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## COMMUNITY PLANNING, DEVELOPMENT & INNOVATION

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### Community Development Division

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#### MEMORANDUM

To: Missoula City Council

From: Dave DeGrandpre, Planning Supervisor

Copy: Jim Nugent, City Attorney

City of Missoula staff members Eran Pehan, Mary McCrea, Emily Gluckin, Aaron Wilson, Neil Miner, Jeremy Keene, Troy Monroe, and Kevin Slovarp

Nate Tollefson, Tollefson Properties, LLC

Kody Swartz, Spencer Woith, and Matt Hammerstein, Woith Engineering

Date: February 26, 2021

**Subject: Mcnett Flats annexation, zoning, and subdivision**

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This memorandum is intended to address questions and issues discussed during the Land Use & Planning Committee meeting on Wednesday, February 24, 2021 regarding the Mcnett Flats annexation, zoning, and subdivision applications. This memorandum is also intended to provide a reminder of procedural steps to be taken during the City Council meeting on Monday, March 1<sup>st</sup>.

#### **Development Agreement**

Development agreements are typically voluntary and stipulate the rights, obligations, mutual agreements, and enforcement mechanisms for a developer and the City of Missoula for a unique development project. Each side gives something of value in exchange for something else of value. Goals for a potential development agreement discussed at the LUP meeting include graduated development ranging from smaller scale residential development near the 44 Ranch and Flynn Ranch subdivisions leading to larger scale or more intensive development at the north end of the property; usable parkland, and a mixture of future land uses. Tollefson Properties, LLC has not offered to place limitations or assurances on the property in addition to the standard municipal zoning, subdivision, and public works standards. If Council chooses to require a development agreement as a condition of annexation, it will be necessary to develop specific findings of fact in support of this requirement and to provide guidance as to what the agreement must contain.

#### **Lot 6 Property Line Setback**

Staff has confirmed that under the Title 20 zoning ordinance, a 20-foot property line setback applies to the entire southern boundary of Lot 6 adjacent to the 44 Ranch Subdivision.

#### **Phased Annexation or Subdivision**

The developer has not proposed this as a phased subdivision and instead would record the final plat and create all 7 lots at one time, after meeting the required conditions of subdivision approval. Theoretically the developer could have proposed to annex only a portion of the 20-acre property,

but typically local government officials find it beneficial to see the larger development plan including locations and specifications for streets, sidewalks, lots, parks and trails, development covenants, and other items. To annex and subdivide only a portion of this property would require denial or withdrawal of the application and a new submittal of a phased development application.

### **Parks and Trails**

Based on the total area planned to be subdivided into lots, the parkland dedication requirement is 3.07 acres. City staff has recommended a combination of parkland (including a segment of the planned Tipperary Way Trail) and cash in lieu of parkland as detailed in condition #22. At the LUP meeting, several Councilors requested the subdivision also include usable parkland area, at least on the lots east of George Elmer Drive.

Working with Infrastructure & Mobility Program Manager Aaron Wilson, Parks and Trails Design/Development Manager Neil Miner sketched a concept of parkland that included a longer segment of trail that would extend from Remington Drive, cross George Elmer Drive, and include park area on Lots 2 and 3 (concept plan attached). If a crossing of George Elmer Drive is necessary, staff recommends rectangular rapid-flashing beacons be required at the crossing to alert motorists and enhance pedestrian and bicycle safety. Development Services staff provided the concept plan to Woith Engineering and asked that they provide a proposal to address Councilor comments prior to the March 1<sup>st</sup> meeting.

### **Subdivision Application Extension**

The statutory 60 working-day review period expires on Wednesday, March 3. The developer would have to agree to any requested extension of the review period as per Montana Code Annotated 76-3-609(2)(b).

### **Procedure**

There are several review process steps and motions detailed in the staff report:

1. Annexation and zoning.
2. Subdivision variance requests. Please note the Planning Board recommended Variance Request #3 not include Abby Lane, and instead that Abby Lane be designed with separated / protected bike lanes within an 80-foot right-of-way instead of the requested 64 feet. At the LUP meeting Aaron Wilson suggested the separated bike lanes might not be necessary if a trail extend from Remington Drive to the Tipperary Way Trail, which would support the variance request.
3. Subdivision application and conditions.

Please see the staff report for recommended motions.

