



**ANNEXATION AND ZONING STAFF REPORT & REFERRAL**

<b>Agenda item:</b>	Annexation and Zoning Upon Annexation to RT5.4 (residential two-unit / townhouse). of Tract 9 of COS No. 3176
<b>Report Date:</b>	9/4/2020
<b>Case Planner:</b>	Dave DeGrandpre, Planning Manager
<b>Report Reviewed &amp; Approved By:</b>	Mary McCrea, Planning Supervisor
<b>Public Meetings &amp; Hearing Schedule</b>	
<b>City Council referral:</b>	9/9/2020
<b>LUP recommends resolution of intent:</b>	9/9/2020
<b>City Council adopts resolution of intent &amp; sets public hearing:</b>	9/14/2020
<b>City Council public hearing &amp; final resolution to annex:</b>	10/5/2020
<b>Applicant &amp; Owner:</b>	Zootown Investments, LLC 2336 Aspen Grove Missoula, MT 59801
<b>Representative:</b>	Brian Throckmorton 406 Engineering 1201 S. 6 <sup>th</sup> Street W., #102 Missoula, MT 59801
<b>Location of request:</b>	In the Mullan Master Plan Area west of Reserve Street and immediately north of the 44 Ranch Subdivision
<b>Legal description:</b>	Tract 9 of COS No. 3176 Tract 9 of COS No 3176 located in the NE ¼ of the SW ¼ of Section 12, Township 13 North, Range 20 West, P.M.M.
<b>Legal ad:</b>	Published 8/3/20 and 9/6/20
<b>Growth policy:</b>	Residential Medium Density – 3 to 11 units per acre
<b>Current zoning:</b>	County C-RR1

Surrounding Land Uses		Surrounding Zoning
<b>North:</b>	Agriculture	C-RR1
<b>South:</b>	Residential subdivision (44 Ranch)	44 Ranch Special Zoning District
<b>East:</b>	Agriculture, pending annexation, zoning and subdivision	C-RR1, possible future B2-2
<b>West:</b>	Missoula Airport Authority	C-RR1

**RECOMMENDED MOTIONS**

<b>LUP:</b>	ADOPT a resolution of intention to annex and incorporate within the boundaries of the City of Missoula, Montana a parcel of land described as Tract 9 of Certificate of Survey No. 3176 located in the NE ¼ of the SW ¼ of Section 12, Township 13 North, Range 20 West, P.M.M.; and zone the property RT5.4 Residential; and set a public hearing for October 5, 2020.
<b>CC p/h:</b>	ADOPT a resolution to annex and incorporate within the boundaries of the City of Missoula, Montana a parcel of land described as Tract 9 of Certificate of Survey No. 3176 located in the NE ¼ of the SW ¼ of Section 12, Township 13 North, Range 20 West, P.M.M.; and zone the property RT5.4 Residential.

## I. RECOMMENDED CONDITIONS

1. All street and non-motorized transportation improvements shall be designed and built in accordance with the City of Missoula Public Works Standards and Specifications and City of Missoula Subdivision Regulations (except as modified by variance). All plans must comply with Americans with Disabilities Act requirements. All plans must be reviewed and approved by the City Engineer in accordance with City policies.
2. The subdivider shall provide a street naming exhibit to be reviewed and approved by Development Services prior to final plat filing of the first phase.
3. The subdivider shall provide a street signage plan in accordance with the Manual on Uniform Traffic Control Devices to be reviewed and approved by the City Engineer and City Fire Department with installation of approved signs prior to final plat filing of each applicable phase.
4. The following statement shall appear on the face of each plat, in the covenants, conditions, and restrictions, and on each instrument of conveyance: "Acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners to any future SID/RSID, based on benefit, for the upgrading of streets within this subdivision, including but not limited to paving, curbs and gutters, non-motorized facilities, street widening and drainage facilities."
5. All proposed rights-of-way shall be dedicated to the public on the face of each plat and approved by the City Engineer.
6. All proposed easements, except as modified by these conditions, shall be shown on the face of each plat and identified for their width and purpose, including easements for vehicular and pedestrian access, utilities, and irrigation facilities.
7. The subdivider shall design and install street lighting along Chuck Wagon Drive through the subdivision in accordance with the Missoula Public Works Standards and Specifications Manual. The lighting shall be installed prior to final plat approval of Phase 1 for the southernmost section of Chuck Wagon Drive and Phase 7 for the remainder of Chuck Wagon Drive. Prior to final plat filing of the first phase, the subdivider shall petition to create a new streetlight improvement district.
8. Chuck Wagon Drive through the length of the subdivision shall be improved to Urban Collector half-street standards as proposed including two 10-foot drive lanes, curb and gutter, a 10-foot boulevard, and 5-foot sidewalks within the existing 40-foot wide right-of-way. These improvements shall be completed as shown on the Phasing Plan exhibit and described in the Project Summary.
9. The subdivider shall contribute a proportionate share for improvements to the Chuck Wagon Drive / Mullan Road intersection made necessary by this subdivision. The total amount of \$83,084 shall be paid to the City of Missoula on a per-lot basis prior to final plat filing of each phase.
10. The Remington Flats Phased Subdivision is located within the Mullan BUILD project area and George Elmer Drive, which is proposed to provide access to the subdivision, is planned to be improved as part of the Mullan BUILD project. Federal funds are planned to pay for a portion of the Mullan BUILD improvements. Funding mechanisms are currently being explored to pay for the remainder of the improvements. The funding mechanisms may include, but are not limited to, a special improvement district, impact fee, latecomers fee, or cost share agreements that allow the City of Missoula and Missoula County to recover the cost of constructing infrastructure from the properties that benefit from the Mullan BUILD project. The total amount of the cost to be recaptured via the funding mechanism(s) is not expected to exceed 50% of the actual costs expended by the City of Missoula and Missoula County to complete the Mullan BUILD project. To the extent that such funding mechanism(s) is created in accordance with state law and applicable principles of land use law, the subdivider, successors, and assigns shall participate in and be bound by the fees assessed and not oppose the creation of or participation in such a district.
11. Winchester Drive, Browning Road, Tenderfoot Way, Riata Road, and Remington Drive shall be designed and built to Low Density Urban Local Street standards including two 10-foot drive lanes, 7-foot parking lanes, curb and gutter, 7-foot boulevards, and 5-foot sidewalks within 64-foot rights-of-way as proposed.
12. The subdivider shall submit complete grading and drainage plans prior to final plat approval of each applicable phase showing proposed grades of streets, proposed drainage facilities, and a storm water pollution prevention plan for all lots, blocks, and other areas meeting Montana DEQ standards and subject to approval of the City Engineer. All drainage facilities shall be constructed in accordance with the approved plan and accommodate the planned runoff from all upgradient phases.
13. The subdivider shall petition for the property to be included in the Missoula Urban Transportation District prior to final plat filing of the first phase.

14. The subdivider shall submit plans for water supply and sewage disposal for review and approval of the City Engineer, City/County Health Department, and Montana Department of Environmental Quality prior to final platting of each applicable phase. Construction of all water supply and sewer systems shall be in accordance with City policies.
15. The subdivider shall submit plans for solid waste disposal for review and approval of the City Engineer, City/County Health Department, and Montana Department of Environmental Quality prior to final platting of each applicable phase.
16. The subdivider shall meet the parkland dedication requirement by providing the monetary value of 1.43 acres of unsubdivided, unimproved, zoned land as required in the City Subdivision Regulations Section 3-080. Prior to final plat filing of each phase, the subdivider shall provide calculations for the total lotted area in that phase, the parkland requirement for that phase, a Summary Appraisal Report establishing the then-current fair market value, and a check for the required amount, to be reviewed and approved by City Council.
17. The subdivider shall submit a boulevard landscaping plan to be reviewed and approved by the City Parks and Recreation Department prior to final plat filing of each applicable phase.
18. Final covenants, conditions, and restrictions meeting the requirements of City Subdivision Regulations Section 5-020-14.K shall be submitted for review and approval prior to final plat filing of the first phase. The covenants shall require boulevard landscaping in accordance with the approved plan, a prohibition on basements within the subdivision, a prohibition on wood burning devices, and a statement informing lot purchasers of the presence of the subdivision within an airport influence area.
19. The subdivider shall provide five-foot sidewalks along all street frontages and at the proposed location between Lots 127 and 128. All sidewalk plans, including specifications for ADA accessibility and safe street crossings, shall be reviewed and approved by the City Engineering and Parks and Recreation departments prior to final plat filing of each applicable phase. Construction of the non-motorized transportation facilities shall occur as proposed in the application submittal and as required to serve each phase.
20. The subdivider shall provide plans for address signage and a fire hydrant plan for review and approval prior to final plat filing of each applicable phase. All approved fire protection improvements shall be installed in accordance with the approved plans.
21. The Weed Management and Revegetation Plan shall be appended to the covenants, conditions and restrictions. The subdivider shall provide evidence of plan implementation and noxious weed control prior to final plat filing of each phase.
22. The subdivider shall grant an avigation easement to the Missoula Airport Authority in compliance with the Airport Influence Area Resolution and present evidence of the easement, subject to review and approval of Development Services, prior to final plat filing of the first phase or within two years of City Council approval of annexation, whichever comes first.
23. The Covenants, Conditions, and Restrictions and each final plat shall include the following statement: This property is in the airport influence area and subject to the requirements of the Airport Influence Area Resolution. The Remington Flats Subdivision may also be within an extended approach and departure zone for a proposed second runway as shown in the Airport Authority's 2004 plan and lot owners should be aware of the resultant safety risk. Lot owners should consult the airport layout plan and any relevant documents to determine the status of the proposed runway location at the time of purchase.
24. The Remington Flats Neighborhood Character Overlay Zoning District shall be adopted concurrent with City Council approval of the subdivision request based on the findings in the rezoning staff report.

## II. PROJECT SUMMARY

Property Information
1. The property consists of 20.01 acres legally described as Tract 9 of Certificate of Survey No. 3176 located in the NE ¼ of the SW ¼ of Section 12, Township 13 North, Range 20 West, P.M.M., Missoula County, Montana.
2. The property has historically been used for agricultural production including hay production and cattle grazing. The land is generally flat and undeveloped. The soil is considered prime farmland if irrigated. The property has irrigation water rights, which are planned to be severed prior to final subdivision plat approval.
3. The 44 Ranch residential subdivision is adjacent to the south. To the east is a proposed subdivision intended for multi-family and mixed-use structures. To the west is land owned by the Missoula Airport Authority and to the east is land used for agriculture.
4. The floodplain classification is Zone X, an area of minimal flood hazard. No other natural or human-caused hazards are apparent.
5. City water, sewer, and other services are available to the property.

<b>Annexation Request</b>
6. The property owner, Zootown Investments, LLC, filed Petition No. 10024 requesting annexation of this property.
7. The property is inside the Wastewater Facilities Service Area and the Air Stagnation Zone.
8. The property would be added to the service area for Missoula hospitals and the City Fire and Police Departments.
9. The property would be added to City of Missoula Ward 2 and the Captain John Mullan Neighborhood Council area.
<b>Annexation Policy</b>
10. Under the City of Missoula Annexation Policy, the property is located within Annexation Area 'A,' an area prioritized for annexation because it meets the City's annexation guidelines for efficient provision of services and orderly growth.
<b>Growth Policy &amp; Zoning</b>
11. The <i>Our Missoula: City Growth Policy 2035</i> Future Land Use Map designation is Residential Medium Density – 3 to 11 units per acre. The draft <i>Mullan Area Master Plan</i> also shows this area as being planned for urban scale residential development with varying lot sizes.
12. Areas designated as Residential Medium Density – 3 to 11 units per acre are intended to fit with already established residential neighborhoods and acknowledge the single dwelling residential building type as the primary use with potential for accessory dwellings. Zoning districts related with this land use designation include: RT10 (two unit / townhouse), R8, R5.4, and RT5.4 (two unit / townhouse)
13. The applicant is requesting base zoning of RT5.4 (two unit / townhouse). Concurrently, but not a part of this annexation and initial zoning request, the applicant is also seeking a new Remington Flats Neighborhood Character Overlay District. If approved, the zoning for the property would be known as RT5.4 / NC-RF.
14. The RT5.4 is a residential district that allows detached houses, lot line houses, and two-unit houses and townhouses. The minimum parcel area and minimum area per unit is 5,400 feet. Minimum principal building setbacks are as follows: 20-foot front; 7.5 interior side or at least 33% of the building height; 10-foot street side, and 20-foot rear.
15. The Remington Flats Neighborhood Character Overlay District would allow front setbacks to be reduced to 10 feet and interior side setbacks to be reduced to 5 feet. It would also allow up to three-unit townhouses instead of only two-unit townhouses.
16. The current county zoning on the property is C-RR1, a residential district with a maximum density of one dwelling unit per acre.
<b>Statutory Requirements</b>
17. 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 intention 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 an annexation resolution or to deny the annexation request.
<b>Zoning Upon Annexation</b>
18. 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 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:
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. 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: City Growth Policy 2035</i> .
<b>Staff Assessment:</b>
i. The RT5.4 (two unit / townhouse) zoning would allow residential development comparable with

the current C-RR1 county zoning classification, which was approved by the Board of County Commissioners.

- ii. The RT5.4 (two unit / townhouse) zoning would provide for medium density residential development in accordance with the Future Land Use Map of the *Our Missoula: City Growth Policy 2035*.

### **III. ATTACHMENTS**

Resolution of Intent to Annex with Exhibit A