



October 21, 2022

Spencer Starke
Community Planning, Development & Innovation
Development Services Division
435 Ryman St.
Missoula, MT 59802

Re: Sapphire Place First Element Review

Dear Spencer Starke,

We received our 1st Element Review on July 21st, 2022. Included below is each deficiency item from that review and our responses outlined in **bold** and *italics*. All of the documents which were updated as part of this review have been included with this submittal. The updated submittal has been sent via email and a hard copy has been dropped off at your office.

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:

- The conditional use application will be processed apart from but concurrent with the subdivision application. Please remove the conditional use application and submit separately.
 - ***The conditional use application has been removed from the 2nd Element Submittal and submitted as a separate application.***
- The fee provided for Major Preliminary Plat Review Fee calculated the lot fee for 2 lots, however the lot fee is applied to every lot (42). Please remit the difference \$2,760 (40 lots x \$69).
 - ***As the total number of lots is anticipated to change throughout the Element Review Process, we are requesting the review fee check be included with our 1st Agency Sufficiency submittal to avoid multiple checks being written throughout the process.***
- Article 3-10.8 States that a subdivision may not result in the destruction, loss, or damage of significant historical features. The report submitted as part of the subdivision packet demonstrates evidence of significance. The assertion that the existing structures (homestead and ice-house) are not significant is not reflected in the documents submitted. Furthermore, when considering the amount of parking proposed (221 spots over the requirement) the statement regarding the conflict between density and preservation is questionable.

- ***All the historically significant features as identified by the City's Historic Preservation Officer and the City Parks and Recreation Department are now being proposed for preservation as part of the updated submittal. The developer has agreed to a 'preservation in place' option for these features and the Subdivision Application included in Section A has been updated to reflect this change. The inclusion of the historically significant features was not originally contemplated in the subdivision design. As such, fundamental changes to the design and the potential multi-family products that fit within the proposed layout have occurred since the 1st Element Submittal. Therefore, we believe it is paramount that these changes be evaluated for compliance with neighborhood form, transect designation, and lot and building standards. Ensuring compliance with Divisions 2, 3, and 5 of Title 21 during the Element Review stage will enable us to solidify the finer details of Division 4 during the sufficiency review stage without multiple rounds of repeated work for components such as internal lighting, signage, and landscaping standards.***
- The existing homestead and icehouse have been identified as being eligible for the National Register of Historic places. The subject structures have been identified as being representative of the development of the area and are reflective of the agricultural heritage of the site. In addition, the report highlights "Design, materials and workmanship of the Dougherty Ranch residence and icehouse represent a high style and finish level of building." The quality of the structures is made apparent by how recently the house was occupied and is further established by Mr. Maechling's evaluation. The quality and status of the structures are further reflected in the HDR report submitted page 48, "The barn, the house, and icehouse in particular are in good condition, and are rare in Missoula County." In addition, up until as recently as 2009 the site has been inhabited by a single contiguous family lineage since established via land grant in 1871. After reviewing the documents submitted, and consulting with the City of Missoula Historic Preservation Officer (HPO), there is evidence that the structures are historically significant, and thus would not be permitted to be destroyed as a result of this subdivision. Currently the proposal to demolish the structures is in direct conflict with the requirements of City Subdivision Regulations Article 3-10.8. Please provide an element outlining the plan to mitigate the impact on historic features onsite because of the proposed subdivision and development. A range of approaches could be used to satisfy the requirement of Article 3-10.8 which include but are not limited to:
 - Integrate the existing homestead into the nearby open space proposed. This is supported in the Sxwtpqyen Form Based Code Division 3.C.2.b
 - Adaptively reuse the structures as part of the amenities provide onsite (office, common area etc.) or as a residence and outbuilding or other uses.
 - ***The developer is proposing a combination of the two options from the 1st Element Review, bulleted above, as feasible paths forward. The structures will be incorporated into a T4-O transect zone to allow for potential adaptive reuse while the trees will be incorporated into open space as a proposed private park.***

The unique site characteristics associated with the proposed preservation will inevitably result in certain non-compliances that may require Warrant Officer Opinions or other adjustments to the regulations stipulated in Title 21. Currently, the proposed location of the historically significant structures would not adhere to the front build-to-zone per Title 21 nor the façade requirements for buildings. Please see the Master Site Plan Exhibits and the Subdivision Application included in Section A of this submittal for the proposed design and updated narratives associated with this change.

- Article 5-020.1 The application does not present any contact information for the Subdivider Cathcart, please submit an email address and phone number.
 - ***Please see the updated Subdivision Application which includes the necessary contact information for the Cathcart Group.***

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:

- Section K.3 has been indented and has affected the lettering of the items under K.3, making navigation and referencing difficult, please correct the formatting.
 - ***Please see the updated Subdivision Application included in Section A of this submittal.***
- Item K.2.c.i: requires evidence that water rights removal process has been initiated if that is intended. While I see water rights documentation in the packet, the provision that water rights “may” be transferred and the following statement of no intention to sell the water rights is not reflected in the buy sell. In fact, the buy-sell agreement and amendments do not appear to say this at all (maybe it is blacked out?). Please provide additional documentation demonstrating that water rights will or will not be transferred with the property and how that is to occur. Please address this issue in greater detail.
 - ***No water rights are to be included as part of the sale of this land. This means upon change of ownership the landowner, James D Dougherty Family LLC, will retain all water rights associated with this parcel. This means upon change of ownership the buyer, Cathcart Properties Inc., or its Assigns, will own the land but not the water rights. This severance occurs at time of sale and no water rights removal process is required prior to this sale. The agents for both entities included the “may” language to allow for contemplation of the sale when the buy-sell was originally drafted, but both have confirmed that no water rights are to be included in this sale. Please see the updated Subdivision Application included in Section A of this submittal.***

- Section K.2.m.iv: The section references a vegetation exhibit in Section B. The file labeled vegetation exhibit in section B is a map titled “Agricultural Production Exhibit,” so it appears the vegetation exhibit was not included in the packet. Please submit.
 - ***Please see the updated Vegetation Exhibit included in Section B of this submittal.***
- Section K.6.a.iii: The exhibit included in Section B of the application packet shows the Mountain Line Bus Routes, but not school bus routes, or stops. Please submit.
 - ***Please see the updated Bus Route Exhibit included in Section B of this submittal.***
- Section K.6.a.iv.5.B: The submitted typical road sections reference a geotechnical report. The application states that the geotechnical report has not yet been completed. Please address this inconsistency. Note: A geotechnical report is referenced in other sections of the application as well. Please rectify.
 - ***The geotechnical work that has been completed up to this point has been for stormwater purposes. All incorrect references to Geotechnical Plans in the typical cross-sections for the Road Plans have been removed. The remaining geotechnical work for the site will be to determine the subsurface soil conditions and recommendations for road and building design. All inconsistencies throughout the Subdivision Application included in Section A have been corrected.***
- Section K.6.a.iv.5.B: The street plans and profiles submitted do not demonstrate the locations of the storm mains represented in the Grading and Drainage Report. Please include the location of storm mains in the profiles.
 - ***Please see the updated Grading and Drainage Engineering Design Report and the Road Plans included in Section D of this submittal.***
- Section K.6.b.iii: A street light plan is referenced; however, I am unable to locate the exhibit in the Application packet.
 - ***Please see the Road Plans included in Section D for proposed street lighting locations for the Right-of-Way corridors included with this subdivision. Please note interior parking and building lighting requirements stipulated in Title 21 will be addressed during sufficiency review after receiving agency comments from City Public Works and Mobility. Please see the Subdivision Application included in Section A of this submittal for the updated response.***
- Section K.6.i.ii.3: Cash in-lieu is proposed, please remediate this inconsistency.
 - ***Please see the updated Subdivision Application included in Section A of this submittal.***

Preliminary Plat/ Master Site plan / Regulating Plan

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. This subdivision must also comply with Title 21 (Sxwtpqyen Form Based Code). Include the following items:

- Division 2.4.A.3: Requires a mid-block pedestrian access when block faces exceed 600 feet in-length. The southernmost block face is longer than 600 feet, the proposed alley does not qualify as a pedestrian access. Please demonstrate compliance with this section. Consider aligning a pedestrian access with the one proposed in the development to the south.
 - ***The requirement stipulated in Title 21 is for a pedestrian access of at least 12' width to facilitate connectivity and reduce monotonous form. The alleys proposed are included in a public access easement, are 24' in width, and are provided for both motorized and non-motorized access throughout the development. Division 5.1.B of Title 21 uses mid-block access and Alley as synonyms when describing special building design scenarios. Because the definitions for Right-of-Way, Alley, and Block are difficult to reconcile when viewed from a pedestrian access perspective we believe the clearly stated requirement in Division 2.4.A.3 would be satisfied via the Alleys proposed herein. Furthermore, table 6.U designations the alley width "B" in the table as "Bicycle/micro-mobility facility" which implies an alley can be used for pedestrian access. Please see the Master Site Plans included in Section A and the Road Plans included in Section D which demonstrate the proposed Alleys provide pedestrian access and serve as mid-block breaks throughout the proposed subdivision.*** 
- Division 3. Table 3-1: The provided net percentages for T4-O and T4-R represented in the Master Plan Transect & Development Table appear to be switched. Please remediate.
 - ***Please see the updated Master Site Plans included in Section A of this submittal.***
- Division 5.1.A.7 prohibits the backs of lots from being across from or adjacent to Plazas, Squares, or Greens. Lots 10, 11,13,14,15,17,18,21,22, and 23 all back up to the proposed Open Space lot #4. A possible remediation is to move the dog park west to abut Road B and move Lots 13, 14, and 15 to the east to abut and face the relocated OS#4. The alley between the OS#4 and Lots 13-15 could be removed. You would need to modify the variance request to include Lots 13-15. Please investigate this and other options.

- ***The updated lot configuration and subdivision design which accommodates the preservation of the designated historically significant features addresses this comment. There are no lots across from or adjacent to any open space which could be classified as a Plaza, Square, or Green because the proposed open spaces are not spatially defined by landscaping or building frontages and do not consist primarily of pavement. Therefore, we believe these open spaces are defined as “parks” which are permissible across or adjacent to backs of lots, Please see the Master Site Plans included in Section A of this submittal.***

Additional Form Based Code Items

- Division 6.5 provides requirements for street lighting. The road and utility plans do not appear to show street lighting. Note that this section has strict placement requirements for street lighting. Please review and show compliant street light locations in the road plans.
 - ***Please see the Road Plans included in Section D for proposed street lighting locations for the Right-of-Way corridors included with this subdivision. Please note interior parking and building lighting requirements stipulated in Title 21 will be addressed during Building Permit review by City Public Works and Mobility.***

Variance:

- Article 3, Section 3-030.1.C.3 states “each lot must abut on and have access to a public or private street or road;”. Open Space Lot #4 is not proposed to be accessed by a street or road. Please include this lot in the variance request or revise the Master Plan to address this Subdivision regulation.
 - ***Please see the updated Master Site Plans and Preliminary Plat included in Section A of this submittal. Lots 26, 27, and 28 are the only lots that do not abut on and have access to a public or private street and as such require the variance request.***

Other Issues (Sufficiency)

- Article 3-020.12 & 5-010.4.D. no street names were submitted. Please submit draft street names.
 - ***Street names will be provided during the Sufficiency Review stage of the proposed subdivision.***

- Page 2 of the Preliminary Grading and Drainage Engineering Design Report reports an area 19.87 acres in size. The project area is referenced elsewhere as 18.73 acres. Please remediate this inconsistency
 - ***Please note that the inconsistency in acreage relates to the total basin area contemplated in the design and is described as such in the report. The total subdivision acreage and the total drainage design acreage can vary for stormwater purposes. Please see the Grading and Drainage Engineering Design Report included in Section D of this submittal.***

- After speaking with representatives from City Parks and Recreation, some concerns exist regarding Open Space lots #3 and #4. There appears to be a loading zone/ dumpster location at the north end of OS #4 which will not serve an open space purpose. In addition, the western portion of OS #3 also includes a loading zone. These facilities will not be counted towards Open Space requirements.
 - ***We believe this item is not longer applicable as the subdivision layout has changed. We are requesting the 1.15 acres required for historic preservation be counted towards parkland dedication along with the proposed private parks throughout the development totaling 2.27 acres. Any concerns voiced by City Parks and Recreation during the sufficiency review stage will be reviewed at that time and appropriate changes may be made.***

- Open Space #4 has 50 parking spaces while the usable space for dog park is approximately 0.25 acres, which would support 10-20 dogs. The combination of the facilities included on the northern portion of OS #4 and the inclusion of excessive parking greatly reduce (half) the amount of recreational space available and will likely provide parking for non-park related uses. Please revise to remove the extra parking from the Open Space #4 and designate the remaining parking as for park use only.
 - ***We believe this comment is no long applicable as the “dog park” has been removed and replaced with the necessary land for historic preservation. Please see the updated subdivision layout represented in the Master Site Plans and Preliminary Plat included in Section A. Title 21 allows for parking counts to be ‘off-site’ within ¼ mile of a building’s principal entrance (Division 4.A.2).***

- The small triangular area at the northwest edge of the property is indicated as a retention basin on page 6 of the plans. Per 2.1 C5.d of FBC, “Stormwater retention or detention ponds that are designed to hold stormwater runoff from less than 100-year events” cannot be included as open space.
 - ***This area is now dedicated as common-area and no longer proposed as open space or proposed for stormwater retention. Please see the Master Site Plans and Preliminary Plat included in Section A of this submittal.***

- Division 7.5.B.6: The Illustration plan provides examples of the club house and large apartment buildings but not smaller scale structures. Please prepare illustrations for the other proposed building types.
 - ***Please see the Scale and Character Illustration Exhibit which includes examples of the typical products utilized by the developer. The representations of the clubhouse, apartment buildings, and mansion apartment buildings align with the Division 7 requirements. The duplex product has not been implemented by the developer in the past and conceptual scale and character will be provided prior to sufficiency.***

If you have additional questions, you may reach me at (406) 721-0142 or email me at joseph.m.dehnert@imegcorp.com

Sincerely,

IMEG Corp.



Joe Dehnert
Land Use Planner