



GARLINGTON | LOHN | ROBINSON

MONTANA'S ATTORNEYS SINCE 1870

August 9, 2019

VIA EMAIL ONLY

Bryan von Lossberg, Council President
Missoula City Council
435 Ryman
Missoula, MT 59802
council@ci.missoula.mt.us

RE: Hillview Crossing Townhome Development – Road Width Issue

Dear Council:

We previously asked the LUP committee to reconsider its decision to change the road width for the Hillview Crossing TED Conditional Use Permit from 28' to 35'. We write to reiterate the explanation we provided in our letter of April 3, 2019 and provide additional information.

TED projects are required to meet the road width standards adopted by the Council in Title 12, Section 12.22.140.C.1(a) which provides as follows:

1. Roadway or street widths (Back of curb to back of curb minimum widths)
 - a. Local Residential Roadway or streets (serving 12 or more living units)
 - i. 35' with parking on both sides
 - ii. 28' with parking on one side
 - iii. 21' with no parking

These are the Council's approved design specifications for TED projects and represent options for the landowner to select from.

The Hillview Crossing project did not select the 28' road width in a vacuum. Rather, project design team members met and discussed the project numerous times over the course of three years with staff members from Development Services and the Missoula Fire Department.

The landowners did not submit the Hillview Crossing permit application until receiving approval from the Fire Department for the proposed width and configuration of the roads, turnarounds, and other design specifications.

As mentioned in our April 3 letter, the Hillview Crossing project originally received approval from the City in October 2015. Then, the project fully complied with zoning regulations,

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including a 28' road width. After the approval lapsed during litigation filed against the City that was ultimately deemed frivolous, the Council rewrote its TED development standards.

The only impact the new TED standards had on the Hillview Crossing project was to increase the front-yard setback from 10' to 20'. The Council did not change the 28' road width, even knowing that was the width designed and approved for the original Hillview Crossing project.

Redesigning the project to accommodate the required 20' setback resulted in adding 136 off-street parking spaces. It did increase the amount of mass-grading around the garages required to develop the project and a redesign of the dwelling floor plans, but the design was nevertheless largely consistent with previous geotechnical investigations of the site.

Development services staff recommended approval of the Hillview Crossing TED application with a road width of 28'.

In voting to require the project to be redesigned with a 35' road width, council members cited a few reasons, including concerns for fire access, parking restriction enforcement, and overall livability. However, as noted, the project design team secured the fire department's approval for a 28' road width prior to submitting the application which received a recommendation of approval by staff. Livability is a subjective matter, but in revising the TED standards and corresponding road width options, the Council already deemed 21', 28' and 35' widths to be acceptable design options.

In fact, the City has many 28' wide roads, some of which are in the south hills on the same topography. Attached to this letter is a report from Territorial-Landworks evaluating various existing 28' and similar width streets in Missoula. Some allow parking on one side of the street, others allow parking on both sides of the street. Of note is the "drive aisle" created by the various street options. The report concludes that a 28' wide street with parking prohibited on one side is more optimal than a 35' wide street. Even if there is an occasional lack of enforcement for parking in a prohibited area, the street would still be comparable to existing streets of comparable width that allow parking on both sides.

Further, increasing the street width to 35' is counterproductive relative to several of the Council's other expressed concerns. For example, the extra width creates additional surface area that increases stormwater runoff. The extra width requires additional mass grading of the slopes and pushes some housing locations on to areas of greater fill. Plus, adding parking to both sides makes it significantly more difficult to remove snow, thus further reducing the drive aisle and hampering resident and emergency access.

For these reasons we respectfully request the Council permit the project to proceed with the

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original 28' width road design as recommended for approval in the staff report.

Sincerely,

GARLINGTON, LOHN & ROBINSON, PLLP



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Enclosure

**Sample of Comparable Hillside and
Cul-de-sac Street Configurations in Missoula Report**
for
**Hillview Crossing
Townhome Development**

Located at:
Off of Hillview Way
Section 6, T12N, R19W, P.M.M.
City of Missoula, Missoula County, Montana

August 1, 2019

Prepared For:

Alan McCormick
Garlington, Lohn & Robinson
350 Ryman St
Missoula, MT 59802

Prepared On Behalf Of:

Hillview Crossing Missoula LLC
3605 Arthur Street
Caldwell, ID 83605

Prepared By:

Territorial-Landworks, Inc.
1817 South Ave W, Suite A
P.O. Box 3851
Missoula, MT 59806

1.0 GENERAL

Hillview Crossing is a proposed Townhome Development of approximately 25.6 acres located below and north of Hillview Way in Missoula's South Hills area. The proposed street width for this Townhome Development is 28 feet, with parking restricted to one side of the street. This width with cars parked on one side of the street will allow for a 19.1' drive aisle. We feel that this design is more advantageous to the City of Missoula than the previously approved 32' width with parking on either side.

This report will compare cul-de-sac streets around Missoula in which the city maintains streets with similar or more narrow drive aisles. The report will focus on cul-de-sac streets in the South Hills Area, although will include some streets from other areas of the City. Our intent with this report is to show that not only is a 28' width with restricted parking feasible, it is better for the City than many roads which are currently maintained and accepted by the City. This is important to note as it appears the main sticking point is that the City will not accept the Hillview Streets although the Siren Place and Grove Street Townhomes had their Streets accepted by the City. The reason given for the difference here was the fact that the streets are dead ends. However, as shown below, the City has a recent track record of accepting dead narrow streets.

2.0 Concerns Heard To Date

2.1. Width – There have been questions by Land Use and Planning Committee (LUP) about whether or not a 28' wide street with "No-Parking" on one side, as allowed by the City Regulations, is appropriate or not. The regulations specifically allow this street configuration and during agency comment period, there were no objections to choosing this street cross section. As discussed in 3.0 below, there are many streets in Missoula that are this width. Some prohibit parking on one side and others do not. If there were problems with these streets, it is presumed that they would not have been allowed and that the ones that allow parking on both sides would have been easily modified to parking on one side or no parking at all.

LUP has recommended that the next street size of 35' with parking on both sides be used. Primarily for the fact that there would be no need for enforcement of the No Parking rules (see below) and for better emergency ingress/egress and maintenance. However, if you encourage parking on both

sides with a 35' wide street, the effective width is actually cut down from 19.1' to 18.5'. Further, in an emergency, the typical Type L curb is mountable and useable for egress and ingress.

See the attached Parking Cross-Section Options exhibit that demonstrates the above discussion.

2.2. Enforcement – The City of Missoula Public Works office has elected to not accept maintenance of the streets and therefore they would be private streets in a public access easement. Therefore, “No-Parking” restrictions could not be enforced by the City Police. However, the Townhouse Association can enforce the restriction. They have a vested interest in keeping the streets available for their citizens and maintenance. Additionally, the citizens that use our streets are generally law-abiding citizens and would not be aware of who can enforce the requirement and are therefore likely to abide by the no parking restriction. Public Works has requested that we both paint the curb and install signs indicating no parking. Most citizens would not violate this level of traffic control and limited enforcement is anticipated.

The Hillview Crossing project provides for a total of 4 off-site parking spaces per unit. Two in the garage and two in the driveway. Additionally, the Site Plan with a 28' wide street provides for a total of 47 on-street parking spaces resulting in a total of 319 spaces or approximately 4.7 parking spaces per unit. Widening the street would provide an additional 38 spaces since the driveway opening, and traffic calming/pedestrian crossing areas are natural deterrents from parking vehicles. If a motorist chooses to violate the “No Parking” restrictions, there are very few locations where there would be a narrowing of the street due to the spacing of the driveways. Please see the attached Parking Exhibit where the allowed parking is shown in green and the “No Parking” potential violators are shown in red. It is very unlikely that should a person choose to violate the “No Parking” restriction that there would be a conflict.

3.0 Hillview Area Comparable Streets

The Hillview Area contains many cul-de-sac roads, some of which are very similar to what Hillview Crossing is proposing and others with smaller drive aisles. On a field visit to observe these roads, no issues with parking were observed. Shown below in Figure 1 is a map of the streets which were observed in the field within the South Hills Area.

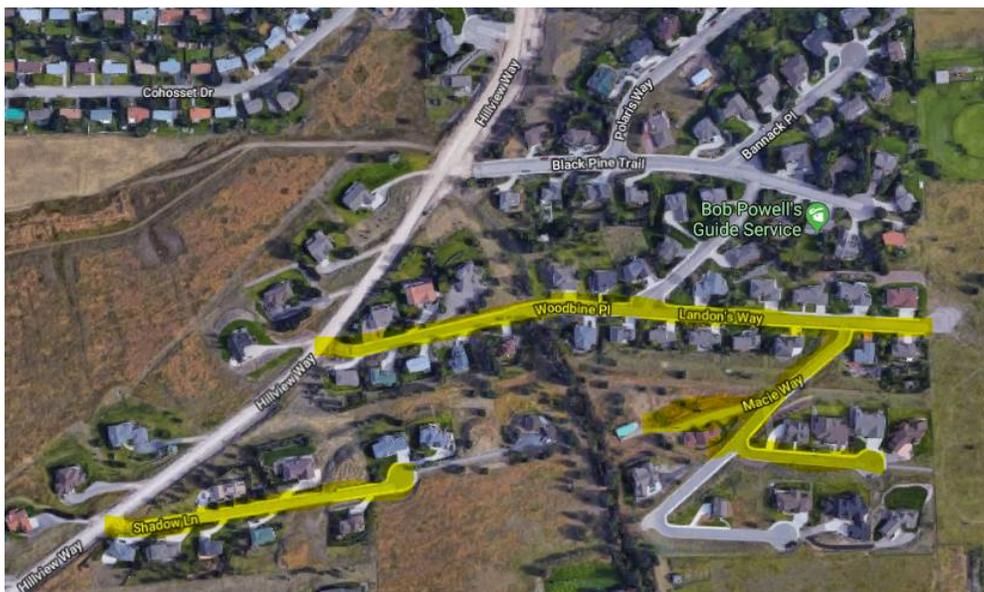


Figure 1: Map of Streets (Highlighted with Yellow) Which Were Observed in the Field.

In this area, it was common for parking to be restricted to one side of the street if a road was 28' wide or less. In cases where the streets were wider, parking was allowed on either side. The following roads observed in the field are listed with additional detail, in no order:

Woodbine Place & Landon Way

Woodbine Place is located off Hillview Way. As shown in Figure 2 below (no parking sign on right side of road), parking is restricted to one side of the street. The road eventually turns into Landon Way shown in Figure 3 where it ends in a cul-de-sac. The road width initially off Hillview Way is 24.3 feet back of curb to back of curb. After approximately 503' the road widens to 32.5 feet back of curb to back of curb and parking is allowed on either side of the street. The total length of both these streets is 1618 feet, which exceeds the length of either of the two proposed townhome development roads. The effective drive aisle width for Woodbine Place is 15.4' while the drive aisle for Landon Way is 14.7'. This is a good example of how even though a road is wider, drive aisle is the more important parameter.



Figure 2: Woodbine Place (24.3' Wide Street)



Figure 3: Landon Way (32.5' Wide Street)



Figure 4: Street Map of Woodbine Place & Landon's Way

Shadow Lane

Shadow Lane is an 823' cul-de-sac street located off Hillview Way. As shown in Figure 5 below, parking is restricted to one side of the street by a yellow painted curb. The street width is 24.3' back of curb to back of curb. The drive aisle for this street is 14.7' which is narrower than that of the proposed townhome development.



Figure 5: Shadow Lane (24.3' Wide Street)



Figure 6: Street Map of Shadow Lane

Macie Way

Macie Way is an 823' cul-de-sac street located off Landon Way. As shown in Figure 7 below, parking is restricted to one side of the street by street signs. The street width is 24.3' back of curb to back of curb. The drive aisle for this street is 14.7' which is narrower than that of the proposed townhome development.



Figure 7: Macie Way (24.3' Wide Street)



Figure 8: Street Map of Macie Way

Hunter Way

Hunter Lane is a 364' cul-de-sac street located off Macie Way. As shown in Figure 9 below, parking is restricted to one side of the street by street signs. The street width is 28.3' back of curb to back of curb. The drive aisle for this street is 19.4 which is comparable to that of the proposed townhome development.



Figure 9: Hunter Lane (28.3' Wide Street)



Figure 10: Street Map of Hunter Lane

4.0 Similar Cul-de-sac Streets Around Missoula

These following streets are a small sample of many around Missoula which have narrower drive aisles than the proposed townhome development.

Pintler Mountain Road

Pintler Mountain Road is a 984' cul-de-sac street located off Mansion Heights Drive within the Mansion Heights Subdivision. As shown in Figure 11 below, parking is allowed on either side of the street. The street width is 28' back of curb to back of curb. The drive aisle for this street is approximately 10 feet which is substantially less than that of the proposed townhome development. Allowing parking on either side of the street has created a very narrow drive aisle which would be hard to drive when the street is at capacity.

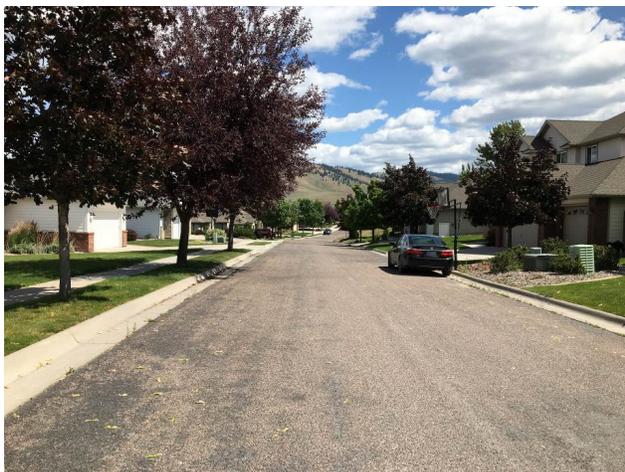


Figure 11: Pintler Mountain Road (28' Wide Street)



Figure 12: Street Map of Pintler Mountain Road

Lafray Lane

Lafray Lane is a 662' street which ends in a dead end located off River Road. The street width is 28' back of curb to back of curb. As shown in Figure 13 below, parking is allowed on either side of the street. The drive aisle for this street is 9.8 which is substantially less than that of the proposed townhome development. Lafray Lane is street which has substantial density on one side of the street as well as a public park on the other. This street most likely sees the most cars parked considered in this report.



Figure 13: Lafray Lane (28' Wide Street)



Figure 14: Street Map of Lafray Lane

Canyon Creek

Canyon Creek Boulevard located off Expressway is a high-density development which has been built in phases starting in the late 90s and finishing in the late 2000s. Several street widths were measured within the development, all streets measured were between 29 & 30 feet wide. Parking is allowed on either side of the street, which causes the drive aisle to be very narrow. Due to the density of the development and the lack of a driveway in front of the units, many cars were parked on the street. This is not very comparable to the proposed Hillview Crossing in that this is denser and additionally, there are no natural or regulatory barriers or breaks to the parking.



Figure 15: Canyon Creek area street (29')



Figure 16: Canyon Creek Development Street map

5.0 Report Conclusion

We believe that a 28' street with parking restricted to one side of the street is not only suitable for the proposed development but more optimal than recommended width of 35' with parking on both sides. As experienced in the field, road widths under 37' wide with parking on either side are difficult to drive when the road is at parking capacity. Since each unit has both a garage and driveway, parking in the road will be the third option for residents and visitors. Therefore, parking on the restricted side of the road should be a non-issue. Limiting parking to a single side of the street has additional benefits such as ease of snowplowing in the winter, as well as creating a safer traveled way for bikes. Additionally, considering the number of accepted public streets with long cul de sacs in Missoula, it may be appropriate to reconsider the adoption of the streets as public. Two recent Townhome projects had streets accepted into the City network.

Prepared by:
TERRITORIAL-LANDWORKS, INC.

Reviewed by:
TERRITORIAL-LANDWORKS, INC.



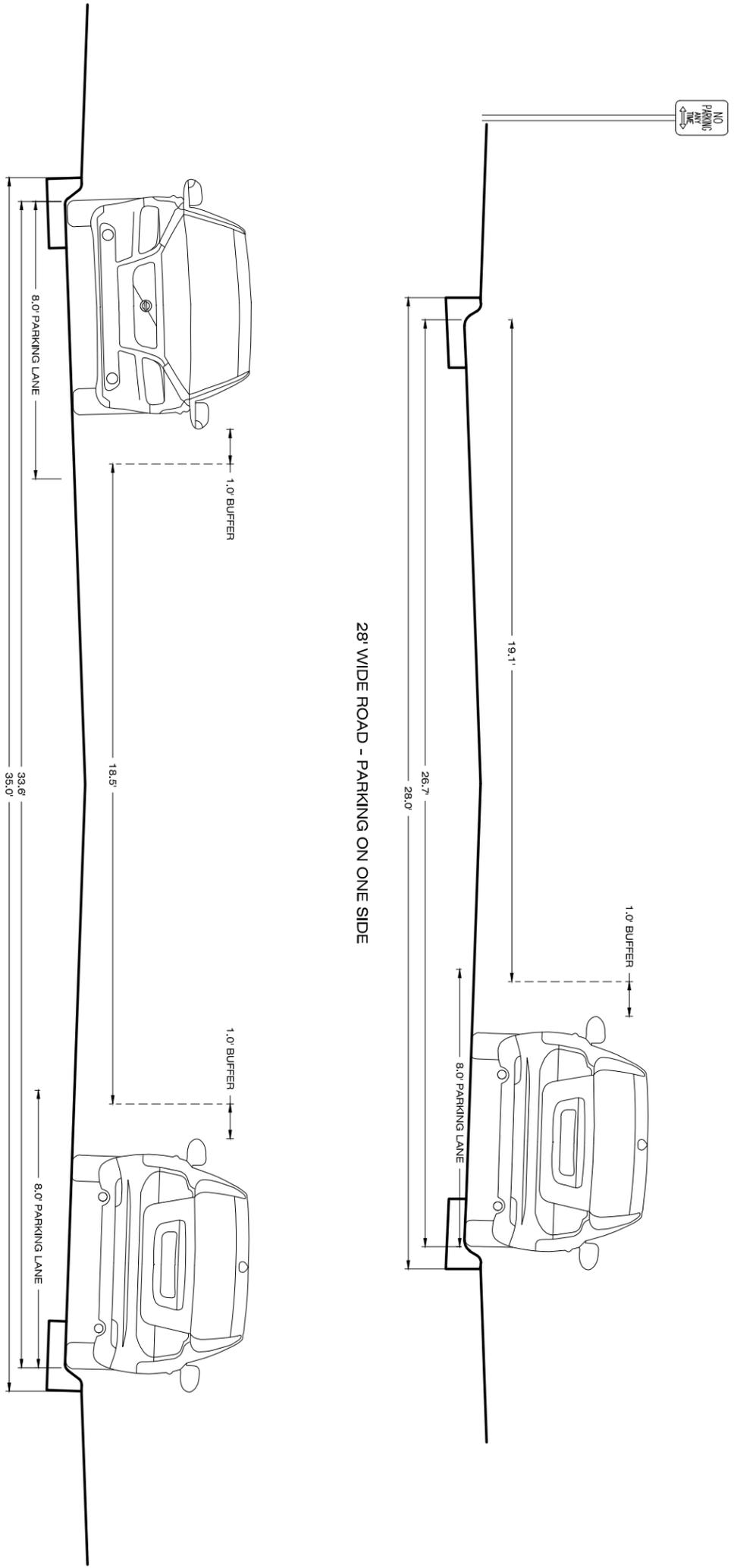
Mike Mayen, E.I.



Jason Rice, P.E.

Attachments: Cross Section Comparison
Plan View Showing Parking Configuration

T:\1_ACTIVE FILES\2014 Projects\3592 - Hillview Crossing-Missoula S Hills Development\3_ENG DESIGN\Streets\Rpt.Sample of Comparable Hillside and Culdesac Street Configurations in Missoula.doc



PROJECT NO. 14-3592	PROJECT NAME HILLVIEW CROSSING - MISSOULA	LOCATION: CITY OF MISSOULA SEC. 6, T12N, R19W, P.M.M. MISSOULA COUNTY MONTANA	DESIGNED: DRAFTED: <i>M</i> CHECKED: DATE: 6/17/18	REVISIONS DATE	<p>TERRITORIAL LANDWORKS, INC. CIVIL ENGINEERING • SURVEYING • LAND USE CONSULTING www.TerritorialLandworks.com Ph: 406/721-0142 Fax: 406/721-6224 P.O. Box 3851 Missoula, MT 59806</p>
SHEET: 1 OF 1	SHEET TITLE: PARKING CROSS-SECTION OPTIONS	PREPARED FOR: HILLVIEW CROSSING, LLC.			

PARKING TOTALS

ON-SITE PARKING	=	272 SPACES
ON-STREET PARKING	=	47 SPACES
TOTAL	=	319

PEDESTRIAN MOBILITY ROUTE TOTALS:

LINEAR FEET OF ON-SITE SIDEWALK	=	6203'
LINEAR FEET OF ON-SITE TRAILS	=	1123'
TOTAL	=	7326'

LEGEND

- PEDESTRIAN CIRCULATION
- SIDEWALK
- PARK AREA
- COMMON AREA
- NORTH-SOUTH TRAIL EASEMENT
- EAST-WEST TRAIL EASEMENT
- EASTERLY NORTH-SOUTH TRAIL EASEMENT
- TRAIL

AREA TOTALS

	PROVIDED	REQUIRED
TOTAL SITE AREA =	1,116,317 SF	
NET SITE AREA (TOTAL SITE - 25%+ SLOPES) =	991,429 SF	
11% PARKLAND OF 991,429 SQ. FT. =	116,749 SF	109,057 SF
PARK AREAS (<5% SLOPES) =	38,575 SF	
NORTH-SOUTH TRAIL EASEMENT =	38,616 SF	
EAST-WEST TRAIL EASEMENT =	39,598 SF	
TOTAL LOTTED AREA =	476,941 SF	
TOTAL ROAD AREA =	130,501 SF	
TOTAL COMMON AREA =	508,875 SF	

~0.4 MILES TO RUSSELL ELEMENTARY SCHOOL BUS STOP AND MOUNTAIN LINE BUS STOP
 ~0.6 MILES TO MEADOW HILL MIDDLE SCHOOL



NO PARKING ZONE
 ALLOWED PARKING SPACES

~1 MILE TO RUSSELL ELEMENTARY SCHOOL BUS STOP
 ~0.7 MILES TO SENTINEL HIGH SCHOOL BUS STOP
 ~0.8 MILES TO GROCERY SERVICES

PROJECT NO. 14-3592	PROJECT NAME HILLVIEW CROSSING - MISSOULA	LOCATION: CITY OF MISSOULA SEC. 6, T12N, R19W, P.M.M. MISSOULA COUNTY MONTANA	DESIGNED: <i>[Signature]</i>	REVISIONS	DATE
SHEET: 1 OF 1	SHEET TITLE: PARKING AND PEDESTRIAN CIRCULATION EXHIBIT	PREPARED FOR: HILLVIEW CROSSING, LLC.	DRAFTED: <i>[Signature]</i>		
			CHECKED: <i>[Signature]</i>		
			DATE: 6-11-18		

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