



DEVELOPMENT SERVICES

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

CITY CONDITIONAL USE 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), 2 submittal packets and the appropriate fee shall be submitted.
3. Name of Conditional Use Request: **Hillview Crossing Townhomes**
4. Name(s) of Applicant: **Hillview Crossing Missoula, LLC**
Mailing Address: **3605 Arthur Street, Caldwell, Idaho 83605**
Telephone Number: **(406) 721-0142**
Email Address: **Not applicable**
5. Name(s) of all Owners of Record: **Hillview Crossing Missoula, LLC**
Mailing Address(es): **3605 Arthur Street, Caldwell, Idaho 83605**
Telephone Number(s): **(406) 721-0142**
Email Address(es): **Not applicable**
6. Name and Company of Representative: **Territorial-Landworks, Inc. c/o Christina Loucks**
Mailing Address: **1817 South Ave W, Suite A, Missoula, MT 59801**
Telephone Number: **(406) 721-0142**
Email Address: **ChristinaL@territoriallandworks.com**
7. 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.

DocuSigned by: 6/22/2018 8:32:18 AM PDT

 Applicant's Signature Date

DocuSigned by: 6/22/2018 8:32:18 AM PDT

 Owner's Signature Date

Christina M. Loucks

 Representative's Signature 6/22/2018
Date

B. SUBJECT PROPERTY INFORMATION

General location of subject property and address (if address has been assigned): **No address currently assigned**

Legal Description - complete and unabbreviated: **A strip, piece or parcel of land situated in Lot 4, Section 5 and the E½NE¼ of Section 6, Township 12 North, Range 19 West, Missoula county, Montana and more particularly described as follows: Beginning at the North section corner common to Section 5 and 6, Township 12 North, Range 19 West; thence East along the section line a distance of 1,320 feet; thence S.0°10'W. a distance of 1, 195.2 feet; thence S.89°53'30"W. a distance of 1,324 feet; thence S.0°22'W. a distance of 1,320 feet; thence S.89°53'30"W. a distance of 1,322.6 feet; thence N.0°25'E. a distance of 1,536.1 feet; thence N.33°34'E. a distance of 282.34 feet; thence N.64°04'E. a distance of 509.75 feet; thence N.12°27'W. a distance of 538.6 feet; thence East 828.9 feet to the place of beginning. EXCEPTING THEREFROM that portion platted as Wapikiya Addition #1, a platted subdivision in Missoula County, Montana, according to the official recorded plat thereof in Book 4 of Plats at Page 9½. ALSO EXCEPTING THEREFROM that portion platted as Wapikiya Addition #2, a platted subdivision in Missoula County, Montana, according to the official recorded plat thereof in Book 5 of Plats at Page 13. ALSO EXCEPTING THEREFROM that portion platted as Wapikiya Addition #3, a platted subdivision in Missoula County, Montana, according to the official recorded plat thereof in Book 6 of Plats at Pages 1 and 2, and amended Plat in Book 6 of Plats at Pages 7 and 8.**

Township, Range, Section(s): **T. 12N., R. 19 W., S. 6**

Subdivision, Lot(s), Block(s): **N/A**

Tract(s), COS#: **N/A**

Bearings & Distances Descriptions (if boundaries of proposed Conditional Use are not exactly the same as the boundaries of the property legally described above): **N/A**

Geocode: **04-2093-06-1-01-01-0000**

C. ZONING AND GROWTH POLICY INFORMATION

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

	Zoning	Current Land Use
Adjacent (North)	R8	Residential & Community Park
Adjacent (South)	R40	Residential & Agricultural Land
Adjacent (East)	R8	Undeveloped Residential & Residential
Adjacent (West)	R40 & R40/PUD/Homesteads	Park & Vacant Land

2. What is the current zoning of the property? **The current zoning of the property is RT10.**

3. What is the applicable comprehensive plan and land use designation for the property? **This property is included in the City of Missoula Growth Policy and future land use designation map amended February 13, 2017 as residential Medium Density – 3 to 11 units per acre. The proposed townhome exemption development would fit well into this land use designation as it would not be the most or the least dense development designed for the property.**

4. What is the conditional use requested? **The property is currently zoned with RT10 zoning. The City of Missoula Municipal Code Zoning Ordinance, Title 20 notes in section 20.05.040.D.2.b, that conditional use approval is required for 10 or more TED units within RT10 zoning. Therefore, the conditional use requested is for a Townhome Exemption Development (TED) which includes 34 two-unit townhomes for a total of 68 dwelling units. The total density of the requested development is just under 3 dwelling units per every one acre. This is less than the**

maximum density of RT10 zoning which would be approximately one dwelling unit per 10,000 square feet or approximately 4 dwelling units per acre.

D. RESPONSES TO TITLE 20 ZONING ORDINANCE CONDITIONAL USE REVIEW CRITERIA

1. **Review Criteria.** Describe how the proposal meets the following review criteria. (Not all review criteria will apply in every case. Only the applicable review criteria need to be met.)

- a. Whether the conditional use complies with all applicable standards of the zoning ordinance. **The proposed property is in compliance with all applicable standards of the City of Missoula Municipal Code zoning ordinance, Title 20. The maximum number of dwelling units for the area using the proposed RT10 zoning is calculated as one per 10,000 square feet or approximately 4 dwelling units per acre. There are 68 proposed townhomes in the property area of 25.63 acres for a proposed density of just under 3 dwelling units per every one acre. This is less than the maximum density of dwelling units for the area per the proposed RT10 zoning as referenced in Table 20.05-3.**

As this property is also located on a hillside, item D, Allowed Density by Average Slope in Section 20.50.010 of Title 20 has also been used to further calculate the allowed density for the property. A Slope Category Map has been included with this submittal to reference the various slopes located on the property by categories. Areas on the property with slopes of greater than 25% have not been included in the calculation for the maximum density of dwelling units for the development. As shown on the Slope Category Map that has been included with this submittal, the allowed net density on the property using the calculations shown in item D referenced above is for a total of approximately 68.6 units. Due to the existing slope on the property, a two tiered retaining wall has been proposed in one area of the site. Item G, Retaining Walls in Section 20.50.010 of Title 20 has been utilized for the design of the wall to ensure that the proposed height does not exceed the maximum wall height and the proposed width meets the minimum required width. A retaining wall exhibit has been included in this submittal to depict the proposed wall. As stated in item G, the walls will be separated by at least three feet.

Table 20.05-3 has been utilized to ensure that each proposed townhome will not exceed the maximum building height and will meet the setback requirements referenced for RT10 zoning. In addition, item I, Building Height Envelope in Section 20.50.010 of Title 20 has been referenced to ensure the townhomes meet the provided building height "envelope" measurements. Section L, Building Wall Elements has also been utilized to ensure that the building wall elements do not exceed the maximum building wall height. A conceptual design exhibit has been provided with this application to further depict that the townhomes meet these regulations. The surface infrastructure meets the standards in Title 12. A 5' wide sidewalk is proposed to run adjacent to the proposed road network and parking is proposed along one side of the proposed roads. The project will preserve the area by constructing a trail and landscaped park areas on the property for residents and the community to utilize. The area on the property that has not been proposed as townhome parcels will be common area, which will be an additional area for the residents to utilize. This area will be maintained by the Hillview Crossing Homeowner's Association. Easements have been proposed in several portions of this area for trail easements and road access easements.

- b. Whether the conditional use is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community. **The proposed project is in the interest of the public for convenience and will not have a significant adverse impact on the general welfare of the community and neighborhood.**

The location of these proposed townhomes is in a primarily residential area. The proposed density is similar to the density of the surrounding neighborhoods. The project is in the interest of the public for convenience as easy and quick access to the commercial facilities located nearby will provide a benefit to families who live in these townhomes.

The proposed development is located within the Russell Elementary School, Meadow Hill Middle School, and Sentinel High School districts. Conveniently, there is an existing school bus stop at 39th Street & Arrowhead Drive for Russell Elementary School and the development is located within walking distance of the Middle and High Schools. There are existing Mountain Line bus stops within walking distance of the development in the interest of public convenience as well.

The proposed road network will provide access to the townhomes. One new access point has been proposed onto Hillview Way. A 5' wide sidewalk has been proposed for public convenience. This sidewalk system will encourage the families that live within this development to safely walk throughout the development in the interest of the general welfare of the community. A trail has been proposed on the west side of the property. This is in the interest of public convenience as the proposed development as well as the neighboring communities will have access to this trail. The proposed trail will connect the proposed development to the existing park located directly adjacent to the northwestern corner of the property. It also will connect the development to the neighborhood adjacent to the north side of the property so residents can easily and safely walk to nearby areas.

- c. Whether the conditional use is compatible with the character of the surrounding area in terms of site planning, building scale, and project design.

The conditional use is compatible with the character of the surrounding area. The proposed townhomes will match the character of most of the properties that have been recently developed nearby. They will match the infrastructure requirements of the other residential developments surrounding the property. The project design is a similar site plan to the surrounding residential developments, creating townhomes that are comparable in size and distance. These townhomes will provide additional residential homes for this area while utilizing the existing sewer and proposed water services. The townhomes will be connected to the surrounding area by sidewalks and a trail, similar to the project design of other nearby developments.

- d. Whether the conditional use has operating characteristics that are compatible with the surrounding area in terms of hours of operation, outdoor lighting, noise, and traffic generation.
- The conditional use of this property has operating characteristics that are compatible with the surrounding area. The surrounding area is currently being utilized for residential homes and vacant lots. The proposed project will be consistent and compatible with this utilization by creating additional residential homes. All outdoor lighting will meet the Missoula Outdoor Lighting Ordinance and the lighting and noise will be similar to that of the residential properties surrounding the site. The townhomes are not expected to create a noticeable adverse impact.**

The hours of operation will not be different from any other standard area of residence and any increased traffic generation will be sufficiently mitigated by utilizing the proposed road network. Hillview Way was recently upgraded and this project will help fund the upgrade via the pay back agreement with the Hillview Way Special Improvement District (SID). These townhomes will also be connected to the surrounding area by the trail which will connect to existing trails in the area. This will allow pedestrians to utilize the area and alleviate any additional vehicular traffic congestion that would be generated

from the townhomes. As the properties surrounding this proposed development are generally residential properties, adverse impacts to the operating characteristics are not expected by creating additional residential homes.

- e. Whether the conditional use will not have a significant adverse impact on traffic safety or comfort, including all modes of transport (non-motorized and motorized).
The conditional use of this property is not proposed to have a significant adverse impact on comfort and is proposed to minimize any significant adverse impact on traffic safety in the surrounding area. One new road access point has been proposed onto Hillview Way for access to these townhomes. The proposed roads will tie into the roads in the area and will meet all city road requirements. TLI is committed to working with the City Engineering Department and Public Works Department to minimize the traffic impact to the area. Proposing 68 townhomes does increase the number of trips generated each day for the area. Until a time when additional roads are created, residents of Missoula that are familiar with the area will understand the existing traffic situation.

These townhomes are unique in that they are proposed with easy and quick access to commercial facilities nearby. A trail has been proposed to encourage non-motorized transportation options to safely enter and exit the property. This additional pedestrian option will minimize the motorized traffic impact to the area. A sidewalk has been proposed to run adjacent to the road network within the development. This will provide pedestrians with a route to safely walk in and through the townhome area. The proposed trail will also connect the development to the existing park located adjacent to the northwestern corner of the property. In addition, it will connect to the surrounding area to alleviate any adverse impact on the non-motorized traffic safety and comfort in this area.

2. Factors to be Considered.

Section 20.85.070(l) includes factors that City Council may consider in determining whether all applicable review criteria have been satisfied. These are listed below for reference.

- a. That new buildings and structures are located to create a positive relationship with their environment, both urban and natural. **The proposed townhomes are located to create a positive relationship with the environment. These homes will benefit from a view overlooking the urban area nearby. They will also benefit from the proposed trail which will create a positive relationship with the natural areas located near the development. There are no natural features located on this property so the townhome locations have been proposed appropriately. The existing slope of the property has been considered and proper building techniques will be utilized to construct these townhomes. The townhome locations have been proposed to create a positive relationship with the other residential properties in the area while creating additional housing for residents of Missoula.**

The proposed trail will benefit residents of the townhomes by providing them a place for safe recreation. The trail will enhance the natural environment, offering further space for the community to be able to appreciate the beauty of living in Montana. Sidewalks have been proposed along the road network for future residents to safely walk from the trail throughout the development. The townhomes will also be located near commercial facilities, creating a positive relationship with the urban environment and giving families the opportunity to be located close to these facilities.

The City of Missoula Municipal Code Zoning Ordinance, Title 20 notes in Section E of the Hillside Standards of 20.50.010, that parcels must have at least a 2,000 square foot

contiguous building and disturbance area with an average slope of no more than 25%. A 2,000 square foot contiguous disturbance area will be achieved for each parcel of Hillview Crossing development by grading as a part of the grading and drainage plan for the property.

- b. That the site design properly addresses building orientation, open space, light, sun exposure, views, and protection of natural features. **The design of the site properly addresses building orientation, open space, light, sun exposure, views, and the protection of natural features. The building orientation of the site will be similar to the residential homes surrounding the property. The design was created to maintain and centrally locate the open spaces on the property. As the property is located on the hillside, the residents will receive additional light due to the slope of the property. They will also have a beautiful view of Missoula and the surrounding hills.**

A trail has been proposed for additional preservation needs of the natural area and for residents to appreciate the beauty of this part of Missoula. Adequate light and sun exposure will be available to the townhomes on the lots as well as the surrounding area. A road network has been proposed to reduce any residential vehicle congestion and for future residents to access their homes. The proposed townhomes will be similar in height and distance to other townhome properties, while also preserving the optimal view for each building.

- 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 other design elements. **The proposed townhome buildings will be visually similar to other properties in the area. They will be utilized as residential homes, similar to the use of other residences in the area. They will not exceed the maximum density or building height for the existing zoning of RT10 and as noted in item D in section 20.50.010 of Title 20. The volume and mass of the buildings on the property will be appropriate to the area and comparable to other residential townhomes. A trail has been proposed on the property to provide future residents with an open space for recreation, similar to the design of the surrounding residential properties. A local Missoula Builder will be used for building the residences and the building materials used will be standard to most Missoula residential homes. The colors of the buildings will be traditional colors and will blend with the other homes in the area. They are not presumed to be overstated in any way. The design of this development has been created to provide sufficient open space for each townhome on the property.**
- d. That the overall project will be functional, attractive, and safe in terms of pedestrian, bicycle, and vehicular access, parking, loading, and servicing. **The overall project will be functional, attractive, and safe in terms of pedestrian, bicycle, and vehicular access including parking, loading and servicing. One new access point has been proposed for access onto Hillview Way from the proposed development. This access point will be made available for vehicles without sacrificing the attractiveness of the area. The proposed road network will comply with city road standards throughout the development and will provide safe vehicular access through the townhome area. Development of the road due to the topography of the site will be accomplished as a part of the grading and drainage plan for the property. Parking has been proposed along one side of the proposed roads as well as the townhome driveways as shown on the parking and pedestrian circulation exhibit included with this submittal.**

Due to the existing topography of the site, the townhomes have been proposed along block lengths that allow access to each townhome. As extensive trail and sidewalk access has been proposed throughout the site, an additional access to provide a break

in the blocks has not been proposed. A pedestrian circulation exhibit has been included to show that over a linear mile of sidewalk has been proposed for ease of access throughout the townhomes. Additional access would be a duplicate effort as safe pedestrian access to school and transit bus stops, schools, parks, shopping, and common areas has been provided by a proposed trail and sidewalk.

A sidewalk has been proposed along the road network in order to keep pedestrians safe while providing non-motorized access to the townhomes. Bulb-outs have been proposed to connect the 3 crosswalks with the sidewalk for pedestrians to safely cross the roads. The sidewalk has been proposed along both sides of roads 'A' and 'B', with the exception of the portion of Road 'A' adjacent to the proposed trail on the west side of the property and adjacent to the south side of the property. A sidewalk has been proposed along one side of this road segment. This sidewalk will connect with Hillview Way where there is an existing sidewalk along one side of the road as well as a bike lane. This will provide safe non-motorized transportation to areas outside of the townhome development. The existing Tonkin Trail, located adjacent to the south eastern corner of the property, is also designed to help children get to school or bus stops and meets with Hillview Way at this same point. Residents of Hillview Crossing will have the option to utilize this non-motorized route for access to schools, bus stops, Mountain Line stops, and commercial shopping. A pedestrian circulation exhibit has been included with this submittal to show the pedestrian mobility options.

A trail has been proposed in addition to the sidewalk, to run on the west side of the property from the north to the south end of the site. This will provide an additional non-motorized transportation option for the residents and will be functional as it will connect to existing trails and park areas nearby. The trail will also provide pedestrian access to nearby schools, school bus stops, and mountain line stops. The proposed trail, sidewalk and road access throughout the townhome area will be of use to the residents without disturbing the natural environment or attractiveness of the area. Each townhome will be built with the necessary parking allotment, loading, and servicing needs.

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 cover letter** describing the purpose of the proposed project, existing site conditions, and a brief description of the proposal.
- 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. **N/A**
- A site plan**, including existing and proposed landscaping, parking, streets/access, sidewalks, bike lanes, and any other improvements to the property.
- Building elevation drawings** of all proposed structures and/or photos of existing structures.
- Floor plans** of all existing and proposed buildings.