

ANNEXATION AND ZONING STAFF REPORT & REFERRAL

Agenda item:	Referral and Staff Report – 3270 and 3770 Mullan Rd. – Mullan Crossing Annexation	
Report Date:	8/13/2020	
Case Planner:	Cassie Tripard , Associate Planner	
Report Reviewed & Approved By:	Mary McCrea, Permits and Land Use Manager	
Public Meetings & Hearing Schedule		
City Council referral:	8/17/2020	
LUP recommends resolution of intent:	8/19/2020	
City Council adopts resolution of intent & sets public hearing:	8/24/2020	
City Council public hearing & final resolution to annex:	9/14/2020	
Applicant & Owner:	George Jensen Family Limited Partnership PO Box 1479 Missoula, MT 59806	
Representative:	Jason Rice Territorial-Landworks, Inc./IMEG 1817 South Avenue West Missoula, MT 59801	
Location of request:	3720 and 3770 Mullan Rd. Missoula, MT 59808	
Legal description:	3770 Mullan Rd.: Tract 1 of Halling Farms located in Section 18, Township 13 North, Range 19 West, P.M.M. 3720 Mullan Rd.: Tract of land described in Book 128 of Micro Records at Page 461 and shown on Exhibit A, located in Section 18, Township 13 North, Range 19 West, P.M.M.	
Legal ad:	August 30, 2020 and September 6, 2020 in the <i>Missoulian</i>	
Growth policy:	The applicable regional plan is the <i>Our Missoula: City Growth Policy 2035</i> , which recommends a land use designation of “Community Mixed Use” for the property located at 3770 Mullan Rd. and “Regional Commercial and Services” for the property located at 3720 Mullan Rd.	
Zoning:	3720 Mullan Rd.: C-C2 General Commercial (County) 3770 Mullan Rd.: C-RR3 Residential (1 dwelling unit / 4 acres) (County)	
Surrounding Land Uses		Surrounding Zoning
North:	Vacant land	C1-4 Neighborhood Commercial
South:	Limited Manufacturing, Production and Industrial Service	M1-2 Limited Industrial
East:	Financial Services (Bank) and Entertainment and Spectator Sport use (Movie Theater)	C1-4 Neighborhood Commercial
West:	Multi-dwelling Residential	B2-2 Community Business

RECOMMENDED MOTIONS

LUP: 8/19/2020	Adopt a resolution of intention to annex and incorporate within the boundaries of the City of Missoula two certain parcels of land described as Tract 1 of Halling Farms and a tract of land described in Book 128 of Micro Records at Page 461 and shown on Exhibit A, located in Section 18, Township 13 North, Range 19 West, P.M.M., and zone the property C1-3 Neighborhood Commercial, based on the findings of fact in the staff report, subject to the recommended conditions of annexation approval, and set a public hearing for September 14, 2020.
CC p/h: 9/14/2020	(Adopt/Deny) a resolution to annex and incorporate within the boundaries of the City of Missoula two certain parcels of land described as Tract 1 of Halling Farms and a tract of land described in Book 128 of Micro Records at Page 461 and shown on Exhibit A, located in Section 18, Township 13 North, Range 19 West, P.M.M., and zone the property C1-3 Neighborhood Commercial, based on the findings of fact in the staff report and subject to the recommended conditions of annexation approval.

I. RECOMMENDED CONDITIONS

Road Improvements

1. The applicant shall dedicate 25 feet of right-of-way measured from the southern property boundary of the two tracts of land, Tract 1 of Halling Farms and a tract of land described in Book 128 of Micro Records at Page 461 shown on Exhibit A, and shall construct half street improvements meeting minor arterial standards for Mullan Road adjacent to the subject property, subject to review and approval of City Engineering, prior to the first building permit on either lot with frontage on Mullan Road or within two (2) years of annexation, whichever is sooner. The improvements on the north side of Mullan Road shall include: curb and gutter, drainage facilities, 5-foot wide bike lane, 10-foot wide landscaped boulevard, 6-foot wide sidewalk, patch back to existing paving and pedestrian crossings at Clark Fork Lane and Mullan Road.
2. The applicant shall dedicate 67 feet of right-of-way on the southern portion of Clark Fork Lane and install improvements on the west side of Clark Fork Lane adjacent to the subject property, subject to review and approval of the City Engineer, prior to the first building permit on the subject property or within two (2) years of annexation, whichever is sooner. The improvements on the west side of Clark Fork Lane shall include: curb and gutter, 7-foot boulevard, 5-foot sidewalk, and 6-foot bike lane on the west side of Clark Fork Lane.
3. The applicant shall dedicate 61 feet of right-of-way on the northern portion of Clark Fork Lane and install full street improvements for this portion of Clark Fork Lane, subject to review and approval of the City Engineer, prior to the first building permit on the subject property or within two (2) years of annexation, whichever is sooner. The improvements shall include: 35 feet back-of-curb to back-of-curb roadway, curb and gutter, drainage facilities, 11-foot travel lanes, 6-foot bike lanes, 7-foot boulevards and 5-foot sidewalks.
4. The applicant shall provide an access easement filed with the County Clerk and Recorder from Clark Fork Lane across the tract of land described in Book 128 of Micro Records at Page 461 for the use and benefit of Tract 1 of Halling Farms, subject to review and approval of City Engineering, prior to building permit approval on parcels south of Clark Fork Lane.

Fire and Utilities

5. The applicant shall install a fire hydrant per the City Fire approved hydrant plan, subject to review and approval of City Fire, prior to combustible construction.
6. The applicant shall extend a 12-inch water main within the Mullan Road right-of-way from the existing main in Clark Fork Lane to serve Tract 1 of Halling Farms, subject to review and approval by City Public Works and City Engineering, prior to building permit approval of the first structure on Tract 1 of Halling Farms. Alternatively, the applicant could connect fire and domestic services to the water main in the adjacent property to the west if an easement is obtained and filed with the County Clerk and Recorder, subject to review and approval of City Public Works and City Engineering, prior to building permit approval of the first structure on Tract 1 of Halling Farms. Additional public utility infrastructure for water and sewer may be required at the time of building permit approval as determined by City Public Works and City Engineer.

Boulevard Landscaping

7. The applicant shall prepare a boulevard landscaping and maintenance plan for Clark Fork Lane and the portion of Mullan Road adjacent to the subject property, subject to review and approval of City Parks and Recreation, prior

to the first building permit on the subject property or within two (2) years of annexation, whichever is sooner. The boulevard landscaping shall be installed and maintained per the approved boulevard landscaping and maintenance plan prior to certificate of occupancy for each building permit.
<u>Transit</u>
8. The applicant shall petition into the Missoula Urban Transportation District prior to the first building permit on the subject property or within two (2) years of annexation, whichever is sooner, subject to review and approval by Development Services.
II. PROJECT SUMMARY
<u>Introduction</u>
1. Development Services has received a petition from Jason Rice of Territorial Landworks Inc./IMEG, on behalf of property owner George Jensen, a general partner of the George Jensen Family Limited Partnership, requesting annexation into the City of Missoula, and zoning upon annexation of C1-3 Neighborhood Commercial for 0.79 acres of land at 3770 Mullan Road and 3.5 acres of land at 3720 Mullan Road.
<u>Property Information</u>
2. The subject property consists of two parcels located at 3770 Mullan Road and 3720 Mullan Road, wholly surrounded by the City limits.
3. The subject property is adjacent to City limits on all sides. 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.
4. Upon annexation, the subject property will become part of City Council Ward 2, and the Captain John Mullan Neighborhood Council.
5. The legal description of 3770 Mullan Road is Tract 1 of Halling Farms, located in Section 18, Township 13 North, Range 19 West, P.M.M. The legal description of 3720 Mullan Road is described in Book 128 of Micro Records at Page 461 and shown on Exhibit A.
6. There is an existing detached house at 3770 Mullan Road. The property described as 3720 Mullan Road contains an existing detached house and two accessory storage structures.
7. The parcel to the north of the subject property is vacant. The parcel to the east of the subject property contains financial services (bank) and entertainment and spectator sports (movie theater) uses. The parcel to the west of the subject property contains multi-dwelling residential. The parcel to the south of the subject property contains limited manufacturing, production and industrial service uses.
8. The subject properties fall under floodplain classification Zone X, Area of Minimal Flood Hazard.
<u>Annexation Request</u>
9. The property owner, George Jensen, filed Petition No. 10023, requesting the annexation of this property.
10. 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, and areas that contribute to the logical growth pattern of the City by creating orderly and contiguous municipal boundaries.
11. The subject property will be added to the service area for the City Fire and Police Departments.
12. City Fire reviewed the proposal and will require the installation of a new fire hydrant to meet current city standards. Per the City Annexation Policy, the city should prioritize the annexation of areas that meet current city standards and equitably provide the same levels of service and infrastructure as other parts of the municipality with similar topography, land use, and population density. In order to meet current City Fire standards, staff recommends a condition of approval that requires installation of a fire hydrant per the City Fire approved hydrant plan.

<u>Annexation Policy</u>
13. 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'.
<u>Road Improvements, Transit, and Utility Infrastructure</u>
14. The properties described as 3770 and 3720 Mullan Road have frontage on one (1) public right-of-way: Mullan Road to the south which is functionally classified as a minor arterial street.
15. This portion of Mullan Road does not meet current city standards for a minor arterial street. Per the City Annexation Policy, the City should prioritize the annexation of areas that meet current city standards, including transportation 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.
16. In order to meet current city standards, staff recommends a condition of approval that requires the applicant to dedicate right-of-way for Mullan Road and install half street improvements meeting minor arterial standards.
17. The property described as 3720 Mullan Road is intersected by proposed Clark Fork Lane. Clark Fork Lane is currently located within an existing public access easement.
18. The southern portion of Clark Fork Lane does not meet current city standards because it does not provide pedestrian and bicycle infrastructure on the west side of the road. Per the City Annexation Policy, the city should prioritize the annexation of areas that meet current city standards, including transportation 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.
19. In order to meet current city standards, staff recommends a condition of approval that requires the applicant to dedicate right-of-way on the southern portion of Clark Fork Lane and install road improvements on the west side of Clark Fork Lane adjacent to the subject property.
20. The portion of Clark Fork Lane connecting the southern portion of Clark Fork Lane on the subject property to Clark Fork Lane on the property to the west is not currently constructed. Per the City Annexation Policy, the City should prioritize annexation of areas that meet current city standards, including transportation 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.
21. In order to meet current city standards, staff recommends a condition of approval that requires the applicant to dedicate right-of-way on the northern portion of Clark Fork Lane and install full street improvements for the northern portion of Clark Fork Lane.
22. Current city standards require landscaped boulevards on City Streets. Boulevards are not required along the east side of the southern portion of Clark Fork Lane, because there are existing curbside sidewalks. Per the City Annexation Policy, the City should prioritize annexation of areas that meet current city standards, including transportation 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.
23. In order to meet current city standards which require boulevards, staff recommends a condition of approval that requires the applicant to prepare a boulevard landscaping and maintenance plan for Clark Fork Lane and Mullan Road adjacent to the subject property and installation of boulevards and sidewalks where there are no sidewalks.
24. There is an existing access easement from Clark Fork Lane to the parcel to the east containing the access drive to the bank.
25. Tract 1 of Halling Farms only has frontage on Mullan Road. Due to the proximity of the parcel to the intersection of Mullan Road and Clark Fork Lane, City Engineering will not grant access to the parcel from Mullan Road. Access will need to be provided from Clark Fork Lane through the tract of land to the north of Tract 1 of Halling Farms.

26. In order to provide access to Tract 1 of Halling Farms and to equitably provide the same levels of service and infrastructure as other parts of the municipality with similar topography, land use, and population density per the City Annexation Policy, staff recommends a condition that requires the applicant to file an access easement with the County Clerk and Recorder from Clark Fork Lane across the tract of land described in Book 128 of Micro Records at Page 461 for the use and benefit of Tract 1 of Halling Farms.
27. The subject property is not connected to City water or sewer. New construction will be required to connect to both utilities.
28. There is an existing water main located in Clark Fork Lane that extends from Mullan Road to the western property boundary of 3720 Mullan Road.
29. There is an existing sewer main located in the southern portion of Clark Fork Lane.
30. 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
31. In order to meet current city standards, staff recommends a condition of approval which requires the extension of a water main within the Mullan Road right-of-way. Alternatively, the applicant could connect fire and domestic services to the water main in the adjacent property to the west if an easement is obtained and filed with the County Clerk and Recorder.
32. Per the City Annexation Policy, where appropriate, proposed annexation areas should be conditioned to join the Missoula Urban Transportation District.
33. In order to comply with the City Annexation Policy, staff recommends a condition of approval that states the applicant shall petition into the Missoula Urban Transportation District.
34. New development will be required to meet Missoula Municipal Codes, as well as all other applicable standards and regulations.
<u>Growth Policy & Zoning</u>
35. The applicable regional plan is Our Missoula: City Growth Policy 2035 which recommends a land use designation of Community Mixed Use for 3770 Mullan Road and Regional Commercial and Services for 3720 Mullan Road. The City Annexation Policy states that any annexation by the City should be guided by the current City Growth Policy.
36. Areas such as 3770 Mullan Road that are designated as Community Mixed Use promote the basic employment and services necessary for a vibrant community. High density residential development (up to 43 dwelling units per acre) is also permitted in the zoning districts corresponding to this land use designation. The corresponding zoning districts are: C1 Neighborhood Commercial, C2 Community Commercial, and M1R-2 Limited Industrial-Residential.
37. Areas such as 3720 Mullan Road that are designated as Regional Commercial and Services are 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 Community Commercial, M1R-2 Limited Industrial-Residential, OP3 Public Lands and Institutions, and C1 Neighborhood Commercial.
38. The current County zoning that applies to 3770 Mullan Road is C-RR3, Residential. This district provides for four dwelling units per acre density, single-family and two-family housing in areas served by an adequate public water and sewer system, and promotes a residential density consistent with availability of public facilities and with the physical limitations of the land.
39. The current County zoning that applies to 3720 Mullan Road 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.
40. The requested City zoning upon annexation for both parcels is C1-3 Neighborhood Commercial. Staff supports this request, as it aligns with the Growth Policy recommendation for this area.

<u>Statutory Requirements</u>
41. 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.
42. The adjacent public right-of-way for Mullan Road has already been annexed into the City of Missoula.
43. Clark Fork Lane is currently located within a public access easement. Clark Fork Lane will be annexed into the City of Missoula and dedicated as right-of-way per the recommended conditions of approval.
44. 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.
<u>Zoning Upon Annexation</u>
45. 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 (3) which may be considered for zoning upon annexation. An annexation must comply with at least one of the criteria. The zoning district classification assigned at the time of annexation must:
a. Authorize land uses comparable to the land use authorized under the county zoning classification that applied to the property immediately before it was annexed in the city;
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
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> .”
50. The applicable regional plan is Our Missoula: City Growth Policy 2035 which recommends a land use designation of Community Mixed Use for 3770 Mullan Road and Regional Commercial and Services for 3720 Mullan Road. Areas designated as Community Mixed Use promote the basic employment and services necessary for a vibrant community. 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: C1 Neighborhood Commercial, C2 Community Commercial, and M1R Limited Industrial-Residential. Areas designated as Regional Commercial and Services are 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 Community Commercial, M1R-2 Limited Industrial-Residential, OP3 Public Lands and Institutions, and C1 Neighborhood Commercial.
51. The requested C1-3 zoning district is one of the zoning districts that is associated with both Community Mixed Use and Regional Commercial and Services land use designations.
52. Criterion 2c applies to this annexation request because it applies a zoning district that is in alignment with the Growth Policy land use designation for the subject parcel.
46. Based on compliance with Criteria 20.85.040(I)(2)(c), staff recommends annexation of the subject property, and zoning upon annexation of the subject property of C1-3 Neighborhood Commercial upon annexation, subject to the recommended conditions of approval.
47. If the City Council does not approve the request to annex the subject property and apply the C1-3 Neighborhood Commercial zoning, the Resolution 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
1. Exhibit A

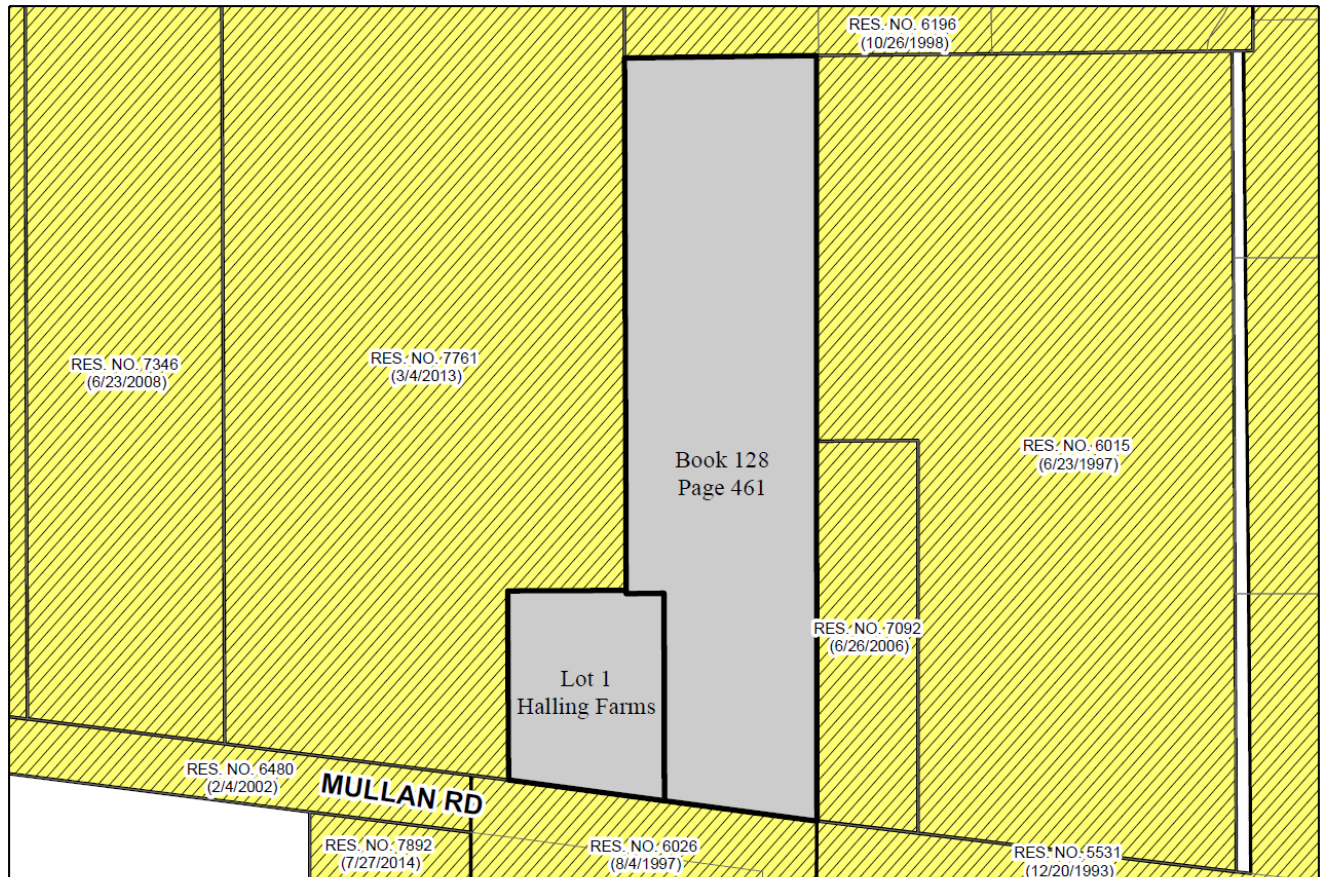


Exhibit A



**Lot 1 of Halling Farms
& Tract in the SESE of Sec18 T13N R19W
as recorded in Book 128 of Micro Records at Page 461
Missoula County, Montana**

All Located in Section 18, T.13 N., R.19 W., P.M.M.

Prepared by: CITY OF MISSOULA GIS SERVICES

Legend

- Proposed Annexation
- Annexation Resolutions
- Parcel Boundaries
- City Limits