



## DEVELOPMENT SERVICES

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### CONDITIONAL USE STAFF REPORT & REFERRAL

<b>Agenda item:</b>	Referral and Staff Report Hellgate Village East TED Conditional Use	
<b>Report Date(s):</b>	10/29/2020	
<b>Case Planner:</b>	Cassie Tripard, Associate Planner	
<b>Report Reviewed &amp; Approved By:</b>	Mary McCrea, Permits and Land Use Manager	
<b>Public Meetings &amp; Hearings:</b>	<b>Land Use &amp; Planning (LUP) pre-hearing:</b> 11/4/2020 <b>City Council hearing:</b> 11/9/2020	
<b>Applicant &amp; Owner:</b>	HEH LLC C/O Hoyt Homes PO Box 2727 Missoula, MT 59806	
<b>Representative:</b>	Nick Kaufman WGM Group, Inc. 1111 E Broadway Missoula, MT 59802	
<b>Location of request:</b>	The subject property is located east of Flynn Lane on Mary Jane Boulevard and Killarney Way. Neighborhood Council: Capt. John Mullan Ward: Ward 2	
<b>Legal description:</b>	Lots 1 and 2 of Hellgate Village Subdivision located in the Northwest Quarter of Section 18, Township 13 North, Range 19 West, P.M.M.	
<b>Legal ad:</b>	The legal ad was published in the <i>Missoulian</i> on 10/25/2020 and 11/1/2020.. The site was posted on 10/16/2020. Adjacent property owners within 150 feet of the site were notified by certified mail on 10/5/2020.	
<b>Growth Policy:</b>	The applicable regional plan is the Our Missoula: City Growth Policy 2035 which recommends a land use designation of Neighborhood Mixed Use	
<b>Zoning:</b>	B2-1 Community Business	
	<b>Surrounding Land Uses</b>	<b>Surrounding Zoning</b>
North:	Residential – Detached Houses	RT10 Residential (two-unit/townhouse)
South:	Vacant	B2-1 Community Business
East:	Residential – Detached Houses	Hellgate Special District, Neighborhood General
West:	Vacant (Future Hellgate Village West)	B2-1 Community Business
<b>I. RECOMMENDED MOTION</b>		
<b>APPROVAL</b> of the townhome exemption development conditional use request based on the findings of fact in the staff report, subject to the conditions of approval.		
<b>II. CONDITIONS OF APPROVAL</b>		
1. The townhome exemption development conditional use on land legally described as Lots 1 and 2 of Hellgate Village Subdivision shall comply with all applicable portions of Title 20. Plans submitted at the time of zoning compliance permit, townhome declaration, and building permit application shall substantially conform with the application submitted at the time of conditional use review, subject to review and approval by Development Services.		

2. The Declaration of Townhomes Covenants, Conditions and Restrictions for Hellgate Village East shall include the following sections and statements, subject to review and approval by Development Services, prior to zoning compliance approval of the townhome exemption declaration:
  - a. "Energy Efficiency: The builders should consider using energy efficient building techniques such as building orientation to the sun, appropriately sized eaves, wind breaks, extra insulation, passive solar lighting, solar heating, photovoltaic cells, and ground source heat pumps for heating/cooling. Ground source heat pumps and other types of heat exchangers are usually more efficient, and so create less pollution, than other systems for heating and cooling. Increased energy efficiency reduces air pollution, reduces the need for people to use cheaper heating methods that pollute more and helps protect the consumer from energy price changes."
  - b. "Parking Restrictions: Parking is prohibited on both sides of all alley ways shown in the application packet. The Hellgate Village Townhomes Owners Association, Inc. must ensure 20 foot clear travel way is maintained on all alley ways. "
  - c. "Subdivision Covenants: The development covenants of the Hellgate Village Subdivision apply to all land within the platted subdivision in addition to the Declaration of Townhomes for Hellgate Village East."
3. The applicant shall prepare plans and install improvements for the private alley ways resulting in a 20 foot wide public access easement including 20 feet of paving, drainage facilities, and ADA improvements. Plans for improvements shall be approved by City Engineering prior to zoning compliance approval of the townhome exemption declaration. Improvements shall be installed prior to building permit approval of the first structure or included in an Improvements Agreement containing a cost estimate and guaranteed by a financial security, subject to review and approval of City Engineering.
4. The improvement plans for all alley ways shown on the Site Development Plan in the application packet shall include provisions for restricting parking on both sides of all alley ways in the form of installation of "No Parking" signage, subject to review and approval of City Engineering, prior to zoning compliance approval of the townhome exemption declaration.
5. All townhome unit structures shall comply with International Fire Code, subject to review and approval by City Fire, prior to building permit approval. For structures measuring 30 feet or less from grade to top of parapet or 30 feet from grade to the eave line (where the exterior wall intersects with the roof line) a 7-foot clear area for City Fire ladder access shall be provided to the structure. For structures exceeding 30 feet in height the following standards shall be met: (a) structures shall be located within 15 to 30 feet of an aerial fire apparatus access road and must be parallel to the access road in order to comply with International Fire Code Appendix D, Sections D105.1 and D105.3, (b) the aerial fire apparatus roads shall provide a minimum unobstructed width of 26 feet, exclusive of shoulders, and shall not be obstructed by overhead utility or power lines located between the access road and the structure in order to comply with International Fire Code Appendix D, Sections D105.2 and D105.4.

### III. INTRODUCTION

The City of Missoula Development Services has received a conditional use request from Nick Kaufman of WGM Group Inc. on behalf of HEH LLC for a forty-three (43) unit townhome exemption development (TED). The TED will contain twenty-four (24) detached house units, twelve (12) 2-unit townhouse units, and seven (7) 3+-unit townhouse units. The TED will be located on Lots 1 and 2 of the Hellgate Village Subdivision. The subject property is located west of Hellgate Meadows Subdivision and south of Pleasant View Homes Subdivision. Proposed Mary Jane Boulevard borders the western side of the subject property.

In 2019 City Council approved a Growth Policy amendment and a rezoning affecting the subject property. The 2035 Our Missoula Growth Policy was amended to apply the Neighborhood Mixed Use land use designation to the subject property. The subject property was rezoned to the B2-1 Community Business zoning district.

Title 20, Section 20.100.010 defines a Townhome Exemption Development (TED) as a residential development containing one or more dwelling units that are owned subject to an arrangement under which persons own their own units and hold separate title to the land beneath their units but under which they may jointly own the common area and facilities in accordance with MCA §§ 70-23-102(14) and 76-3-203.

The applicant began the planning process with Development Services for Hellgate Village Townhomes in 2018 when Ordinance #3609 was in effect. Ordinance #3609 includes requirements for townhomes exemption developments. A letter was signed by the applicant and the Interim Director of Development Services agreeing that Ordinance #3609 applies to this project. The version of Title 20, Section 20.40.180 regarding Townhome Exemption Development Standards in place under Ordinance #3609 applies to this project.

Title 20, Section 20.05.040 Figure 20.05-7 under Ordinance #3609 requires conditional use approval in compliance with the review requirements of Title 20, Section 20.85.070 for townhome exemptions developments containing ten (10) or more units.

### IV. APPLICABLE ZONING REGULATIONS IN TITLE 20

The version of Title 20, Section 20.40.180 regarding Townhome Exemption Development Standards in place under Ordinance #3609 applies to this project.

The townhouse design standards of Title 20, Section 20.40.140 will apply to all townhouses within Hellgate Village East. Townhouses are defined in Title 20, Section 20.05.030.B.3 as “a residential building containing more than one dwelling unit, each located on its own parcel or TED ownership unit with a common or abutting wall along shared parcel lines or TED ownership unit boundaries”. The definition of townhouse in Title 20, Section 20.05.030.B.3 and the townhouse design standards of Title 20, Section 20.40.140 have not been modified since Ordinance #3609.

Title 20 Zoning Ordinance, Section 20.05.040.D under Ordinance #3609 describes the process for review of Townhome Exemption Developments. Title 20, Section 20.10.030 describes the parcel and building standards for the B2-1 Community Business zoning district. Parcel and building standards specific to TEDs are provided in Title 20, Table 20.05-3 under Ordinance #3609.

Title 20 Zoning Ordinance, Section 20.85.070(H) outlines the review criteria for conditional use applications. According to the Zoning Ordinance, “not all review criteria will apply in every case... [and] only the applicable review criteria need to be met.” Uses that require conditional use approval may be approved by the City Council only when Council determines that the proposed uses meet all the applicable review criteria.

### V. Conditional Use Review

#### Findings of fact:

#### General

1. The subject property is located east of proposed Mary Jane Boulevard, south of the Pleasant View Homes Subdivision, west of the Hellgate Meadows Subdivision, and north of Mullan Road. The subject property is intersected by proposed Killarney Way.
2. The subject property is legally described as Lots 1 and 2 of Hellgate Village Subdivision located in the Northwest Quarter of Section 18, Township 13 North, Range 19 West, Principal Meridian, Montana.

3. Lot 1 is 1.25 acres and Lot 2 is 2.49 acres. Lots 1 and 2 have a combined area of 3.74 acres or 162,914.4 square feet.
4. Surrounding land uses are residential, predominantly with single detached houses and small to medium lots. There are some townhouse building types located in Hellgate Meadows Subdivision to the east. Parcels to the west and south of the subject property are vacant. The parcel west of the subject property and Mary Jane Boulevard is where proposed Hellgate Village West will be located pending future conditional use approval.
5. The subject property is currently vacant.
6. The applicant is proposing forty-three (43) dwelling units, each on their own townhome ownership unit for Hellgate Village East. Proposed building types include detached house, two-unit townhouse, three-unit townhouse, and four-unit townhouse.
7. The subject property is within the Missoula Urban Transportation District. There are two bus stops on Route 11 within a quarter mile of the subject property.
8. The subject property is inside the Urban Growth Area, the Wastewater Facilities Service Area, and Air Stagnation Zone.
9. The property will be served by City sewer and water and is located within an established service area for Missoula emergency services.

#### **Growth Policy and Zoning:**

10. The subject property is zoned B2-1 Community Business which allows forty-three (43) dwelling units per acre or one dwelling unit for every 1,000 square feet of parcel area.
11. The subject property is approximately 162,914.4 square feet which would allow one hundred and sixty-two (162) dwelling units in the B2-1 Community Business zoning district. Lot 1 would allow fifty-four (54) dwelling units and Lot 2 would allow one hundred and eight (108) dwelling units.
12. A Development Agreement was established with the rezoning limiting the maximum density to fourteen (14) dwelling units per acre which would allow seventeen (17) dwelling units on Lot 1 and thirty-four (34) dwelling units Lot 2.
13. The applicant is proposing to develop fifteen (15) dwelling units on Lot 1 and twenty-eight (28) dwelling units on Lot 2 for a total of forty-three (43) dwelling units which complies with the density allowed in the B2-1 zoning district as well as the Development Agreement.
14. The B2-1 Community Business zoning district allows for all residential building types including detached house, two-unit townhouse, and 3+ unit townhouse. The proposed use complies with the permitted building types in the B2-1 Community Business zoning district per the Site Development Plan in the application packet.
15. The applicable regional plan is the Our Missoula 2035 City Growth Policy, which recommends a land use designation of Neighborhood Mixed Use. The Neighborhood Mixed Use land use designation recommends a mix of residential and neighborhood commercial uses that include retail, office, entertainment, professional services, and eating and drinking establishments. Current relatable zoning districts in this land use designation include the B2-1 Community Business zoning district.
16. Parcels to the north of the subject property are zoned RT10 Residential (two-unit/townhouse). Parcels to the east are zoned Hellgate Special District, Neighborhood General. To the east of the subject property is proposed Hellgate Village West which is zoned B2-1 Community Business. The parcel south of the subject property is also zoned B2-1 Community Business.

#### **Townhome Exemption Development Standards**

17. The applicant began the planning process with Development Services under Ordinance #3609 which specifies standards for Townhome Exemption Developments. All Title 20 code sections referenced in this portion of the report are from the version of Title 20 in effect under Ordinance #3609.

18. According to Title 20, Section 20.05.040 Figure 20.05-7, townhome exemption developments of greater than ten (10) units require a conditional use approval.
19. Per Title 20 Section 20.40.180.B, townhome exemption development (TED) density is determined by dividing the net area of the site by the subject zoning district's minimum parcel area-per unit standard.
20. Title 20 Section 20.40.180.B.1-4 states that net site area cannot include land that contains special flood hazard areas; slopes greater than 25%; riparian resource areas; or wetlands and waterways under the jurisdiction of the Army Corps of Engineers. None of these conditions pertain to the subject property, so the full area of Lots 1 and 2 are used to calculate permitted density.
21. The net area of Lot 1 is 1.25 acres and Lot 2 is 2.49 acres of the Hellgate Village Subdivision. The Development Agreement restricts the density to no more than 14 dwelling units per acre, allowing seventeen (17) units on Lot 1 and thirty-four (34) units on Lot 2.
22. The applicant proposes fifteen (15) dwelling units on Lot 1 and twenty-eight (28) dwelling units on Lot 2 for Hellgate Village East which meets the density requirement of the B2-1 Community Business zoning district and the Development Agreement.
23. Per Title 20 Section 20.40.180.C, TED projects must meet the setbacks of the underlying zoning district. Setbacks only apply to the parcel lines. Setbacks do not apply to TED ownership unit lines. There are no setbacks in the B2-1 Community Business district unless the parcel abuts a residential zoning district. The eastern side of Lot 1 abuts the Hellgate Neighborhood General Special District which is considered a residential zoning district. Setbacks only apply to the eastern side of Lot 1 which is a side setback. The Garden House Typology in the Hellgate Special District requires a 5-foot side setback. A 5-foot side setback will apply to the eastern side of Lot 1. There are no required setbacks anywhere else on the subject property.
24. Structures adjacent to the eastern property line of Lot 1 provide a 5-foot minimum setback as shown on the site development plan. The proposed TED complies with the setback requirements.
25. Per Title 20, Section 20.05.050 Table 20.05-3, a minimum 6-foot separation between detached buildings is required for zoning districts which require a minimum side yard setback distance of 7.5 feet or less. A 6-foot building separation is required for all detached buildings on the subject property.
26. Per the site development plan in the application packet, all detached buildings have a minimum separation of 6-feet, meeting the building separation requirement.
27. The site development plan in the application packet shows alley ways located in common area. City Engineering requires that the alley ways be located in public access easements. The public access easements can be established in the TED Declaration site plan and zoning compliance permit. Separate filed public access easements are not required. Condition of approval #3 will bring the project in to compliance with Title 12 standards.
28. Title 20 Section 20.40.180.E states that all surface infrastructure shall meet the standards in Title 12. Conditions of approval #3 and #4 ensure compliance with Title 12 standards and review and approval by City Engineering.
29. Per Title 20 Section 20.40.180.F, blocks may not be longer than 480 feet without a pedestrian access break. Lot 2 exceeds the 480-foot block length on the northern boundary per the site development plan in the application packet. A public non-motorized access easement is provided from Killarney Way to Mary Jane Boulevard, as mitigation to the block length standard, approved with the Hellgate Village Subdivision.
30. Title 20 Section 20.40.180.G.3 specifies that 11% of the site area must be used as open space accessible to residents of the development and useable for passive or active recreation. Section 20.40.180.G.3.e states that the TED may be exempted from the requirement to provide land if a cash donation is given in lieu to the Parks Department, equal to the fair market value for the amount of land that would have been required. Cash-in-lieu was provided to the Parks Department with the Hellgate Village Subdivision, meeting this requirement.
31. Title 20 Section 20.40.180.H may require installation of bus stop facilities for TEDs within one-fourth mile of an established public transit or school bus route. The regulation also requires developments outside the Missoula Urban Transportation District to petition for annexation into the District.

32. There are two bus stops on Route 11 within a quarter mile of the subject property. Mountain Line did not provide agency comment at the time this report was written.
33. The development is approximately a quarter mile from Hellgate Elementary and Middle School which is within walking distance. Hellgate Elementary and Middle School District did not provide agency comment at the time this report was written.
34. This site is within the Missoula Urban Transportation District.

#### **Parking and Access**

35. The subject property will be accessed via Mary Jane Boulevard and Killarney Way. Mary Jane Boulevard is functionally classified as a collector road. Killarney way is functionally classified as a low density urban local road. Road improvement requirements and boulevard landscaping requirements for Mary Jane Boulevard and Killarney Way were established with the Hellgate Village Subdivision.
36. Access to the proposed dwelling units and garages will also be provided by three private alley ways within common areas established through the Townhome Exemption Development Declaration.
37. The site development plan shows alley ways located in 20-foot-wide common areas. Engineering would like these common areas for the alley ways to be marked as public access easements. The site development plan in the application packet shows 16 feet of paving. City Fire requires 20 feet of paving to meet Fire Department access standards.
38. Condition of approval #3 requires the private alley ways to be paved to a 20-foot width within a 20-foot-wide public access easement in order to comply with City Fire requirements.
39. Due to the proposed alley way width, conditions of approval #2.b and #4 state that parking is prohibited along alley ways and "No Parking" signs must be installed along alley ways. This requirement is to be enforced by Hellgate Village Townhomes Owners Association, Inc.
40. Per International Fire Code Appendix D, Section D105.1, where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet (9144mm), approved aerial fire apparatus access roads shall be provided. For purposes of this section the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of the parapet walls, whichever is greater.
41. Aerial fire apparatus access roads require a minimum unobstructed width of 26 feet, exclusive of shoulders, and shall not be obstructed by overhead utility or power lines located between the access road and the structure per International Fire Code Appendix D, Sections D105.2 and D105.4. Aerial fire apparatus roads are not provided for some units accessed by common areas or alley ways. Per International Fire Code Appendix D, Section D105.3, required access roads shall be located within 15 to 30 feet of the structure, parallel to one side.
42. Structures located off of alley ways and common areas that are not located within 15 to 30 feet of an aerial fire apparatus road cannot exceed 30 feet in height in order to comply with International Fire Code.
43. Staff recommends a condition of approval limiting the height of structures not accessed by an aerial fire apparatus road to 30 feet, measured from grade to the top of parapet or from grade to the eave line (where the exterior wall intersects with the roof line) in order to comply with International Fire Code.
44. Parking for the proposed units is provided through a mix of attached garages, detached garages, and outdoor parking spaces. The applicant must show compliance with Title 20 parking requirements at the time of building permit.

#### **Conditional Use Review**

45. Title 20, Section 20.85.070(H)2 outlines criteria for the review of conditional uses, which include whether the proposed uses are: compliant with all applicable Title 20 zoning standards; compatible with the character of the surrounding area; in the interest of public convenience; will not have a significant adverse impact on the general welfare of the neighborhood or community; compatible operating characteristics in terms of hours of operation, noise, outdoor lighting and traffic generation; and will not have a significant adverse impact on traffic safety or comfort – both motorized and non-motorized.

46. Title 20, Section 20.01.060 requires all uses and development to comply with all other applicable regulations. Conditions of approval #3, #4, and #5 will bring the proposed development into compliance with City Engineering and City Fire requirements if imposed.
47. Residential development on this parcel is compatible with both the character and operating characteristics of uses in the surrounding area, which are primarily residential.
48. The scale of the proposed TED residential use in this location will not compromise either public convenience or the general welfare of the neighborhood or community, subject to compliance with the conditions of approval.
49. Any signs or outdoor lighting associated with this project will be required to meet all applicable standards as outlined in Title 20 zoning regulations, as well as all other applicable Missoula Municipal Codes.
50. The TED will generate additional traffic in this area. The installation of Mary Jane Boulevard and Killarney Way required as conditions of approval for the Hellgate Village Subdivision will mitigate the impact of traffic generated by the proposed use.
51. Sidewalks shown on the Site Development Plan in the application packet connect all dwelling units to public rights-of-way and common areas. A non-motorized public access easement provides a path from Mary Jane Boulevard to Killarney Way for pedestrians and bicyclists.
52. The increase in traffic generated by this development should impose no significant adverse impact on traffic safety or comfort in the area, regardless of the mode of transportation.
53. The TED ownership units in proposed Hellgate Village East are similar to the lot sizes in the Hellgate Meadows Subdivision east of the subject property. The lots in the Hellgate Meadows Subdivision are narrow like the TED ownership units in proposed Hellgate Village East resulting in compatible site design and building scale.
54. The Hellgate Meadows Subdivision contains a mix of detached house and townhouse building types which are compatible with the building types proposed for Hellgate Village East.
55. The Pleasant View Homes #3 Subdivision north of the subject property consists of detached house residential development.

**Conclusions of Law:**

56. **Whether the proposed use complies with all applicable standards of the Title 20 Zoning Ordinance;**
  - a. The townhome exemption development will comply with all applicable sections of the Title 20 Zoning Ordinance and other applicable Missoula Municipal Codes and Fire Code if the recommended conditions of approval are imposed.
57. **Whether the proposed use is in the interest of public convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community;**
  - a. The Hellgate Village East TED shown on the site development plan is compatible with surrounding development which consists of detached house and townhouse building types.
  - b. The Hellgate Village East TED provides pedestrian and bike connectivity for the residents of Hellgate Village East and residents of the surrounding neighborhood by providing a non-motorized public access easement between Mary Jane Boulevard and Killarney Way.
  - c. Recommended conditions of approval #3, #4, and #5 will bring the project into compliance with Engineering and Fire standards and ensure there is not a significant impact on the welfare of the neighborhood or community.
  - d. The TED is in the interest of public convenience and will not have a significant adverse impact on the general welfare of the neighborhood community if the recommended conditions of approval are imposed.
58. **Whether the proposed use is compatible with the character of the surrounding area in terms of site planning, building scale and project design;**

- a. The TED is similar to the Hellgate Meadows Subdivision east of the subject property and the Pleasant View Homes #3 Subdivision north of the subject property in terms of site planning, building scale, and project design.
- b. The TED is compatible with the character of the surrounding area in terms of site planning, building scale, and project design.

**59. Whether the proposed use has operating characteristics that are compatible with the surrounding area in terms of hours of operation, outdoor lighting, noise, and traffic generation; and**

- a. The Hellgate Village East TED is a residential development and will have operating characteristics, outdoor lighting, noise, and traffic generation similar to other residential developments.
- b. The surrounding area consists of primarily residential development.

**60. Whether the proposed use will not have a significant adverse impact on traffic safety or comfort, including all modes of transport (non-motorized and motorized).**

- a. The TED improves pedestrian and bicycle connectivity for the residents of Hellgate Village East and residents of the surrounding neighborhood by providing a non-motorized public access easement between Mary Jane Boulevard and Killarney Way.
- b. A system of pedestrian paths connecting dwelling units public rights-of-way and common areas is proposed throughout the site.
- c. Recommended conditions of approval #3, #4, and #5 will bring the project into compliance with Fire and Engineering standards to ensure the alley ways allow for safe development.
- d. The TED use will not have a significant adverse impact on traffic safety or comfort including all modes of transport if the recommended conditions of approval are imposed.

## **VI. AGENCY COMMENT**

**Missoula Valley Water Quality District:** No comment received at the time of this report.

### **City/County Health Department:**

No Health Department comments specific to the conditional use request. Project as a whole will require sanitation review or exemption under 76-4 MCA. Guessing this will be an MFE given availability of sewer and water in the area.

Daniel Congdon, 10/6/2020

### **City/County Health Department - Air Quality Division:**

Thanks for the opportunity to comment on the Hellgate Village East TED Conditional Use Application. The Air Program at the Missoula City-County Health Department supports this kind of infill subdivision that is close (within biking and walking distance) to services.

The other 2 comments from the Air Program are below.

1. EPA has designated the Missoula area as having high radon gas potential (Zone1). Therefore, the Missoula City-County Health Department recommends that all new construction incorporate radon resistant construction features.

2. The Health Department recommends that builders consider using energy efficient building techniques such as building orientation to the sun, appropriately sized eaves, wind breaks, extra insulation, passive solar lighting, solar heating, photovoltaic cells, and ground source heat pumps for heating/cooling. Ground source heat pumps and other types of heat exchangers are usually more efficient, and so create less pollution, than other systems for heating and cooling. Increased energy efficiency reduces air pollution, reduces the need for people to use cheaper heating methods that pollute more and helps protect the consumer from energy price changes.

Benjamin Schmidt, 10/2/2020

**Missoula County Office of Emergency Management:** No comment received at the time of this report.

**Missoula Urban Transportation District:** No comment received at the time of this report.

**City Parks & Recreation:** No comment.

**Office of Housing & Community Development:**

The Office of Housing & Community Development would like to provide comment on the Hellgate Village East Townhome Exemption Development (TED) Conditional Use request. This TED proposes forty-three (43) new units of housing East of Flynn Lane, south of Pleasant View Homes #3 and west of Hellgate Meadows.

The proposed subdivision is in alignment with the 2035 Our Missoula Growth Policy and achieves goals outlined in A Place to Call Home, Missoula's adopted housing policy. This property is within the Neighborhood Mixed Use designation of Our Missoula Growth Policy, a designation that supports a mix of neighborhood-serving commercial uses and medium-high density. Missoula's adopted housing policy recommends maximizing the development of lots, especially in our greenfield areas. At 43 units, does not propose the maximum allowed density of 66 units on the parcels involved. However, we acknowledge that infrastructure requirements can make this difficult to achieve. That being said, HCD would encourage the developer to consider increasing development to the highest density achievable within the B2-1 designation and per the executed Development Agreement, balancing necessary infrastructure and quality of life with the Missoula's need for additional homes.

The proposed project includes a variety of home types, from small lot single-family homes and row houses similar in character to the surrounding neighborhoods to carriage houses and cottage-type homes. The development team articulates the desire to maintain affordability, stating "The goal of Hellgate Village East Townhomes is to provide market rate housing that is affordable for Missoula residents." The City of Missoula's adopted housing policy acknowledges the need for a wider range of home types and additional market rate homes to meet our residents' needs. HCD would encourage the developer to define what a housing price point suited to Missoula's residents is. Our office defines that as price points affordable to Missoulia's who make 100% to 120% of area median income.

There is great need in our community to provide a diversity of home types for all residents, and the range of proposed homes in the Hellgate Village East TED will meet many of those needs. The Office of Housing & Community supports this project. Thank you for the opportunity to provide comment on a project that helps further the goals outlined in A Place to Call Home.

Montana James, 10/9/2020

**Missoula Redevelopment Agency:** No comment received at the time of this report.

**City Police:** No comment.

**City Fire:** The need/requirement for fire department access in regards to the alleys on the Hellgate Village project have been in place since 2018. However, there has been some confusion as to what constitutes fire department access as explained below.

On the 13th of October I had a discussion with Dustin Hover in regards to a 3 story residential structure where they had limited fire department access for aerial apparatus. In said discussion I learned from Dustin the alley access was going to be 16' of pavement with 2' shoulders on both sides for a total of 20' and WGM was under the assumption it sufficed as a fire department access. I let Dustin know the fire department access needed to be 20' of paved road as far as I was concerned and it was the fire department's call on what an approved surface was in regards to a fire department access. Dustin said they had gotten the alleys approved by City Engineering and I let Dustin know I doubted City Engineering was confirming they were meeting the intent of fire department access with their approval, which turned out to be correct after emailing back and forth with Troy Monroe. City Engineering had given them approval on the alleys thinking City Fire wasn't requiring certain alleys to be constructed as fire accesses.

In short, with apologies for the above confusion City Fire will be requiring 20' of paving for the access/alleys where residences are commonly accessed by residents and visitors alike by using the alleys. It's my opinion the intent of the

IFC in regards to fire department access is to essentially deliver fire department apparatus to citizens front door in a safe manner, not a lot of gray in this regards as far as I'm concerned. If there are any concerns with this feel free to email or call me.

Dax Fraser, 10/22/2020

**Montana Department of Transportation:** No comment.

**City Stormwater Division:** No comment.

**City Wastewater Division:** No comment received at the time of this report.

**City Water Division:** No comment.

**Department of Revenue:** No comment.

**Neighborhood Council (NC):** No comment received at the time of this report.

## **VII. ATTACHMENTS**

1. Public Comment: Nicholas Bailey 10.10.20
2. Signed Letter Re: Application of Prior TED Standards to Proposed Development