



DEVELOPMENT SERVICES

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DESIGN REVIEW BOARD VALLEY VIEW TERRACE TOWNHOMES PHASES 6 AND 7 Case 2020-MSS-BRD-00002

CASE PLANNER: Cassie Tripard, Associate Planner
Permits and Land Use Division

REVIEWED AND APPROVED BY: Mary McCrea, Manager
Permits and Land Use Division

PUBLIC HEARING DATE: July 8, 2020

AGENDA ITEM: 6.1 Valley View Terrace Request for Design Review

APPLICANT: Gene Mostad of V and V Terrace, LLC,
represented by Paul Forsting of Territorial Landworks, Inc.



LEGAL DESCRIPTION: Acres 5.8, Remainder of Tract 2 Less Pleasant View Homes No. 5 Phase 1 & 2 and Phase III, IV & V of C.O.S. 5527 located in Section 7, Township 13 North, Range 19 West, P.M.M.

LEGAL NOTICE: The legal ad for the July 8th public hearing was published in the Missoulian on June 21st and June 28th of 2020.

ZONING DESIGNATION: RM2.7 Residential 2.7 (multi-dwelling)

SURROUNDING USES

North: Warehousing, Wholesaling and Freight Movement, General Manufacturing, Heavy Equipment Sales/Rentals, Residential

South: Residential, Single Dwelling

East: Mining/Quarrying (Gravel Pit)

West: Residential, Single Dwelling

SURROUNDING ZONING

CI-1 Light Industry, C-C2 General Commercial, C-RR3 Residential

RT10 Residential 10 (two-unit/townhouse)

C-I1 Light Industry

RT10 Residential 10 (two unit/townhouse)

<u>PROPOSAL</u>	<u>STAFF RECOMMENDATION</u>
<p>The applicant is requesting exceptions to three of the townhouse standards;</p> <p>a) Title 20, Section 20.40.140.F.3.a which states the garage width may not exceed 50% of the street facing façade.</p> <p>b) Title 20, Section 20.40.140.G.1.a which requires that each townhouse unit provide an entrance that is clearly defined and highly visible within eight feet of the building's front façade.</p> <p>c) Title 20, Section 20.40.140.G.2 which requires that each townhouse unit provide windows or glazed area equal to at least 15% of the street facing building façade.</p>	<p>a) Approval with conditions.</p> <p>b) Denial</p> <p>c) Denial</p>

MISSOULA CITY DESIGN REVIEW BOARD

I. BACKGROUND AND PARCEL INFORMATION

The applicant is proposing to construct thirty (30) two-unit townhouse dwelling units for Valley View Terrace Townhomes, Phases 6 and 7. The zoning of the parcel is RM2.7 Residential 2.7 (multi-dwelling). RM2.7 zoning districts allow all residential building types, including two-unit townhouses. The applicant is requesting alternative compliance to three of the Townhouse Standards.

The applicant applied for two (2) Zoning Compliance Permits to create Townhome Exemption Developments (TED) for Valley View Terrace Townhomes Phases 6 and 7 on October 31st, 2019. The applicant applied for the Zoning Compliance Permits under the Interim TED Ordinance, Ordinance #3636 adopted on May 6, 2019. The Interim TED Ordinance will apply to this project. Ordinance #3609, adopted June 4, 2018, applied the townhouse standards to Townhome Exemption Developments (TED) in order to better align TEDs with existing Title 20 standards and projects with townhouse building types. The Interim Ordinance (#3636) retained the requirement from Ordinance #3609, which applied the townhouse standards to Townhome Exemption Developments (TED).

The applicant constructed townhomes in Valley View Terrace Townhomes Phases 3, 4, and 5 that were approved under Title 20, prior to the adoption of Ordinance #3609 which applied the townhouse standards to TED projects. The applicant proposes Valley View Terrace Townhomes Phase 6 & 7 with the same building design as approved in Phases 3, 4, and 5.

Valley View Terrace Townhomes Phases 6 and 7 will be constructed on eight (8) lots that will be created when the final plats are filed for Pleasant View Homes No. 5 Subdivision, Phase 6 and 7. Seven of the subdivision lots will contain four TED ownership units. One of the subdivision lots will contain two TED ownership units.

II. APPLICABLE REGULATIONS

Zoning Compliance Permits were submitted under the Interim TED Ordinance. The project must comply with applicable regulations established under this ordinance. Title 20, Sections 20.05.040.D.2.b, 20.40.140.A, and 20.40.180.A.3 under the Interim TED Ordinance state that two-unit and three-unit townhouses in TED developments must comply with Title 20, Section 20.40.140 Townhouse Standards. The applicant is proposing to construct two-unit townhouses within a TED project. The townhouses must comply with the townhouse standards.

Title 20, Section 20.40.140.H.2 under “exceptions; alternative compliance” of the townhouse standards states “the Design Review Board is authorized to approve exceptions to the garage/carport width standards of 20.40.140.F.3 and the building design standards of 20.40.140.G in accordance with the design review procedures of 20.85.080”. Valley View Terrace Townhomes Phases 6 and 7 are eligible for exceptions to the aforementioned townhouses standards through design review.

Exceptions to the townhouse standards must be reviewed in accordance with the design review procedures of Title 20, Section 20.85.080. Per Title 20, Section 20.90.020.B.2.d, the Design Review Board must review projects that request design review approval as required by 20.85.080. The Design Review Board is given the general authority to review this project under Title 20, Section 20.90.020.B.1.b which states “the Design Review Board, consistent with all city

council resolutions, motions and city council-approved review criteria, may deny or approve, in whole or in part, or may modify and set conditions for approval, or provide advice and counsel, for any request pursuant to this chapter”.

III. REQUEST FOR DESIGN REVIEW BOARD APPROVAL

The first request is for an exception to Title 20, Section 20.40.140.F.3.a; “the garage or carport width may not exceed 50% of the street facing façade of each attached dwelling unit or 13 linear feet, whichever is greater”. The proposed garage width of townhouses in Phases 6 and 7 are 60.2% of the street facing façade. The proposed garages are 22 feet and 2 inches wide. The total façade width is 36 feet and 10 inches.

The second request is for an exception to Title 20, Section 20.40.140.G.1.a; “each dwelling unit must have a separate ground-floor entrance that is clearly defined and highly visible on the building façade that faces a street or a right-of-way other than an alley. The front door must be within eight feet of the building's front façade. The door may be at any angle to the street as long as the other entrance standards are met”. The applicant is proposing to place the main entrances on the sides of the townhouses, 26 feet to the rear of the front façade.

The third request is for an exception to Title 20, Section 20.40.140.G.2; “each townhouse dwelling unit must provide windows or glazed area equal to at least 15% of the building façade that faces a street. Glazing in (vehicle) garage doors may not be counted towards meeting glazing requirements”. The proposed townhouses provide 8% glazing on the front façade.

IV. REVIEW CRITERIA AND FACTORS TO BE CONSIDERED

Title 20, Section 20.85.080.H.1 Review Criteria

Design review applications may be approved by the Design Review Board only when they determine that the review criteria listed below, as applicable, have been satisfied. All of the applicable review criteria must be addressed in the Design Review Board’s findings of fact in support of their decision.

a. That new buildings and structures are located to create a positive relationship with their environment, both urban and natural;

Findings of Fact

1. The proposed townhouses are oriented toward the side and rear yards rather than the street. The proposed townhouses do not have street facing entries and glazing on the front façades is minimal. Glazing and street facing entries provide visual and physical connections between dwelling units, the public street, and other buildings on the street. These connections allow for natural interaction with the public or “eyes on the street” which promotes neighborhood safety. The proposed townhouses lack glazing and a street facing entry, reducing the ability of residents to passively monitor the neighborhood. The proposed townhouses do not create a positive relationship with the public street and properties located across Camden Street and Concord Street.
2. The majority of the detached houses located southwest of the development have covered street facing entries. The proposed townhomes in Phases 6 and 7 do not provide street facing entries in contrast to the nearby detached houses which have a positive relationship facing the street.
3. The proposed townhouses in Phase 6 abut industrial and commercial uses to the north and are oriented toward the rear yards. The proposed townhouses in Phase 6 are oriented

toward industrial and commercial uses rather than adjacent street facing single dwelling residential uses.

4. The proposed building design for the townhomes in Phases 6 and 7 are the same as Valley View Terrace Townhomes Phases 3, 4, and 5. Valley View Terrace Townhomes Phases 3, 4, and 5 are located south and southeast of Phases 6 and 7.

Conclusion of Law:

1. The proposed townhouses in Phases 6 and 7 do not create a positive relationship with the public street or adjacent street facing single dwelling residential properties.
2. A moderate revision to the design to increase the street facing façade width to accommodate a street facing entry and 15% glazing will bring the project closer to compliance with Title 20.

b. That the site design properly addresses building orientation, open space, light, sun exposure, views and protection of natural features;

Findings of Fact:

1. The proposed townhouses are oriented toward the side and rear yards rather than the street. The proposed townhouses do not have street facing entries and glazing on the front façades is minimal. Glazing and street facing entries provide visual and physical connections between dwelling units, the public street, and other buildings on the street. These connections allow for passive interaction with the street which promotes neighborhood safety. The proposed townhouses lack glazing and a street facing entry, reducing the ability of residents to naturally monitor the neighborhood. The site design does not properly address building orientation.
2. The proposed townhouses provide little glazing on the front façade. The front facades of Phase 6 are oriented south. South facing facades receive the most sunlight. The windows in Phase 6 are not designed to maximize sunlight exposure.
3. The buildings are oriented toward the side and rear yards. The rear yards of Phase 6 are oriented north, receiving less sunlight. The rear yards of Phase 7 are oriented east and west, receiving moderate sunlight.
4. The proposed townhouses have larger building separations than what is required by Title 20. The majority of the proposed townhouses have larger setbacks from the property line than what is required by Title 20. Ample private yard space is provided for each unit. The site design properly addresses open space.
5. The proposed townhouses are one story and will not interfere with views.

Conclusions of Law:

1. The site design of Valley View Terrace Townhomes Phases 6 and 7 does not properly address building orientation, light, and sun exposure. A moderate revision to the design to increase the street facing façade width to accommodate a street facing entry and 15% glazing will bring the project closer to compliance with Title 20.
2. The site design of Valley View Terrace Townhomes Phases 6 and 7 properly addresses open space and views.

c. That buildings, structures and uses are compatible with adjacent properties and uses in terms of physical design elements such as volume and mass management, building

materials, color, open space design, screening, and any other design elements considered important by the Design Review Board;

Findings of Fact:

1. The proposed building design for Phases 6 and 7 are the same as Valley View Terrace Townhomes Phases 3, 4, and 5. Valley View Terrace Townhomes Phases 3, 4, and 5 are located south and southeast of Phases 6 and 7.
2. Surrounding residential buildings are one to two stories. The proposed townhouses in Phases 6 and 7 are compatible with adjacent residential structures in terms of volume.
3. The majority of the detached houses located southwest of the development have covered street facing entries. Street facing entries allow for interaction with the street, pedestrians, and neighbors. Phases 6 and 7 are not compatible with the nearby detached houses in terms of physical design elements and orientation.
4. The proposed building materials and colors will be compatible with adjacent residential properties.

Conclusions of Law:

1. The proposed building design of the townhouses in Phases 6 and 7 are compatible with Phases 3, 4, and 5.
2. The proposed building design of the townhouses in Phases 6 and 7 are not compatible with adjacent detached houses in terms of physical design elements and orientation. A moderate revision to the design to increase the street facing façade width to accommodate a street facing entry and 15% glazing will bring the project closer to compliance with Title 20.
3. The proposed building design of the townhouses in Phases 6 and 7 are compatible with surrounding residential structures in terms of volume, building materials, and colors.

d. That the overall project will be attractive, functional and safe in terms of pedestrian, bicycle and vehicular access, parking, loading, and servicing;

Findings of Fact:

1. The proposed townhouses are oriented toward the side and rear yards rather than the street. The proposed townhouses do not have street facing entries and glazing on the front façades is minimal. Glazing and street facing entries provide visual and physical connections between dwelling units, the public street, and other buildings on the street. These connections allow for passive interaction between homeowners and the street which promotes neighborhood safety. The proposed townhouses lack glazing and a street facing entry, reducing the ability of residents to view and interact with the human interest and activity they find on a healthy street. The overall project will not be functional and safe in terms of pedestrian and bicycle access.
2. The project will meet Title 20, Section 20.40.140.F.3.d; “when garages or carports are paired (abutting), driveways must be combined and centered on the parcel line or TED ownership unit boundary between dwelling units providing access to the garages or carports.” The applicant is not requesting an exception to this regulation. However, the site plans in the DRB application do not reflect compliance with this regulation.
3. There is existing boulevard sidewalk along Camden Street and Concord Drive. Sidewalk will be installed along Manchester Place and the street to the east of Phase 7 with Valley View Townhomes Phase 7.

Conclusions of Law:

1. The overall project will be functional and safe in terms of vehicular access, parking, loading, and servicing.
2. The overall project will be attractive, functional, and safe in terms of pedestrian and bicycle access if the recommended condition of approval is imposed.

Title 20, Section 20.85.080.H.2 Review Criteria

Alternative compliance plans proposing deviations from otherwise applicable development standards may be approved by the Design Review Board only when they determine that the proposed plan will result in a development project that:

- a. The project does as good or better job of meeting the overall intent of the subject regulations and the zoning ordinance as a whole than would strict compliance with the standard from which relief is sought;**

Findings of Fact:

1. The townhouse standards were adopted in 2006, prior to Title 20. The intent of the townhouse standards are provided in Title 19, Section 19.73.010. This section was not included with Title 20, which lacks information about the intent of the townhouse standards. Title 20, Sections 20.05.040.D.2.b, 20.40.140.A, and 20.40.180.A.3 under the Interim TED Ordinance state that two-unit and three-unit townhouses in TED developments must comply with Title 20, Section 20.40.140 Townhouse Standards.
2. The intent of the townhouse standards are as follows: (A) ensure that new development conserves the livability of neighborhoods, (B) enhance connectivity for pedestrians in neighborhoods, (C) ensure that the size and scale of new development complements existing structures in the surrounding neighborhood, (D) ensure a physical and visual connection between dwelling units and the street in order to enhance public safety for residents and visitors, (E) enhance opportunities for individually owned housing in two-family dwelling and multi-dwelling zoning districts.
3. Nearby detached houses are one to two stories. Nearby townhouses are one story. The proposed townhouses in Phases 6 and 7 are one story and are compatible in size and scale with surrounding residential structures, meeting intent C of the townhouse standards.
4. The proposed townhouses are oriented toward the side and rear yards rather than the street. The proposed townhouses do not have street facing entries and glazing on the front façades is minimal. Glazing and street facing entries provide visual and physical connections between dwelling units, the public street, and other buildings on the street. These connections allow for passive interaction between homeowners and the street which promotes neighborhood safety. The proposed townhouses lack glazing and a street facing entry, reducing the ability of residents to view and interact with the human interest and activity they find on a healthy street. The project does not meet intent D which aims to create physical and visual connections between dwelling units and the street.
5. The building separations for the project are larger than what is required by Title 20. The majority of buildings are setback further from the property line than what is required by Title 20. The width of the front facades of the proposed townhouses could be expanded to accommodate more glazing and street facing entries. Increasing the width of the front facades would also bring the townhouses closer to compliance with Title 20, Section 20.40.140.F.3.a; “the garage or carport width may not exceed 50% of the street facing

façade of each attached dwelling unit or 13 linear feet, whichever is greater”. A moderate revision to the design to increase the street facing façade width to accommodate a street facing entry and 15% glazing will bring the project closer to compliance with Title 20.

6. The proposed project is a Townhome Exemption Development located in the RM2.7 Residential 2.7 (multi-dwelling) zoning district. The proposed two-unit townhouses enhance opportunities for individually owned housing in multi-dwelling zoning districts. The project meets intent E.

Conclusions of Law:

1. The project does not do as good or a better job of meeting the overall intent of the subject regulations and the zoning ordinance as a whole than would strict compliance with the standard from which relief is sought. There is space available on the site to design townhouses that do a better job of meeting the overall intent of the townhouse standards. A moderate revision to the design to increase the street facing façade width to accommodate a street facing entry and 15% glazing will bring the project closer to compliance with Title 20.

b. Will result in a project design that is as good as or better than would strict compliance with the standard from which relief is sought.

Findings of Fact:

1. The project design does not properly address pedestrian safety, orientation toward adjacent residential uses, sun exposure, and design compatibility with adjacent houses. The proposed plan does not result in a project design that is as good as or better than a design that would comply with the townhouse standards.
2. The building separations for the proposed project are larger than what is required by Title 20. The majority of buildings are setback further from the property line than what is required by Title 20. The width of the front facades could be expanded by just a few feet to accommodate more glazing and street facing entries. Increasing the width of the front facades would also bring the townhouses closer to compliance with Title 20, Section 20.40.140.F.3.a; “the garage or carport width may not exceed 50% of the street facing façade of each attached dwelling unit or 13 linear feet, whichever is greater”. Simple modifications to the design would result in a project that better addresses building orientation, pedestrian safety, attractiveness of the street facing façade, and sun exposure.

Conclusions of Law:

1. The proposed plan does not result in a project design that is as good as or better than would strict compliance with the standard from which relief is sought. Even without strict compliance, a moderate revision to the design to increase the street facing façade width to accommodate a street facing entry and 15% glazing will bring the project closer to compliance with Title 20.

Agency and public testimony

Agency letters were sent to the Fire Department, Police Department, Parks and Recreation, City Engineering, the City Attorney, the Office of Neighborhood Councils, Public Works, Missoula Redevelopment Agency, and the Housing and Community Development Department.

Thirty-three (33) notification letters were sent to adjacent property owners, including the owners of the property.

Responses

No responses were received from the Fire Department, City Attorney, Public Works, and the Neighborhood Council at the time that this report was issued.

The Police Department, Development Services Engineering Division, and the Missoula Redevelopment Agency had no concerns or comments regarding the proposal.

Parks and Recreation responded with concerns about utilities located within the boulevard and boulevard tree placement. These concerns will be addressed with the required boulevard landscaping permit at the time of building permit.

The Office of Housing and Community Development supports the proposal as the completion of multi-phase projects like this one will help stabilize the market. The Office of Housing and Community Development asks the Design Review Board to weigh the intent of Townhouse Standards in Title 20 Section 20.40.140 with added cost and feasibility challenges for developers.

No responses from adjacent property owners were received at the time that this report was issued.

V. STAFF RECOMMENDATION

- a) Staff recommends that the Missoula Design Review Board **approve** the request for an exception to Title 20, Section 20.40.140.F.3.a regarding garage width **subject to the recommended condition of approval**, based on the findings of fact and testimony heard at the public hearing.
- b) Staff recommends that the Missoula Design Review Board **deny** the request for an exception to Title 20, Section 20.40.140.G.1.a regarding main entry based on the findings of fact and testimony heard at the public hearing.
- c) Staff recommends that the Missoula Design Review Board **deny** the request for an exception to Title 20, Section 20.40.140.G.2 regarding glazing based on the findings of fact and testimony heard at the public hearing.

RECOMMENDED CONDITIONS

1. The façade width must be increased to accommodate an entry within 8 feet of the street facing facade and 15% glazing on the portion of the street facing façade that does not include the garage, which will bring the project closer to compliance with Title 20, Section 20.40.140.F.3.a regarding garage width.

VI. COMMENTS FROM ADJACENT PROPERTY OWNERS

IN FAVOR	0
NOT IN FAVOR	0
NO RESPONSE	<u>0</u>
TOTAL	0

VII. AGENCY COMMENT

FIRE DEPARTMENT:	No comment received.
POLICE DEPARTMENT:	No concerns.
DS ENGINEERING DIVISION:	No concerns.
MISSOULA REDEVELOPMENT AGENCY:	No concerns.

PARKS AND RECREATION:

Parks & Recreation have concerns about boulevard landscaping and utility placement. These concerns will be addressed with the required boulevard landscaping permit.

CITY ATTORNEY:

No comment received.

PUBLIC WORKS:

No comment received.

HOUSING AND COMMUNITY DEVELOPMENT:

In support of the proposed exceptions.

NEIGHBORHOOD COUNCIL:

No comment received.

VIII. ATTACHMENTS

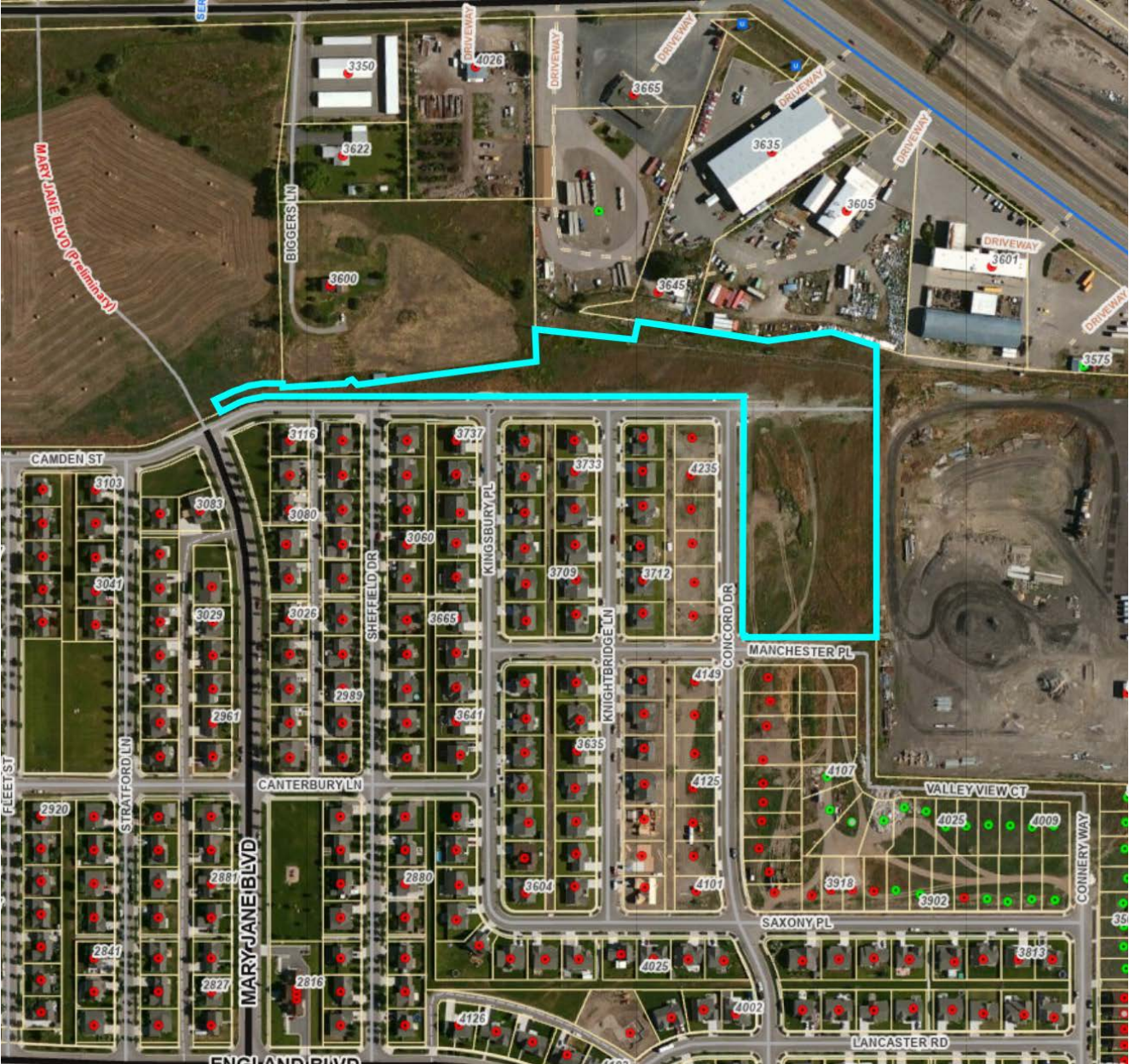
A- Aerial Photo

B- Zoning Map

C- Agency Comments

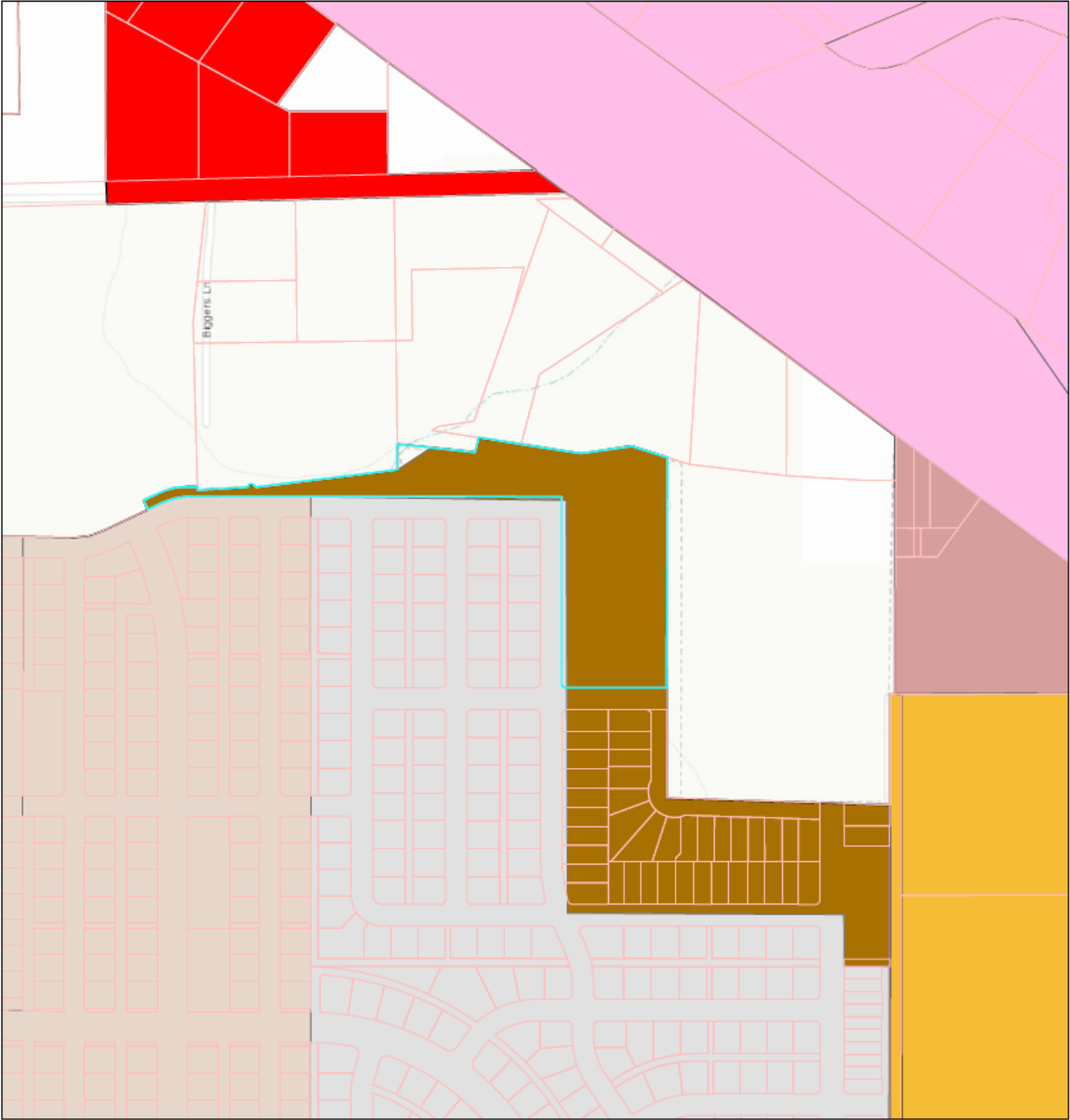
Application materials: <http://www.ci.missoula.mt.us/1638/Private-Development-Projects>

ATTACHMENT A – AERIAL PHOTO



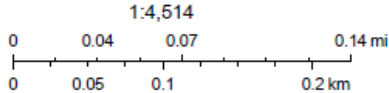
ATTACHMENT B – ZONING MAP

Zoning Map - Valley View Terrace Phases 6 & 7



6/25/2020, 12:57:39 PM

- Parcels
- Zoning - City Limits
- Zoning - City Zoning**
- C1-4
- C2-2
- C2-4
- M1-2
- RMH
- RM2.7
- RT10
- SD/Pleasant View Homes No.2
- SD/Pleasant View Homes



ATTACHMENT C – AGENCY COMMENTS

Parks & Recreation



Wed 3/18/2020 12:35 PM

David Selvage

FW: DRB Application comments

To: Cassandra Tripard

DRB Application Valley View Terrace.pdf 2 MB

DRB Application Valley View Terrace.pdf 2 MB

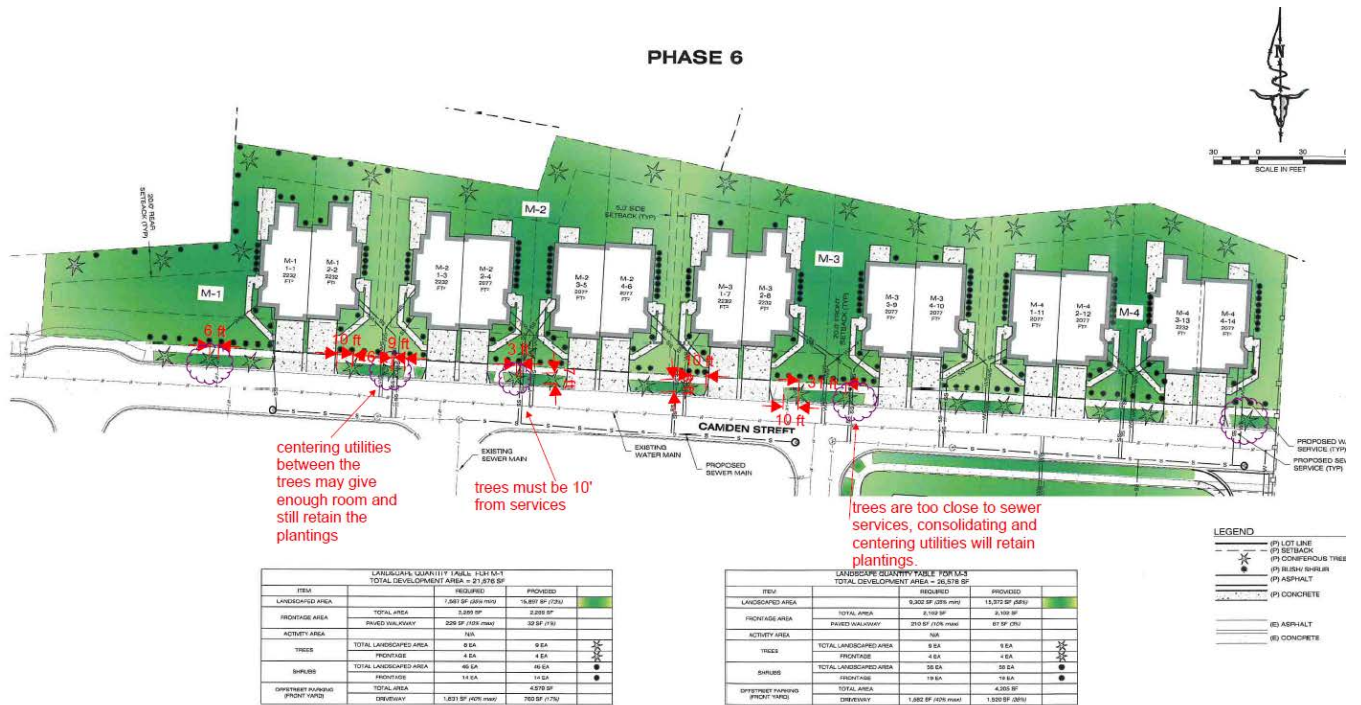
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Greetings Cassy

Parks & Recreation Department's comments and edits below – see also marked up landscape plans.

- There are some service lines that cross the boulevards, that could be consolidated and centered to retain tree plantings. Also, the lateral distance to service lines needs to be maintained at a minimum of 10', Page 6 of 10.
- Tree placement and spacing on Manchester and Camber are acceptable, page 7 of 10.
- Tree placement needs to be retained at a minimum lateral distance of 10' from driveway and sidewalk ramps. In order to maintain the tree count and accommodate this requirement, the tree spacing may be reduced to 20' and if needed up to 15' with the appropriate class one tree species selected.
- Once the plant schedule is submitted, review and potential approval will be based on the above conditions and species selections.



Marie Anderson

Urban Forestry Program Specialist 2

(406)529-4607

ISA Certified Arborist RM-7249A

ISA Certified Tree Risk Assessor



Wed 3/18/2020 12:39 PM

David Selvage

RE: DRB Application comments

To ■ Cassandra Tripart

Cc ■ Neil Miner; ■ Marie Anderson

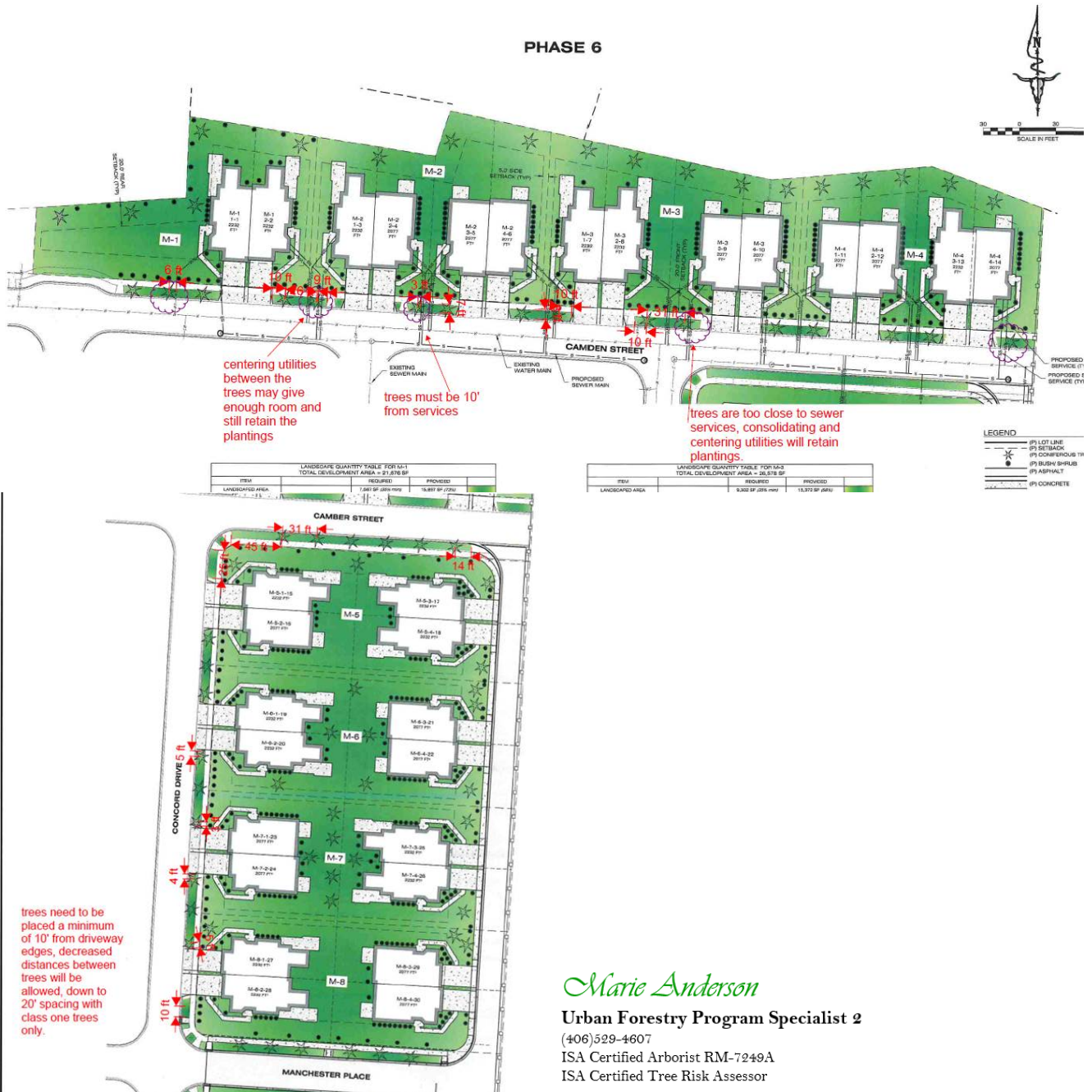
i You replied to this message on 3/18/2020 12:45 PM.

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Parks & Rec Department comments below including mark-up edits on the landscape plans.

- There are some service lines that cross the boulevards, that could be consolidated and centered to retain tree plantings. Also, the lateral distance to service lines needs to be maintained at a minimum of 10', see below site plan **mark-ups**
- Tree placement and spacing on Manchester and Camber are generally acceptable, but some modifications are noted - see below site plan **mark-ups**
- Tree placement needs to be retained at a minimum lateral distance of 10' from driveway and sidewalk ramps. In order to maintain the tree count and accommodate this requirement, the tree spacing may be reduced to 20' and if needed up to 15' with the appropriate class one tree species selected. see below site plan **mark-ups**
- Once the plant schedule is submitted, review and potential approval will be based on the above conditions and species selections.



Marie Anderson

Urban Forestry Program Specialist 2

(406)529-4607

ISA Certified Arborist RM-7249A

ISA Certified Tree Risk Assessor

Office of Housing and Community Development

From: [Eran Pehan](#)
To: [Cassandra Tripard](#)
Subject: Valley View Terrace
Date: Thursday, June 25, 2020 1:32:50 PM

Ms. Tripard,

The Office of Housing and Community Development supports the completion of Phases VI & VII of Valley View Terrace. The city continues to experience relatively extreme shortages in housing supply at all price points and the completion of multi-phase projects like this one will help stabilize the market.

Our office asks the Design Review Board to weigh the intent of Townhouse Standards in Title 20 Section 20.40.140 with added cost and feasibility challenges for developers. By approving variances that still allow the projects to meet the intent of the code, we can support the continued construction of homes, benefiting the entire community.

Eran Fowler Pehan, MSW

Director

Office of Housing and Community Development

406-552-6395