MDT comes back and says, I mean, one of the conditions you've asked for us is that they get an approach permit.

2:43:43

If the approach permit says you got to have this unvegetated area for clear sight lines, how does that supersede any of the other requirements, you know, that we're talking about?

2:44:01

So where the landscaped area falls, and I think this is an instance which we can see here where the property line is outside of the MDT right of way.

2:44:12

Oh, we don't, oh, is it not sharing?

2:44:14

I apologize.

2:44:16

I mean.

2:44:32

So what we can see on the screen here, the street frontage landscaping is contained wholly within their property.

2:44:39

So on the inside it will need to be basically within the required set back on their property line.

2:44:45

The approach is located entirely within the MDT right of way here.

2:44:49

So MDT doesn't have discretion on that landscaping since it's outside of their property.

2:44:54

Now if they're proposing landscaping within the right of way and potentially obstructing site triangles, they could reject that on the approach permit.

2:45:02

But MDT only has discretion on this approach here within the right of way.

2:45:07

These approaches are off of U Haas Ranch Lane, which is a private access Rd.

2:45:12

So that wouldn't even be subject to like county public works approach permits in in this case.

2:45:22

Thank you.

2:45:25

I do have a couple of questions and I guess I'll build on that one that Babic just raised.

2:45:30

And I think if concern you were going down is if you require the street trees and the landscaping and then DTS rejecting it.

2:45:38

Are we conflicting?

2:45:39

I, I don't think the trees are a problem, but sort of, I, I think if you're getting into the tall grass here a little bit, you're sort of promoting a problem by putting the stop sign where you're asking for the stop sign because you're asking them to stop behind this trees and the property before the trail.

2:45:57

And the reality of it is they're not going to stop there.

2:46:00

They're going to pull up closer to the highway to see.

2:46:02

So I don't think the trees propose a visual issue, but I would really think it might be more appropriate to have a yield to pedestrian, a crossing rather than a stop sign be located back there and stopping them behind the trail and behind the trees.

2:46:16

That's my two cents on that.

2:46:18

I still am needing and my head's hard and thick.

2:46:22

So you just need to pound one more time.

2:46:24

That illustration you have right there, the red line is St.

2:46:27

tree, St.

2:46:28

Landscaping.

2:46:29

If I understand correctly, you're saying that is required whether they had a special exception or not, correct?

2:46:34

So we're not asking for any more in the red line other than the placement of the screen relative to the exterior screening.

2:46:43

You're asking them to fence the trees outside of their what looks like their property effectively correct?

2:46:50

Yeah.

2:46:50

So it's just if they choose to go wall or fence for the screening requirements, they also landscaping is another option which can just exist incorporated within.

2:47:00

But I'm guessing for their facility they want a fence for security and other things.

2:47:04

So if you're just asking to put the fence on the inside and fence the trees out, so they're building the fence to block them from the trees they're putting in.

2:47:12

So the red, the red line is a requirement, the spacing, the density, the type, the material, that's all required without this.

2:47:21

So it's just about the location, which I don't have an issue with the purple line.

2:47:26

Is that required irrespective as well?

2:47:30

Yes, parking lot perimeter landscaping.

2:47:31

We didn't request any additional.

2:47:33

What I'm just searching for is this bump up in the justification.

2:47:36

So the only bump up for quantity and presumably cost, because where you build the fence isn't changing the cost.

2:47:45

I don't think whether you build it on the inside or the outside, that doesn't change the cost or the cost changes is the green lines and you're asking for 5% more actively.

2:47:56

Yeah.

2:47:56

So it's broken out into three conditions.

2:47:58

So and just to clarify here, if it wasn't clear before, it's 5% more that they just baseline meet that.

2:48:06

And then there's a separate condition that we wrote in about this building facade landscaping as well or we can count that in to the overall meeting that 10% requirement.

2:48:18

But we did propose A landscaped beds along those buildings just as its own separate condition.

2:48:23

So if I understand and it's a little hard to tell, but I see of these, so the the the dark green lines along that the building front, I see 123 of them, correct.

2:48:38

You're suggesting those locations which is not required for the straight application, but you would count that towards the extra landscaping you're asking for?

2:48:49

Yeah, we would put that into the 101 category, correct.

2:48:56

The island landscaping just changes about area and material type and stuff if you look at them at the 60.

2:49:04

So, so the I'm, I'm just speculating for his perspective.

2:49:09

He probably looks at the red line and sees all those trees.

2:49:12

If that spacing is correct, those spacing and those number of trees are going to be required without it, yes.

2:49:18

So I didn't count the number of trees that were drawn on him put on this illustration.

2:49:23

I don't know if they're accurate scale wise, but if that's the direct spacing, whoever put them on there, which probably wasn't you anyway, it's probably worth engineering you put them on there.

2:49:31

If they're properly spaced, those number of trees would be required anyway, correct?

2:49:36

So we're probably not adding that many trees because the trees are only going to wind up in these little green islands out in the parking lot, which you may need a few more trees, but not tons more trees.

2:49:48

Yeah, I was, I was on the tree part along the two highways.

2:49:56

It was more of I don't mind the 30 feet.

2:49:59

I just didn't understand the four foot bushes in between.

2:50:03

And then now I find out if I put some verification.

2:50:06

Yeah, you probably just need to work with the landscaper.

2:50:08

They know how to comply with those regulations.

2:50:10

So I don't think it's maybe as onerous as you may have perceived it.

2:50:14

Let me say it's onerous.

2:50:16

But this ad, I think the area of the additions and it's going from 5 to 10 is less onerous than maybe maybe that's the perceived.

2:50:30

I I don't know.

2:50:32

It is an area, don't get me wrong.

2:50:34

And those green rectangles in the parking lots taking out and breaking up a roll of parking and stuff.

2:50:42

I don't know if how to fix your circulation and things.

2:50:48

I mean, only two that look to be like potentially circulation related might be those two to the east.

2:50:56

But I, I just needed clarification of where this ad is coming from.

2:50:59

It's ad is coming from the three green lines at the end of the building, which is some strip 510 feet wide yes.

2:51:06

So we're recommending on the edge of those building facades a 10 foot deep planter bed that would have what kind of material.

2:51:14

So the way that we wrote that and I believe it's directs them to the parking lot interior landscape standard.

2:51:21

So it's trees based upon overall landscape area square footage.

2:51:26

It's 50%.

2:51:28

I I don't to look at the regulation 20 percentage of five yes, recommended.

2:51:33

Let me pull that up real quick.

2:51:37

And so, so condition four, yeah, 5 is these.

2:51:46

So condition four we laid out, it's a 10 foot deep planter bed with at least one deciduous tree for every 30 linear feet.

2:51:56

Building facade where those planter beds are live and non living landscape material shall comply with Section 6.4 of the zoning regulations.

2:52:05

And no more than 20% of the landscape beds may be made-up of approved non living materials.

2:52:10

So for those planter bed areas, every 30 linear feet they need to have a single tree and 80% live ground cover.

2:52:20

So I'm guessing with those 3 lines, that's probably like 9 trees roughly.

2:52:26

I'd have to measure it out, but it is that building wider than 100 feet?

2:52:30

Probably not.

2:52:32

I can't read any of these numbers.

2:52:33

But again, I don't mind the 30 trees.

2:52:44

You know, 30 foot between each trees and some bushes in between.

2:52:48

Not 4 foot high, but it just doesn't make sense where it's trees, 4 foot high bushes and a six foot fence.

2:52:55

I mean, again, like I said, and I get to this regulations or something, I I get that.

2:53:02

But then I got to put I don't know why anybody would want to buy a property on the highway that you and all you do is screen it.

2:53:11

You know, I mean, I guess I'd go look at a different property, but you know, I we have we've been at it for what, a year now?

2:53:20

Yeah, I think a little over a year and then I got the purple going around that has the same requirements, which is why I was trying to clarify.

2:53:28

The purple is a requirement if you want to build up this facility on this site that that isn't being added only because of the minis, right?

2:53:36

No.

2:53:37

So if you were to do an outright approved use on this property that didn't require a special

exception, didn't require you to come before the board tonight, your whatever proposed parking area looks like you'd still have to meet that parking lot.

2:53:49

Perimeter landscaping, unless you had a use with less than 10 parking spaces, I believe is where that threshold is welcome.

2:53:58

I I guess I don't understand why Titan didn't have to do a perimeter parking or perimeter landscape.

2:54:04

They did.

2:54:05

I don't believe they had a parking lot with more than 10 spaces or any parking on my lot because they're loading unloaded in front of storage.

2:54:13

Couldn't you assume the same thing for his?

2:54:16

So we did these calculations based upon the the parking module shown on your submitted plans, which was only 60, right.

2:54:24

So that's more than the 10 threshold though for parking lot perimeter.

2:54:30

And there isn't a four foot requirement, correct, For the shrubs, right, Correct.

2:54:36

It doesn't.

2:54:36

Then they can do 4 foot shrubs, but it just needs to be in a approved lobby.

2:54:41

Living.

2:54:42

Yeah, living ground cover, depending on the type, there are size requirements, but they can do like approved seeded grasses, they can do punch grass, they can do shrubs.

2:54:51

I mean, there's a variety of different options for live plant materials, landscaping materials and the regulations.

2:55:00

Well, I guess I'm just wrapping up the the red was required.

2:55:03

It's where the fence goes.

2:55:04

The purple was required.

2:55:06

What's added is the there we've added some green or what you call per parking lot interior landscaping is doubled.

2:55:15

It went from 5:00 to 10:00, correct by calling it 101 spots or greater.

2:55:19

So we've asked for 5% more.

2:55:21

And do we think this drawing is relatively representative of that 10% take visually?

2:55:28

I'd imagine they get at 10% of because we'd calculate it by doing the area of their specific parking modules.

2:55:34

So we'd measure the width and depth of these parking modules and come up with that total area and figure out what 10 there wasn't 10% of the 411 acres.

2:55:43

No, I it's, it's just of the parking module, so exclusive of drive Isles.

2:55:47

I think this would be just a visual guesstimation above and beyond the 10%.

2:55:52

OK.

2:55:53

I think they'd be exceeding that if they book ended as requested by the conditions of approval and did these building facade beds as well.

2:56:01

I'm good, thanks.

2:56:02

Sorry, this is, I hate to bring this up even, but it's something in my mind as I was looking at this and I it was adjacent to my question about the MDT approach permit.

2:56:18

I look at this diagram and I know there's a bike trail and non motorized used trail.

2:56:24

You know, people have bicycles, runners, recumbent bicycles.

2:56:32

I don't, I don't know if there's any discretion, any space for us to say, you know, to preserve the visuals.

2:56:39

Because I, I feel like if someone's driving here, they're probably not going to see the person on the road bike going 25 miles an hour trying to zoom down.

2:56:48

They're just going to look at the cars.

2:56:49

I mean, because they're going to be the bicyclist or the jogger or the mom or dad or parent with the, I don't think baby strollers go down that Pike path too often.

2:57:00

But you get my point.

2:57:01

I, I, I, I do wonder about the, the sight lines relative to the, the trail.

2:57:06

I know MDT will take care of sight lines relative to Hwy.

2:57:11

93.

2:57:11

And I, I guess park and recs that, you know, all they thought was just some, I guess they just want the cyclists to stop there.

2:57:18

I guess that's how we how they address that.

2:57:20

So that was I, I, I don't want to speak for Parks and Rec.

2:57:24

They didn't get into that level of detail with their comment.

2:57:26

But I would speculate that that was their intention to have the stop sign requiring them to stop and then roll out an approach following the trail to basically stop and check for pedestrians and then again roll up and stop and check before approaching on the Highway 93.

2:57:43

I'll need to the surface on the trail.

2:57:45

I forget what the the term is just like a differentiated warning surface, I think is how they they worded it.

2:57:51

I got you off good.

2:57:54

So just to make sure I'm understanding your concern here, is it about kind of the in the corner here, these required St.

2:58:02

trees blocking vehicles exiting their view of trail users approaching the intersection?

2:58:08

Is that what you're correct?

2:58:10

You know, and I think Andy alluded to, I mean, there folks probably aren't going to stop there.

2:58:14

I mean, we could put their stop sign requirement, but they're just going to say the highways, you know, 10 feet here.

2:58:20

I'm just going to kind of roll through the stop sign and, you know, try and gun it as soon, as soon as I can and not really pay attention to that, that stop sign because it's unless there's like 2 stop signs and you know, it's going to be, it's going to be complicated.

2:58:35

But maybe that's yeah, yeah.

2:58:38

I mean, I can just see someone trying to make a left turn and never looking.

2:58:42

But maybe that's just outside of our.

2:58:46

So I guess ultimately my question, is there any, I, I could foresee that being an issue?

2:58:50

Is there anything within our sphere that could address that or if we want to frantically thumbing through our street frontage landscaping regulations.

2:59:01

I know there are certain instances that just administratively give us discretion to relocate required St.

2:59:07

frontage landscaping on site under certain circumstances.

2:59:10

And I'm just trying to see if the regulations would clarify if this is an applicable instance.

2:59:16

If you would give me just one moment to read through this.

2:59:22

While you're looking at at that, do members of the board have any other comments or questions?

2:59:31

Yeah.

2:59:31

Should I ask ma'am?

2:59:34

Well, I guess if it's for staff, it's not fair.

2:59:36

So yeah, just wait.

2:59:37

They seem occupied.

2:59:38

Oh, yeah, we'll have to.

2:59:42

We'll have to meet some site visibility triangle.

2:59:45

And so all that looks so it wasn't the same section, but Jenny pointed out a separate section of statute that or of the zoning regulations, pardon me, that would also apply.

2:59:58

They have to meet the site visibility triangle standards for their site design.

3:00:03

So that's got laid out specific dimensions that would apply here and they can't landscape within those areas.

3:00:09

So they still have the same tree calculation.

3:00:10

But if that I guess if.

3:00:13

The proposed tree location encroached into that they'd have to relocate it elsewhere within the street frontage landscaped area.

3:00:18

Perfect and thank you.

3:00:23

The the legal requirement is 5% correct The yes for the parking lot interior.

3:00:31

Is that right?

3:00:33

Why did we bump at the town?

3:00:35

Why did the why did you suggest?

3:00:38

So the way that we calculate which category it falls in is just by counting the number of parking spaces.

3:00:45

The reason here was the overall proposed area of impervious surface being excluding building.

3:00:52

So just drive aisles and parking areas is 4 1/2 acres, which is a large area of pavement.

3:00:59

We felt that that's an area of pavement that's often associated with many more parking spaces when you have that much pavement on site.

3:01:06

And then we fell back into kind of the purpose and intent of our parking lot.

3:01:11

Interior landscaping regulations are one to mitigate heat island effects that are associated when you introduce large areas of paving break up that impervious surface to improve on site drainage, which again in this particular site specific instance is a particular concern being again upgrading and directly adjacent to zone AE floodplain.

3:01:31

So when you Add all this paving from planning perspective, there is some concern that we might have some storm water run off from the new site flowing down into our zone AE floodplain there.

3:01:42

So those were the two primary reasons for that.

3:01:45

We just felt that with the amount of paving they're proposing, this seemed like a more appropriate number and would be more in line with what we see when people are requesting or when people are proposing larger parking lots.

3:01:57

So it's really because of pervious, the pervious correct area.

3:02:03

So is there wiggle room on that or not?

3:02:05

I mean, can it be, can it meet the requirements if it were 5%?

3:02:09

Yes.

3:02:10

So that's it's a discretionary condition here.

3:02:13

In the case of the special exception, it gives us the authority to go above and beyond if necessary and if it meets the criteria that was the opinion of the planning office.

3:02:21

But if the board feels that the standard based zoning of meeting the parking lot interior landscaping for I believe it's 11 to 100 spaces is more appropriate, the board I believe has the authority and decision space to make that recommended alteration to the conditions.

3:02:40

Well, in a lot of those spaces are going to be very temporarily occupied.

3:02:46

But if it's the parking part, that's one thing, but if it's the pervious part, that's another thing.

3:02:52

But it just seems like they could meet the legal requirement.

3:02:59

So, yeah, So it's something we can consider.

3:03:02

Yes.

3:03:02

OK.

3:03:03

Thank you.

3:03:03

And what I hear staff saying is when you look at this diagram and you see all the asphalt, normally you'd associate that much asphalt or concrete with 101 or more parking spaces as opposed to the 60 or odd parking spaces.

3:03:18

And so because they're proposing to have such a large paved area, not for parking, but just for other reasons that we should, the board should apply the 101 parking.

3:03:35

Sorry, it's very, very long meeting, but hopefully that makes sense.

3:03:40

Andy, you were going to Yeah, I would follow up.

3:03:42

I, I see some, I see the planning staff's perspective of this looks like a bigger parking lot.

3:03:50

Yeah, you've got a certain number of spaces and you don't need to provide a lot of spaces because of the type of facility, but because of the type of facility in the use, it has a lot of circulation and has a lot of asphalt.

3:04:00

So I, I get that perspective.

3:04:02

The storm water, I don't get, I'm not on board with that at all.

3:04:05

Because they're going to have to deal with storm water and mitigate and DEQ and all kinds of things.

3:04:08

So storm water is mitigated in another department.

3:04:11

So I don't, I don't value that's not the right word.

3:04:17

I guess I don't see the value of saying from a planning perspective, we're going to start imposing storm water because I think that's another, another discretion, another department and that will be dealt with just like the septic, the sanitation that's addressed in other departments.

3:04:30

But from the planning perspective, I can see it as it's a large piece of asphalt.

3:04:35

It could look like something that could park 100 cars and as a result, we want some softening of those large asphalt areas by increasing some landscaping.

3:04:45

So I, I create a different separation myself, but and that's a valid perspective and I, I think maybe I was a little bit unclear with my explanation of that.

3:04:55

It is going back towards the intent of our parking lot interior landscaping regulations specifically call out an intent of reducing that impervious surface to help manage stormwater, incorporate that within the parking lot area.

3:05:09

It wasn't to imply that through the planning process we're going to be designing stormwater facilities.

3:05:14

And that's definitely outside of our wheelhouse.

3:05:17

And the reality is you could put all that landscape in there and I could send not one drop of water to it.

3:05:21

I mean, the only thing because I could drain it everywhere else and he ain't going to drain to those anyway.

3:05:25

So that they're feel good, they're softening, they're though those aspects, the drainage that doesn't go far in my front, but.

3:05:45

Do members of the board have any other questions for staff or the applicant?

3:05:51

Anything we wish to deliberate on?

3:05:54

Any general thoughts?

3:05:57

You know, I think I'm leaning towards condition 3, that the surface parking lot interior landscaping standards meet the 10 to 100 parking spaces.

3:06:19

I, I don't feel super strongly, but I, I see where staff is coming from in terms of the, the amount of concrete.

3:06:26

And so it seems like a reasonable condition to break up the, as Andy said to, you know, kind of soften it a little bit and also mitigate against the heat island effect because you're going to have, you know, black asphalt and seems reasonable to me.

3:06:40

But I'm, I'm, I could be persuaded on that.

3:06:41

But it sounds like you're Rick, otherwise supportive of, of the, of the request and the conditions.

3:06:49

Absolutely.

3:06:50

So could you pull up the requirements of a special exception?

3:06:54

Because that's what we're here to talk about, right?

3:06:58

Because I could go both ways on this, but I I'm inclined to follow what Rick suggested and follow the recommendations and call it a 10 to 100 car because even a 10 to 100 car is still a significant reduction.

3:07:13

If they've only got 60, that's giving him 40% more.

3:07:17

We just got to trip them one more to call them a one O 1 or to get 10-5 more percent.

3:07:21

I mean, so even if they've only got 60, there's already some benefit of they could have had 100 spots and still been OK at the 5% and they've only got 60 apparently.

3:07:36

I think staff, I mean to play devil's advocate, staff would say they they've paved enough ground for more than sixty.

3:07:43

Well, I you, I could also probably, I don't know, we haven't done the math, but I could probably make a four and a half acre parking lot and hold 100 cars too.

3:07:50

And that would fight needs 5% landscape.

3:07:52

Yeah, anyway.

3:07:58

So I I just that's where I want to look back to the parent.

3:08:00

Like the point of the especial exception is it is it meeting the intent and and the surrounding character?

3:08:05

And then you look at what character of the neighborhood is other properties down the street that just put up a mini storage that did not get held behold to those things.

3:08:14

And they had the luxury of a different property, a different time, a different place, a different zoning.

3:08:18

But again, if it's back to character and other things in that, you know, is it fair to invoke these people, this luxury, I guess, you know, so I guess I just kind of want to see what that conditions of the special exception are about the foundation of that.

3:08:34

It's a little bit small on the screen there, but the specific review criteria are on the right side ABCDNE and then there's also the specific standards that have to be addressed that these review criteria refer back to.

3:08:52

But the base review criteria are that A through E on the right side of the screen.

3:08:57

So so A says that the proposed use and development is compatible and will not substantially injure the value of adjoining property.

3:09:05

I feel like I could say yes with the 5% there.

3:09:09

The proposed use preserves the character in this of the district and the property is suitable for the proposed you are you uses proposed can meet built bulk density seems like it does that the proposed use promotes the purpose intent of the TIF which is not applicable.

3:09:27

These substitute or additional design standards will preserve and protect the areas.

3:09:33

I guess D would be the one that you would say the additional 5% is that's where you're you're saying these where you bring in the additional 5%.

3:09:42

Yeah.

3:09:42

So I think part of it is an architectural and aesthetic quality and then another point under here to be specific where we recommend where the board can approve what is described as reasonable and appropriate conditions.

3:09:58

It goes kind of more broadly into I think it reiterates the points from up above, but it talks about potentially injurious effects on of the special exception on adjoining properties, the character of the neighborhood, the purpose and intent of the TIF TIF district, which does not apply here or health, safety and general welfare of the community.

3:10:21

So can I can I interject for one second?

3:10:24

I think E brings in landscaping and reviewing a special exemption application.

3:10:28

The board shall give you consideration to all the factors listed in 11.6 DA through MI believe landscaping is is contained in there as well as natural resource protection and a couple other things.

3:10:43

Sorry to cut you, I just wanted to OK, well, I I think I would be inclined to follow I think Rick's suggestion and Rick require them what's required of the district and not the additional.

3:10:58

It's probably where I would be.

3:11:01

I I hate to do this, but it's requested that we take a little comfort break.

3:11:06

It's me, the old guy.

3:11:08

So, OK, sorry, 5 minutes.

3:11:13

Fine.

3:11:14

I have 910.

3:11:15

Can we come back at 9:15 please?

3:11:20

Apologize.

3:11:20

You know why I don't come up?

3:11:25

First converter.

3:11:39

Sorry.

3:11:39

I assume you guys are here.

3:11:41

You guys are here for the gymnastics center?

3:11:47

Yeah, let's do the.

3:11:47

Probably should have changed it.

3:11:57

Yeah, I know.

3:12:15

I think the only time we've gone this late is when we had, you know, filled with public objectives.

3:12:44

I would say I would ask them all to start the meeting.

3:12:47

You'll just need to ask this one to restart that, though.

3:12:51

Yeah.

3:12:51

We can't ask all.

3:12:52

Oh, yeah.

3:12:53

OK.

3:12:53

No, I didn't know.

3:12:53

Yeah, I didn't know what your question was, but I agree.

3:12:55

I agree with you.

3:12:56

Thank you.

3:12:59

I thought it was going to be like, you know, something else.

3:13:01

Yeah.

3:13:08

Thank you, Bill.

3:14:15

Leave that water alone.

3:14:35

You know, it looks like that the, the closed captioning is what's stopping you from making it full screen.

3:14:42

It looks like.

3:14:43

I don't know if there's a way of, yeah, you can.

3:14:50

Can you pop it out?

3:14:51

There's a little square in the corner of it.

3:14:54

I don't want anything to click.

3:14:57

Last time we're playing with teams, we had like, oh, OK, never mind.

3:15:01

We'll fix that.

3:15:04

I'm going to take you to Garrett, frog it and say don't forget some public comment.

3:15:57

I can attempt to craft the motion, go back on the record.

3:16:10

Thank you.

3:16:22

As soon as MCAT is ready, we'll go back on.

3:16:29

OK, We're back from a break.

3:16:31

It is Missoula County Board of Adjustment meeting July 16th, 2025 9:15 PM And we are this is public hearing BU haul mini warehouse special exemption and the board was deliberating and as I understand it, the applicant had a had something he wanted to raise or the applicant's representative with regard to the I think it's the screening requirement.

3:17:02

I wanted some clarity so yeah.

3:17:07

So I was just looking through everything.

3:17:10

I can't find anything about a six foot tall fence.

3:17:15

It says a minimum 6 foot tree that starts at 6 foot and goes high, but I don't see anything in addition to that as a screening where it talks anywhere about a fence That it, and maybe I'm wrong, but if you could show me where it's at, I'd feel a little bit better not say it would make me happy.

3:17:39

But and just to clarify that the, the item that you're asking about, which is I, I have no problem with you asking.

3:17:48

That's that's not something that we are deciding yay or nay on.

3:17:53

I, I, yeah.

3:17:54

And that's fine.

3:17:55

I don't mind you asking.

3:17:55

I just want to make clear that you kept saying like this is normal rules if you want to build it, but I don't see that normal rule anywhere.

3:18:03

And I'm good with the trees and shrubs and as long as it ought to be 4 foot what you said, it doesn't have to be.

3:18:08

I just don't understand the whole fence.

3:18:12

I'm not seeing the screening requirements.

3:18:14

It's a requirement.

3:18:15
Good, Patrick.

3:18:16
That's just part of the special.

3:18:17
So screenings required.

3:18:18
It's laid out in two separate sections.

3:18:21
1 is the use standards and conditions in Chapter 5, Section 5.20 B subsection 2 which states screening is required accordance with section 6.4 point F .3 screening and buffering along the front property line adjacent to streets as well as any property line where the sites about a residential zoning district or use so on and so forth.

3:18:44
So that's the So once you go to that reference screening and buffering section, it gives you the option to do landscape screening, to do fence or wall screening or a landscaped firm.

3:18:57
Those are your four options.

3:18:58
Each of those have specific standards and requirements.

3:19:01
The street frontage landscaping requirements don't meet the landscaped screening requirements.

3:19:08
So you could do enhanced landscaping and just have a landscape screen or you can do a fence or a wall to meet the required screening.

3:19:18
So then I would have to have 6 foot tall trees and then 6 foot tall plants so I can meet the six foot tall requirement of a screening.

3:19:27
That's an option.

3:19:28
I mean, so you have to meet the screening requirements in one of those four ways, fences, walls, landscaping or a landscaped berm.

3:19:37
Each of those four options have specific standards.

3:19:41
And this again, landscaping, right, in addition to the landscaping and in the interest of time like we discussed this isn't that's a base requirement for the zoning.

3:19:51

So the board doesn't have discretion to require or to remove those standards.

3:19:57

That would be a variance request.

3:20:01

They could come back to the board on a on a different at a different time if if you all want to request a variance from that.

3:20:07

And they all have their own specific height and opacity standards depending on what you choose.

3:20:13

And is there anybody currently on this standard that I could take pictures of?

3:20:19

I don't have an address off the top of my head, but I'm sure if you reached out to our office, we could find a project that has screening requirements and we can give you an idea of what they did for their screening.

3:20:31

And just to add on to that, if, if the exemption, if the, if the request is approved, they'll be part of the, the process will be zoning compliance review.

3:20:39

And that's when, you know, these issues can be addressed with the zoning officer and you know, any, all the other boxes that need to be be checked.

3:20:51

Thank you.

3:20:55

Any, any deliberation, I say what I hear from the the members of the the board is that perhaps I think it's condition #3 it sounds like potentially there's some discussion amongst the board to not adopt recommended condition #3 which pertains to the interior, which is just bumping up the interior parking lot landscaping it.

3:21:31

It would be to amend it to standards for 10 to 100 which it already would have because already has 60 something right, correct, That's correct.

3:21:42

Or just I guess we would just leave that out I guess or or amended, I guess and staff has a thought on this, if I if I may, it could be amended or left out.

3:21:51

It would just be required under our catch all that it needs to meet all of the zoning regulations.

3:21:56

So those are two options there.

3:21:58

And then just to make sure I'm clearly understanding the board's request, is it just to amend 3 or if we look at conditions 4:00 and 5:00, there's also addressed landscaped area within that parking lot interior.

3:22:09

So I just want to make sure that we're clearly achieving your intent here.

3:22:14

4 addresses those landscaped beds along the building facades and five addresses the specific areas for that enhanced parking lot interior landscaping book ending those parking modules.

3:22:30

It sounds like 3 and well if seems like 3 and five are related.

3:22:37

But let me ask you this if if we amend 3 to say parking lot standards for 10 to 100, would 55 would still apply?

3:22:47

5 And I don't have the exact area for bookending those parking modules, but it may push them above and beyond the base 5% so they might not OK.

3:23:02

So how would we have to craft that then?

3:23:04

So if you just want like is your intent to just have for parking lot landscaping within the interior of the parking lot just to meet the base zoning regulations, then that would be basically striking 3-4 and five entirely.

3:23:18

Those addressed the enhanced interior landscaping and that would basically then just revert them to when they come in for permitting.

3:23:27

It's and just to clarify for the record too, it's 11 to 100 spaces.

3:23:31

They'd have to meet that base zoning requirement 5%.

3:23:34

And it has specific criteria for where it should be placed within their parking area and what types of planting should go there.

3:23:41

OK, got it.

3:23:42

And there would be no or potentially no building facade landscape requirement, correct?

3:23:49

Yeah, that would do away with that.

3:23:53

As I said earlier, I I'm, I'll defer to the other members of the board.

3:23:59

It seems like Rick would is inclined to go with the Yeah, I'm inclined just to say comply with base zoning on the thank you.

3:24:06

OK.

3:24:07

I think that's what I'm hearing Rick say.

3:24:09

Yeah.

3:24:10

And I also heard you need 3 to 0 to be successful.

3:24:13

So I guess that'll put the burden on to make a decision.

3:24:17

I will go along and get this.

3:24:19

If that's the only hiccup, then it sounds like I'm, I'm, I'm OK with that.

3:24:24

And it sounds like we can, I can try to craft the motion with the amendments I did.

3:24:28

Well, we took our quick break, take a crack at it.

3:24:31

Great.

3:24:33

In anticipation of the board going in this direction, this is the I didn't share my screen again for the record.

3:24:47

OK, I'm going to give it a shot.

3:24:51

I move to approve the special exception request to allow the mini warehouse use AT-4567U Haas Ranch Lane subject to staff recommended conditions of approval 1267 and eight as included in the staff report.

3:25:10

I would second that.

3:25:15

Thank you.

3:25:15

Is there any further deliberation or are we ready for roll call vote?

3:25:21

All right, Rail roll call vote recall yes.

3:25:26

Andy Mefford Yes.

3:25:27

Babak Raskefarb yes.

3:25:30

And the update, the updated recommended motion is approved unanimously.

3:25:36

You have your special exemption with a modified condition.

3:25:39

So the landscaping requirement is a little bit less onerous than as originally you may have thought.

3:25:49

The next item, thank you, by the way, everyone, thank you.

3:25:53

The next item on the agenda is 7605 Pontrelli Place at the Y special exemption request.

3:26:03

Kevin will provide staff report.

3:26:06

And I appreciate everyone's patience.

3:26:09

This is very atypical for us to hit the three and a half hour mark.

3:26:13

We'll, I'll do my best to keep this moving along.

3:26:19

Good evening and I will do my best as well.

3:26:22

For the record, my name is Kevin Dantic, a planner with the Missoula County Department of Planning, Development and Sustainability.

3:26:29

This evening I'll be presenting the 76 O 5 on Charlie Place.

3:26:33

Special exception request for non conforming use brought forth by Ryan Yarbrough of Carl Construction on behalf of SK Gordon, LLC.

3:26:43

The subject property is addressed as 7605 Pontrelli Place before you use the property location.

3:26:54

7605 Pontrelli Place is located in northwest quadrant in the Missoula Valley, approximately 8.4 miles northwest of downtown Missoula and approximately .6 miles South southwest of the Interstate.

3:27:09

90 US Hwy.

3:27:10

10 W interchange, commonly known as the Y Access to Pontrelli places via Enterprise Way, which is a public Rd.

3:27:23

Here's some background on the property and the proposed use.

3:27:26

The subject property is 1.00 acres and contains one completed commercial building.

3:27:32

The property is zoned Industrial Center Light ICL and is surrounded on all sides with the same zoning.

3:27:39

The purpose of this district is to provide opportunities for light industrial, artisan, and limited commercial activities that require more physical space.

3:27:49

The 2019 Land Use Element of the 2016 Comprehensive Plan identified this geographical area as Industrial Center.

3:27:58

The shelved building was permitted and completed in 2024.

3:28:02

Interior modifications such as restrooms and offices are ongoing.

3:28:07

The applicant proposes to open a recreational training facility that focus focuses primarily on an education and hands on training for students involved in recreational cheerleading training and conditioning.

3:28:21

This uses classified as Recreation, Commercial Indoor Section 2.4 Point G of the Missoula County Zoning Regulations allow this use in the ICL Zoning District only if approved by special exception.

3:28:36

Once again, this is a use exception before there are some conditions on the side.

3:28:44

Once again, the building is complete.

3:28:46

Subject area is one of two spaces of the building outlined here.

3:28:51

Structures classified as a distribution and storage building type 3.3 C and is separated into two commercial units.

3:29:00

Both separated both served by a private well and City of Missoula sanitary sewer.

3:29:06

The building is a substantially complete.

3:29:09

A temporary certificate of Occupancy is valid until September 11th, 2025 in order for the applicant to complete agreed upon landscaping from the original Land Use and Zoning permit from 2024.

3:29:22

Tenant improvements on the inside of building will include the building of restrooms, a mechanical janitor room, and an office.

3:29:29

As we can see, this side has had some tenant improvements, this side has not.

3:29:36

We did send this out.

3:29:37

No comments from Missoula County Voice 19 Adjacent property owners within 500 feet were notified.

3:29:44

No comments from the APO letters and again, no public comment was received #1.

3:29:55

The proposed use of a recreational training facility will require the construction of West Room's office in a janitor closet in the unfinished steel frame building.

3:30:04

Substantial building infrastructure modifications are not proposed and will not be required to accommodate the proposed use.

3:30:12

Ongoing impacts resulting from the approval of the special exception include projected increased vehicular traffic from the commercial indoor recreation use as the property is currently vacant.

3:30:24

The training facility will be open Monday through Thursday 6:00 to 9:00 PM and close Friday through Sunday.

3:30:29

Hours are subject to change.

3:30:31

Due to the seasonal nature of the business and or business growth, the projected increase in traffic will consist of primarily of personal vehicles.

3:30:41

We did receive 1 agency comment from Montana Department Transportation asking about how does the new projected traffic compared to the previous uses of the usage of the building.

3:30:51

However, the previous usage of this particular space is vacant, so in essence there will be more traffic.

3:31:01

No public infrastructure modifications are proposed #2 The IC LS primary intense live for the light industrial limited.

3:31:10

Commercial activities that are set away from sensitive natural environments but near the transportation network.

3:31:15

Properties owned ICL which does not prohibit all commercial activities.

3:31:20

Commercial activities such as administrative facilities, business equipment sales, entertainment venues, microbreweries, professional offices, etcetera are all currently allowed under the ICL zoning as a permitted use.

3:31:34

The permitted use will not result in the required setbacks, bulk requirements, density considerations, or mobility standards.

3:31:41

Only approved modifications to the pre Engineered Metal Building are allowed.

3:31:46

Except for approved signage, the applicant does not intend to modify the exterior of the existing structure.

3:31:52

Any installed signage shall comply with Chapter 8 of the Missoula County Zoning Regulations and will not alter the character of the district #3 the the parcel is located within the wide Targeted Economic Development District.

3:32:05

Established in 2020, the Ted designation enables local government to address infrastructure deficiencies impeding growth.

3:32:13

The recreation commercial indoor use proposed does not run contrary to the intent of the TIF

Special district #4 Building elements required by Section 3.4 do not apply to the PRO special exception as there's no change in any required building element.

3:32:32

Off street parking has been completed at the site per Section 6.3.

3:32:36

Landscaping shall be completed per Section 6.4.

3:32:40

Point C .5 of the Missoula County Zoning Regulations.

3:32:46

In this section, I'd like to discuss some highlights of the special exception criteria that are applicable.

3:32:51

These are listed in Section 11.6, Point D, Point 1A through M of the Zoning Regs.

3:32:59

Number one, there aren't anticipated increases in traffic and parking demand due to the absence of a current business in the proposed space.

3:33:09

According to institute the Institute of Transportation Engineers, ITE gymnastics and related facilities are typically busiest during the evening.

3:33:17

Unlike light industrial uses that often have more consistent daily traffic, proposed uses projected generate the same level of vehicle trips per day and parking requirements as other approved uses within the zoning district #2.

3:33:32

Landscaping per the original permit has not been completed at this point in time.

3:33:36

As a condition of approval, the applicant shall complete landscaping in compliance with zoning regulations.

3:33:42

Chapter 6.4, Point C .5 and Chapter 6.4, point F .2.

3:33:47

Table 8 #3.

3:33:50

Any sign that is added to the building or premises shall comply with the Chapter 8 zoning regulations for the proposed use will have hours of operation six 9:00 PM, Monday through Thursday.

3:34:02

Hours are subject to change due to seasonality or business growth.

3:34:05

Frequency of use and hours of operation are comparable to surrounding uses.

3:34:11

The proposed use meets the intent of the Industrial Center Number 5 by requiring it requires a larger indoor space that is common within this district.

3:34:24

The proposed use were also and associates a larger parcel of land for the building size required and the change in the future to other allowed light industrial uses can be accomplished within the current structure without significant modifications.

3:34:40

Due to the flexibility of the interior space, no impacts on the land or character of the neighborhood are anticipated.

3:34:47

Number six, the proposed use does not add to the Whitehead District in the respect that no secondary value added products will be created through the special exception.

3:34:58

However, the proposed use does not run contrary to the intent of the district and is considered business growth #7 the proposed use.

3:35:08

The property is only allowed through the special exception process.

3:35:11

The completed buildings, large floor area and building structure.

3:35:15

It's a very typical light industrial form which aligns with the applicants needed space requirements.

3:35:22

Conclusions of law.

3:35:24

This will be compatible with and not substantially injure the value of adjoining property.

3:35:29

Preserves character District.

3:35:30

The property is suitable for the use, proposed substitute or additional design standards will protect and preserve and protect the area's architectural aesthetic qualities and all the review criteria list in the Section 11.6 Point D Point 1A through M of the zoning regulations have been given due consideration.

3:35:53

Staff recommends approval to cross the special exemption based on the exception based on the findings of fact inclusions of law presented in the staff report, subject to two conditions of approval.

3:36:08

All other necessary permits administered by agencies other than PDS shall be obtained by

the property owner designated representative, including Mont Lining 2 and the Zoning Compliance Electrical, etcetera #2.

3:36:22

The applicant shall complete landscaping in compliance with Missoula County Zoning Regulations.

3:36:27

Chapter 6.4.

3:36:28

Point C .5 and 6.4.

3:36:31

Point F .2.

3:36:32

TABLE 8 including installation of a 5 foot wide perimeter landscaping buffer along the southwest, northwest and northeast sides of the parking area with all required plantings in place and a weed management plan drafted under Ecology and Extension shall be completed with the current portions of the property.

3:36:50

Landscape with rock.

3:36:52

Once again, these are the landscaping standards are the bare minimum for the ICL zoning.

3:37:01

In conclusion, I have a recommended motion on the screen before you, the applicant is present if you have any questions.

3:37:12

Thank you.

3:37:13

One question for you on the second recommendation.

3:37:17

I just wasn't sure if I heard correctly this is the landscaping requirement.

3:37:21

It sounded like this is already chapters 6.4 C .5 is for ICL.

3:37:30

That's correct.

3:37:31

So we're making an A condition, but arguably it's already captured by the 1st condition in terms of complying with all other permits and zoning compliance.

3:37:44

Essentially you're, you're telling me that they're currently out of zoning compliance.

3:37:47

That's correct.

3:37:48

Our condition is we will grant this special use provided you get into zoning compliance.

3:37:54

That is correct.

3:37:55

Yep.

3:37:55

And once again, there's a there's a conditional use permit that is currently active because of the landscaping.

3:38:03

OK.

3:38:06

Any initial questions for staff is the applicant, applicant representative wish to add anything?

3:38:15

This would be the time.

3:38:16

Appreciate you come up to the podium and just stating your name.

3:38:26

Ryan Yarbrough, representative for SK Gordon LLC and Galaxy Cheer Squad.

3:38:32

Kevin I think did a great job of outlining exactly what we'd like to do with the facilities for occupancy only has no effect on the surrounding areas or on really the building itself outside of ATI or tenant improvement space.

3:38:49

I think it the only thing I would add is, is that it's extremely difficult for kids in Missoula given just the seasonality of environment that we're in to find spaces to practice their either sports or activities indoors, especially during the winter.

3:39:05

Obviously, you know, the the activities that that they engage in require a large facility, a large roof, which we can't really find anywhere else outside of a industrial zoned area.

3:39:20

Anything you want to add?

3:39:21

OK.

3:39:22

All right.

3:39:24

So please vote yes.

3:39:25

Thank you.

3:39:25

Any members of the board have any question for the applicant's representative?

3:39:30

I guess I only had one and that was you're OK with the recommended conditions of approval for landscaping?

3:39:36

Yes, Yeah, they're just required for zoning.

3:39:40

We yeah, applied for the certificate of occupancy in the spring, so we're just in the process of getting up.

3:39:45

Thank you.

3:39:50

Any other questions for staff or the applicant, I guess we'll board can deliberate this.

3:39:59

I I see no issue with this.

3:40:01

Hey Babic, just public comment.

3:40:03

Oh thank you.

3:40:05

Sorry it's late in the day public comment.

3:40:08

Are there any members of the public here in person or any virtually who wish to comment on the proposal?

3:40:15

Anyone in the?

3:40:16

Room OK.

3:40:18

Anyone attending virtually on Teams public comment.

3:40:24

Thank you for the reminder.

3:40:28

All right.

3:40:28

I think now the board can deliberate and I was just going to comment.

3:40:31

They tried to say earlier, I don't see any issue with this and I'm inclined to approve it as with the two conditions, I have to make a disclosure and that is that my niece has two kids at Galaxy.

3:40:46

So I don't think that's a conflict.

3:40:48

But I have to by law tell you guys that I don't have any issue with it either.

3:40:55

I know they need the space.

3:40:57

And I just want to point out that cheerleading is a sport.

3:41:01

They are athletes.

3:41:02

So I just want to point that out.

3:41:04

So I would move to the Board of Adjustment to approve the special exemption request from SK Gordon, LLC to deviate from Chapter 2.4 dot G of the Missoula County Zoning regulations as presented in the proposed application, subject to the recommended conditions as presented.

3:41:27

I'll 2nd.

3:41:28

I'll second it.

3:41:29

Any further deliberation or can we have a roll call vote?

3:41:33

Roll call vote?

3:41:34

Rick Hall, yes.

3:41:36

Andy Mefford yes, Fabric Raskefarb yes.

3:41:40

And the recommended motion passed unanimously.

3:41:42

You have your special exemption, you can cheer literally.

3:41:49

OK do we have any communications and special presentations or committee reports we did have on the agenda under old business the this might be kind of moving along.

3:42:00

There's no communications, but we are going to move the feedback on the possible consolidated land use board to a later date and we can have additional board members here.

3:42:10

I think that would be good to do.

3:42:12

I don't any new business or comments from board members or staff, I have none.

3:42:20

All right, well, we can adjourn 9:41 PM Thank you, everyone.

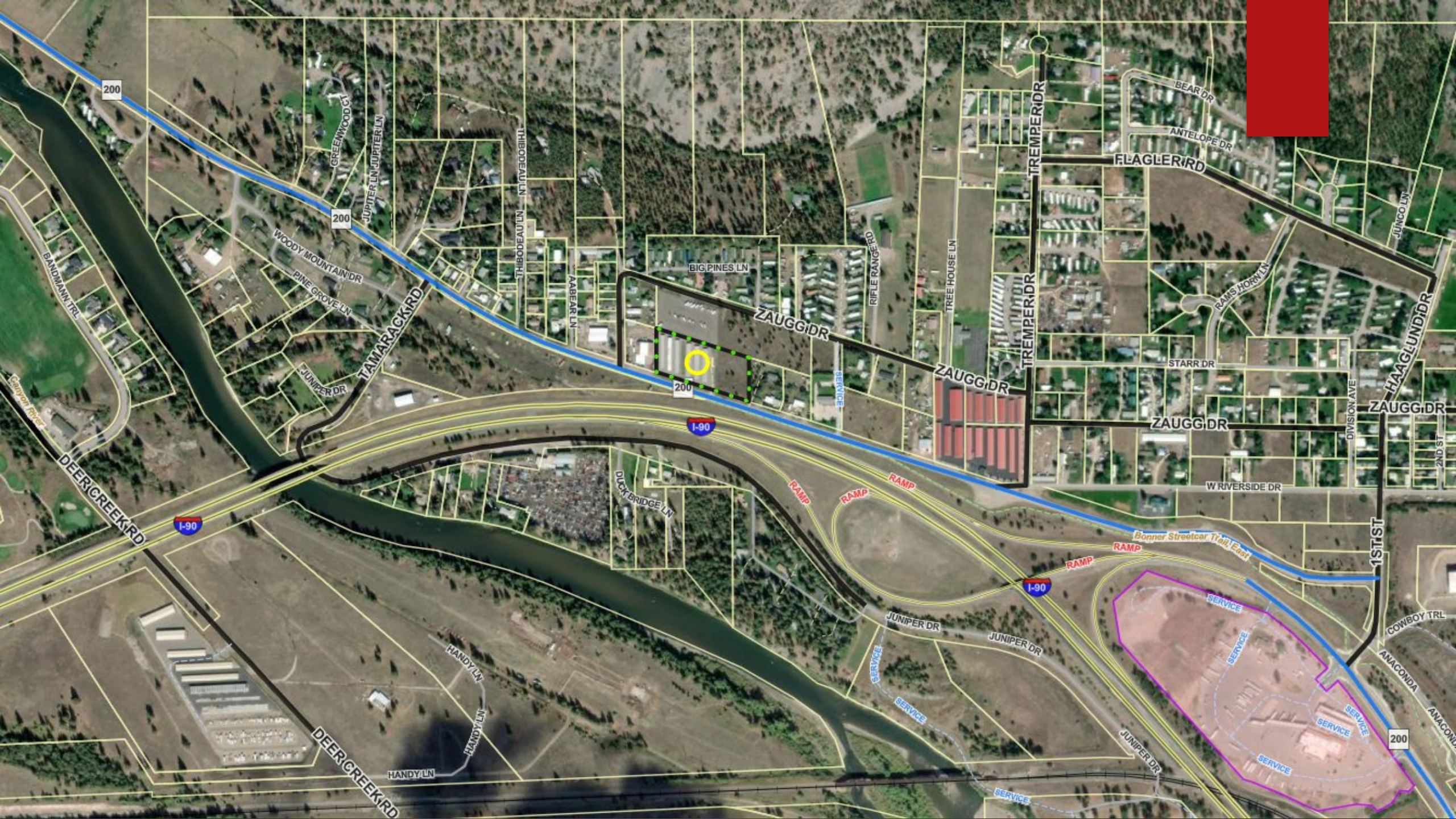
7102 HWY 200 E Titan Self-Storage

Special Exception and Variance Requests

JULY 16, 2025

JENNIE DIXON, PLANNER IV





200

200

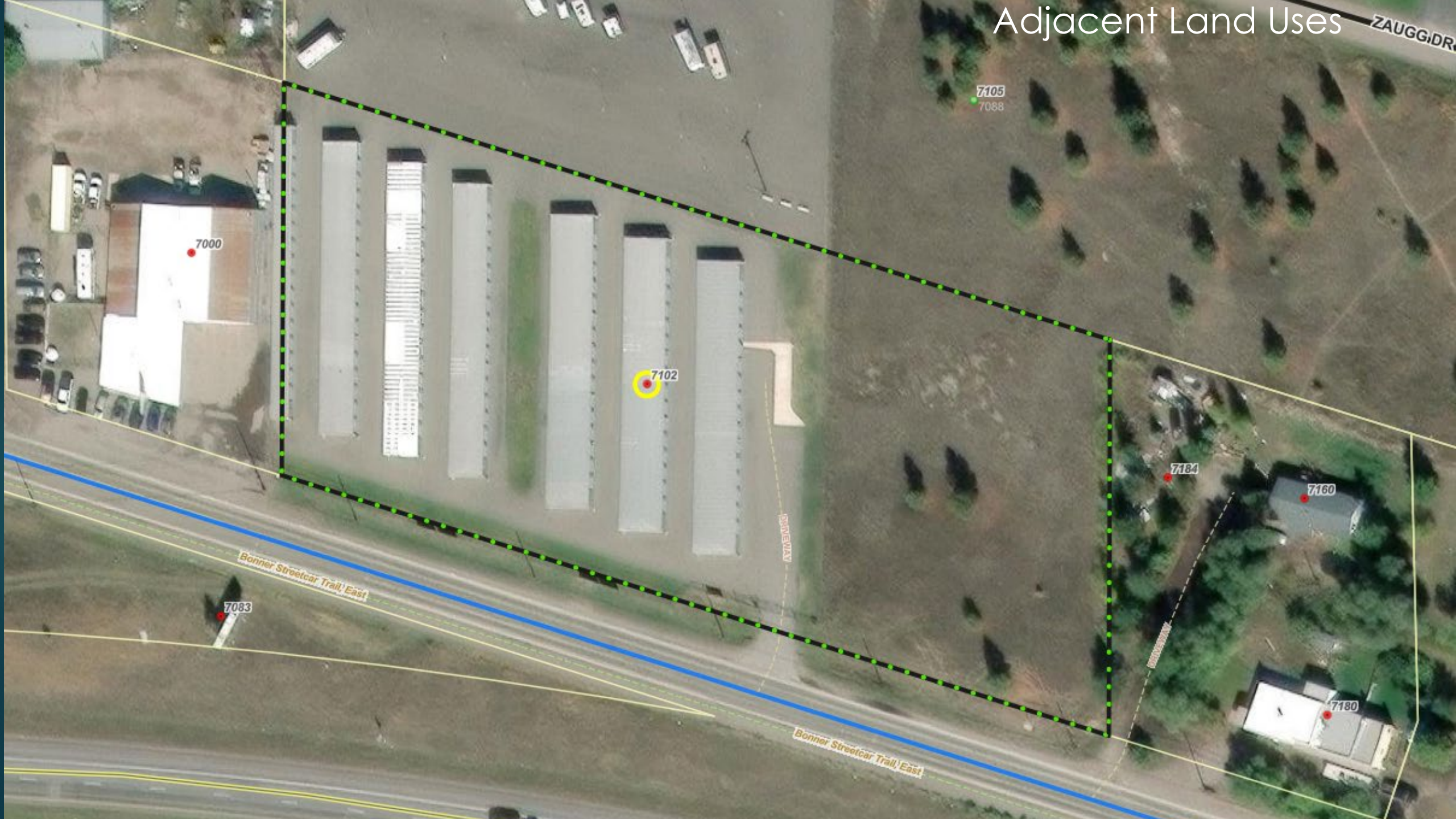


200





Adjacent Land Uses



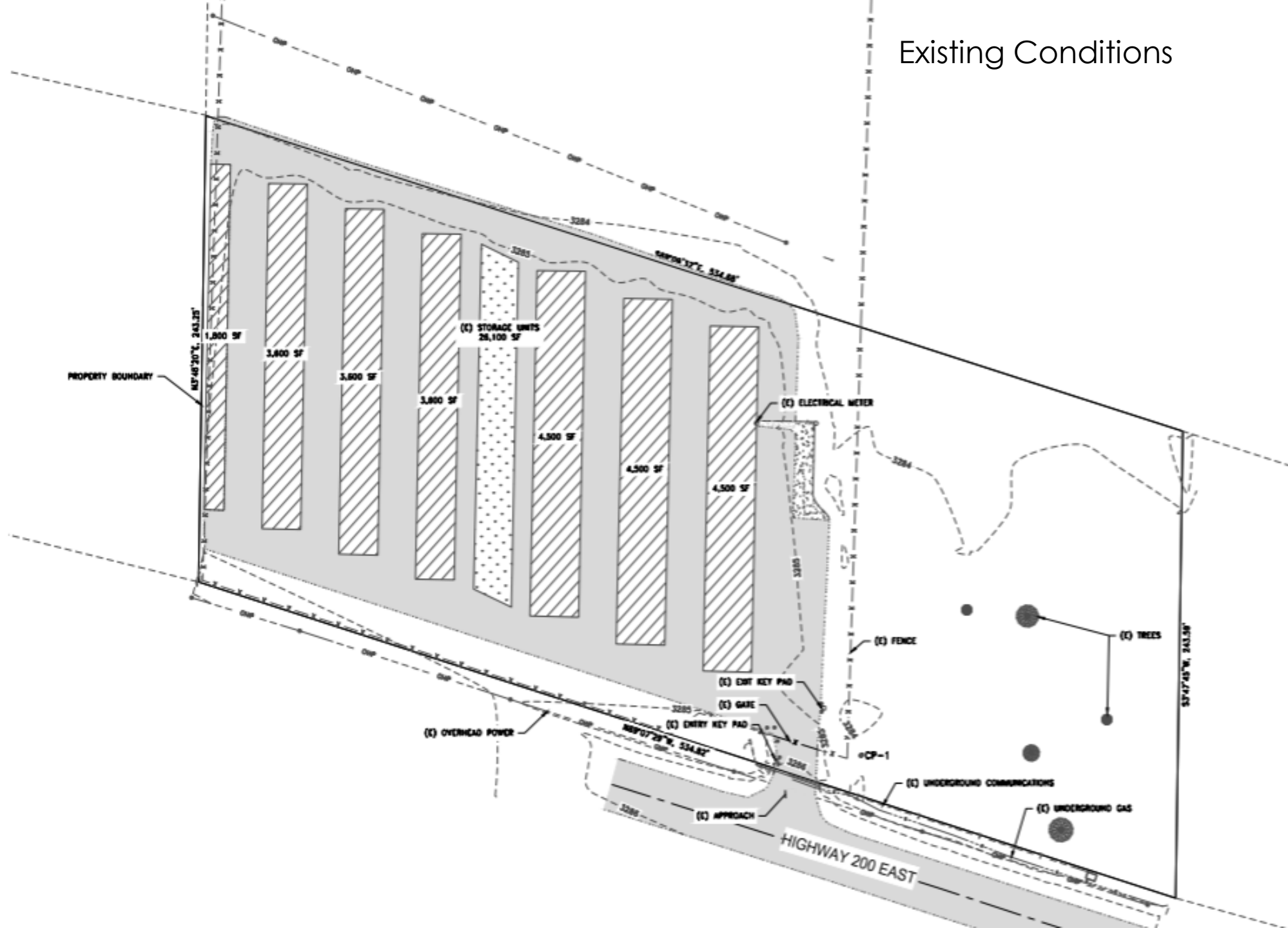


TITAN SELF-STORAGE

- ▶ Self-storage mini-warehouse (seven buildings) established in 1996, when site was unzoned.
- ▶ Now, Self-storage mini-warehouse is a Nonconforming Use
- ▶ Applicant requests expansion to the east with 2 additional self-storage buildings.

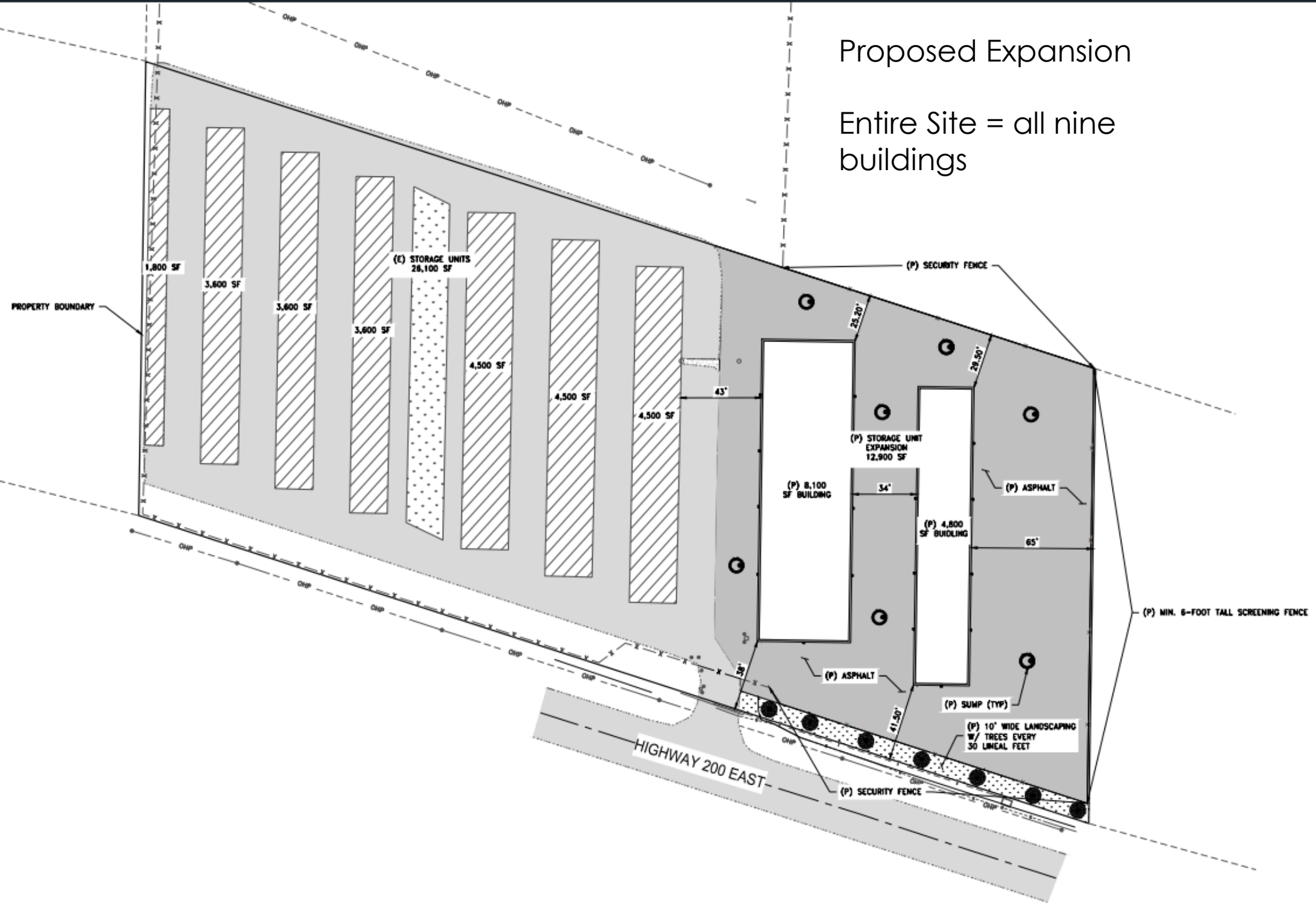
Existing Conditions

DESCRIPTION	N
CONTROL POINT	S



Proposed Expansion

Entire Site = all nine buildings



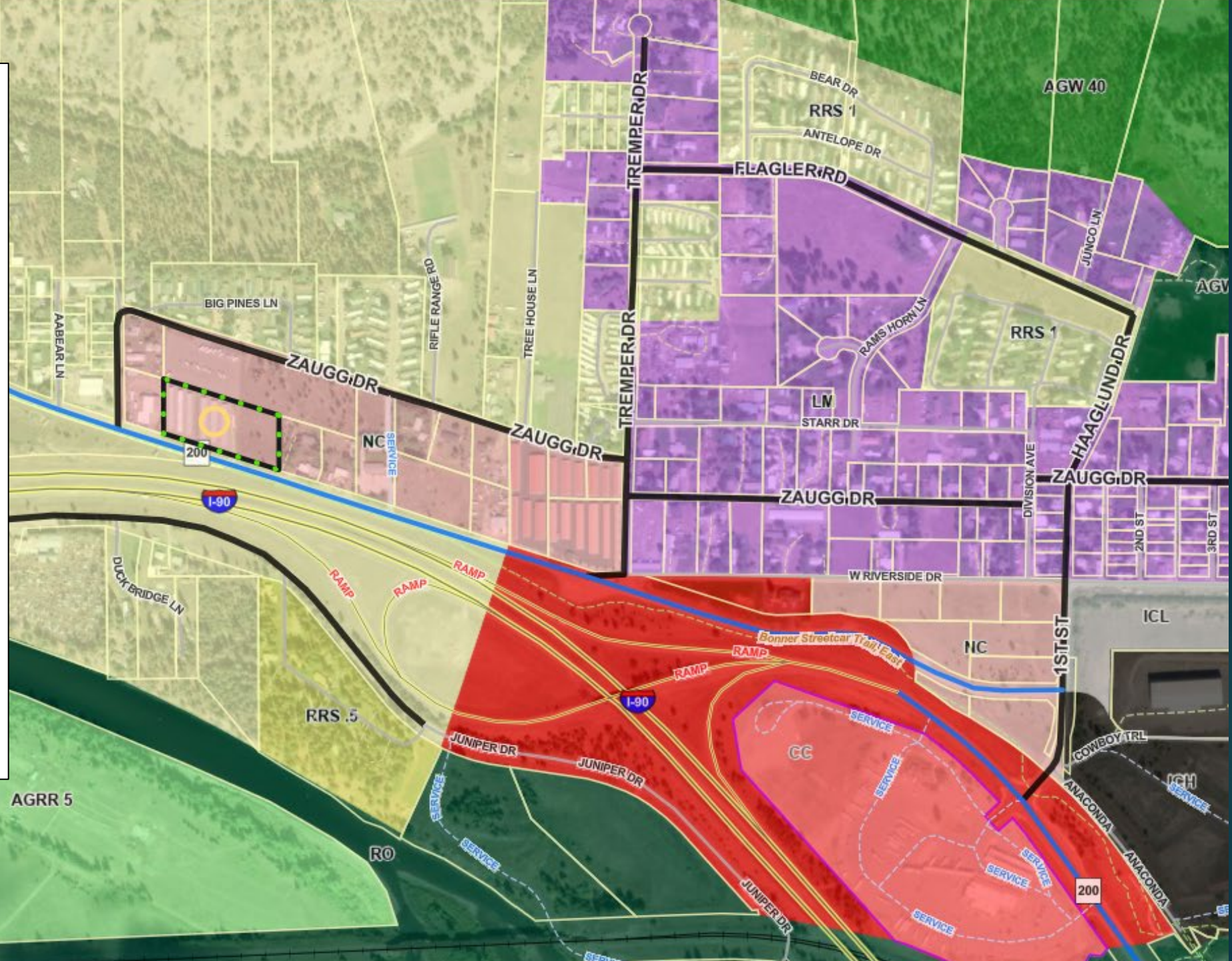
Site Information

- ▶ 2.84 acres
- ▶ Existing buildings ~ 26K s.f.
- ▶ New buildings ~13K s.f.
- ▶ Zoning NC
- ▶ Mini-warehouse not allowed in NC
- ▶ Nonconforming use – normally, expansion up to 50% requires BOA approval as a Special Exception
- ▶ Site not served by public sewer or water systems

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



What is a Special Exception?

- ▶ A type of land use approval that allows a property owner to use their land in a way that isn't automatically permitted under the Missoula County Zoning Regulations but *might* be acceptable under specific conditions.
- ▶ Conditions should be imposed on a Special Exception to ensure the use is consistent and compatible with the overall community character, the context of the neighborhood, the zoning designation, the growth policy goals and objectives, and the land use designation
- ▶ The project should provide for an enhanced environment that protects the adjacent landowners and reduces potential negative impacts.
- ▶ Typical conditions usually relate to design and site features, operational aspects, infrastructure, and public use areas as they relate to SITE SPECIFIC conditions.
- ▶ It is an **EXCEPTION** to the rules.

Special Exception: Criteria To Allow

- A. The proposed use or development will be **COMPATIBLE WITH** and **WILL NOT INJURE** the value of adjoining property;
- B. The proposed use **PRESERVES THE CHARACTER** of the district, and the **PROPERTY IS SUITABLE** for the use proposed.

Factors to Consider: Special Exception

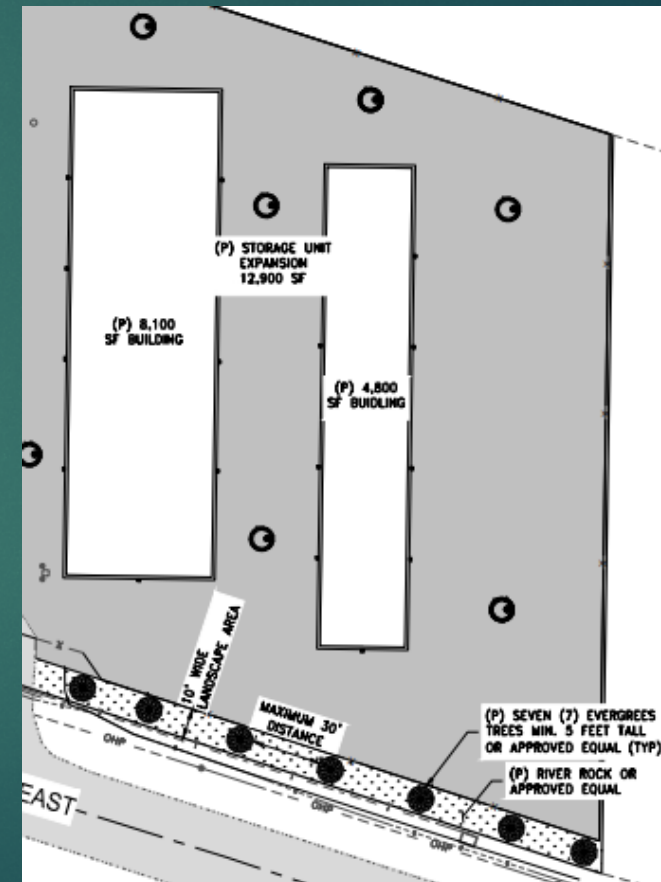
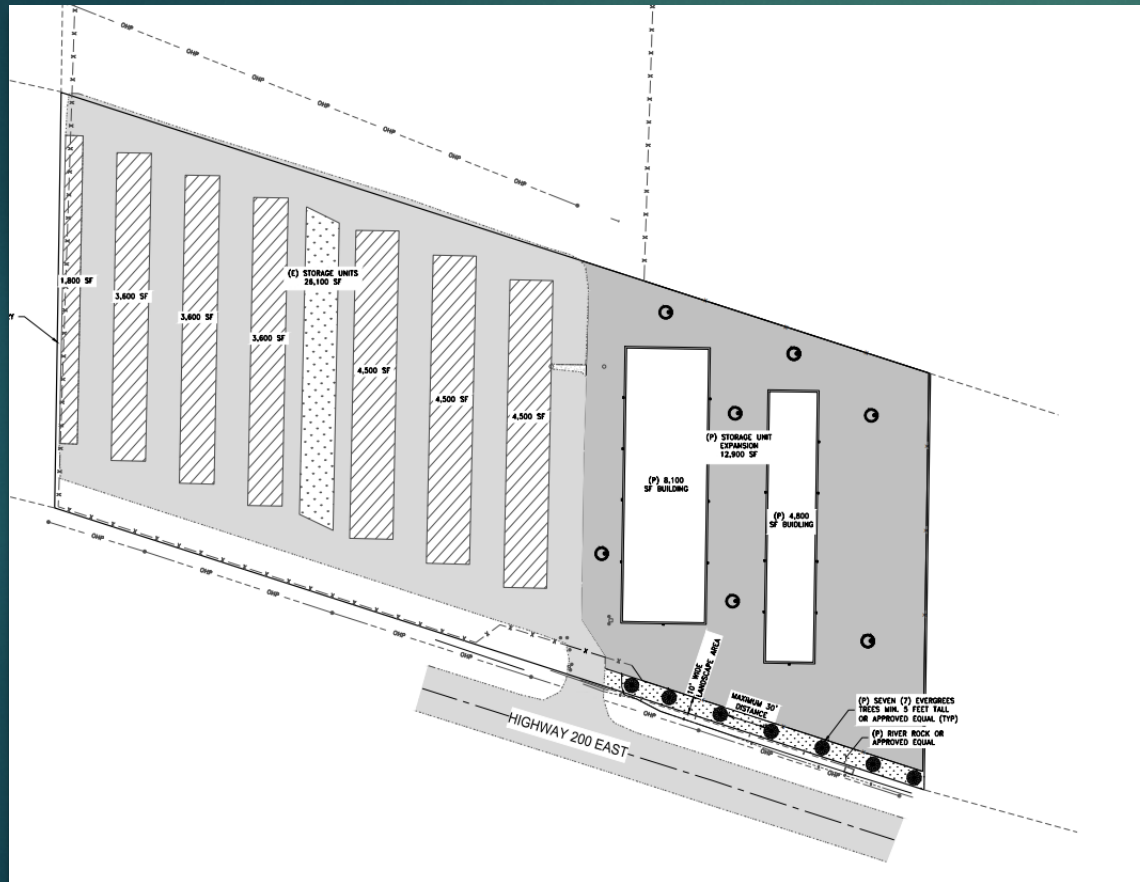
1. Access, traffic, and parking demand created by or impacted by the use, and pedestrian, bicycle, and onsite vehicular circulation.
2. Dedication and development of streets, right-of-way, and public use areas, such as sidewalks adjoining the property and the capacity to handle the use.
3. Impacts on or of public and private utilities or services.
4. Proposed siting of any new structures necessary to accommodate the use and their relationship to adjoining and surrounding properties.
5. Recreation opportunities and open lands available to serve the use.
6. Natural resource protections.
7. Area of land necessary and adequacy of the site to accommodate the use and meet the intent of the district and character of the neighborhood.

Staff Recommends Approval of Special Exception

▶ **RECOMMENDED CONDITIONS OF APPROVAL:**

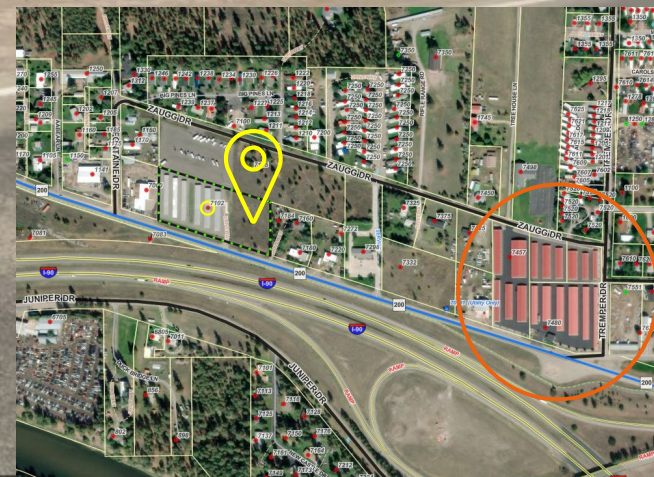
- ▶ 3. Substantial compliance with site plan
- ▶ 4. No future expansion
- ▶ 5. Outdoor lighting
- ▶ 6. Street frontage landscaping
- ▶ 7. Landscape buffer adjacent to residential use
- ▶ 8. Landscape maintenance plan
- ▶ 9. Weed Management and Revegetation Plan
- ▶ 10. Compliance with sign regulations for NC zoning district *

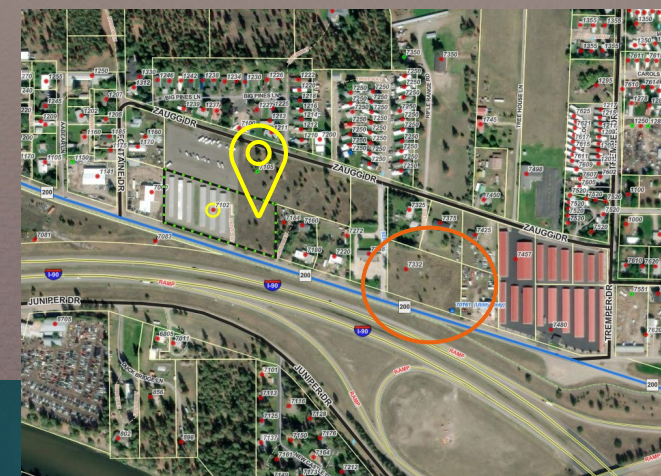
Proposed Landscape Plan





Google









Search Google Maps



7083 MT-200

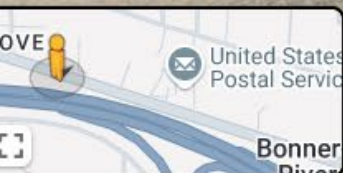
Missoula, Montana



Google Street View

Jul 2024

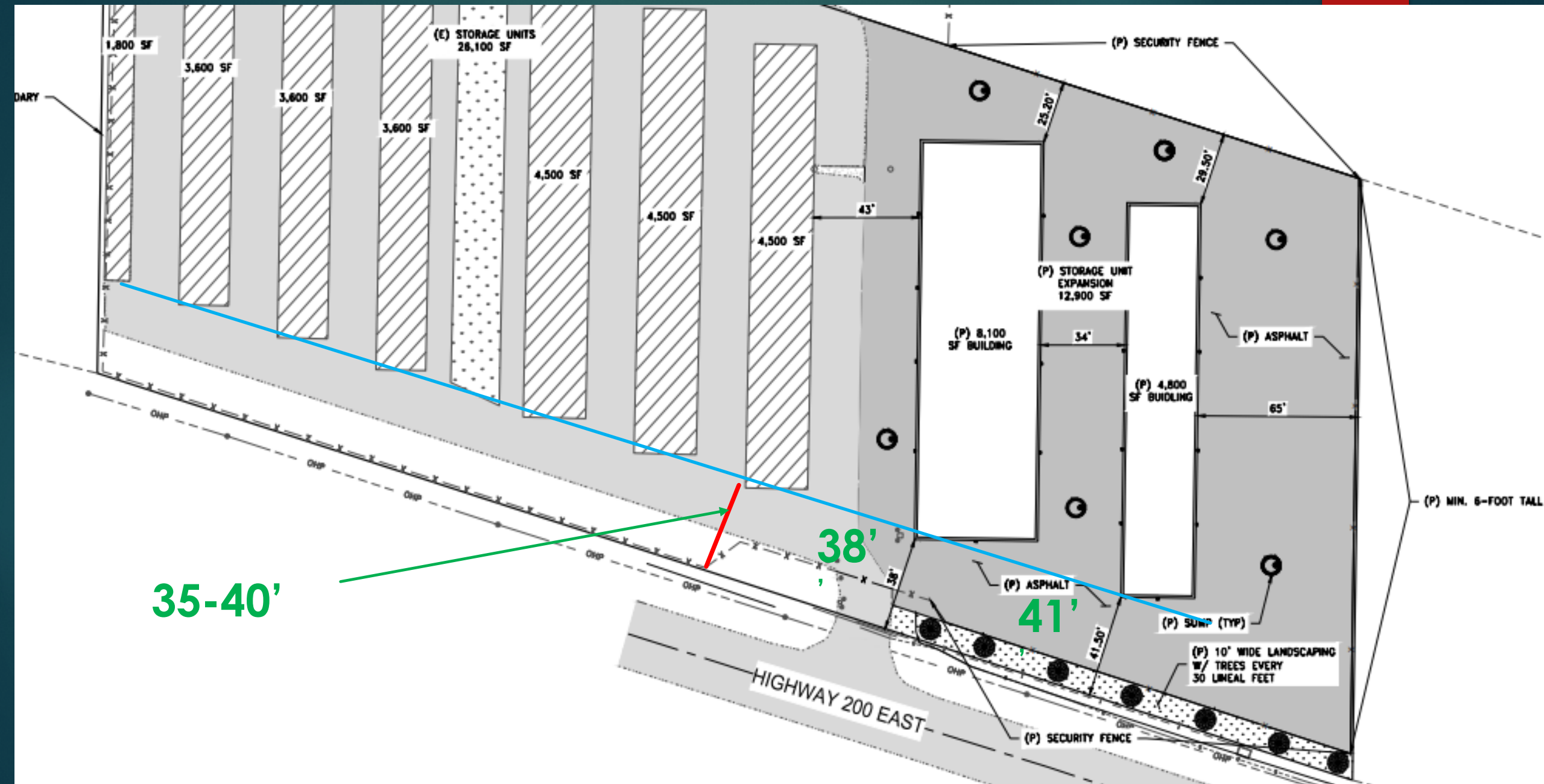
[See more dates](#)



Google

Build-to Zone in NC

- ▶ The opposite of a setback
- ▶ The area where 70% percentage of the building façade must be located
- ▶ 0-10' is the required BTZ along Highway 200 E.



Variance Criteria for Approval

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.
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.

Agency and Public Comment

Agencies did not have any concern regarding the proposal

38 notices mailed to adjacent property owners

4 Comments received from 2 people opposed to expansion due to local impacts

Recommended Motion: Special Exception

THAT the Special Exception Request to expand the Titan Self-Storage existing legal non-conforming use with two additional storage buildings shown on the site plan be **approved**, subject to the ten recommended conditions of approval, as amended.

Amended conditions of approval for Special Exception

NEW CONDITION OF APPROVAL:

10. No permit shall be issued for this property until all signage is brought into compliance with the Missoula County Zoning Regulations Chapter 8 sign standards applicable in the Neighborhood Center (NC) zoning district.

Recommended Motion: Variance

- ▶ **THAT** the Variance Request to not comply with the 0-10' Build-To-Zone along Highway 200 E. be **approved**, subject to the recommended conditions of approval.

II. **RECOMMENDED CONDITIONS - OVERALL**

Compliance with Other Regulations and Securing Necessary Permits

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

RECOMMENDED CONDITIONS - VARIANCE

Deviation from Build-To-Zone

2. The two new mini-warehouse storage buildings may be constructed outside of the required build-to-zone along the Highway 200 E. frontage, as shown on the site plan on Page C-5 of the application.

RECOMMENDED CONDITIONS – SPECIAL EXCEPTION

Substantial Compliance with Site Plan

3. Plans for two new storage buildings and drive lanes shall substantially match the site plan on Page C-5 of the application, except where zoning requirements are out of compliance. In no case shall structures associated with the storage facility be located less than 60' to the eastern property boundary, as shown on the proposed site plan. All zoning requirements shall be reviewed for compliance with the applicable zoning district provisions in Section 2.3.J (NC) and all site design standards at time of zoning compliance permit. Approval of the requested variance will relieve the landowner of having to meet the build-to-zone in the NC district along Highway 200 E.

No Future Expansion as a Non-Conforming Use

4. Future development of this entire site shall comply with the Missoula County Zoning Regulations, including Section 10.4 *Non-Conforming Uses*; no additional expansion of the facility shall be permitted as a non-conforming use.

Outdoor Lighting

5. The entire development site, including all nine buildings and the entire driving lane area for Titan Self-Storage, shall comply with Section 6.5 *Outdoor Lighting*, subject to review and approval by Planning, Development and Sustainability Department prior to issuance of a zoning compliance permit.

Street Frontage Landscaping

6. The entire Highway 200 E. frontage shall be landscaped in accordance with Section 6.4.F.1 *Street Frontage Landscaping* and other applicable provisions of Section 6.4 pertaining to street frontage trees, subject to review and approval by Planning, Development and Sustainability Department prior to issuance of a zoning compliance permit. Where new fencing is proposed, street frontage trees must be placed on the exterior (street) side of new fencing. Where fencing already exists, street frontage trees may be placed on the interior side of existing fencing. Fifty percent of the required street frontage landscaping area along the frontage of the entire facility and extending 10 feet into the property from the edge of right-of-way must be living vegetation as outlined in Section 6.4.E. *Landscaping Material*. Meeting this condition shall satisfy the requirements in Section 5.20.B.2. for screening and buffering along the street frontage.

Landscape Buffer Adjacent to Residential

7. The eastern portion of the property shall be landscaped in accordance with Section 6.4.F.3 f.i., *Screening and Buffering for Industrial Districts* subject to review and approval by Planning, Development and Sustainability Department prior to issuance of a zoning compliance permit.

Landscape Maintenance Plan

8. A landscape maintenance plan meeting the requirements of Section 6.4.C.3. – 5., not including areas of native landscaping or xeriscape, shall be reviewed and approved for installation and implementation prior to issuance of a zoning compliance permit. Native landscaping and xeriscape shall be installed and maintained in accordance with Section 6.4.F.3. *Maintenance* and 6.4.F.4.

Replacement of Planting Material.

Weed Management and Revegetation Plan

9. The landowner shall prepare a Weed Management and Revegetation Plan in compliance with the Montana Noxious Weed Control Act Missoula and the County Noxious Weed Management Plan for the entire site, with implementation and execution of the Plan prior to issuance of a zoning compliance permit. The Weed Management and Revegetation Plan shall be reviewed and approved by the County Weed District and the Planning Office prior to issuance of a zoning compliance permit.

**Proposed Revisions to Conditions of
Approval**

**Presented by James Sage
Missoula Engineering, LLC
July 16, 2025**

MISSOULA COUNTY BOARD OF ADJUSTMENT

July 16, 2025

I. RECOMMENDED MOTIONS

1. **THAT** the Special Exception Request to expand the Titan Self-Storage existing legal non-conforming use with two additional storage buildings as shown on the site plan be **approved**, subject to the recommended *amended* conditions of approval *as presented by Missoula Engineering, LLC during the Board of Adjustments hearing.*
2. **THAT** the Variance Request to not comply with the 0-10' Build-To-Zone along Highway 200 E. be **approved**, subject to the recommended *amended* conditions of approval *as presented by Missoula Engineering, LLC during the Board of Adjustments hearing.*

The recommended motions are based on the findings of fact and conclusions of law contained in this staff report and public testimony provided to the Board of Adjustment, subject to the recommended *amended* conditions of approval *as presented by Missoula Engineering, LLC during the Board of Adjustments hearing.*

II. RECOMMENDED CONDITIONS - OVERALL

Compliance with Other Regulations and Securing Necessary Permits

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

RECOMMENDED CONDITIONS - VARIANCE

Deviation from Build-To-Zone

2. The two new mini-warehouse storage buildings may be constructed outside of the required build-to-zone along the Highway 200 E. frontage, as shown on the site plan on Page C-5 of the application.

RECOMMENDED CONDITIONS – SPECIAL EXCEPTION

Substantial Compliance with Site Plan

3. Plans for two new storage buildings and drive lanes shall substantially match the site plan on Page C-5 of the application, *with the allowance to swap the building footprints*, except where zoning requirements are out of compliance. In no case shall structures associated with the storage facility be located less than 60' to the eastern property boundary, as shown on the proposed site plan. All zoning requirements shall be reviewed for compliance with the applicable zoning district provisions in Section 2.3.J (NC) and all site design standards at time of zoning compliance permit *with the following clarifications and provisions:*

- a. *Section 2.3.J.4.a Lot Dimensions and Gross Density shall not apply.*
- b. *Per Section 2.3.J.4.c. Building Scale First Story Min. Height shall be modified to allow the two new proposed storage buildings to be of equal or greater height as the existing storage buildings.*

Approval of the requested variance will relieve the landowner of having to meet the build-to-zone in the NC district along Highway 200 E.

No Future Expansion as a Non-Conforming Use

- 4. Future development of this entire site shall comply with the Missoula County Zoning Regulations, including Section 10.4 *Non-Conforming Uses*; no additional expansion of the facility shall be permitted as a non-conforming use.

Outdoor Lighting

- 5. The entire development site, including all nine buildings and the entire driving lane area for Titan Self-Storage, shall comply with Section 6.5 *Outdoor Lighting*, subject to review and approval by Planning, Development and Sustainability Department prior to issuance of a zoning compliance permit.

Street Frontage Landscaping

- 6. The entire Highway 200 E. frontage shall be landscaped in accordance with Section 6.4.F.1 *Street Frontage Landscaping* and other applicable provisions of Section 6.4 pertaining to street frontage trees, subject to review and approval by Planning, Development and Sustainability Department prior to issuance of a zoning compliance permit. Where new fencing is proposed, street frontage trees must be placed on the exterior (street) side of new fencing. Where fencing already exists, street frontage trees may be placed on the interior side of existing fencing. Fifty percent of the required street frontage landscaping area along the frontage of the entire facility and extending 10 feet into the property from the edge of right-of-way must be living vegetation as outlined in Section 6.4.E. *Landscaping Material*. Meeting this condition shall satisfy the requirements in Section 5.20.B.2. for screening and buffering along the street frontage.

~~*Landscape Buffer Adjacent to Residential*~~ *Stricken in its entirety*

- ~~7. The eastern portion of the property shall be landscaped in accordance with Section 6.4.F.3.f.i., *Screening and Buffering for Industrial Districts* subject to review and approval by Planning, Development and Sustainability Department prior to issuance of a zoning compliance permit.~~

Landscape Maintenance Plan

- 7. A landscape maintenance plan meeting the requirements of Section 6.4.C.3. – 5., not including areas of native landscaping or xeriscape, shall be reviewed and approved for installation and implementation prior to issuance of a zoning compliance permit. Native landscaping and xeriscape shall be installed and maintained in accordance with Section

6.4.F.3. *Maintenance* and 6.4.F.4. *Replacement of Planting Material*.

Weed Management and Revegetation Plan

8. The landowner shall prepare a Weed Management and Revegetation Plan in compliance with the Montana Noxious Weed Control Act Missoula and the County Noxious Weed Management Plan for the entire site, with implementation and execution of the Plan prior to issuance of a zoning compliance permit. The Weed Management and Revegetation Plan shall be reviewed and approved by the County Weed District and the Planning Office prior to issuance of a zoning compliance permit

SECTION 2.3.J NEIGHBORHOOD CENTER (NC)

1. PURPOSE

The purpose of this district is to provide limited, clustered commercial activity in neighborhoods that serve the retail, service, and employment needs of nearby residents. The primary intent is convenient access to goods and services within a walkable distance to and from adjacent neighborhoods, supporting both a horizontal and vertical mix of residential and commercial uses that are designed to consider the style, scale and intensity of existing development as well as the natural environment present. Development densities require access to public services and a "Complete Street" network that includes non-motorized facilities such as protected or buffered bike lanes, sidewalks, and enhanced crosswalks. Both motorized and non-motorized connectivity between this district and adjoining neighborhoods is a requirement of development.

2. BUILDING TYPES

Permitted building types for principal and accessory uses allowed in the Neighborhood Center (NC) district are found in Section 3.2. "Building Type Allowed by District."

3. PERMITTED USES

Uses permitted in the Neighborhood Center (NC) district are found in Table 5, Section 2.4.G. "Table of Uses."

Multiple principal uses are permitted per lot in this district.

Accessory uses shall meet the requirements found in Section 5.3. "Accessory Uses and Structures."

FIGURE LEGEND		Key
GENERAL TERMS	Lot Line (Front)	A
	Lot Line (Side - Interior)	B
	Lot Line (Side - Street)	C
	Lot Line (Rear)	D
	Right-of-Way	E

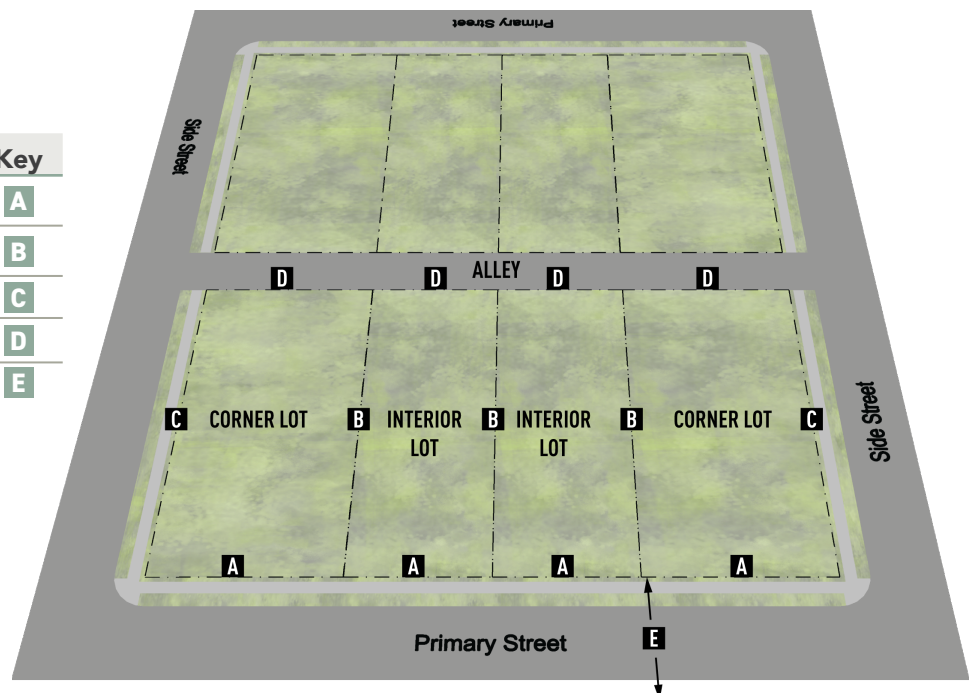


Fig. J-1 General Lot Components

4. SITE DESIGN STANDARDS

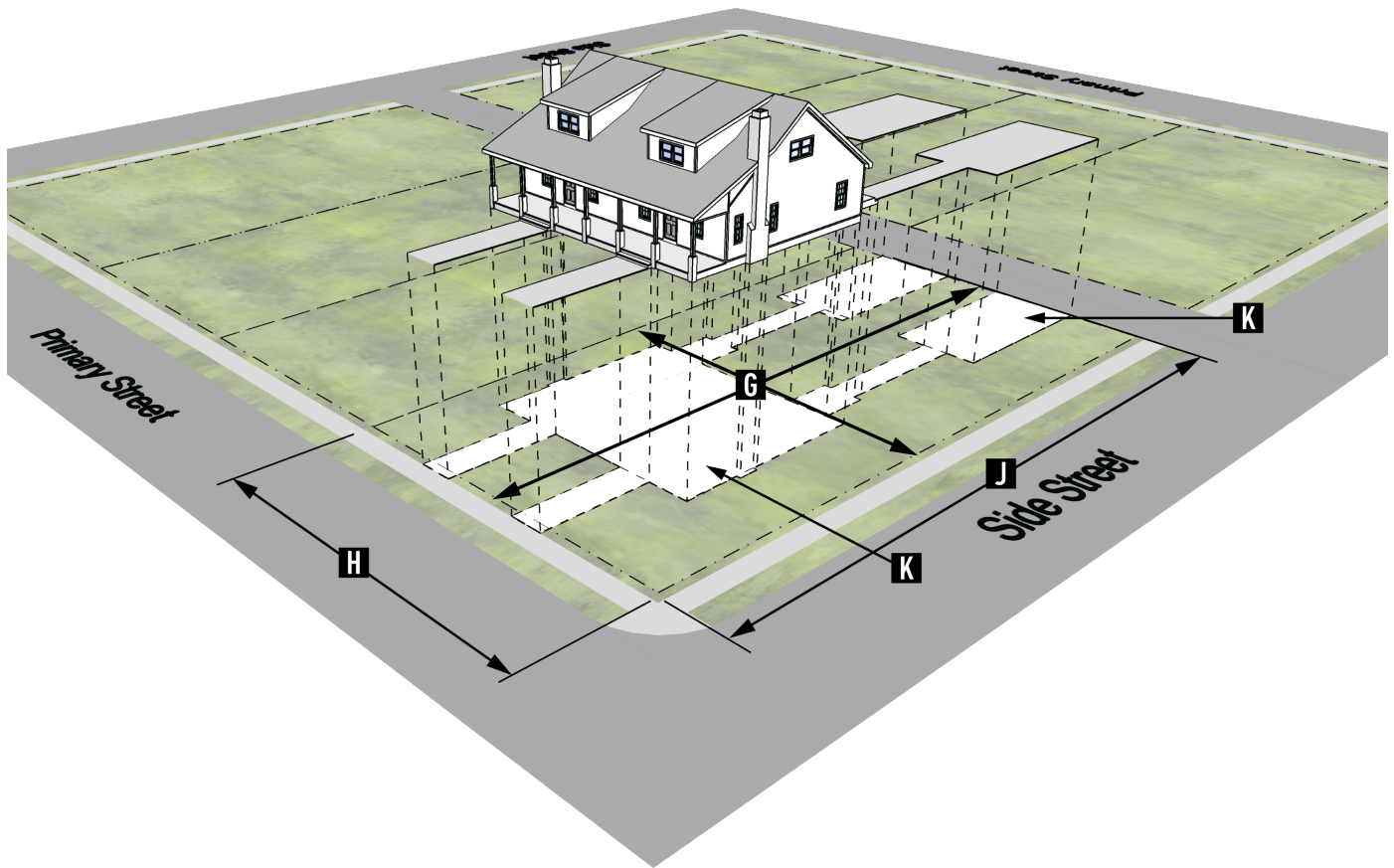


Fig. J-2 Lot Dimensions

a. Lot Dimensions and Gross Density

Building Type	Lot Dimensions				Homes per acre	
	Min. Area (sq. ft.)	Min. Width	Min. Depth	Max. Coverage	Min.	Max.
Tri- and quadplex, multi-plex small	No min.	n/a	n/a	80%	8 homes/ac	n/a
Multi-plex large, apartment		n/a	n/a	80%		
All shopfront types		n/a	n/a	80%	n/a	n/a
Civic		n/a	n/a	80%	n/a	n/a
All other types as permitted		n/a	n/a	80%	8 homes/ac	n/a
Diagram Key	G	H	J	K		



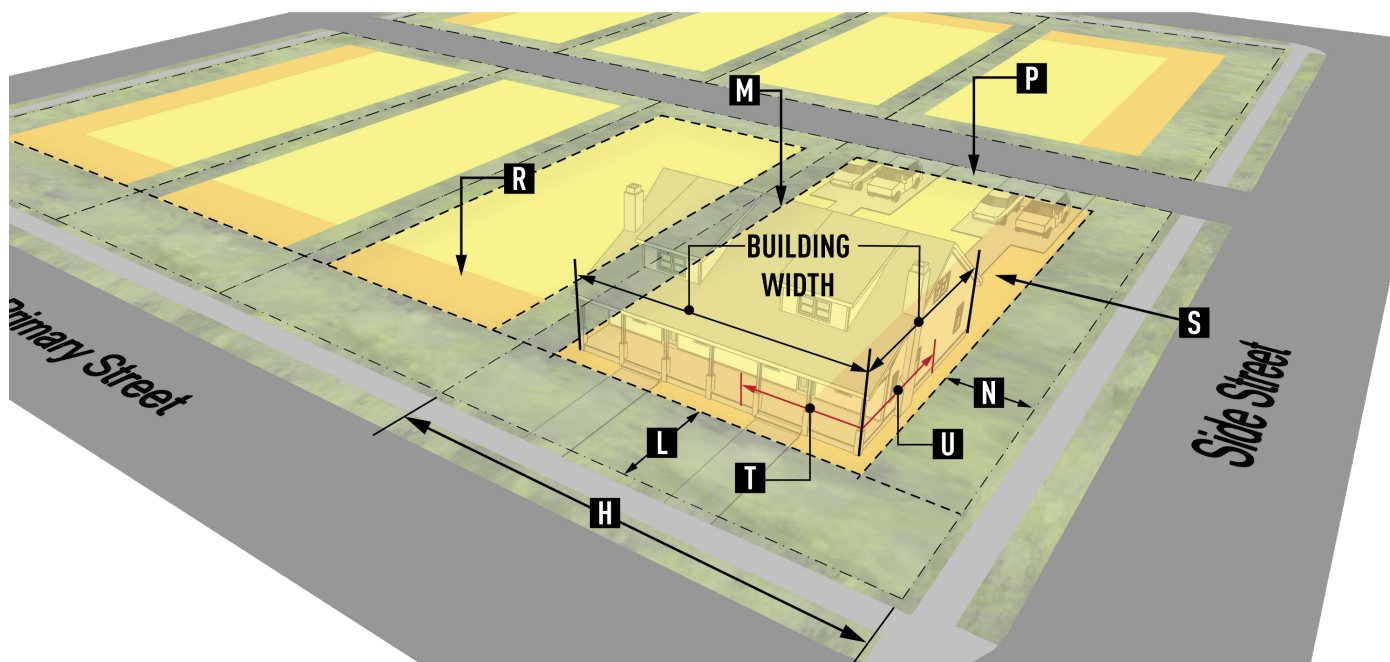


Fig. J-3 Building Placement

b. Building Placement

Building Setbacks	Principal	Accessory	Diagram Key	
Front	No min.	5'	L	
Side (interior)		3'	M	
Side (street)		5'	N	
Rear		3'	P	
Build-to Zone (BTZ)	Build-to Zone	Diagram Key	BTZ Percentage	Diagram Key
Front	0'-10'	R	70%	T
Side (street)	0'-10'	S	40%	U
Building Elements*	Min. (%) Transparency	Diagram Key		
First Story	40%	R, S		
Upper Story	30%	R, S		
Blank Wall Articulation*	Min. (%)	Diagram Key		
Front	60%	R		
Side (street)	50%	S		

*See Table 5 in Section 3.4. for transparency and blank wall articulation applicability per building type.

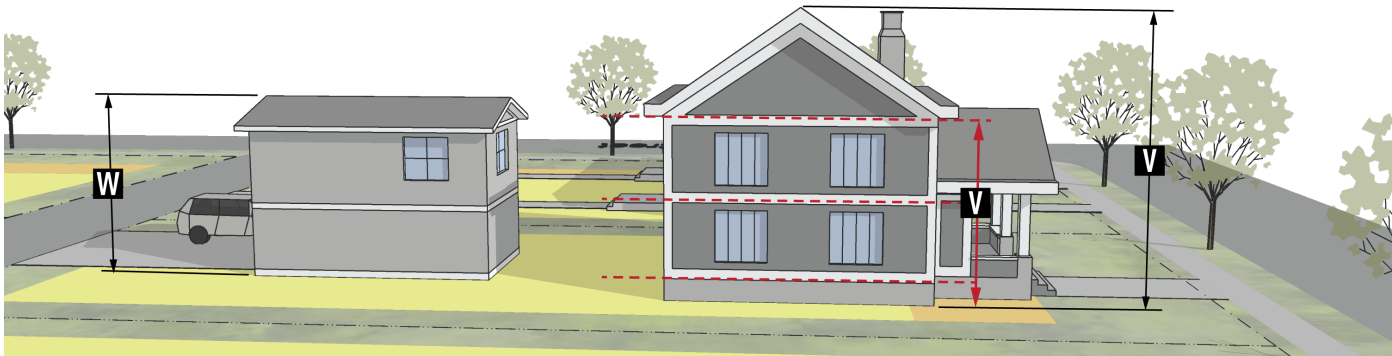


Fig. J-4 Building Height

c. Building Scale

Building / Structure	Max. Bldg. Footprint (sq. ft.)	Max. Height*	Key	Max. Stories	First Story Min. Height	Key
Principal building	10,000**	45'	V	4	14'	V
Accessory structure, detached	2,000	24'	W	2	n/a	n/a

*See height plane requirements in Section 4.6.C.11.

**Except for single-household and two-household dwellings, and excluding attached garage.



5. MOBILITY

The following standards apply to all development in the NC district as part of the Zoning Compliance Permit process, in accordance with Section 6.2. "Access and Circulation."

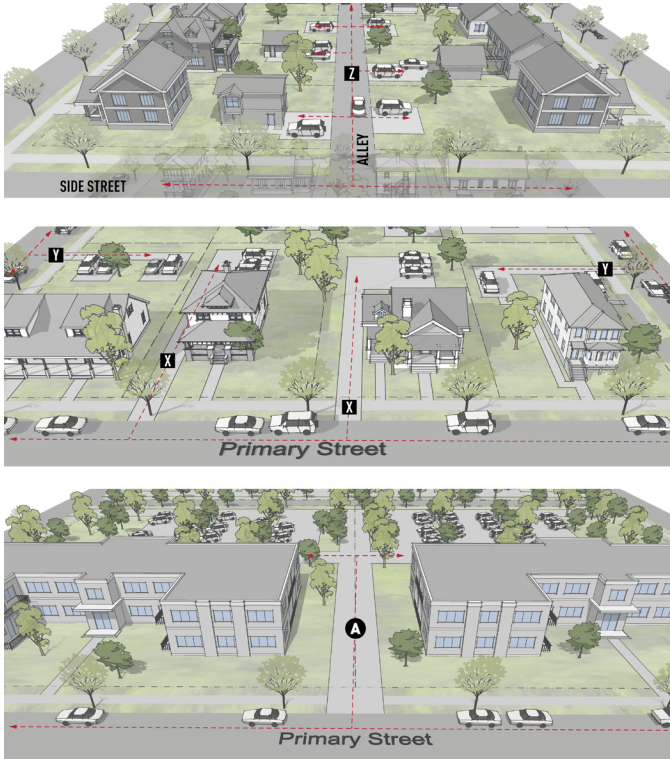


Fig. J-5 Vehicular Access

a. Vehicular Access

Vehicular Access	Driveway Width (max.)	Diagram Key
Primary street	16'	X
Secondary street	16'	Y
Alley	12'	Z
Shared drive	20'	A

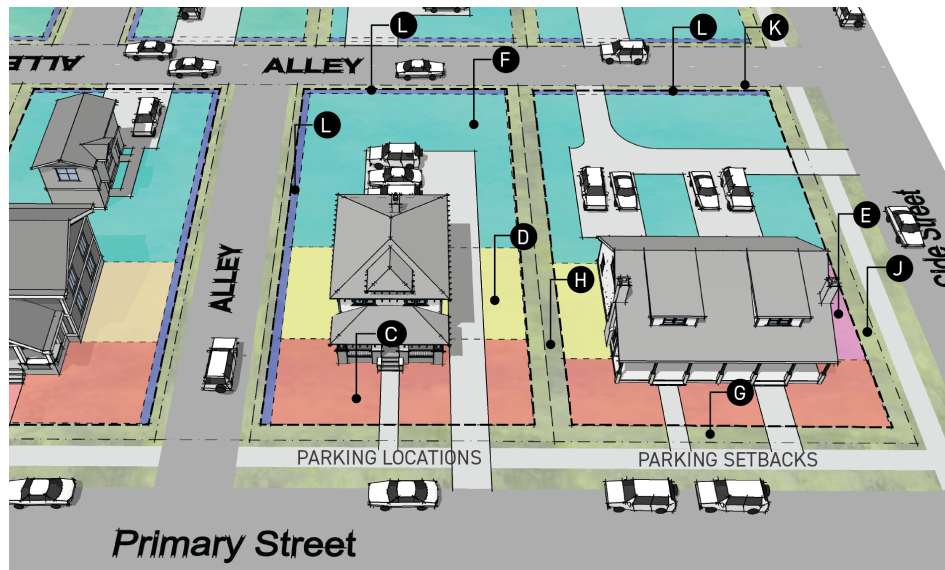


Fig. J-6 Parking Locations and Setbacks

b. Parking Locations and Setbacks

Open Air Parking Location	Permitted (P)/Not Permitted (NP)	Diagram Key
Front yard*	NP	C
Side yard (interior)	P	D
Side yard (street)*	NP	E
Rear yard	P	F
Open Air Parking Setbacks	Min. Distance (ft.)	Diagram Key
Front*	n/a	G
Side (interior)	3'	H
Side (street)*	n/a	J
Rear	3'	K
Alley setback	n/a'	L

* Excludes driveway access allowed in primary/secondary street setback.

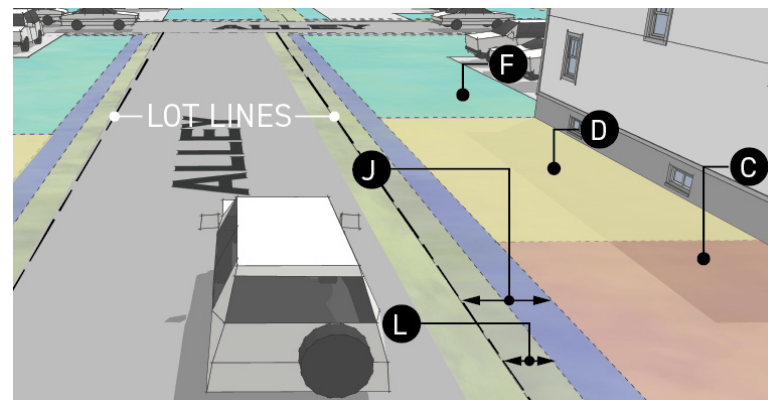


Fig. J-7 Measuring Alley Setbacks

Alley setbacks are measured from the side or rear lot lines on public alleys regardless of the alley location.



Table 11 Fence and Wall Standards

ZONING DISTRICT CLASSIFICATION	MAXIMUM HEIGHT			MATERIALS
	IN THE FRONT OR STREET-SIDE SETBACK*	IN THE SIDE OR REAR SETBACK	OUTSIDE OF SETBACK	EXCEPTIONS
Open Land and Agricultural Districts	4'	6'	8' when designed to exclude deer or elk from residential gardens, provided there are no gaps more than 18 inches between horizontal fence components, no barbed wire is used, and the top rail is highly visible (flags may be used).	Barbed wire, in addition to those materials permitted in Section 6.4.F.e.ii
Residential and Mixed-Use Districts	4'	6'	6'	N/A
Industrial Districts	6'; or 7' when open fence, such as chain link or mesh is installed with not more than 20% opacity.	7'	10'	Chain link and barbed wire fencing is permitted, in addition to those materials permitted in Section 6.4.F.e.ii

* Including along side property lines in this portion of the street side yard.

- f. **Screening and buffering for Industrial Districts.** Where an Industrial district abuts a Residential or Mixed-use district, a combination of landscaping, screening, and additional setbacks are required according to the following.
- i. A 30-foot wide buffer is required in all yards on the subject property or project area that abut a Residential or Mixed-use district. The 30-foot buffer shall include the following:
 - a. A minimum 15 foot wide landscaped buffer meeting the requirements of 6.4.F.3.f. shall be located along the property boundary; and





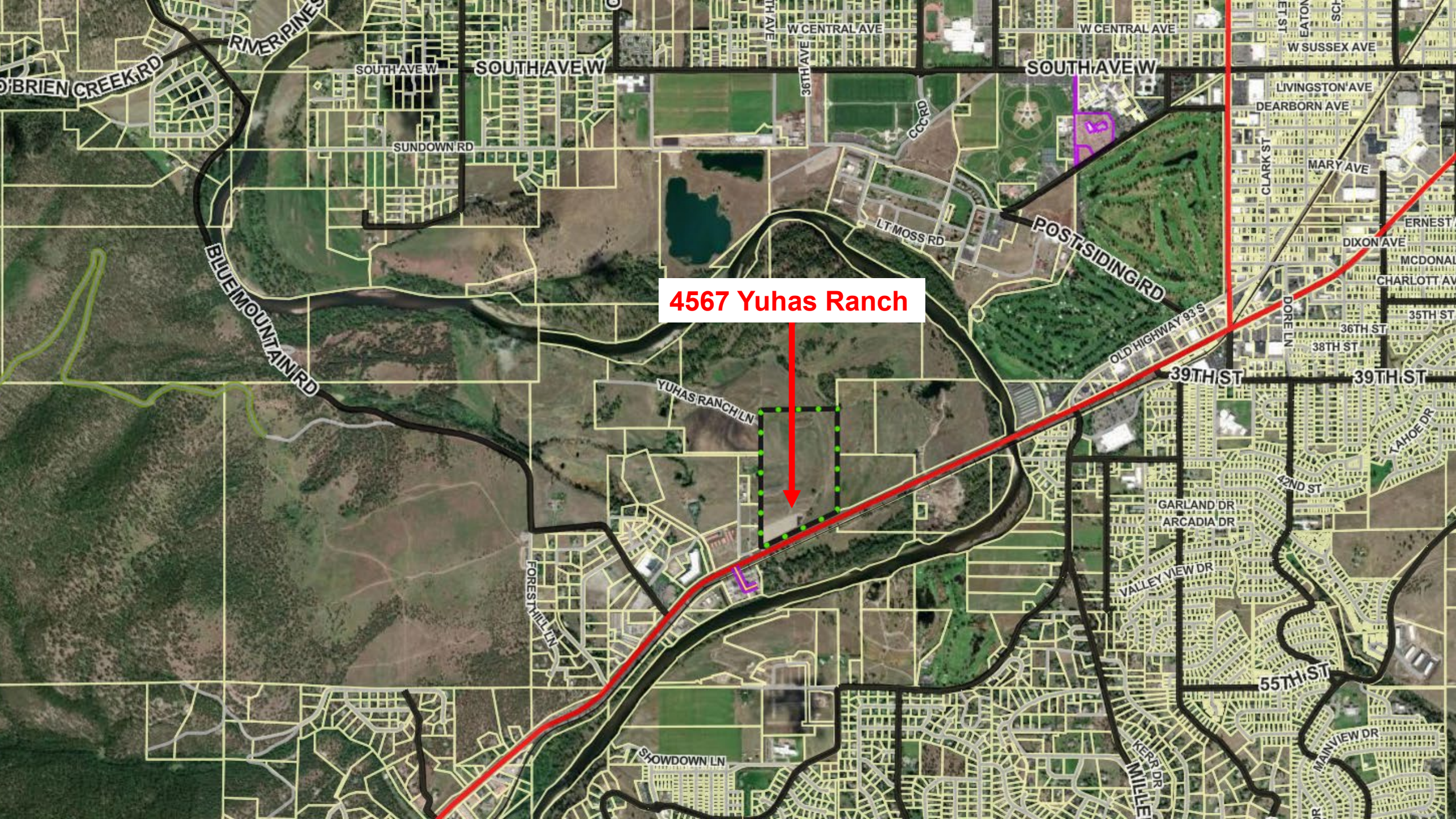
4567 Yuhas Ranch Mini-Warehouse

Special Exception Request

Date: July 16, 2025

Applicant: Amerco Real Estate Company

Planner: Patrick Swart



4567 Yuhas Ranch



Special Exception Request

The applicants request
special exception approval
from the Board of
Adjustment to operate a
Mini-Warehouse in a
Commercial Center (CC)
Zoning District

Proposal

- **U-Haul Center**
 - Mini-Warehouse Storage units (SE)
 - Retail sales
 - Vehicle and equipment rental
 - U-Haul vehicle maintenance
- **Mini-Warehouse use**
 - 3 of 4 proposed buildings
 - 333 interior access units
 - 54 exterior access units
 - Warehouse storing 600 U-Box units

Hours of Operation

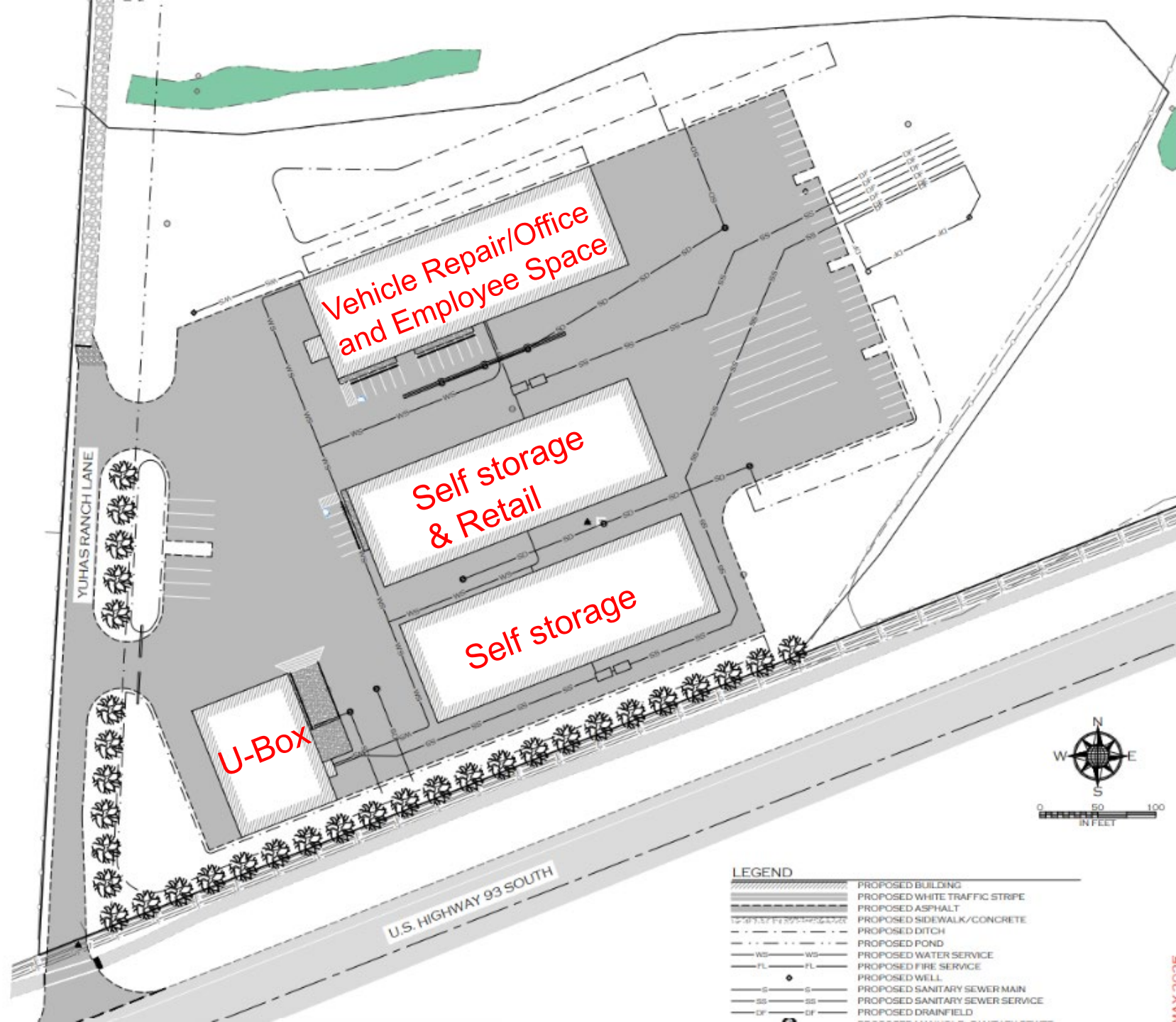
- Monday – Thursday
 - 7:00 a.m. to 7:00 p.m.
- Friday
 - 7:00 a.m. to 8:00 p.m.
- Saturday
 - 7:00 a.m. to 7:00 p.m.
- Sunday
 - 9:00 a.m. to 5:00 p.m.

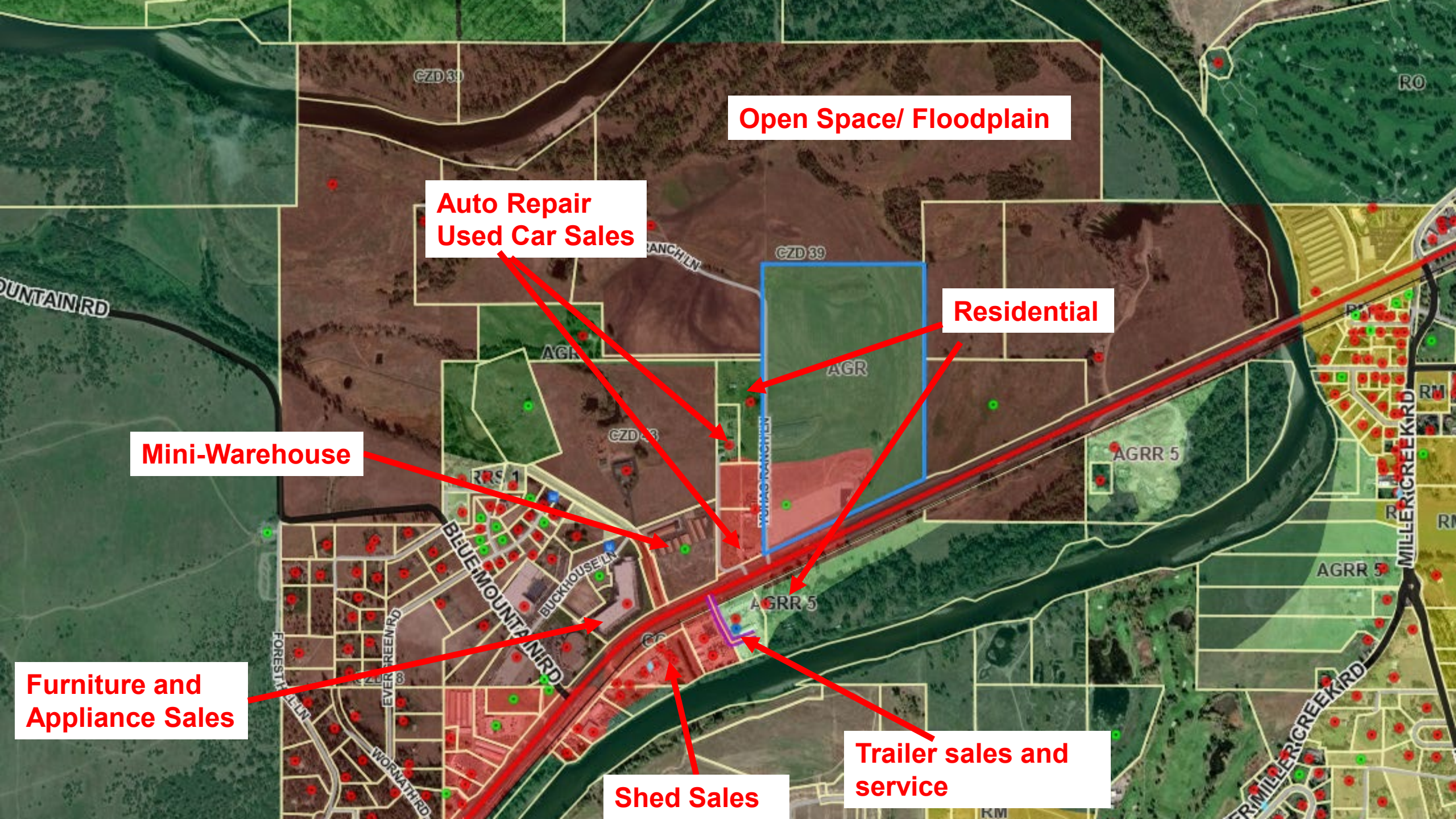
Project Background

- 4567 Yuhas Ranch
 - 61.61 Acres
 - Split zoned AGR and CC
 - 11.26-acre project site zoned CC
- MRFD
- Accessed from private road via US Hwy 93 S.
- Shaded X floodplain
- Adjacent to regulated wetland areas



Site plan





Open Space/ Floodplain

Auto Repair
Used Car Sales

Residential

Mini-Warehouse

Furniture and
Appliance Sales

Shed Sales

Trailer sales and
service

Agency Comment

- **Floodplain Administrator**

- Located in Bitterroot River Flood Hazard Area
- No conflict with Floodplain Regulations

- **MRFD**

- Buildings may require fire sprinklers and alarm systems
- Access looks adequate

- **MDT**

- Change of use will impact MDT facilities
- Requires approach permit for Yuhas and Hwy 93
- COA for approach permit

Agency Comment

- **Parks, Trails, and Recreation**
 - Impacts to Bitterroot Trail crossing at Yuhas Ranch
 - Proposed improvements for Trail User safety
- **Public Works**
 - Future structures on these site will require appropriate building and/or trade permits.

Staff Findings

- Compatible with adjacent commercial and light industrial uses (With Conditions)
- Will meet space/bulk and design standards (With Conditions)
- Traffic impacts
 - Required improvements for MDT approach permit
- Substantially compliant with the intent of the CC zoning district
 - Provides retail, services, and employment

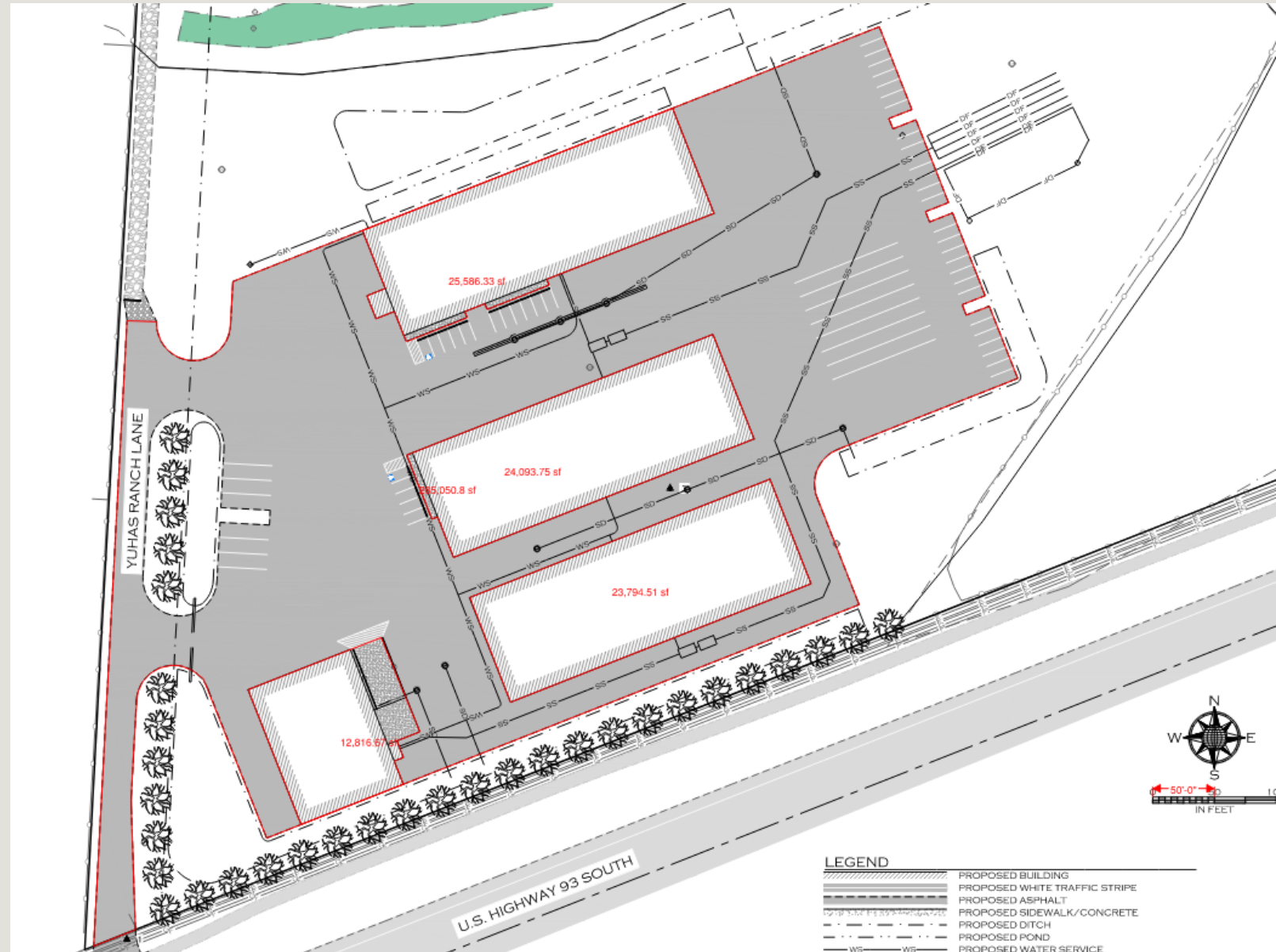
Conditions of Approval

Missoula County Zoning Regulations Section 11.6.D.3

- The Board of Adjustment may attach reasonable and appropriate conditions to ensure that any potentially injurious effects of the Special Exception on adjoining properties, the character of the neighborhood, the purpose and intent of the TIF District (if applicable), or the health, safety and general welfare of the community will be minimized.

Conditions of Approval

- Parking Lot Interior Landscaping
 - Standards for 101 or more spaces
- Building facades
- Parking Modules
- Approx 6.5 acres impervious
- Approx. 4.5 acres of pavement

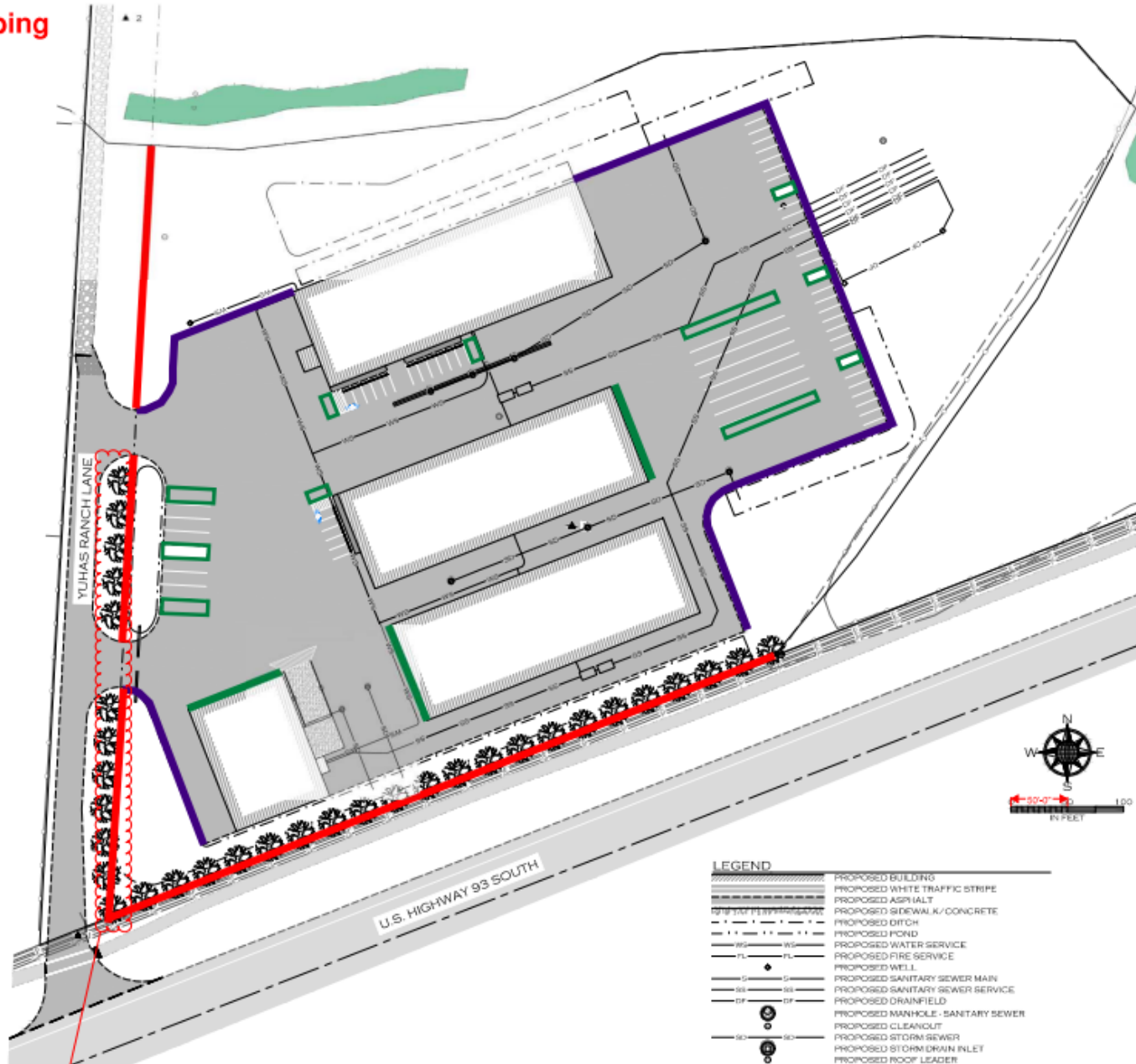


COLOR VERIFICATION
 CONSTRUCTION THIS SHEET ARE
 INTENDED TO BE IN COLOR. IF
 PROPERLY REPRODUCED, RED, GREEN,
 AND BLUE WILL BE VISIBLE.

Street Frontage Landscaping Parking Lot Perimeter Landscaping Parking Lot Interior Landscaping

SITE LANDSCAPING NOTES

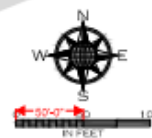
1. PARKING LOT PERIMETER LANDSCAPING STANDARDS (CHAPTER 6, TABLE 5, MISSOULA COUNTY ZONING):
 - A. LIVE PLANT MATERIAL MUST MEET THE STANDARDS IN SECTION 6.4.2.
 - B. ONE MINIMUM 6' TALL AT PLANTING DECIDUOUS TREE FOR EVERY 30 FEET OF LINEAR FRONTAGE.
 - C. NON-LIVING LANDSCAPING MATERIALS MEETING THE STANDARDS IN SECTION 6.4.6 CAN MAKE UP TO MORE THAN 20% OF THE PARKING LOT PERIMETER LANDSCAPING.
2. SURFACE PARKING LOT INTERIOR LANDSCAPING STANDARDS (CHAPTER 6, TABLE 9, MISSOULA COUNTY ZONING):
 - A. LANDSCAPED AREA EQUAL TO AT LEAST 5% OF THE GROSS SQUARE FOOTAGE OF THE AREA OF SURFACE PARKING STALLS, EXCLUSIVE OF CIRCULATION DRIVEWAYS, SHALL BE PROVIDED.
 - B. THE PARKING LOT INTERIORS SHALL BE LANDSCAPED WITH 50% LIVE PLANTING MATERIAL AND THE REMAINING 50% WITH EITHER LIVE OR NON-LIVE MATERIAL IN COMPLIANCE WITH SECTION 6.4.6.
 - C. FOR EVERY 50 LINEAR FEET OF DOUBLE-LOADED PARKING ROWS OR PORTIONS THEREOF, AT LEAST ONE DECIDUOUS TREE, MINIMUM 6' TALL AT TIME OF PLANTING, SHALL BE INSTALLED IN THE PARKING LOT INTERIOR LANDSCAPED AREA.
 - D. MINIMUM WIDTH OF LANDSCAPED AREA = 6 FEET.
 - E. MAXIMUM ROW LENGTH = 15 CONTIGUOUS PARKING STALLS.
 - F. LANDSCAPED AREAS MUST BE WITHIN OR IMMEDIATELY ADJACENT TO THE PARKING ROWS AND MAY BE IN A STRIP ALONG THE CENTER OF A DOUBLE-LOADED ROW OR IN ONE OR MORE ISLANDS AT THE ENDS OF INTERSPACED OR BE-TWEEN PARKING ROWS AND STALLS.
 - G. A LANDSCAPED AREA ALONG THE CENTER OF A DOUBLE-LOADED ROW MAY SERVE AS THE REQUIRED PEDESTRIAN WALKWAY LOCATION IF THE MINIMUM WIDTH IS INCREASED TO 9 FEET.
3. IRRIGATION: PROVIDE ALL NECESSARY DISTRIBUTION EQUIPMENT, INCLUDING BACKFLOW PREVENTERS, WITHIN MISSOULA COUNTY AND ALL CODE REQUIREMENTS. PROVIDE ADEQUATE AND CONSISTENT WATER SUPPLY TO ALL SOG LANDSCAPED AREA. IRRIGATION SYSTEMS SHALL BE DESIGNED AND INSTALLED BY AN IRRIGATION SPECIALIST.
4. ~~POST CONSTRUCTION~~ MAINTAIN ALL LANDSCAPED AREAS CLEAR AND CLEAN OF DEBRIS. USE APPROVED POST CONSTRUCTION PRACTICES.
5. FERTILIZATION: FERTILIZE IN SPRING AND SUMMER WITH AN APPROVED, SLOW RELEASE FERTILIZER THAT IS APPROPRIATE FOR EACH LANDSCAPED AREA. USE ONLY FERTILIZER THAT IS RECOGNIZED BY THE U.S. DEPT. OF AGRICULTURE.
6. TREE CARE: PRUNE TREES TO REMOVE DEAD, DYING, OR HAZARDOUS LIMBS. DO NOT PRUNE INTO INTERFERENCE UNLESS AUTHORIZED BY A LICENSED TREE CARE SPECIALIST.
7. REPLACEMENT: REPLACE ANY TREES OR SHRUBS THAT HAVE DIED WITH THE SAME TYPE.
8. WEED MANAGEMENT: MANAGE WEEDS WEEKLY WITHIN THE FIRST YEAR AND MONTHLY THEREAFTER, IN ACCORDANCE WITH THE "MISSOULA COUNTY WEED MANAGEMENT PLAN".
9. ALL OTHER DISTURBED AREAS AND OPEN SPACES SHALL BE REVEGETATED WITH SOG WITHIN THE SAME GROWING SEASON AS COMPLETION OF CONSTRUCTION.



Street frontage
 Landscaping must be
 outside of the private
 road easement.

LEGEND

- PROPOSED BUILDING
- PROPOSED WHITE TRAFFIC STRIPE
- PROPOSED ASPHALT
- PROPOSED SIDEWALK/CONCRETE
- PROPOSED DITCH
- PROPOSED POND
- PROPOSED WATER SERVICE
- PROPOSED FIRE SERVICE
- PROPOSED WELL
- PROPOSED SANITARY SEWER MAIN
- PROPOSED SANITARY SEWER SERVICE
- PROPOSED DRAINFIELD
- PROPOSED MANHOLE - SANITARY SEWER
- PROPOSED CLEANOUT
- PROPOSED STORM SEWER
- PROPOSED STORM DRAIN INLET
- PROPOSED ROOF LEADER
- PROPOSED CHAINLINK FENCE
- PROPOSED LANDSCAPE TREE



PRELIMINARY - MAY 2025

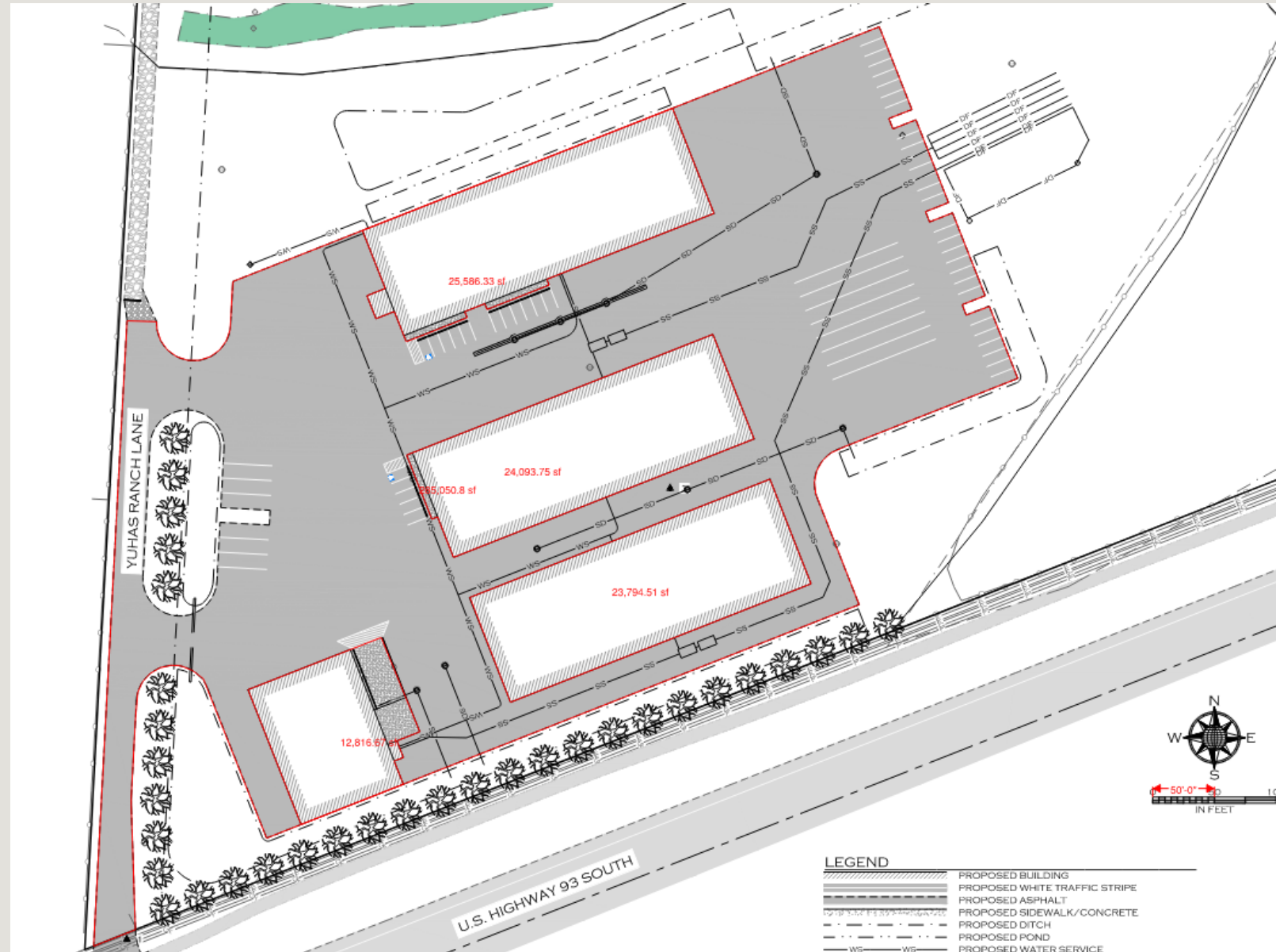
OWNER	DATE	DESCRIPTION	DATE
DESIGN			
REVISION			
TOWN			
DATE			
BY			
DATE			

WOTH ENGINEERING, INC.	UHAUL COSA	MISSOULA	LANDSCAPE PLAN
ENGINEERS & SURVEYORS			
400 WEST STREET, SUITE 200 • GREAT FALLS, MT 59404-1000			
PHONE: (406) 761-1111 • FAX: (406) 761-1112			
WWW.WOENGINEERING.COM			

C9.0

Conditions of Approval

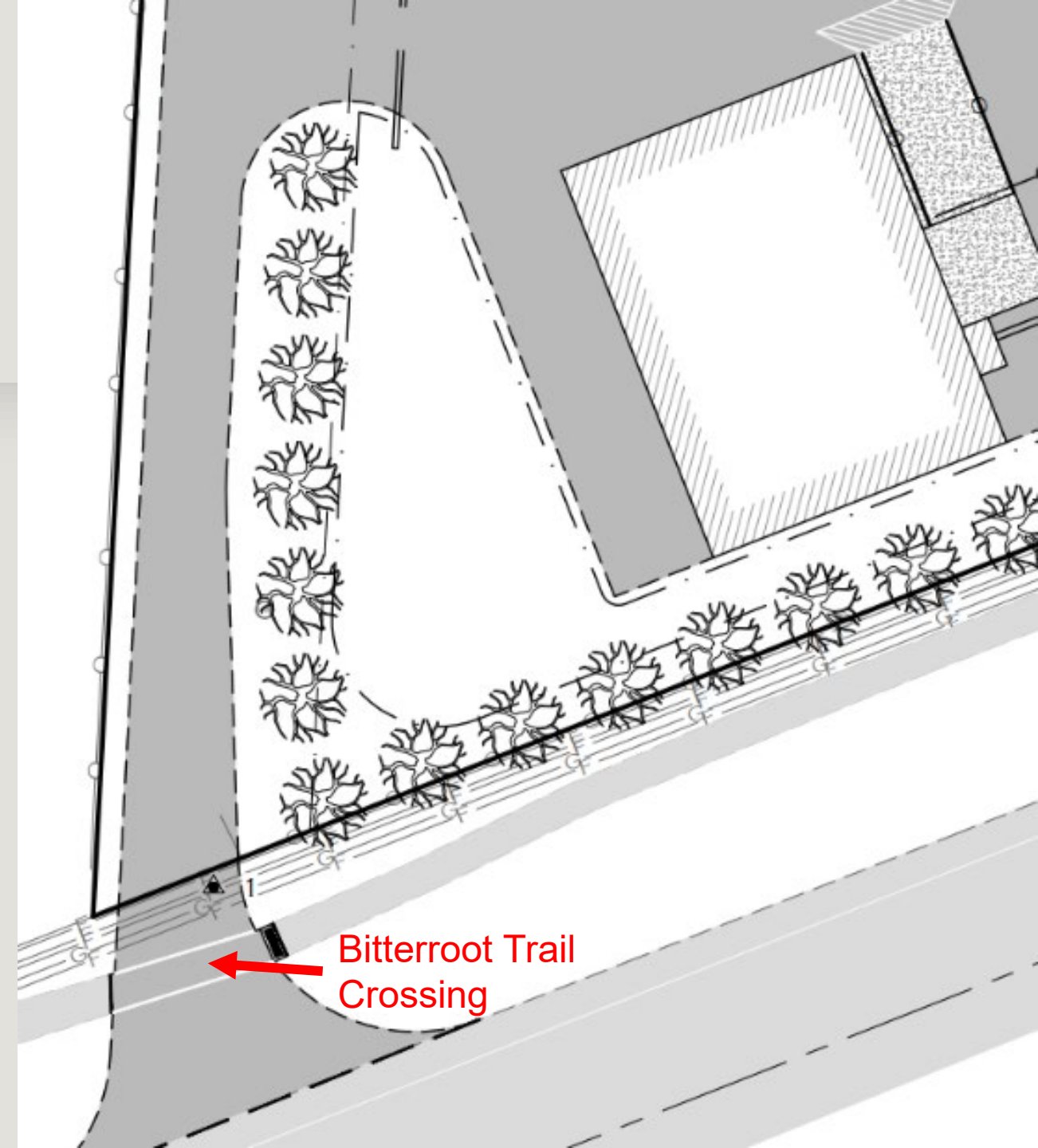
- Screening walls and fences to be located on the interior side of street frontage landscaping
- 6.4.F.3. Table 10
- 5.20.B.3
 - Front property boundary and Adjacent to streets



Conditions of Approval

Bitterroot Trail Improvements

- Prior to ZCP approval
- MDT approach permit
- Match grade to Yuhas Ranch
- Separate trail from turning movements on Hwy 93 and into the U-Haul facility
- Clearly delineated crossing
- Detectable warning surfaces
- Stenciled notices of the crossing
- Stop prior to crossing the trail for vehicles leaving the U-Haul facility.

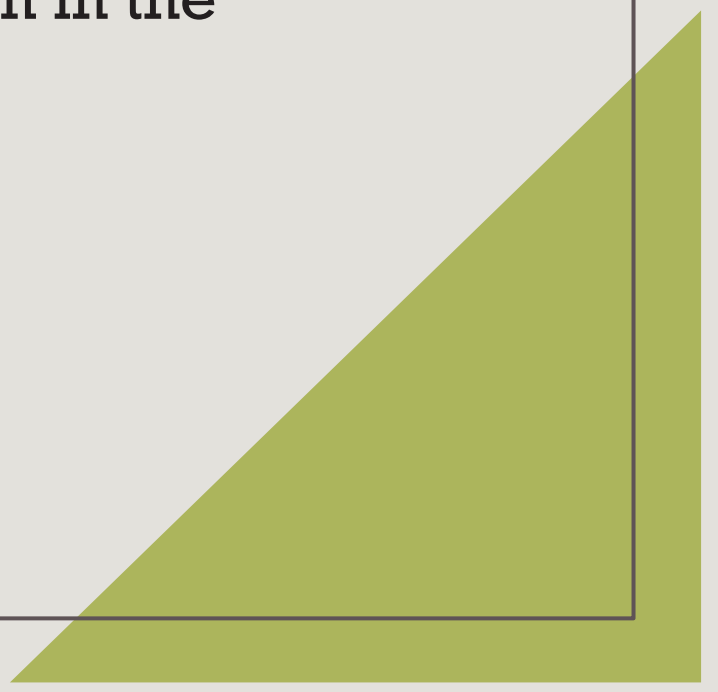


Other Conditions of Approval

- All other necessary permits administered by agencies other than Planning, Development, and Sustainability shall be obtained by the property owner or designated representative
- The project shall comply with all applicable zoning regulations to be reviewed and approved at the time of permitting. Substantial changes to the development plan are subject to review and approval by the Board of Adjustment.

Recommended Motion

I move to **approve** the Special Exception request to allow the Mini-Warehouse use at 4567 Yuhas Ranch Lane subject to the staff recommended conditions of approval as written in the staff report.



Recommended Motion

I move to **approve** the Special Exception request to allow the Mini-Warehouse use at 4567 Yuhas Ranch Lane subject to staff recommended conditions of approval 1,2 6, 7, and 8 as included in the staff report



Missoula
C O U N T Y

7605 PONTRELLI PLACE SPECIAL EXCEPTION REQUEST FOR NON- CONFORMING USE

Date: July 16th, 2025, BOA Hearing

Property Location: 7605 Pontrelli Place

Applicant/ Owner: SK Gordon LLC

Technical Representative: Ryan Yarbrough, Carl Construction Inc.

Planner: Kevin Dantic

VICINITY MAPS

Subject Property

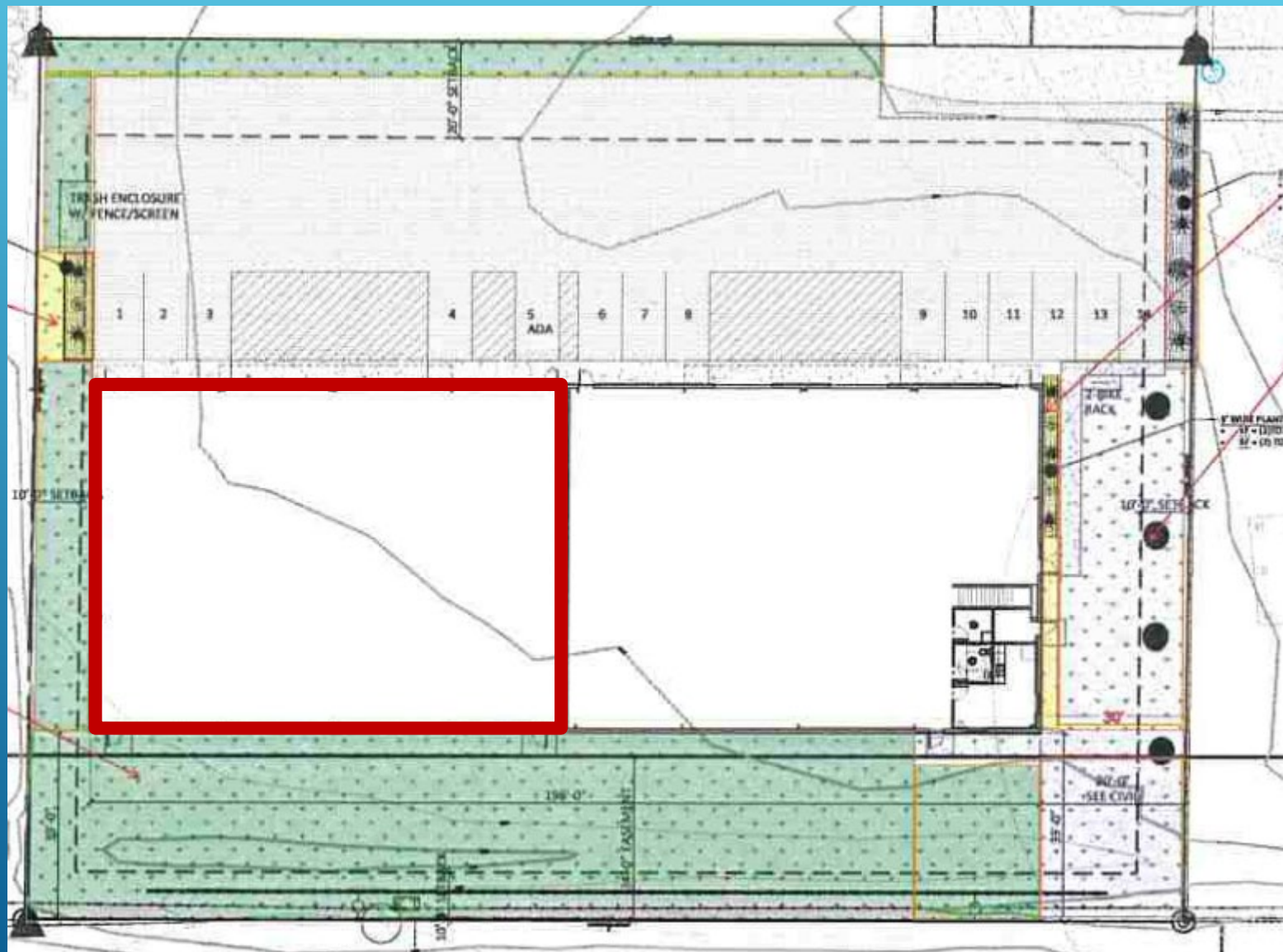
Approximately .6 Miles
SSW of the Wye Interstate
90 Interchange

Access via Enterprise Way



BACKGROUND

- Property is zoned Industrial Center, Light (ICL)
 - Classified as Industrial Center under the 2019 Missoula Land Use Element, 2016 Comprehensive Plan
 - Building is complete on exterior, tenant improvements ongoing
 - Special exception needed for non-conforming use per Missoula County Zoning Regulations Chapter 2.4.G
- 
- A series of white diagonal lines of varying lengths and thicknesses are positioned in the bottom right corner of the slide, creating a modern, abstract graphic element.



SPECIAL EXCEPTION CRITERIA

1. The proposed use or development will be compatible with and will not substantially injure the value of adjoining property
 2. The proposed use preserves the character of the district, and the property is suitable for the use proposed
 3. The proposed use promotes the purpose and intent of the TIF Special District, where applicable
 4. Substitute or additional design standards will preserve and protect the area's architectural and aesthetic qualities
- 
- A series of three parallel white diagonal lines extending from the bottom right towards the top right of the slide.

REVIEW CRITERIA

1. Access, Traffic, Pedestrian, Bicycle, Onsite Vehicle Circulation
 2. Landscaping and screening requirements
 3. Signage and sign lighting
 4. Frequency of use and hours of operation
 5. Area of land necessary, adequacy of site
 6. Addresses purpose of the TIF Special District
 7. Unique or relevant circumstances
- 
- A series of three parallel white diagonal lines located in the bottom right corner of the slide, extending from the bottom edge towards the right edge.

STAFF RECOMMENDATION

- Staff recommends **Approval** of the requested Special Exception based on the Findings of Fact and Conclusions of Law presented in the Staff Report, subject to two conditions of approval
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- A series of three parallel white diagonal lines in the bottom right corner of the slide.

STAFF RECOMMENDED CONDITIONS

- All other necessary permits administered by agencies other than Planning, Development, and Sustainability shall be obtained by the property owner or designated representative. These permits may include, but are not limited to, building, zoning compliance, electrical, mechanical, approach, and sanitation permits.
- The applicant shall complete landscaping in compliance with Missoula County Zoning Regulations Chapter 6.4.C.5 and Chapter 6.4.F.2 (Table 8), including installation of a 5-foot-wide perimeter landscaping buffer along the southwest, northwest, and northeast sides of the parking area with all required plantings in place. In addition, a Weed Management Plan drafted under the guidance of the Missoula County Department of Ecology and Extension shall be completed for the current portions of the property landscaped with rock.

RECOMMENDED MOTION

- I move the Board of Adjustment to **approve** the Special Exception Request from SK Gordon LLC to deviate from Chapter 2.4.G of the Missoula County Zoning Regulations, as presented in the proposed application, subject to the recommended conditions as presented.