



COMMUNITY PLANNING, DEVELOPMENT & INNOVATION

Development Services Division

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May 16th, 2023

Brian Throckmorton
406 Engineering, Inc.
1201 S 6th Street W, #102
Missoula, MT 59801

Re: Aspire Annexation and Subdivision – 182 Lot Major

Dear Brian Throckmorton,

Development Services received your application packet for the above subdivision for *1st Element Review* on May 9th, 2023. The element review deadline is May 16th, 2023. **At this time, Development Services cannot certify your application packet as containing all the necessary elements.**

Please address the items listed below. Once these items have been addressed, please submit a second Element Review packet with a new cover page clearly titled as *2nd Element Review*, and include the date submitted. In lieu of a CD, please provide the *2nd Element Review* materials on a USB drive or provide a link for downloading the application materials.

General

Provide all the information required under City Subdivision regulations Article 5, Sections 5-010 and 5-020 and provide answers to all questions consistently from one section to the next, and address all applicable subdivision design standards in Article 3 of the City Subdivision regulations. Please include the following items:

1. Throughout the subdivision application there are multiple items where the provided answer is either n/a, yes, no, or one sentence statements with no reference(s) pertaining to how the answer was established. Please go back through these items of the application and add more information, narrative, description, citation, maps, etc. to expand on the answers, to provide context and sources.

One example to illustrate the point: In the impact on agricultural water user facilities under abandonment or transfer of water rights section starting on page 9, the answer states 'No' to the posed question of abandonment or transfer of water rights from the property. How did you reach this conclusion? Were there maps or title report used to verify no water rights existed? Answers to questions on the application require clear, verifiable answers based on credible, documentable sources.

2. Throughout the subdivision application some responses are bolded, and others are not. Please choose one option and keep it consistent throughout the application.
3. The Neighborhood Character Overlay is a zoning map amendment and needs to be accompanied by the City Rezoning Application, enclosed.
4. The annexation request for these properties needs to be accompanied by an annexation petition, enclosed. In addition to a digital version, please submit an original hard copy signed by all property owners.

5. Per Article 5-020.2 Ownership, certification that the applicant is also the owner of the property or, if the applicant is not the owner, certification that the owner is in concurrence with the subdivision application. County Property GIS Information indicates RCS LLC as the owner of Parcel A of COS 6338. I haven't been able to locate any deeds or other document to indicate a change in ownership. Please address this in the application, subject to the above referenced City Subdivision Regulation.
6. Please see total fee breakdown below:

\$11,591.31 (base fee)
 + \$13,437.06 (182 x \$73.83/lot)
 + \$4,387.00 (annexation >1 acre)
 + \$5,322.00 (\$887/variance – 6 total)
 + \$6,893.00 (zoning amendment)
+ \$2,033.00 (phased development review)
 \$43,663.37 (total plus APO letters)
+ \$9/APO letter – need to know the number of APO certified mail letters.
- Per Article 4-030.3.B notification of the subdivision via certified mail is required to be given to the subdivider, each property owner of record whose property is immediately adjoining the land included in the preliminary plat, and each purchaser under contract for deed of property immediately adjoining the land included in the preliminary plat. The Adjacent Property Owner list provides a larger buffer than what the subdivision regulations require. This is no problem; however, it does affect the fee for the application submittal. Please indicate on the next submittal how many APO letters are needed to meet the requirements and we will calculate the fee based on that number.
- There are only six variances needed for this subdivision, not seven. So the fee provided is larger than it needs to be. Once we determine the number of APO letters, we can confirm the fee.
7. Article 3-020.12.A states, "New streets that will align with existing streets must have the same name as the existing street". The main access to this subdivision is from Sommers Street to the southwestern portion of the property. However, once this street hits this subdivision, it becomes Bent Branch Road. Please correct in order to comply with the City Subdivision Regulations.

Subdivision Application

Provide all applicable information required under City Subdivision regulations Article 5, Section 5-020 while addressing all applicable subdivision design standards in Article 3 of the City Subdivision regulations. Include the following items:

1. Section D.1, insert the table below:

	Zoning	Current Land Use
Adjacent (North)	Water's Edge Special Zoning District, R Residential	Detached houses
Adjacent (South)	R Residential	Right-of-way
Adjacent (East)	Resource and Open Land	River
Adjacent (West)	R Residential	Detached houses

2. Section D.2.a, the zoning indicated is incorrect. Please update and include the full zoning district name. Additionally, when you reference the existing zoning district, here is what to call it: R Residential. Similarly, when you reference the proposed zoning district, here is what to call it: RT5.4 Residential (two-unit/townhouse).
3. Section D.2.b, state on the application where this information can be found in the packet.
4. Section D.2.c, state on the application where this information can be found in the packet.
5. Section D.2.d, include a narrative describing how the project complies with the existing zoning district, or in this case, the proposed zoning district.
6. Section D.8, include a narrative describing how the project complies with the land use designation and the goals and policies of the Growth Policy.
7. Section F.1.b, indicate which lots and which improvements will occur in each phase.
8. Section F.1.d, indicate the amount of parkland dedication required for each phase and the amount provided for each phase.
9. Section F.1.e, the phasing plan doesn't have a Phase 4 indicated on the plan itself. Please correct the inconsistency.
10. Section I, an attachment labeled "Neighborhood Comment and Response", no responses were outlined, only the comments received from the meeting. Please provide the responses.
11. Section J.1 through J.7, state on the application where this information can be found in the packet.
12. Section K.3.b.1, state on the application where this information can be found in the packet.
13. Sections K.3.e.ii, v, and vi, indicating "No" or "N/A" but not providing detail to demonstrate how you know. Please provide additional information. Based on correspondence with the Conservation District, a 310 Permit is required at a minimum.
14. Section K.3.f, Article 3-130 requires a Riparian Management Plan. Please review the intent of these regulations outlined in 3-130.1.C and address the riparian management plan criteria outlined in 3-130.3. We recommend getting input from the Missoula Conservation District and the U.S Fish and Wildlife Service or Montana Fish, Wildlife & Parks to help establish these parameters. Sample Riparian Management Plan enclosed for reference.
15. Section K.3.g, Stormwater report is missing the appendices but there are additional documents included in the section; however, they don't match up with the appendices listed in the stormwater report. Please correct the inconsistencies.
16. Section K.4.c, stating "N/A" but how do you know. Please provide the map to demonstrate there is no impact.
17. Section K.6.a, Traffic Impact Study is referenced to Section L. The TIS is missing a cover with the engineer who prepared the report, a table of contents, and the appendices:
 - a) Traffic data
 - b) Traffic model
 - c) LOS calculations
18. Section K.6.f.i, update the table to demonstrate the distance of City Fire protection distance to the subdivision.

Road Construction Plans

1. Doesn't show the off-site improvements to Sommers Street in plan view and doesn't say which of the two typical sections are used at which stations.

Preliminary Plat

Provide all applicable information required under City Subdivision regulations Article 5, Section 5-010 and applicable preliminary plat supplements under Article 5, Section 5-020 while addressing all applicable subdivision design standards in Article 3 of the City Subdivision regulations. Include the following items:

1. Please identify the block lengths for all blocks throughout the subdivision.
2. Call out the distances between pedestrian connections for lots 32-26, lots 37-44, and lots 66-77.
3. Show contour lines at intervals of 2 feet where the average slope of the subdivision is less than ten (10) percent slope and at intervals of 5 feet where the average slope of the subdivision is ten (10) percent or greater.
4. Call out alley pavement width to ensure compliance with Article 3-020.10.B of the City Subdivision Regulations.
5. There appear to be double easements along the frontage of lots 32-36 and lots 26-30, however, it is unclear if that is true and what these easements may be for. Please clarify.
6. The eastern boundary dimension for lot 52 is 20.03 feet which doesn't seem correct based on the scale. Similarly, the western boundary dimension for lot 143 is 20.73 feet, which also doesn't seem correct based on the scale. These are more sufficiency related items, but wanted to point them out now since I noticed.

Variances

Calling out seven variances total when there are only six required. Outlined below are the six variances being requested through this project. Please update the variance request document to outline, describe, and address these six variances from Article 3. Additionally, correct any discrepancies with the wrong Article reference (i.e. 3-020, not 3.020).

1. Variance request #1 for Low Density Urban Local Streets with a 62-foot-wide right-of-way needs to include all the below referenced subdivision standards that are not being met:
 - 3-020.2.B All public and private street and road improvements, including pavement, curbs, sidewalks, bike facilities, and drainage must be in accordance with the Missoula City Public Works Standards and Specifications and standards prescribed in Table .2A. Where the specifications or standards conflict with other regulations, the regulations of 3-020 apply.
 - 3-020 Table .2A Right-of-way minimum width and street width.
 - 3-020.3.C Public street and road rights-of-way must meet the standards in Table .2A.
2. Variance request #2 for Low Density Urban Local Streets with a 50-foot-wide right-of-way needs to include all the below referenced subdivision standards that are not being met:
 - 3-020.2.B All public and private street and road improvements, including pavement, curbs, sidewalks, bike facilities, and drainage must be in accordance with the Missoula City Public Works Standards and Specifications and standards prescribed in Table .2A. Where the specifications or standards conflict with other regulations, the regulations of 3-020 apply.

- 3-020 Table .2A Right-of-way minimum width and street width.
- 3-020.3.C Public street and road rights-of-way must meet the standards in Table .2A.
- 3-020.4.N a parking lane is required on both sides of local residential streets and cul-de-sacs.

3. Variance Request #3 Aspire Loop, need to correct the subdivision regulation reference as noted below:

- 3-020 Table .2A Right-of-way sidewalk

4. Variance Request #4 Bent Branch Road block length, needs to include the below referenced subdivision standard that is not being met:

- 3-030.2.A(2) Blocks may not exceed a maximum length of 480 feet. Need to correct the referenced City Subdivision Regulation.
- The City would support approval of this variance with the condition that pedestrian access is provided through the common area to Canyon View Park/Robinson Street.

5. Variance Request #5 Crosscut Way block length, needs to include the below referenced subdivision standard that is not being met:

- 3-030.2.A(2) Blocks may not exceed a maximum length of 480 feet.
- The City would support approval of this variance with the condition that pedestrian access be provided through the center to break up the block.

6. Variance Request #6 Waterside Drive block length, needs to include the below referenced subdivision standard that is not being met:

- 3-030.2.A(2) Blocks may not exceed a maximum length of 480 feet.
- The City would support approval of this variance if the pedestrian accesses were shifted to not exceed 480 feet.

If you have additional questions, you may reach me at 552-6052 or email me at bramlettea@ci.missoula.mt.us.

Sincerely,

Alex Bramlette

Alex Bramlette, Senior Planner
Community Planning, Development, and Innovation

encl: City Rezoning Application
Annexation Petition
Riparian Management Plan Sample
cc: Mary McCrea, CPDI
Dave DeGrandpre, CPDI
Troy Monroe, PW&M
Steve Reichert, PW&M
Eran Pehan, CPDI
Walter Banziger, CPDI