



## COMMUNITY PLANNING, DEVELOPMENT &

### Development Services Division

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#### ANNEXATION AND ZONING STAFF REPORT & REFERRAL

Agenda item:		Referral and Staff Report - 3719, 3721, 3723 Grant Creek Road Annexation and Zoning Upon Annexation
Report Date:		11/23/2021
Case Planner:		Emily Gluckin, Associate Planner
Report Reviewed & Approved By:		Dave DeGrandpre, Land Use Supervisor
Public Meetings & Hearing Schedule		
City Council: Adopt Resolution of Intent, Set Public Hearing, and Referral to LUP:		11/29/2021
City Council Public Hearing:		12/6/2021
LUP Discussion Post-Hearing Informational Item:		12/8/2021
City Council Final Consideration on Resolution to Annex:		12/13/2021
Applicant & Fee Owner:		Brad Reid Diversified Real Estate, LLC 3723 Grant Creek Road Missoula, MT 59801
Representative:		Anna Vickers IMEG Corp. 1817 South Ave West Suite A Missoula, MT 59806
Location of Request:		Three tracts of land located at the corner of Grant Creek Road and Howard Raser Drive.
Legal Description:		Tracts described in Book 1040 Page 253, Book 960 Page 1011, and Book 1040 Page 253 in the NW of the NW of Section 8, Township 13 North, Range 19 West, P.M.M.
Legal Ad:		Published in the <i>Missoulian</i> November 21 <sup>st</sup> , 2021. and November 28 <sup>th</sup> , 2021.
Growth Policy:		The applicable regional plan is <i>Our Missoula: City Growth Policy 2035</i> , which recommends a land use designation of Community Mixed-Use.
Current County Zoning:		CI-2 Heavy Industry
Proposed City zoning:		M1-2 Limited Industrial
Surrounding Land Uses		Surrounding Zoning
North:	Equipment sales & Retail	M1-2 Limited Industrial, /DE-C Design Excellence Corridor Typology 4
South:	Gas station/oil services	M1-2 Limited Industrial
East:	Vacant land/manufacturing office	M2-4 Heavy Industrial, CI-2 Heavy Industry (county zoning)
West:	Hotel	C2-4 Community Commercial
RECOMMENDED MOTIONS		
CC consent agenda: 11/29/2021		Adopt a resolution of intention to annex and incorporate within the boundaries of the City of Missoula three tracts legally described in Book 1040 Page 253, Book 960 Page

	1011, and Book 1040 Page 253 in the NW of the NW of Section 8, Township 13 North, Range 19 West, P.M.M. and zone upon annexation to M1-2 Limited Industrial, based on the findings of fact in the staff report, subject to the recommended conditions of annexation approval; set the public hearing for December 6 <sup>th</sup> , 2021; and refer this item to the Land Use & Planning Committee on December 8 <sup>th</sup> , 2021.
<b>CC p/h:</b> 12/6/2021	<b>No motion</b> – public hearing, presentation, and City Council discussion. No motion until final consideration.
<b>LUP:</b> 12/08/2021	<b>No motion</b> - discussion only, post-public hearing informational item.
<b>CC final consideration:</b> 12/13/2021	<b>Adopt/Deny a resolution to annex</b> to annex and incorporate within the boundaries of the City of Missoula three tracts legally described in Book 1040 Page 253, Book 960 Page 1011, and Book 1040 Page 253 in the NW of the NW of Section 8, Township 13 North, Range 19 West, P.M.M. and zone upon annexation to M1-2 Limited Industrial, based on the findings of fact in the staff report, subject to the recommended six (6) conditions of annexation approval.

## I. RECOMMENDED CONDITIONS

1. The petitioner shall install a fire hydrant adjacent to the northeast corner of the subject property as shown in the Water Systems Map Exhibit prior to new combustible construction or included in an improvements agreement guaranteed with financial security and installed within twelve (12) months of annexation, whichever occurs first, subject to the review and approval of City Fire and City Public Works and Mobility.
2. The petitioner shall connect to city water and city sewer and abandon the existing private well and septic system prior to occupancy of the new addition or included in an improvements agreement guaranteed with financial security and installed within twelve (12) months of annexation, whichever occurs first, subject to the review and approval of City Public Works and Mobility.
3. The petitioner shall install end curb and gutter improvements and an ADA compliant crosswalk and curb ramp on Howard Raser Drive at the point of curvature of the new southwest curb radius to connect with the existing curb ramp across Grant Creek Road prior to occupancy of the new addition or included in an improvements agreement guaranteed with financial security and installed within twelve (12) months of annexation, whichever occurs first, subject to the review and approval of City Public Works and Mobility.
4. The petitioner shall install half street improvements on Grant Creek Road to include sidewalk, boulevard, curb and gutter, and asphalt bike lane and drive lane, prior to occupancy of the new addition or included in an improvements agreement guaranteed with financial security and installed within twelve (12) months of annexation, whichever occurs first, subject to the review and approval of City Public Works and Mobility and City Parks and Recreation.
5. The petitioner shall construct the driveway entrance to the property on Grant Creek Road as a commercial entrance prior to occupancy of the new addition or included in an improvements agreement guaranteed with financial security and installed within twelve (12) months of annexation, whichever occurs first, subject to the review and approval of City Public Works and Mobility.
6. The petitioner shall execute a waiver of SID for future improvements and maintenance to Howard Raser Drive and Grant Creek Road, including but not limited to the installation of paving, drainage facilities, curbs and gutters, traffic control devices, motorized and nonmotorized facilities, and street widening, subject to the review and approval of the City Attorney and City Public Works and Mobility, prior to the effective date of the annexation, to be filed with the Missoula County clerk and recorder.

## II. PROJECT SUMMARY

### Introduction

1. City of Missoula Development Services received Petition Number 10100 from Anna Vickers of IMEG Corp., on behalf of Diversified Plastics, Inc., requesting annexation into the City of Missoula and zoning upon annexation to M1-2 Limited Industrial for three parcels with a combined 3.32 acres located at 3719, 3721, and 3723 Grant Creek Road.
2. The subject parcels currently contain four (4) existing buildings in which general manufacturing activities take place, including urethane manufacturing and injection molding.

3. Following the proposed annexation, the applicant intends to construct a building addition that connects two buildings on the two northern parcels, as well as improvements to the parking area including the provision of 47 parking spaces and landscaping.
4. The applicant requests annexation into city limits in order to allow the site to have access to city water and sewer. The proposed expansion of the buildings will require the site to have fire sprinklers. Therefore access to City water is necessary.
5. Upon annexation, the subject properties would become part of City Council Ward 2 and the Grant Creek Neighborhood Council.

#### **Annexation Policy**

6. The subject property is part of Annexation Area "A" on the City 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 Annexation Area "A".
7. The subject parcels are wholly surrounded by City limits. Per the 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 eliminate an island and create a contiguous boundary.
8. The subject property is inside the Urban Growth Area, the Utilities Service Area, and the Air Stagnation Zone. Per the City Annexation Policy, the City should prioritize the annexation of areas located within the Utilities Services Area.

#### **Road Improvements, Transit, and Utility Infrastructure**

9. Per the City Annexation Policy, the City should prioritize the annexation of areas that meet current City standards, including water, sewer, and transportation infrastructure.
10. City water and sanitary sewer utilities are currently available adjacent to the property on Howard Raser Drive. The subject parcels are not connected to City water and sewer, and currently use a private well and septic system. Staff recommends a condition of approval requiring connection to City water and sewer and abandonment of the current private well and septic utilities to occupancy of the new addition or within twelve (12) months of annexation, whichever comes first, subject to the review and approval of City Public Works and Mobility.
7. A fire hydrant currently exists on the corner of Howard Raser Drive and Reserve Street. As part of the annexation application, the applicant is proposing the installation of a new fire hydrant adjacent to the subject property at the corner of Howard Raser Drive and Grant Creek Road. Staff recommends a condition of approval requiring the applicant to install a fire hydrant as shown in the approved Missoula Water System Map Exhibit prior to new combustible construction or within twelve (12) months of annexation, whichever comes first, subject to the review and approval of City Fire and City Public Works and Mobility.
11. The subject parcels have frontage along Grant Creek Road, which is functionally classified as an urban collector, and Howard Raser Drive, which is functionally classified as a local collector. Both sections of the roads that abut the parcels have been previously annexed into city limits.
12. The current standards for collectors call for an 80-foot right-of-way, a 41-foot street width (31-foot with turn lane), 10' lane width, 5-foot sidewalk, 7-foot boulevard width, and 5-foot bike lanes. Howard Raser Drive and Grant Creek Road do not currently meet these standards, therefore staff recommends conditions of approval that reflect the required improvements that would bring the streets in closer compliance with City standards.
13. A curbside sidewalk exists adjacent to the subject parcels on Howard Raser Drive. There are no pedestrian facilities on Grant Creek Road adjacent to the subject parcels.
14. There are no bicycle facilities adjacent to the subject parcels.
15. The subject parcels are located within a quarter mile of a bus stop for the Mountain Line Route 11 that provides service on a limited schedule between downtown Missoula and Missoula International Airport. The subject parcels are located within the Missoula Urban Transportation District.

### **Growth Policy & Zoning**

16. Per the City Annexation Policy, any annexation by the City should be guided by the current City Growth Policy and include land uses which help sustain city services.
17. The applicable regional plan is the *Our Missoula 2035 City Growth Policy*, which recommends a land use designation of Community Mixed-Use on the Future Land Use Map. Land use designations are general and cover broad areas of the community. The Future Land Use Map does not always represent existing uses but does reflect uses that are desired and will implement land use recommendations in the plan.
18. Areas designated Community Mixed-Use are identified as areas providing basic employment and services integrated with main transportation corridors including public transit and active transportation system, where City services and infrastructure are readily available. A broad range of functions including retail, education, financial institutions, professional and personal services, offices, residences, and general service activities typify these areas.
19. The Growth Policy indicates that the following districts are most closely aligned with the Community Mixed-Use designation: C1-4 Neighborhood Commercial, C2-4 Community Commercial, and M1R-2 Limited Industrial and Residential.
20. The subject property is located within the Reserve Street District of the *North Reserve Scott Street Master Plan* area. The Reserve Street District is intended for a mix of corridor retail uses including hotels, dining, entertaining, and office areas. The subject parcel is identified with a recommended land use of Transitional Commercial, which is intended to accommodate office and corridor retail uses, as well as upper floor residential units.
21. The *North Reserve Scott Street Master Plan* recommends specific right-of-way improvements and modifications to Howard Raser Drive, Grant Creek Road, and the intersection of the two streets. Staff recommends a condition of approval requiring the petitioner to execute a waiver of SID for future improvements and maintenance to Howard Raser Drive and Grant Creek Road in alignment with City policies for the area.
22. The current Missoula County zoning of the property is CI-2 Heavy Industry. This County zoning district allows commercial and industrial uses such as heavy manufacturing, processing, fabrication, and assembly of products or materials.
23. The proposed zoning upon annexation for the subject parcels is M1-2 Limited Industrial. A number of commercial, general industrial, and agricultural uses are permitted in this district, including general manufacturing. Residential uses are not permitted.
24. Per, Title 20.85.040.I.2.a, the zoning district classification assigned at the time of annexation must authorize land uses comparable to the land uses authorized under the County zoning classification that applied to the property immediately before it was annexed into the City. M1-2 Limited Industrial and CI-2 Heavy Industry are comparable zoning districts in terms of allowed uses.

### **Statutory Requirements**

25. The City will meet the statutory requirements for a petition method of 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, 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.
26. Section 7-2-4211 MCA requires municipalities to include the full width of any public street or road right-of-way that are adjacent to the property being annexed.
27. The adjacent public rights-of-way for Grant Creek Road and Howard Raser Drive have already been annexed into the City of Missoula.

### **Zoning Upon Annexation**

28. 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

<p>following are the three criteria from Title 20 and staff's assessment as to whether the annexation complies with the criteria. An annexation must comply with at least one of the criteria. The zoning district classification assigned at the time of annexation must:</p>
<p><b>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;</b></p>
<p><u>Staff Assessment:</u></p> <ul style="list-style-type: none"> <li>i. The current Missoula County zoning classification is CI-2 Heavy Industry. Land uses permitted in this district include commercial and industrial uses such as heavy manufacturing, processing, fabrication, and assembly of products or materials.</li> <li>ii. The proposed City zoning upon annexation is M1-2. Land uses permitted in this district include commercial, general industrial, and agricultural uses.</li> <li>iii. The M1-2 City zoning district permits many of the same uses allowed in the CI-2 County zoning district, except for some intensive industrial uses that are permitted in the CI-2 zoning district. Thus, this criterion is met.</li> </ul>
<p><b>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</b></p>
<p><u>Staff Assessment:</u></p> <ul style="list-style-type: none"> <li>i. No unique land uses have been approved by the Board of County Commissioners or the County Board of Adjustment on the subject property, therefore this criterion is not applicable.</li> </ul>
<p><b>c. Be consistent with the land use and zoning recommendations for the subject areas, as set forth in the "Our Missoula Growth Policy."</b></p>
<p><u>Staff Assessment:</u></p> <ul style="list-style-type: none"> <li>1. The proposed zoning district M1-2 Limited Industrial is not a current relatable zoning district for the Community Mixed Use land use designation in the <i>Our Missoula 2035 Growth Policy</i>. Thus, this criterion is not met.</li> </ul>
<p>Based on compliance with Criteria 2a for zoning upon annexation in MCA 76-2-303 and Title 20 Section 20.85.040(1)(2), staff recommends annexation of the subject property, and zoning upon annexation of M1-2 Limited Industrial, subject to the conditions of annexation approval.</p>
<p><b>III. AGENCY COMMENT</b></p>
<p><b>City Police:</b></p> <p>No comment received prior to issuance of staff report</p>
<p><b>City Fire:</b></p> <p>"They plan on putting in a fire hydrant so Missoula Fire should have no issues with this project." – Dax Fraser</p>
<p><b>City-County Health Department</b></p> <p>No comment received prior to issuance of staff report</p>
<p><b>Missoula Valley Water Quality District</b></p> <p>"As far as this request is concerned, the Water Quality District does not have a comment or concern. This facility is already required to have a P2 permit and will continue to be required to have one regardless of whether it is in the City or County." – Elena Evans</p>
<p><b>City Parks &amp; Recreation</b></p> <p>"The proposed annexation will have no substantive impact on demand for City Parks &amp; Recreation facilities or services." – Neil Miner</p>
<p><b>City Attorney</b></p> <p>No comment received prior to issuance of staff report</p>
<p><b>Missoula Urban Transportation District</b></p> <p>"Missoula Urban Transportation District has no comment on the Grant Creek Road Annexation." – Dan Stone</p>
<p><b>City Public Works &amp; Mobility</b></p> <p>"I don't have concerns with this. They have already been working with us on plans for a fire hydrant extension." – Andy Schultz</p>

**City Wastewater**

"Wastewater has no comments." – Nate Gordon

**Missoula Redevelopment Agency**

No comment received prior to issuance of staff report

**Office of Emergency Management**

"OEM has no comment." – Adriane Beck

**Montana Department of Revenue**

No comment received prior to issuance of staff report

**Missoula Irrigation District**

No comment received prior to issuance of staff report

**IV. ATTACHMENTS**

1. Petition/Application for Annexation
2. Resolution of Intention to Annex