



DEVELOPMENT SERVICES

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MEMO No. 2

TO: City Council
DATE: November 6, 2020
FROM: Cassie Tripard, Development Services
RE: **Hellgate Village East Conditional Use**

After the staff report for the Hellgate Village East Conditional Use was issued on October 29th, 2020, the representative proposed modifications to the conditions. Condition #3 was amended and Conditions #4, 5, and 6 were created in Memo #1.

The representative reviewed the changes in Memo #1 and then requested another amendment to Condition #4 regarding installation of Mary Jane Boulevard and Killarney Way. Condition #4 required improvements to Mary Jane Boulevard and Killarney Way be installed prior to certificate of occupancy for the first structure.

Mary Jane Boulevard will be designed and installed by the City through the Build Grant. The applicant will be contributing to the cost of Mary Jane Boulevard adjacent to the subject property. The timeline for installation of Mary Jane Boulevard is set by the City and the Build Grant. The applicant does not have control over installation of the road.

Staff from the Development Services Engineering Division, Planning Division, and Public Works discussed amending Condition #4. Staff decided conditioning installation of Mary Jane Boulevard for this project would be a condition placed on the City rather than the applicant. The applicant's project should not be delayed by the City's timeline for construction of Mary Jane Boulevard. Staff determined that construction of Mary Jane Boulevard should not be a condition of approval. Condition #4 was amended. Temporary access to units on Mary Jane Boulevard must be provided. Temporary access will be installed in the form of millings, as required by Condition #6. The millings must be maintained until full improvements for Mary Jane Boulevard are installed.

Improvements to Killarney Way are the responsibility of the applicant. Condition #4 will still require the applicant to install improvements to Killarney Way prior to certificate of occupancy of the first structure.

Amendments to conditions from Memo #1 are shown in red. The amendment to Condition #4 from Memo #2 is shown in blue.

The following are revised conditions of approval for City Council consideration:

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, subject to review and approval of City Engineering and City Fire. The alley ways must be paved to a 20-foot width except for locations specified on Exhibit A where 19 feet of paving is required. 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 certificate of occupancy~~ 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 and City Fire.
4. Improvements to ~~Mary Jane Boulevard and~~ Killarney Way must be installed in accordance with the street design plans approved with the Hellgate Village Subdivision, subject to review and approval of City Engineering, prior to certificate of occupancy for the first structure.
5. The applicant shall install 20-foot-wide millings in place of paving Killarney Way prior to approval of the first building permit on townhome ownership units 1 through 15, 23 through 27, and 32 through 43. Millings must be maintained until full improvements for Killarney Way are installed.
6. The applicant shall install 20-foot-wide millings in place of paving Mary Jane Boulevard prior to approval of the first building permit on townhome ownership units 16 through 22 and 28 through 31. Millings must be maintained until full improvements for Mary Jane Boulevard are installed.
4. 7. 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.~~ 8. 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.

If City Council would like to adopt the conditions of approval as amended above, the motion for approval would be revised as follows:

APPROVAL of the townhome exemption development conditional use request based on the findings of fact in the staff report, subject to the conditions of approval as amended in Memo #2.

Exhibit A

