



COMMUNITY PLANNING, DEVELOPMENT & INNOVATION

Development Services Division

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ANNEXATION AND ZONING STAFF REPORT & REFERRAL

Agenda item:	Referral and Staff Report: England Boulevard Annexation	
Report Date:	8/19/2021	
Case Planner:	Kaitlin McCafferty Associate Planner	
Report Review & Approval:	Dave DeGrandpre, Planning Supervisor	
Public Meetings & Hearing Schedule		
City Council referral, Consent Agenda for Resolution of Intent:	8/23/2021	
City Council public hearing:	9/13/2021	
LUP discussion only:	9/15/2021	
City Council final consideration on Resolution to Annex:	9/20/2021	
Applicant & Owner:	Stewart M Long III and Albert Osellame c/o EL MAR LLC	
Representative:	Mike Morgan c/o Hoffman Morgan and Associates	
Location of request:	The subject property includes the property addressed at 2625 Little Bit Street and the unaddressed parcel to the south.	
Legal description:	Tract 6 of Certificate of Survey #4623 and Lot 3A in Block 2 of Charlies Addition Number 1, and adjacent England Boulevard right-of-way located in the Southeast 1/4 of Section 7, Township 13 North, Range 19 West, P.M.M.	
Legal ad:	Published in the <i>Missoulian</i> August 15 and 22, 2021	
Growth policy:	Regional Commercial and Services	
Zoning:	C-C2 General Commercial	
Proposed City Zoning:	B2-2 Community Business	
Surrounding Land Uses		Surrounding Zoning
North:	School Bus Warehouse	C-C2 General Commercial
South:	Multi-Dwelling Development and Mobile Home Park	C1-4 Neighborhood Commercial
East:	Vacant land and Mobile Home Park	RMH Residential Manufactured Housing Park
West:	Two-Unit Townhouse Development	RT10 Residential
RECOMMENDED MOTIONS		
CC consent agenda: 8/23/2021	Adopt a resolution of intention to annex and incorporate within the boundaries of the City of Missoula, two (2) parcels of land as shown on Exhibit A and adjacent England Boulevard right-of-way, located in the S ½ of Section 7, Township 13 North, Range 19 West, and zone the property B2-2 Community Business upon annexation, based on the findings of fact in the staff report, subject to the recommended condition of approval and set the public hearing for September 13, 2021, and refer this item to the Land Use & Planning Committee on September 15, 2021.	
CC p/h: 9/13/2021	No motion	
LUP: 9/15/2021	No motion	
CC final consideration: 9/20/2021	Adopt/Deny a resolution to annex and incorporate within the boundaries of the City of Missoula, two (2) parcels of land as shown on Exhibit A and England Boulevard right-of-way adjacent, located in the S ½ of Section 7, Township 13 North, Range 19 West, and zone the property B2-2 Community Business upon annexation, based on the findings of fact in the staff report subject to the recommended condition of approval.	

I. RECOMMENDED CONDITIONS

1. The petitioner shall obtain an aviation easement from the Airport Authority, in compliance with the Airport Influence Area Resolution, and present evidence of the easement, subject to the review and approval of Development Services, prior to issuance of a building permit for the first building to be constructed on the property.

I. PROJECT SUMMARY

Introduction

1. Development Services received Petition No. 10077 from Hoffman Morgan and Associates, on behalf of property owner Albert Osellame, requesting annexation into the City of Missoula and zoning upon annexation of B2-2, Community Business upon annexation for two (2) parcels of land south of England Boulevard between Connery Way and Tina Avenue as shown in Exhibit A and located in the Southeast 1/4 of Section 7, in Township 13 North, Range 19 West, P.M.M.

Property Information

2. The subject property is located approximately a quarter mile west of the intersection of England Boulevard and Reserve Street).
3. Upon annexation, the subject property will become part of the Captain John Mullan Neighborhood Council and City Council Ward 2.
4. The property is surrounded by commercial and residential development
5. The subject property is vacant and consists of two (2) lots with a combined total area of 75,358.60 square feet or 1.73 acres.
6. The subject property is adjacent to City limits on the west, east, and south boundaries. Per the City Annexation Policy, the City should prioritize the annexation of properties that would fill in gaps left by previous annexations that created islands, and other types of non-contiguous boundaries. This annexation will fill in a gap left by previous annexations.
7. The subject property falls within floodplain classification Zone X, Area of Minimal Flood Hazard.
8. The subject property is within the Urban Growth Area, the Utilities Service Area, and the Air Stagnation Zone.

Road Improvements, Transit and Utility Infrastructure

9. The northern boundary of the subject property abuts England Boulevard, which is functionally classified as a collector street. The portion of England Boulevard adjacent to the subject property is not within City Limits.
10. Section 7-2-4211, MCA requires municipalities to include the full width of any public street or road right-of-way that is adjacent to the property being annexed.
11. England Boulevard adjacent to the subject property will be annexed with this request.
12. A portion of the western boundary of subject property abuts Connery Circle, which is a private road accessed from Connery Way, functionally classified as a collector street.
13. The property is currently located in the Missoula Urban Transportation District. Mountain Line Route 11 runs along Connery Way and England Boulevard adjacent to the subject property.
14. The subject property is not connected to City water or sewer. New construction will be required to connect to both utilities.
15. The International Fire Code (IFC) requires fire access to all structures and internal street circulation for fire protection when possible, subject to approval by City Fire.
16. No fire hydrant is located within 500 feet of the property. City Fire plans to require installation of a fire hydrant at the southwest corner of the intersection of England Boulevard and Tina Avenue with the review of the Building Permit and installation of the hydrant required prior to Certificate of Occupancy.
17. Title 12 requires water and sewer service connections. The Public Works & Mobility Department plans to require connection to the mains in England Boulevard and appropriate permits to install water and sewer service connections prior to Certificate of Occupancy.
18. Title 12 requires sewer main extensions within public utility easements. The Public Works & Mobility Department plans to require a public utility easement from the sewer main within England Boulevard extending onto the subject property prior to Certificate of Occupancy.
19. Sxwtpqyen Special Transportation Impact Fees, in addition to all other applicable development impact fees, apply to the subject property.
20. A boulevard landscaping plan prior to building permit approval is required, subject to review and approval by City Parks and Recreation Department.

Annexation Policy

21. Per the City Annexation Policy, the city should prioritize annexation of areas that meet current city standards, including water and sewer infrastructure and equitably provide the same levels of service and infrastructure as other parts of the municipality with similar topography, land use, and population density.
22. Per the City Annexation Policy, the City should prioritize the annexation of areas located within the Utilities Service Area, and areas that contribute to the logical growth pattern of the City by creating orderly and contiguous municipal boundaries.
23. The subject property will be added to the service area for the City Fire and Police Departments.
24. The subject property is part of Annexation Area 'A' on the City's Annexation Policy Map. Areas designated as Annexation Area 'A' largely meet the guidelines of the City's Annexation Policy. Per the City Annexation Policy, the City should prioritize the annexation of areas located within the Annexation Area 'A'.
Growth Policy & Zoning
25. The applicable regional plan is the <i>Our Missoula: City Growth Policy 2035</i> , which recommends land use designations of "Regional Commercial and Services". The City Annexation Policy states that any annexation by the City should be guided by the current City Growth Policy.
26. Areas designated as Regional Commercial and Services are intended for commercial uses that serve the needs of the broader region and often require larger land areas. High density residential development (up to 43 dwelling units per acre) is also permitted in most zoning districts corresponding to this land use designation. The corresponding zoning districts are C2-4 Community Commercial, M1R-2 Limited Industrial-Residential, OP3 Public Lands and Institutions, and C1-4 Neighborhood Commercial.
27. The subject property is surrounded by residential units, and therefore applying a more transitional zone than the Commercial and Industrial zones that correspond to the property's land use designation is recommended. The requested City zoning upon annexation is B2-2, Community Business. This district allows for residential multi-dwelling (1 dwelling unit per 1,000 square feet), and commercial uses that are lower intensity such as offices and restaurants and retail while eliminating higher intensity uses such as construction, hotel, and motor vehicle sales and repair businesses. The planned use for is multi-dwelling building. Staffs supports this request, as it substantially complies with the Growth Policy while considering the existing residential uses surrounding the property.
28. The current County zoning district that applies to the subject property is C-C2 General Commercial. This district provides for the conduct of retail trades and services that are inherently automotive and highway oriented and for commercial uses of low intensity which may require large areas of land. Permissible uses include automotive sales, wholesale trade, a wide range of commercial, such as eating and drinking establishments, personal services, offices, etc., and residential (1 dwelling unit per 1,000 square feet).
29. The subject property is located within the Airport Influence Area (AIA) Overlay, which is an overlay established to promote public health, safety, and general welfare, to protect the lives and property of users of the airport and of occupants of land in its vicinity, and to preserve the utility of the airport and the public investment in it.
30. Staff recommends a condition of approval requiring the petitioner to obtain an avigation easement from the Airport Authority, in compliance with the Airport Influence Area Resolution, and present evidence of the easement, subject to the review and approval of Development Services, prior to issuance of a building permit for the first building to be constructed on the property.
Statutory Requirements
31. Section 7-2-4211 MCA requires municipalities to include the full width of any public street or road right-of-way that is adjacent to the property being annexed.
32. The City will meet the statutory requirements for a petition method annexation in regards to MCA 7-2-4601 – 4625 and the MMC 20.85.040(I)(2) by considering the petition, adopting a resolution of intent, and scheduling a public hearing regarding the zoning upon annexation, and advertising public notice for at least 15 days prior to the public hearing with the appropriate recommended zoning. The final step for council will be to adopt a resolution to adopt or deny the annexation request.
Zoning Upon Annexation
33. MCA 76-2-303 allows a municipality to conduct a hearing on the annexation in conjunction with a hearing on the zoning of the property proposed for annexation. Title 20 Zoning Ordinance, Section 20.85.040(I)(2) outlines the three review criteria taken from MCA 76-2-303 which may be considered for zoning upon annexation. The following are the three criteria from Title 20 and staff's assessment as to whether the requested zoning upon annexation complies with the criteria. The zoning upon annexation need only comply with one of the criteria. The zoning district classification assigned at the time of annexation must:
a. Authorize land uses comparable to the land uses authorized under the county zoning classification that

applied to the property immediately before it was annexed in the city; or
<u>Staff Assessment:</u>
i. No. The County C-C2 General Commercial district is not directly comparable with the proposed City B2-2, Community Business zoning classification. The County C-C2 allows more intense commercial uses, however both districts permit multi-family residential development at a density of up to (1 dwelling unit per 1,000 square feet).
ii. The proposed City B2-2, Community Business zoning allows the parcel to act as a transition zone between the more intensive Commercial and Manufacturing uses closer to Reserve Street and the Residential uses surrounding the subject property, preventing residential uses from abutting intense commercial uses such as auto repair and sales, warehouses, and construction businesses.
b. Authorize land uses that are consistent with the land uses approved by the Board of County Commissioners or the County Board of Adjustment; or
<u>Staff Assessment:</u>
i. No special land uses have been approved by the Board of County Commissioners or the County Board of Adjustment for the subject property.
c. Be consistent with the land use and zoning recommendations for the subject areas, as set forth in the <i>"Our Missoula Growth Policy."</i>
<u>Staff Assessment:</u>
i. The City Growth Policy calls for Regional Commercial and Services. The corresponding zoning districts are C2-4 Community Commercial, M1R-2 Limited Industrial-Residential, OP3 Public Lands and Institutions, and C1-4 Neighborhood Commercial.
ii. The proposed zoning, B2-2 Community Business, provides less intensive commercial uses and equal housing density as compared to the zoning districts listed as applicable to the Regional and Commercial Services designation in the Growth Policy. As consideration to the parcels' abutting residential uses, the B2-2 zoning district is supported by City staff because it is a district that is consistent with the density of the corresponding zoning districts while simultaneously prohibiting the more intense commercial uses that could disturb surrounding residents.
iii. The Growth Policy includes a Housing Goal that recommends creating zoning districts or rezoning land to allow for diverse housing that is compatible with the surrounding areas with access to neighborhood commercial services.
iv. The B2-2 Community Business zoning district complies with the Growth Policy goals and objectives by permitting neighborhood commercial business uses and a housing density equal to the higher intensity commercial zoning districts. The B2-2 Community Business zoning provides a transition from high intensity commercial along Reserve Street to lower intensity residential uses to the west.
34. Based on compliance with Criteria 20.85.040(l)(2)(c), staff recommends annexation of the subject property, and zoning upon annexation of the subject property of B2-2 Community Business upon annexation, subject to the recommended conditions of approval.
35. If the City Council does not approve the request to annex the subject property and apply the B2-2 Community Business zoning, the Resolution of Intention to Annex and the zoning upon annexation of the property shall become null and void, and the property shall revert to its original status in the County of Missoula.
III. ATTACHMENTS
Resolution of Intent to Annex Annexation Petition Annexation Map- Exhibit A Application

