

DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION
Southwestern Land Office



STEVE BULLOCK, GOVERNOR

STATE OF MONTANA

PHONE: (406) 542-4200
FAX: (406) 542-4285

1401 27TH AVENUE
MISSOULA, MT 59804

June 21, 2016

Land Use and Planning Committee
435 Ryman St.
Missoula, MT 59802

RE: Reserve Street Zoning Referral

Dear Land Use Planning Committee,

This letter is written to supplement the City Initiated zoning for 905 Reserve Street that was submitted for referral to the Land Use and Planning Committee. The purpose of this letter is to give a brief background of Trust lands that are held by the State of Montana and a brief history of Reserve Street and the current proposal.

Trustlands Background

School trust lands were granted to the State of Montana by the federal government to be held in Trust for the benefit of specific beneficiary institutions such as public schools and state colleges. Due to the unique Trust mandate by which the US Government granted these lands to the State of Montana, Trust lands need to be thought of differently than other State owned lands and are not permanent parks or open space. The Land Board and DNRC have a fiduciary responsibility to the Trust beneficiary to manage these lands to generate the best long-term benefit for the beneficiary.

Reserve Street History and Proposal

Department of Natural Resources and Conservation (DNRC) acquired this parcel from Montana Department of Transportation through a land exchange in 1999. The State has attempted to lease this parcel for many years and currently has a viable proposal that is very promising; however, it does not meet the current zoning.

Through the Request for Proposals process, DNRC evaluated and selected the Hunter Bay LLLP proposal submitted for one building approximately 20,000 square feet in size for the coffee roasting facility and coffee shop with 4 other retail units. The proposal is contingent upon meeting the City re-zoning request from Special District #2 to the B2-2 zoning. The award is for an option to lease for up to 2 years. Upon zoning and other permitting, the option will be eligible to be executed for a commercial lease term up to 99 years.

DNRC looks forward to collaborating with the City for the success of this project to allow for this specific commercial lease proposal from Hunter Bay LLP and incorporate the Title 20 zoning code. This is a great opportunity for a local business to lease from the State and generate revenue for Montana's Kindergarten-12th grade public schools.

Sincerely,

A handwritten signature in blue ink that reads "Liz Mullins".

Liz Mullins
Land Use Planner
Southwestern Land Office

DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION

Trust Land Management Division



STEVE BULLOCK, GOVERNOR

1625 ELEVENTH AVENUE

DIRECTOR'S OFFICE (406) 444-2074
TELEFAX NUMBER (406) 444-2684

PO BOX 201601
HELENA, MONTANA 59620-1601

May 25, 2016

Rob Young
Hunter Bay LLLP
11300 HY 93 South Unit N
Lolo, MT 59847

**RE: DNRC Request for Proposals for Commercial Lease
Reserve Street, Missoula MT-- Parcel A on COS #4743**

Dear Rob,

Thank you for your submission in response to the request for proposals for a commercial lease of Trust Land on Reserve Street in Missoula.

On January 15, 2016, DNRC staff evaluated your proposal. Based upon this review, we are very pleased to inform you that your proposal has been selected.

Our next goal is to move quickly to execute the Lease or the Option to Lease, and have the authorization in place by June 15th, 2016.

The DNRC wishes to settle on final lease terms prior to executing the proposed Option to Lease Agreement, as the final lease will be attached to it as an exhibit. The Option to Lease Agreement must be executed, and payment received, by June 15th, 2016.

DNRC looks forward to working with you to move this exciting project to reality. If you have any questions, please feel free to contact me directly at lmullins@mt.gov or (406)542-4345.

Sincerely,

A handwritten signature in blue ink, appearing to read "Liz Mullins".

Liz Mullins, Land Use Planner

Cc: Jessica Hoag, Property Management Section Supervisor



DEVELOPMENT SERVICES

435 RYMAN • MISSOULA, MT 59802 - 4297 • (406) 552-6630 • FAX: (406) 552-6053

CITY REZONE APPLICATION

A. GENERAL INFORMATION

1. One submittal packet is required for Completeness/Sufficiency Review.
2. Once the application is deemed complete by Development Services (DS), the application fee and 27 submittal packets shall be submitted or 15 submittal packets for Planning Board and staff if an electronic submittal packet is also submitted meeting the electronic packet submittal guidelines. The packets submitted for governing body review must be exactly the same as the packet that was deemed complete.
3. Name of proposed Rezone: **905 Reserve St - SD#2 City Special District #2 to B2-2 Community Business**
4. Name(s) of Applicant: **Department of Natural Resources & Conservation - Southwestern Land Office**
Mailing Address: **1401 27th Avenue, Missoula, MT 59804**
Telephone Number: **406-542-4345**
Email Address: **lmullins@mt.gov**
5. Name(s) of Owner of Record: **Department of Natural Resources & Conservation - Southwestern Land Office**
Mailing Address: **1401 27th Avenue, Missoula, MT 59804**
Telephone Number: **406-542-4345**
Email Address: **lmullins@mt.gov**
6. Name and Company of Representative: **N/A**
Mailing Address:
Telephone Number:
Email Address:
7. Does the applicant(s) whose signature(s) are included below own at least 35% of the area or number of the parcels included within the area proposed to be rezoned? (Requirement of Title 20, 85.050(A)) **Yes**
8. If the applicant is someone other than the property owner, the owner must also sign the application in the space provided below.

Certification: I hereby certify that the foregoing information contained or accompanied in this application is true and correct to the best of my knowledge.

Jim Mullins, DNRC 8/25/16
Applicant's Signature Date

Jim Mullins, DNRC 8/25/16
Owner's Signature Date

Representative's Signature Date

B. SUBJECT PROPERTY INFORMATION

General location of subject property and address (if address has been assigned): 905 Reserve St
Legal Description - complete and unabbreviated: Parcel A in COS 4743 in the NE4 of Section 30,
Township 13 North, Range 19 West

Township, Range, Section(s): **T13N, R19W, Section 30**

Subdivision, Lot(s), Block(s): **Parcel A**

Tract(s), COS#: **4743**

Bearings & Distances Descriptions (if boundaries of proposed rezone are not exactly the same as the boundaries of the property legally described above):

Geocode: **04-2200-30-1-31-09-0000**

C. ZONING AND GROWTH POLICY INFORMATION

1. Complete the following table (where applicable, indicate Unzoned):

	Zoning	Current Land Use
Adjacent (North)	City SD#2	Medical Office & Residential
Adjacent (South)	City SD#2	Vacant Land
Adjacent (East)	City SD#2	Residential
Adjacent (West)	County ZD #10	Residential

2. What is the current zoning of the property (including intensity designator)? **City SD#2**

3. What is the requested zoning for the property (including intensity designator)? **B2-2**

4. What is the applicable comprehensive plan and land use designation for the property? **2035 Our Missoula City Growth Policy. Land Use designation is Community Mixed-Use**

5. What is the intended use for the property? **Community Business uses such as Retail, Restaurant, Office and Coffee Roasting Business. The coffee roasting business would be an Artisan Industrial use, requiring conditional use review in the B2-2 zoning district.**

D. RESPONSES TO REVIEW CRITERIA REQUIRED BY STATE LAW & THE CITY OF MISSOULA TITLE 20 ZONING ORDINANCE

Review Criteria. Provide a response to the following review criteria for rezone requests.

1. Whether the zoning is made in accordance with a growth policy;

The applicable regional plan is the 2035 Our Missoula City Growth Policy with a recommended land use designation of Community Mixed-Use. Establishments located within the Community Mixed-Use category serve the larger community as well as adjacent neighborhoods. This category includes a broad range of functions, such as retail, education, financial institutions, professional and personal services, offices, residences and general service activities.

In the focus inward land use pattern, Community Mixed-Use areas are placed in proximity to major streets and intersections where vehicle, pedestrian, bicycle and transit facilities are provided. The current relatable zoning for the Community Mixed-Use areas include C1-4, C2-4 and M1R-2 which allow for high intensity commercial uses.

The B2-2 Community Business zoning district allows less intensive commercial uses than permitted in the C1-4, C2-4 and M1R-2 zoning districts which are the related zoning districts specified in the 2035 City Growth Policy for the Community Mixed-Use areas. However, the less intensive uses allowed in the B2-2 zoning district are more appropriate in this location due to the detached house (single dwelling) development directly adjacent to the west.

2a. Whether the zoning is designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements

2b. Whether the zoning considers the effect on motorized and non-motorized transportation systems;

The subject property is within the Urban Services area and is served by City water and sewer, public and private schools and parks. The subject property is located at the intersection of Reserve Street and South 7th Street West. Reserve Street is functionally classified as a Principal Arterial and includes dedicated bike lanes and curbside sidewalks. South 7th Street West is functionally classified as a Major Collector. Boulevard Sidewalks will be required adjacent to the property on South 7th Street West with approval of a building permit. The site is served by public transit with bus stops for Route 2, 8, and 9 within a half mile of this location.

3. Whether the zoning considers the promotion of compatible urban growth;

The current Special District #2 (SD#2) zoning district was approved in 1995. Since then Reserve Street has become a high traffic commercial corridor and the recently approved City Growth Policy recommends the land develop with a mix of moderate to high intensity commercial and residential uses. Adjacent to the west is detached house (single dwelling) development. The mix of lower intensity commercial uses allowed in the B2-2 Community Business zoning district will serve the adjacent residential development, serve as a buffer between the residential development and the high traffic volumes on Reserve Street and promote compatible urban growth.

4a. Whether the zoning is designed to promote public health, public safety, and the general welfare;

4b. Whether the zoning is designed to secure safety from fire and other dangers;

4c. Whether the zoning considers the reasonable provision of adequate light and air;

4d. Whether the zoning conserves the value of buildings and encourages the most appropriate use of land throughout the jurisdictional area;

The rezoning will promote public health, public safety and the general welfare by providing for neighborhood commercial uses and residential uses of a type and density appropriate for a site sandwiched between Reserve Street and detached house (single dwelling) development. Emergency services and fire protection is available to the site.

The B2-2 Community Business zoning district is a standard zoning district within the Title 20 City Zoning Ordinance, whereby all the general standards for parking, landscaping, buffering, and screening will apply to development in this location. The Commercial Design Standards apply to some of the uses permitted in the B2-2 zoning district. These standards, in particular, foster development where buildings are oriented to face streets, visual impacts to surface parking lots are minimized and building facades feature some level of architectural detail. The Landscaping standards in Title 20 require commercial uses to provide buffering with landscaping and fencing for parcels adjacent to residential development.

The rezoning considers the reasonable provision of adequate light and air through application of the Commercial Design Standards of Title 20 requiring the placement of buildings closer to the street and buffering standards between the commercial development and the adjacent residential development.

In contrast, the City SD#2 zoning district includes outdated standards that require buildings to be setback 45 feet from Reserve Street and 25 feet from South 7th Street West. These large

setbacks would result in the buildings constructed closer to the adjacent residential and the parking located between the building and the street.

5. Whether the zoning considers the character of the district and its peculiar suitability for particular uses;

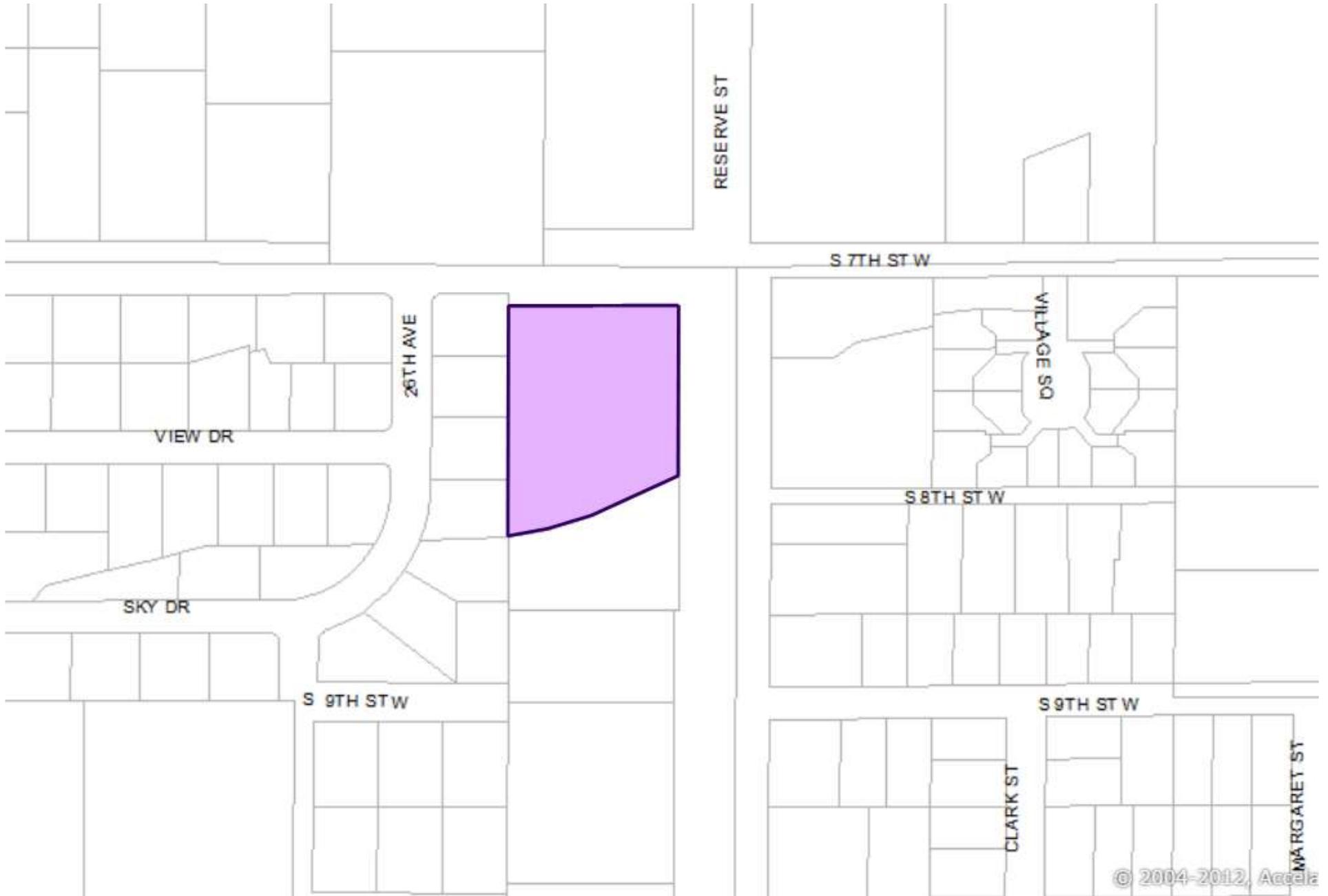
The mix of lower intensity commercial uses allowed in the B2-2 Community Business zoning district will serve the adjacent residential development, serve as a buffer between the residential development and the high traffic volumes on Reserve Street and encourage the most appropriate use of the land.

E. ATTACHMENTS

As separate attachments (8.5" x 11" or 11" x 17"), provide the following materials with the site clearly identified. Where appropriate, required information may be combined as long as the information is clearly presented. Please check the box if the material is included in the packet. If the material is not included in the submittal packet, please note "N/A".

- A vicinity map** showing the subject property and the area within 300 feet of the subject property.
- A Zoning map** of the subject property and vicinity (showing the existing zoning district), extending at least 300 feet from the property boundaries.
- An aerial photo** of the subject property and vicinity extending at least 300 feet from the property boundaries.
- A Growth Policy/Comprehensive Plan map** of the subject property and vicinity extending at least 300 feet from the property boundaries for the applicable comprehensive plan, clearly showing the land use designation of the subject property and surrounding properties.
- The current plat** of the subject property.

905 Reserve Street – Vicinity Map



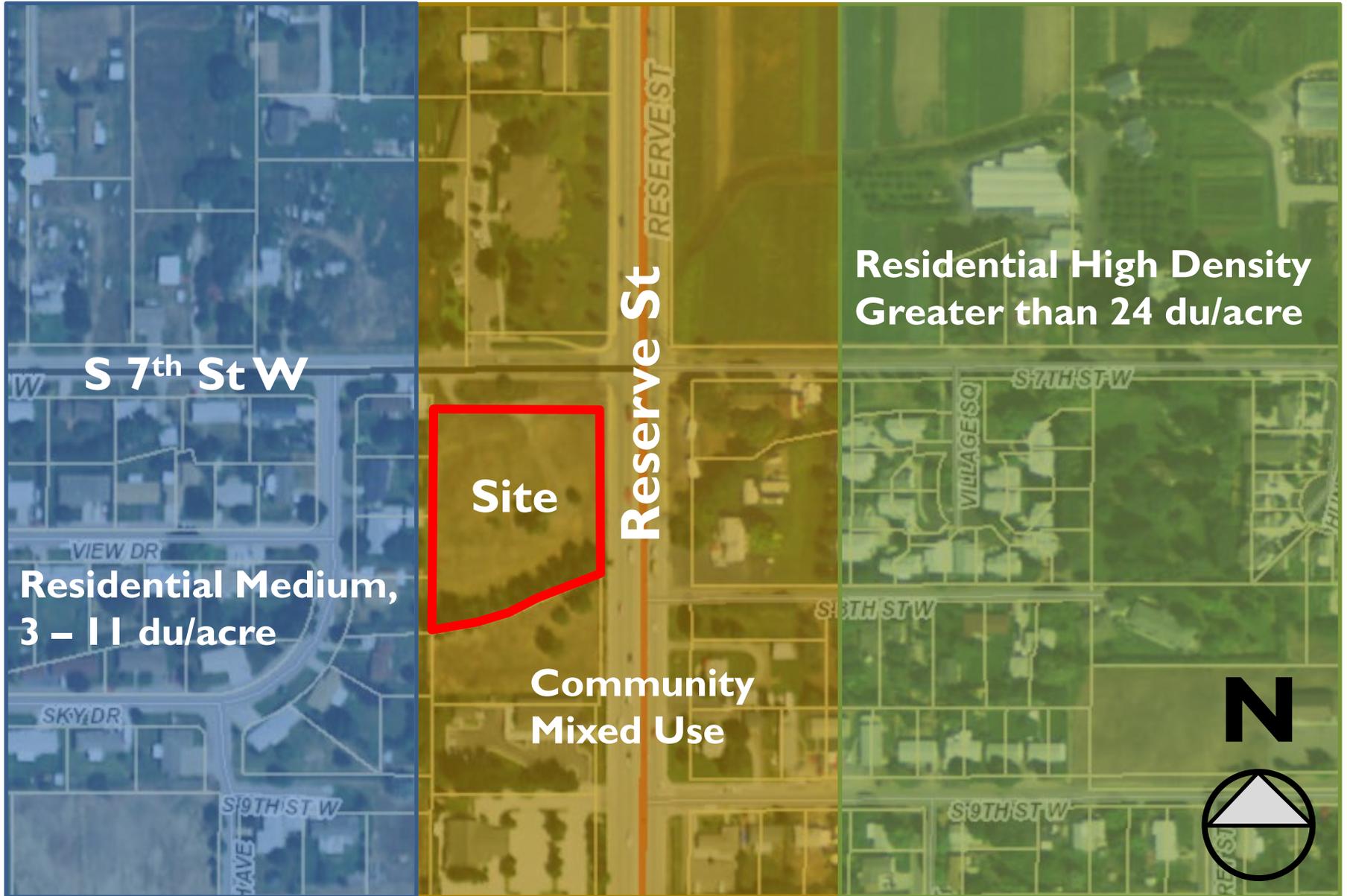
905 Reserve St. - Aerial Photo



905 Reserve St – Zoning Map



905 Reserve St – Growth Policy Map



PERIMETER LEGAL DESCRIPTION

A portion of Lot 48, Dinsmore's Orchard Homes, Add. No. 4, located in the Northeast one-quarter (NE1/4) of Section 30, T13N, R19W, Principal Meridian, Montana, Missoula County, Montana, and being more particularly described as follows:

Commencing at the section corner common to Sections 19, 20, 29 and 30, T13N, R19W, P.M.M., which is a 4" Bronze Disk (5927S) perpetuating the corner position as established by the Bureau of Land Management in 1952; thence S.60°43'43"W., 103.07 feet to a point on the westerly right-of-way of Reserve Street and the southerly right-of-way of Seventh Street as established by Montana Department of Transportation Project No. M8103(S), said point being the TRUE POINT OF BEGINNING; thence along said westerly right-of-way of Reserve Street, S.00°05'38"W., 466.88 feet; thence departing said right-of-way, and along the southerly boundary of that property described in the Judgment and Final Order of Condemnation, recorded in Book 375, Page 582, micro records of Missoula County, S.89°47'47"W., 262.36 feet to a point on the west boundary of said Lot 48, Dinsmore's Orchard Homes, Addition No. 4; thence along said boundary, N.00°06'02"E., 466.67 feet to a point on the southerly right-of-way of Seventh Street; thence along said southerly right-of-way, N.89°44'55"E., 262.31 feet to the TRUE POINT OF BEGINNING.

Containing 2.81 acres more or less, being subject to all easements or rights-of-way as shown, existing, apparent or of record, and all according to Certificate of Survey No. _____

LEGAL DESCRIPTIONS

PARCEL A, CERTIFICATE OF SURVEY NO. _____: A portion of Lot 48, Dinsmore's Orchard Homes, Add. No. 4, located in the Northeast one-quarter (NE1/4) of Section 30, T13N, R19W, Principal Meridian, Montana, Missoula County, Montana. Containing 1.90 acres more or less, being subject to all easements or rights-of-way as shown, existing, apparent or of record, and all according to the attached Certificate of Survey.

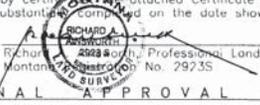
PARCEL B, CERTIFICATE OF SURVEY NO. _____: A portion of Lot 48, Dinsmore's Orchard Homes, Add. No. 4, located in the Northeast one-quarter (NE1/4) of Section 30, T13N, R19W, Principal Meridian, Montana, Missoula County, Montana. Containing 0.91 acres more or less, being subject to all easements or rights-of-way as shown, existing, apparent or of record, and all according to the attached Certificate of Survey.

SURVEYOR'S NOTE

It is apparent from ties to adjoining surveys, as shown hereon, that there have been several solutions by past surveys as to the location of the original boundaries of Lots 47-50, Dinsmore's Orchard Homes Add. No. 4. It appears that there is an east-west shift of roughly 6.5 feet between the easterly boundaries of Gasvoda Addition, and Scenic View Estates Additions No. 1 & 3, which would appear to be intended as one straight boundary along the easterly boundaries of Lots 47 and 50. The north boundary of Tract A, Certificate of Survey No. 4390, and the south boundary of Deed Exhibit 773, are both indicated to be the common east-west boundary between Lots 48 and 49. As indicated hereon, Certificate of Survey No. 4390 and Deed Exhibit 773 overlap by roughly four feet. Because the south boundary of Deed Exhibit No. 773 more closely fits the apparent record position of the common east-west boundary between Lots 48 and 49, this line is held in the positioning of the south boundary of Parcel B shown hereon. Although there is a 6.5 foot east-west shift to be considered when determining the westerly boundaries of Lots 48 and 49; because the previous adjoining surveys along either side of this boundary are long accepted and occupied, and are not in conflict, the previously recorded surveys are accepted and utilized in the position of the west boundaries of Parcels A and B.

SURVEYOR'S CERTIFICATION

I hereby certify that the attached Certificate of Survey represents a survey made under my supervision, and substantially completed on the date shown hereon.

ss:  Richard A. Boyette, Professional Land Surveyor
Montana Registration No. 2923S

FINAL APPROVAL OF THIS CERTIFICATE OF SURVEY GRANTED BY:

Donald Brown 12/11/97
MISSOULA COUNTY SURVEYOR DATE
Edward B. Sloger 12/10/97
MISSOULA CITY-COUNTY HEALTH DEPARTMENT DATE

4743

PURPOSE OF SURVEY

This survey was done pursuant to Section 76-3-404, M.C.A., to show the retracement of the exterior boundaries of existing parcels, and to reflect changes in highway right-of-way, affecting the parcels shown hereon, and no division of land is hereby created.

4743

SAC # 2219

I received and filed this instrument for record on the 16th day of Dec. 1997 of 806 a'clock A.M., permanent file of Missoula County, State of Montana. Witness my hand. VICKIE W. ZIEGLER, County Register By Michelle A. O'Neil Deputy Fee \$ 50.00

9727207

PROFESSIONAL CONSULTANTS INCORPORATED
ENGINEERING, PLANNING & SURVEYING
215 HERRILL ST., P.O. BOX 1780
MISSOULA, MONTANA 59802
(406)733-8607 FAX (406)733-0276

PREPARED AT THE REQUEST OF: MONTANA DEPT. OF TRANSPORTATION
PCI PROJECT NO. 5372-97 (02) Z71-3

1/4	SEC.	T.	R.
<input checked="" type="checkbox"/>	30	13N	19W
<input type="checkbox"/>			
<input type="checkbox"/>			

Sheet 2 of 2
Missoula County, Montana
Certificate of Survey No. 4743