

Application No.	21235	Type	Site Plan		
Project Name	Six Range Condominiums				
Summary	Proposal to develop an undeveloped parcel with 8 buildings, including 3 apartment buildings, 1 commercial building, and 4 3-unit rowhouse buildings, totaling 192 residential units. The Applicant requested a Departure from a Block Frontage transparency standard for one of the mixed-use buildings (Building A), for the façade facing West Babcock.				
Zoning	R-O, Residential Office	Growth Policy	Urban Neighborhood	Parcel Size	8.64 acres
Overlay District(s)	None				
Street Address	4720 West Babcock Street, Bozeman, MT 59718				
Legal Description	Lot A1 of Minor Subdivision 338, S10, T02 S, R05 E, City of Bozeman, Gallatin County, MT				
Owner	Paine Group, Matt Paine, PO Box 418, Bozeman, MT 59715				
Applicant	MFGR Office, 125 N. Wallace, Bozeman, MT 59715				
Representative	Justin Harmon, 125 N. Wallace, Bozeman, MT 59715				
Staff	<i>Planner</i>	Lynn Hyde	<i>Engineer</i>	Alicia Paz-Solis	
Noticing	<i>Public Comment Period</i>		<i>Site Posted</i>	<i>Adjacent Owners</i>	<i>Newspaper Legal Ad</i>
	07/02/2022 – 08/01/2022		07/02/2022	07/15/2022	N/A
Advisory Boards	Board		Date	Recommendation	
	Development Review Committee		06/22/2022	The application is adequate, conforms to standards, and is sufficient for approval with conditions	
	Community Development Review Board		07/18/2022	The Community Development Board (CD Board), acting in their capacity as the Design Review Board (DRB) reviewed this project. The motion to recommend approval passed 5-2.	
Recommendation	The application is adequate, conforms to standards, and is sufficient for approval with conditions and code provisions as noted below.				
Decision Authority	Director of Community Development			Date: 9/13/2022	

Full application and file of record: Community Development Department, 20 E. Olive St., Bozeman, MT 59715

FINDINGS OF FACT AND APPEAL PROVISIONS CERTIFICATE

A) PURSUANT to Chapter 38, Article 2, Bozeman Municipal Code (BMC), and other applicable sections of Ch.38, BMC, public notice was given, opportunity to submit comment was provided to affected parties, and a review of the Site Plan described in this report was conducted. The Applicant proposed to the City a Site Plan (SP) to develop 8 buildings, including 3 apartment buildings, 1 commercial building, and 4 3-unit rowhouse buildings, totaling 192 residential units in the R-O zoning district. The purposes of the Site Plan review were to consider all relevant evidence relating to public health, safety, welfare, and the other purposes of Ch. 38, BMC; to evaluate the proposal against the criteria of Sec. 38.230.100 BMC, and the standards of Ch. 38, BMC; and to determine whether the application should be approved, conditionally approved, or denied.

B) It appeared to the Director that all parties and the public wishing to examine the proposed Site Plan and offer comment were provided the opportunity to do so. After receiving the recommendation of the relevant advisory bodies established by Ch. 38, Art. 210, BMC, and considering all matters of record presented with the application and during the public comment period defined by Ch. 38, BMC, the Director has found that the proposed Site Plan would comply with the requirements of the BMC if certain conditions were imposed. Therefore, being fully advised of all matters having come before them regarding this application, the Director makes the following decision.

C) The Site Plan meets the criteria of Ch. 38, BMC, and is therefore approved, subject to the conditions listed in this report and the correction of any elements not in conformance with the standards of the Title. The evidence contained in the submittal materials, advisory body review, public testimony, and this report, justifies the conditions imposed on this development to ensure that the Site Plan complies with all applicable regulations, and all applicable criteria of Ch. 38, BMC. On this 13th day of September, 2022, Anna Bentley, Interim Director of Community Development, approved with conditions this Site Plan for and on behalf of the City of Bozeman as authorized by Sec. 38.200.010, BMC.

D) An aggrieved person may appeal this Director of Community Development's project decision by filing a documented appeal with and paying an appeal fee to the Clerk of the Commission for the City of Bozeman within 10 working days after the date of the final decision as evidenced by the Director's signature, following the procedures of Sec. 38.250.030, BMC.

DIRECTOR OF COMMUNITY DEVELOPMENT

CONDITIONS OF APPROVAL

Please note that these conditions are in addition to any required code provisions identified in this report. Additional conditions of approval and code corrections are required and will be included with the final report provided to the Director of Community Development.

1. The Applicant is advised that unmet code provisions or code provisions that are not specifically listed as conditions of approval does not, in any way, create a waiver or other relaxation of the lawful requirements of the Bozeman Municipal Code (BMC) or State law.
2. In addition to the landscaping proposed in the application, the applicant must provide additional screening along the entire southern boundary of the site in order to provide full screening of the parking area, except pedestrian pathway connections, from the adjacent residential uses. Additional screening must be achieved by installing either berms a

minimum of four feet high, or a four feet high architectural screen, such as a fence, that incorporates design elements from the building architecture on site. The applicant must submit a proposed plan that incorporates this requirement into the site plan and landscape plan for the review and approval of the planning division prior to the construction of the improvement. The required screening must be in place prior to occupancy of any building on site. If applicant proposes a fence as an architectural screen to meet the requirements of this condition, any proposed fence must be constructed in tandem with the proposed landscaping and not as a replacement of the landscape screening.

3. Approval of the final engineering design, including location and grade, for the sewer main extensions must be obtained from the Engineering Department and the Montana Department of Environmental Quality, when applicable, prior to issuance of any building permit for the development.

CODE REQUIREMENTS

1. BMC 38.410.130.D - The Applicant must pay the Cash-in-lieu of Water Rights (CILWR) prior to site plan approval. The CILWR is estimated to be \$182,649.10.
2. BMC 38.410.060.C.1 - A thirty (30) foot public utility easement must be provided during the infrastructure review for water and sewer mains. An additional ten (10) feet of width is required for each additional main that occupies the easement. The easement must be provided during infrastructure review approval.
3. BMC 38.420.030 - The Applicant must pay the Cash-in-lieu of Parkland (CILP) prior to site plan approval. The CILP is estimated to be \$280,427.04. Final amount to be determined and paid prior to final plans approval.
4. No tree shall be planted closer than three feet to the back of the curb or edging equivalent. BMC 38.550.050.C.2.d.
5. The required public street light(s) must be included in a Special Improvement Lighting District (SILD), in accordance with the City of Bozeman Lighting and Electrical Specifications, prior to occupancy per BMC 38.400.070.
6. A car share agreement must be provided to the city to be reviewed and approved prior to Final Site Plan Approval per BMC 38.540.050.A.1.b.(3).
7. Prior to Final Site Plan Approval, please provide documentation of HRDC approval of the transit shelter proposed. This approval is required in order for the proposal to be eligible for the 10% residential parking reduction requested per BMC 38.540.050.A.1.b.(4) – Residential and BMC 38.540.050.A.2.c.(3) – Commercial.

Figure 1: Current Zoning Map



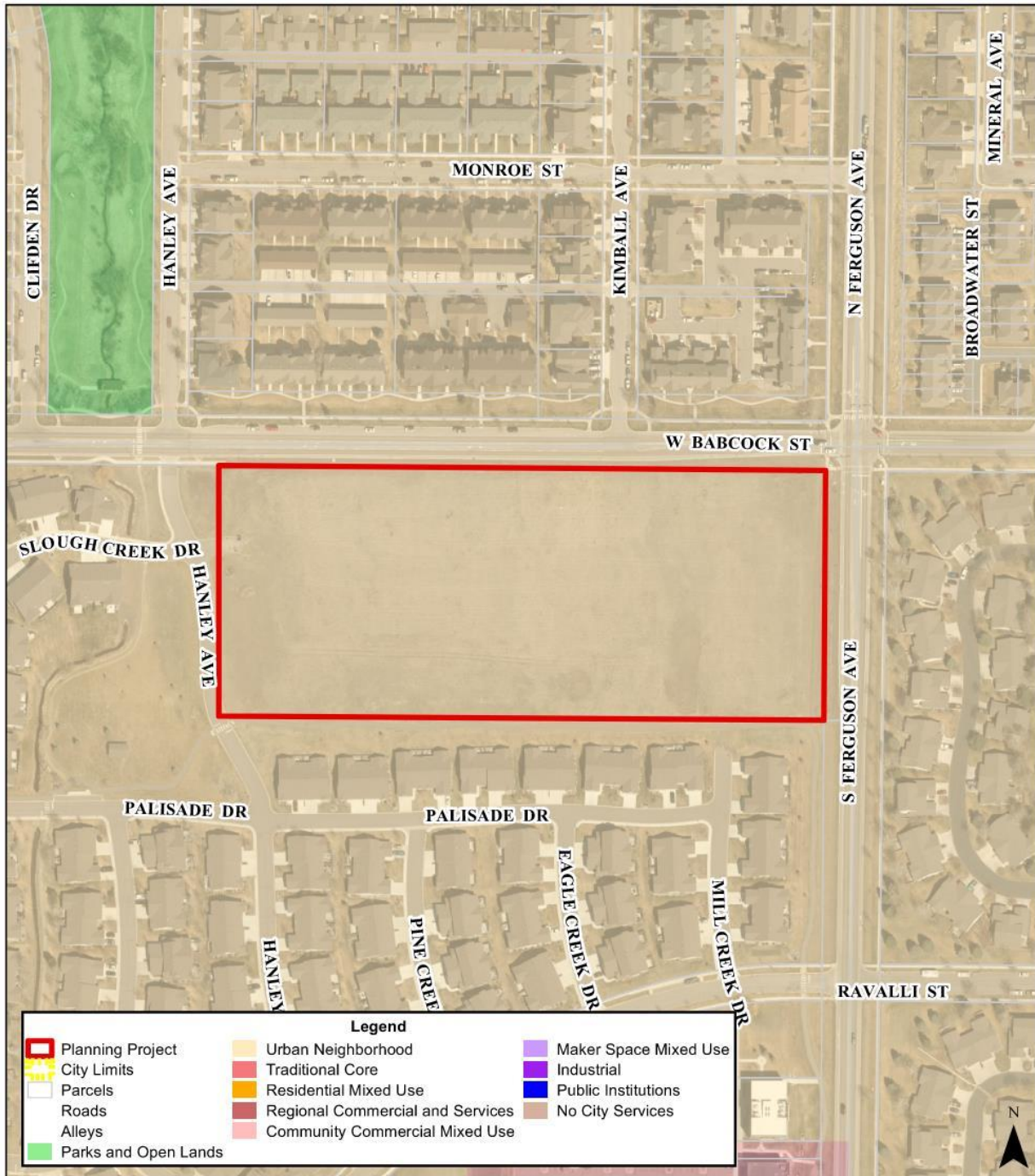
This map was created by the
City of Bozeman
Planning Division
Intended for Planning purposes only.

Revised: 07/06/2022

1 inch = 200 feet

**6 Range Condominiums SP
Proposed Site Plan
Application 21235**

Figure 2: Future Land Use Map



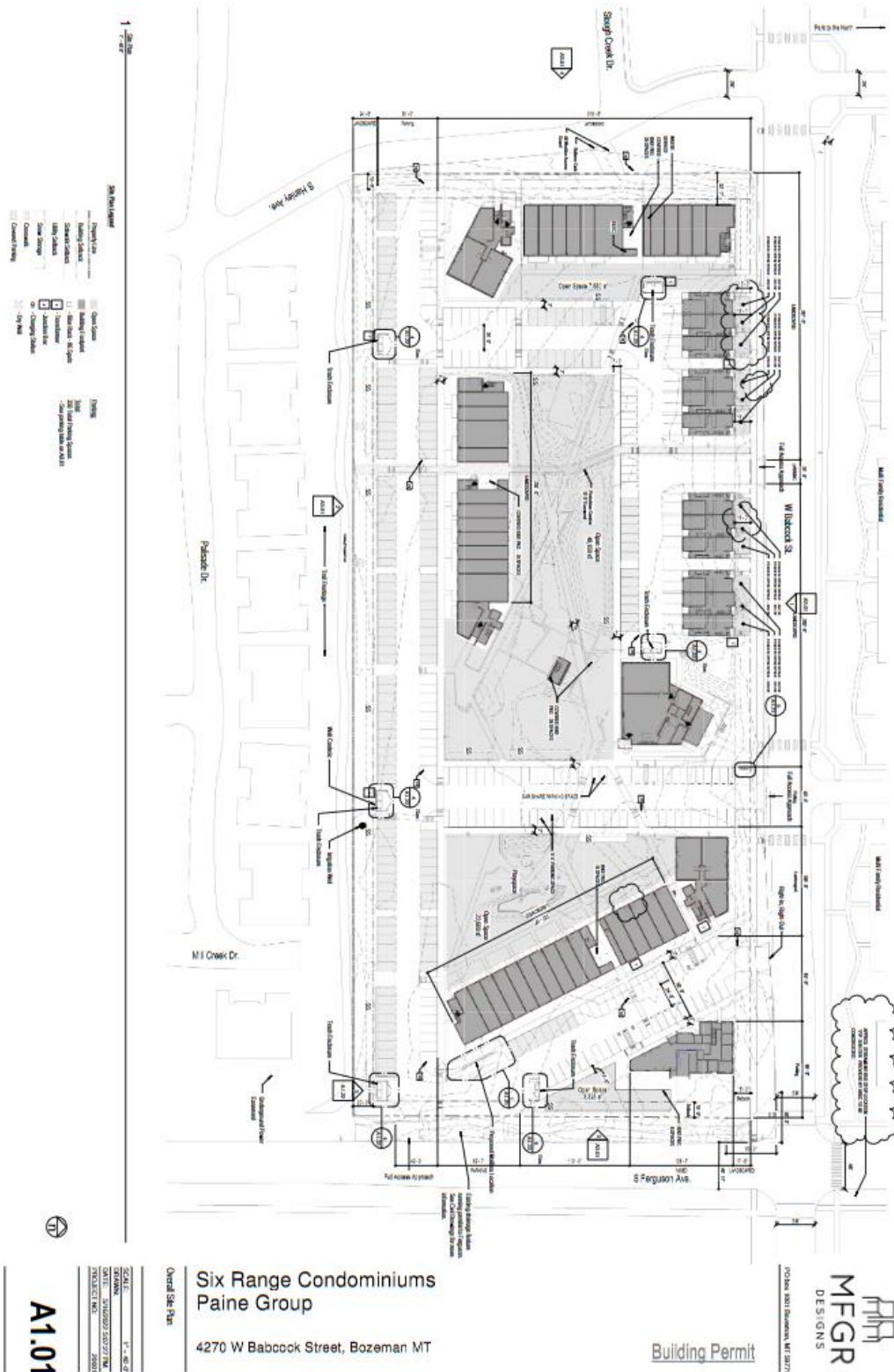
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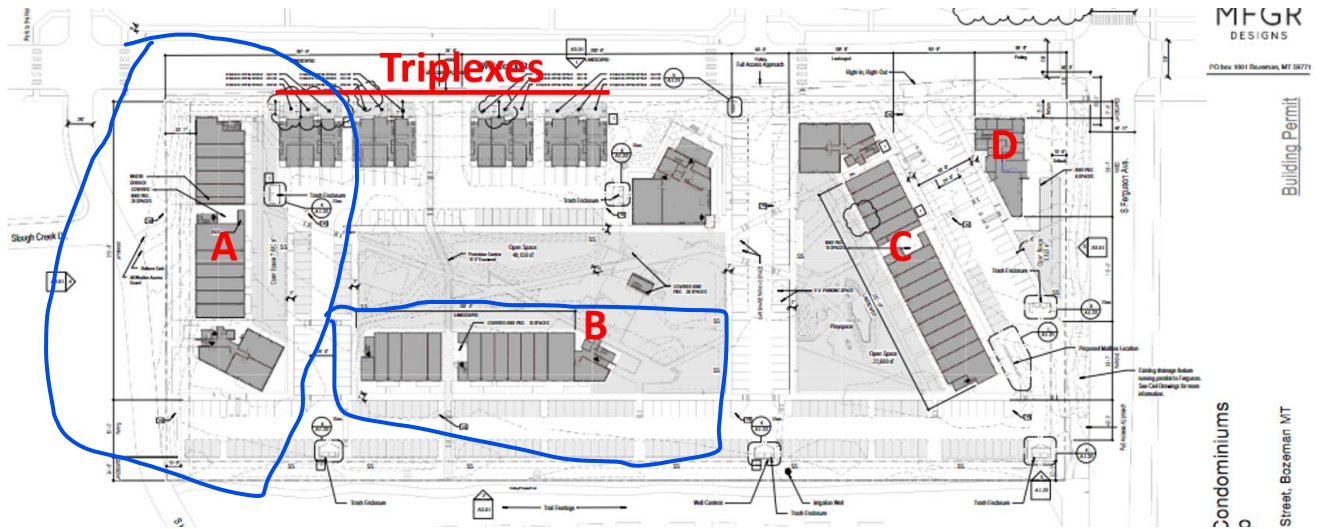
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6 Range Condominiums SP
Proposed Site Plan
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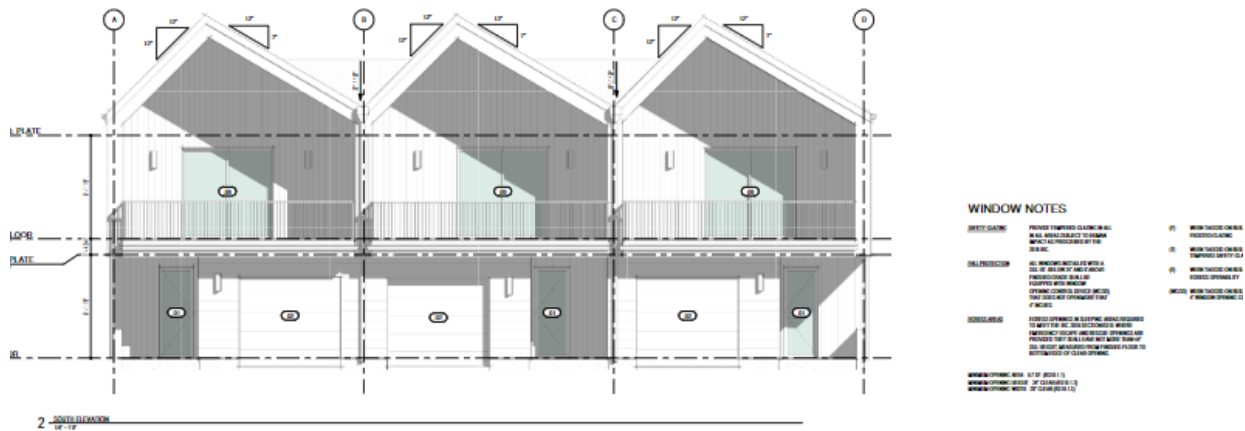
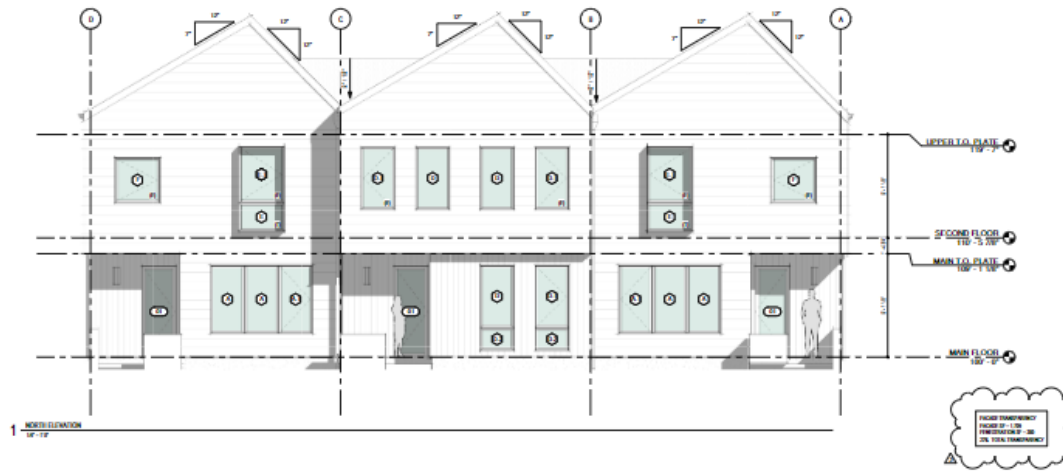
Figure 3: Proposed site plan



Figures 4: Building Elevations



Triplexes



Building A

West facing of Bldg A

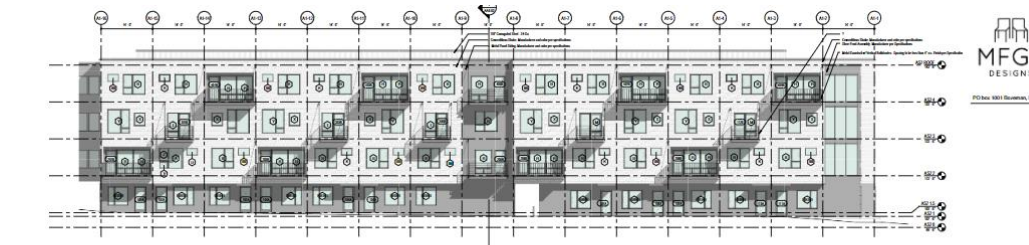


MFGR
DESIGNS
P.O. Box 1001 Bozeman, MT 59711

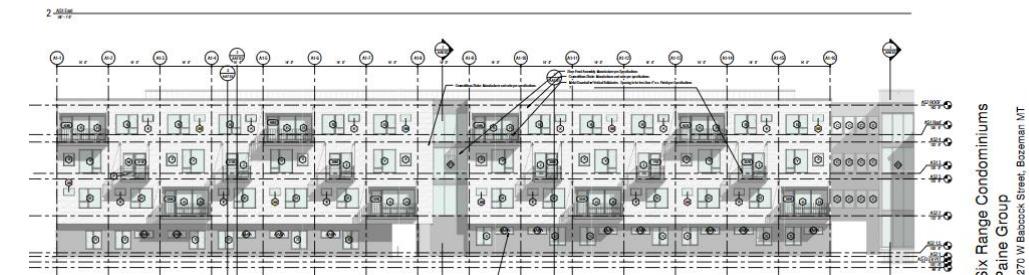


Six Range Condo
Paine Group
4270 W Babcock Street, E
Building X - XXXX Set -
Overall Elevations - Building
DATE: 09/13/22
DRAWN: J. GARDNER
CHECKED: M. GARDNER

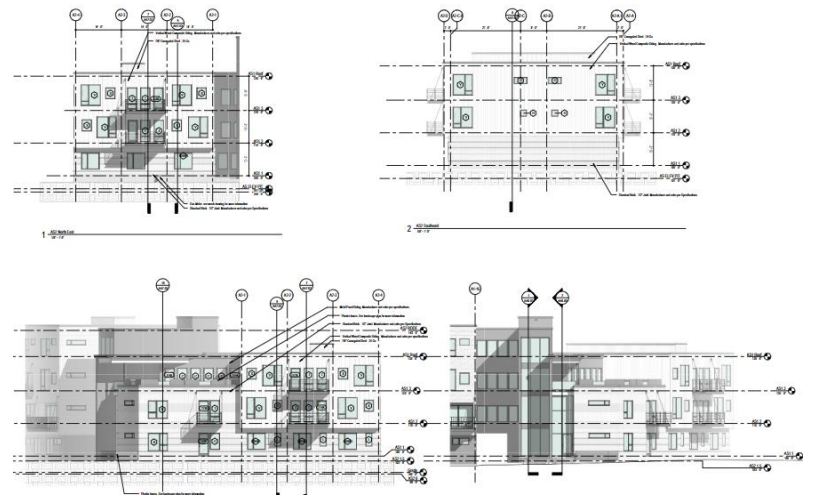
AA3.01



MFGR
DESIGNS
P.O. Box 1001 Bozeman, MT 59711



Six Range Condominiums
Paine Group
4270 W Babcock Street, Bozeman, MT
Building X - XXXX Set - XXXXXXXX



Building B



4 - East Elevation
09/13/22



3 - South Elevation
09/13/22

South side of Bldg B



2 - South Elevation
09/13/22

2-10-2022
210' Total SF
20' Floor to Floor
12' Floor to Ceiling
Max Height: 37' 0"
Max Depth: 47' 0"



Building C



Building D



ANALYSIS AND FINDINGS

Analysis and resulting recommendations are based on the entirety of the application materials, municipal codes, standards, plans, public comment, and all other materials available during the review period. Collectively this information is the record of the review. The analysis in this report is a summary of the completed review.

Plan Review, Section 38.230.100, BMC

In considering applications for plan approval under this title, the Director of Community Development shall consider the following:

1. Conformance with Article 1 - Consistency with the City's adopted Growth Policy 38.100.040.D		Meets Code?
Growth Policy Land Use	Urban Neighborhood	Yes
Zoning	R-O, Residential Office District	Yes
<p>Comments:</p> <p><u>Growth Policy: Urban Neighborhood:</u> This category primarily includes urban density homes in a variety of types, shapes, sizes, and intensities. Large areas of any single type of housing are discouraged. In limited instances, an area may develop at a lower gross density due to site constraints and/or natural features such as floodplains or steep slopes. Complementary uses such as parks, home-based occupations, fire stations, churches, schools, and some neighborhood-serving commerce provide activity centers for community gathering and services. The Urban Neighborhood designation indicates that development is expected to occur within municipal boundaries. This may require annexation prior to development.</p> <p>Applying a zoning district to specific parcels sets the required and allowed density. Higher density residential areas are encouraged to be, but are not required or restricted to, in proximity to commercial mixed use areas to facilitate the provision of services and employment opportunities without requiring the use of a car.</p> <p>The parcel, and adjacent neighborhood are zoned R-O. When adopting zoning standards, the City Commission evaluates a set of required criteria that includes considering: Promotion of compatible urban growth and the character of the district and its peculiar suitability for particular uses.</p> <ul style="list-style-type: none"> <u>Promotion of compatible urban growth:</u> The Growth Policy states that "This definition explicitly rejects uniformity as being necessary for compatibility. Compatibility is considered within and between districts. The determination of compatibility takes place at several levels, including 1) what uses are allowed within each district, 2) creation of standards for new development to lessen impacts to adjacent land/persons, 3) creation of building and site design standards, and 4) application of future land use areas through the community plan and development of the zoning map. (Growth Policy, p. 75) While this proposed development may not mirror the adjacent existing developments, it promotes compatible urban growth because: 1) the proposed uses of a mixture of primarily residential with some commercial uses are allowed uses within the R-O zoning district; 2) the proposed development meets all setbacks, height limits, lighting requirements, residential adjacency criteria including landscaping screening, residential adjacency trees; 3) as described in this report below, the proposal is in compliance with all building and site design standards with the condition of approval requiring additional screening, and 4) the proposed land use meets the intent of the Community Plan and the current zoning map because the urban neighborhood designation for this area expressly contemplates a variety of housing types, shapes, and sizes (here, a combination of triplexes and different apartment buildings) as well as neighborhood-serving commerce, which is also proposed with this application. As discussed further below, Table 38.310.030.A provides that apartment buildings, three household dwellings, and townhouses and rowhouses (among other residential uses) are a principal use in the R-O zoning district. Table 		

38.310.030.B demonstrates that a wide variety of non-residential land uses are a principal use in the R-O district, including community centers, certain essential services, medical offices and clinics, certain restaurants and retail stores, general service establishments, and offices.

- **Character of the district and its peculiar suitability for particular uses:** Another guideline that is used to determine the appropriate zoning district for an area is the character of the district. When considering the appropriate zoning district, the Commission considers “both the actual and possible built environment. . . . Most of Bozeman has zoning that allows more development than the current owners utilize. This reflects many personal preferences and economic decisions. . . . Nothing in the zoning amendment or site review criteria requires the Commission restrict one owner because an adjacent owners chooses to not use all zoning potential.” (Growth Policy, pp.76-77) **Thus, while the development does propose greater densities and heights than currently exist on some neighboring properties, and proposes larger building forms than some of its neighbors, that is not prohibited, nor grounds for denial of the project.** The proposal meets the City’s form and intensity standards, along with other requirements of code with the intent of supporting the land use and zoning districts. The parcel of land is suitable for primarily residential uses with a modest amount of commercial located on the site. The adjacency of the site to two streets classified as collectors (West Babcock Street to the north and South Ferguson Avenue to the east), allow easy vehicular and public transit options for access for the commercial and multi-household units. **A more recent development to the west (Icon Apartments and Ferguson Farm), located within the same RO zoning district, also developed multi-household units and commercial units at a density reflecting numbers closer to the full density potential allowed by the zoning district.**

Zoning District: Residential Office District (R-O): The intent of the R-O residential-office district is to provide for and encourage the development of multi-household and apartment residential buildings and compatible professional offices and businesses that would blend well with adjacent land uses. These purposes are accomplished by:

1. Providing for a mixture of housing types, including single and multi-household dwellings to serve the varying needs of the community’s residents.

Use of this zone is appropriate for areas characterized by office or multi-household development; and/or areas along arterial corridors or transitional areas between residential neighborhoods and commercial areas.

As discussed above in the analysis of the application’s compliance with the adopted growth policy, the RO district intent and purpose specifically calls out creation of multi-household and apartment development, and in tandem, Table 38.310.030.A shows both apartments and rowhouses as a Principal use category. The proposal contains housing types that add to the mixture of housing types within the neighborhood and will provide housing options beyond single dwellings for the neighborhood and community. There are also proposed commercial spaces, which can be occupied by many different business types according to the allowed uses within the RO zoning district. The allowed uses in code reflect uses that blend well with and support adjacent residential uses. These uses proposed in this application, a mixture of residential housing types and some businesses and commercial uses compatible with the residential components of the neighborhood, are consistent with the intent and principal uses allowed by code.

Bozeman Municipal Code (BMC): Section 38.300.010 says in part – **“There is a presumption that the uses set forth for each district will be compatible with each other when the standards of this chapter are met and any applicable conditions of approval have been satisfied. The presumption of compatibility may be overcome by a showing of specific evidence through the development review process that proves a development to be non-compliant with applicable standards.”** The proposal meets the standards of Section 38 as described throughout this report and no specific evidence has been provided indicating that the

proposal is non-compliant with code standards and applicable conditions of approval. Although some public comments make general allegations that the project does not comply with code requirements, including building heights, density, building type, design, and street layout, staff's analysis of each code requirements shows that, with conditions, code corrections, and approval of a departure request, all requirements are met.

Article 5 (Project Design) of the Bozeman Municipal Code sets forth standards to ensure new development (both commercial and multi-household) is of high quality, contributes to Bozeman's character, and is compatible with existing neighborhoods, while providing clear objectives for developers. The project has been reviewed for conformance with Article 5 and, as detailed on pages 16-19 of this report, the application complies with all standards.

Connectivity

The Growth Policy and BMC both discuss the importance of multimodal connectivity between new and existing neighborhoods. The proposed site has four roads and one trail that would typically require connection (West Babcock St to the north, South Ferguson Ave to the east, Mill Creek Drive to the south, Slough Creek Drive to the west and a shared use path to the south). The proposal gains access from South Ferguson Ave and West Babcock. It appears that requiring connections to Mill Creek Drive, Slough Creek Drive and the public trail was not possible due to insufficient evidence that a public right of way (ROW) exists to connect to the two drives within the neighboring Cottonwood Condominiums development and the trail. While the most recent plat does show a public easement for the ROW and trail, there is also a note on the face of the plat for these public easements that states the easements are "to be abandoned." With the lack of substantial evidence to determine if the easement exists or was abandoned, the City will not require the connections. Residents of the neighboring Cottonwood Condominium development contend that no public ROW exists and do not desire the connections.

2. Conformance with Article 1 - All other applicable laws, ordinances, and regulations (38.100.080)		
Condominium ownership		Yes, with subsequent submittal
Comments: The current development as proposed is all contained on one lot. The applicant has indicated the intention to convert the apartments and rowhouses to condominium ownership at a future time. Condominium developments must comply with all provisions of the Unit Ownership Act, MCA 70-23-101 and must comply with BMC 38.360.100. The Applicant must submit a Condominium Review application to the Community Development Department to create condominiums for the development.		
3. Conformance with Article 2, including the cessation of any current violations (38.200.160)		Meets Code?
Current Violations		NA
Comments: There are no current violations associated with the property or the application.		
4. Conformance with Article 2 - Submittal material (38.220) requirements and plan review for applicable permit types (38.230)		Meets Code?
Site Plan		Yes, with conditions & code requirements
Submittal requirements 38.220.100		Yes, with conditions &

		code requirements		
Phasing of development 38.230.020.B		No. of phases: 1		
		NA		
Comments: The current proposal is to occupy buildings at one time, with no phased occupancy.				
Any additional use permit (Conditional Use Permit) 38.230.120 or (Special use Permit) 38.230.120		NA		
Comments: No additional permits are required for the proposal.				
5. Conformance with Article 3 - Zoning Provisions (38.300)			Meets Code?	
Permitted uses 38.310		Rowhouse / Apartments / Commercial		
		Yes		
Form and intensity standards 38.320				
Zoning:	Setbacks (feet)	Structures	Parking / Loading	Yes
	Front	15'	NA	
	Rear	20'	NA	
	Side	5'	NA	
	Alley	NA	NA	
<p>Comments: The buildings meet the required form and intensity standards for R-O zoning district. For the front setbacks, refer to the Block Frontage standards of Section 7a below.</p> <p>The amount of units allowed is determined based on the size of the lot. For apartment buildings in the RO zoning district, the first unit needs 5,000sf of lot area, and subsequent units need 1,200sf of lot area. The rowhouse buildings need 3,000sf per unit. The Parcel is 8.638 acres (376,271sf) and the total lot area needed for the proposed 192 residential units is 263,400sf, thus meeting the minimum lot size per unit required (or density allowed).</p> <ul style="list-style-type: none"> • Three apartment buildings (60 units each): [59 X 1,200sf=70,800 + 5,000sf 75,800sf/building *3]: 227,400 sf • 4 – three unit rowhouse buildings (3,000/unit): 36,000sf • Total lot needed for residential is (216,600 + 36,000): 263,400sf. 				

Community Plan Designation: Urban Neighborhood			
Parcel Size: 8.638 acres / 376,271 SF			
Net Parcel Size: 7.632 acres / 332,456 SF			
Net Residential Density = 25.16 units/acre 192 units/7.63 acres)			
Proposed Building Footprints: 62,665 SF percentage of site: 16.65%			
Driveway circulation and parking areas: 114,636 SF percentage of site: 30.47%			
Open space and landscape areas: 198,970 SF percentage of site: 52.88%			
Public street right-of-way: -0- SF percentage of site: 0%			
Total Proposed Building Area:			
	Building A -	50,701 GSF	
	Building B -	86,623 GSF	
	Building C -	65,146 GSF	
Apartment Bldgs Subtotal		202,470 GSF	
	(4x) Triplex -	22,892 GSF	
	Bldg. D -	7,253 GSF	
Site Total GSF		232,615 GSF	
Lot coverage		Allowed: in RO zone	NA
Building height	Proposed: 31' – 44'	Allowed: < 3:12 – 50' > 3:12 – 60'	Yes
Comments: There is no maximum lot coverage. The building heights as proposed are: 43',6" (building A); 42',4" (building B); 42',4" (building C); 26',4" (building D); 31' (rowhouses), all falling within the allowable height limits. The larger buildings, A, B, C & D all have proposed flat roofs. The rowhouse roofs are proposed with a 12:12 and 7:12.			
Applicable zone specific or overlay standards 38.330-40			NA
Comments: There are no zone specific or overlay standards for this site and zone.			
General land use standards and requirements 38.350			Yes
Comments: The proposal meets the standards and requirements.			
Applicable supplemental use criteria 38.360			Yes
Supplemental uses/type	38.360.100 - Condominiums 38.360.250 – Townhouse and rowhouse dwellings		Yes
Comments: The application is required to meet the additional supplemental criteria for townhouse/rowhouse dwellings. This includes providing private fenced open space areas in front of each rowhouse, which is proposed. Each rowhouse unit has adequately sized garages for parking and backing maneuverability. The design of the rowhouses provides articulation at a cadence consistent with the width of the buildings. This articulation is provided by reversing one of the buildings entrances and varying the design of the windows on the center unit.			
Wireless facilities 38.370			NA

Affordable Housing 38.380.010			NA
Affordable housing plan			NA
Comments: Affordable housing is neither required nor proposed.			
6a. Conformance with Article 4 - Community Design Provisions: Transportation Facilities and Access (38.400)			Meets Code?
Streets 38.400.010			Yes
Street and road dedication 38.400.020			NA
Access easements			NA
Level of Service 38.400.060	C	Transportation grid adequate to serve site	Yes
Comments: The Engineering Division finds that the adjacent streets exist to serve the site, no additional dedication is required. A Traffic Impact Study (TIS) was required and reviewed by the Engineering Division.			
The applicant's TIS Addendum demonstrated that without traffic mitigation the intersection at S Ferguson Ave and Fallon St is projected to operate at an overall level-of-service "C" or better with the traffic generated by the proposed development in compliance with code.			
Sidewalks 38.400.080			Yes
Comments: Sidewalks for both West Babcock St and South Ferguson will be provided by this development.			
Drive access 38.400.090	Access to site: 4		Yes
Fire lanes, curbs, signage and striping			Yes
Comments: The proposal has four (4) drive accesses to public right-of-ways (ROW). There are three (3) accesses to West Babcock Street and one (1) access to South Ferguson Ave. Additional accesses were originally proposed to Mill Creek Drive and South Hanley Ave, however as discussed in Section 1, those connections were deemed not possible due to lack of public ROW access.			
Street vision triangle 38.400.100			Yes
Transportation pathways 38.400.110			Yes
Pedestrian access easements for shared use pathways and similar transportation facilities			NA
Public transportation 38.400.120			Yes
Comments: A covered bus transit stop is proposed to be located within 800 feet of the property site. See code requirement 7.			
6b. Conformance with Article 4 – Community Design Provisions: Community Design and Elements (38.410)			Meets Code?
Neighborhood centers 38.410.020			NA
Comments: The proposed project is less than ten net acres in size, thus does not require a neighborhood center.			
Lot and block standards 38.410.030-040			NA
Midblock crossing: rights of way for pedestrians alternative block delineation			Yes
Comments: Crosswalks were added at the crossing of West Babcock Street and Kimball Ave.			
If the development is adjacent to an existing or approved public park or public open space area, have provisions been made in the plan to avoid interfering with public access to and the use of that area			NA
Provisions for utilities including efficient public services and utilities 38.410.050-060			Yes
Easements (City and public utility rights-of-way etc.)			Yes

Water, sewer, and stormwater	Yes
Other utilities (electric, natural gas, communications)	Yes
CIL of water rights (CILWR)	Yes, with code requirement
Comments: A thirty (30) foot public utility easement will need to be provided with infrastructure submittal. See code requirement 2. The Cash-in-lieu of water rights (CILWR) will be paid prior to final Site Plan approval. See code requirement 1.	
Municipal infrastructure requirements 38.410.070	Yes
Comments: Municipal water, sanitary sewer, and storm sewer systems proposed with this project have been reviewed by the Engineering Division and have received approval. Water & sewer reports must be finalized and certified by a Professional Engineer with infrastructure submittal. Prior to occupancy, public street lights must be included in a Special Improvement Lighting District (SILD). See conditions of approval and code provision sections above.	
A continuation of the public stormwater facilities located in South Ferguson Ave is required to continue the historic drainage pattern. Infrastructure review will be required for the 36" stormwater/irrigation main during infrastructure review to ensure it is built to meet or exceed City standards.	
Grading & drainage 38.410.080	Yes
Location, design and capacity of stormwater facilities	Yes
Stormwater maintenance plan	Yes
Landscaping: native species, curvilinear, 75% live vegetation 38.410.080.H	Yes
Comments: All such services and the landscape plans meet BMC standards. Location, design and capacity of stormwater facilities was reviewed by the Engineering Division. The stormwater maintenance plan includes permeable pavers west of the property. The proposed 36-inch stormwater/irrigation pipe (S. Ferguson Ave) will need to go through City's infrastructure review process.	
Watercourse setback 38.410.100	NA
Watercourse setback planting plan 38.410.100.2.f	NA
Comments: There are no watercourses present on the site thus no setbacks or plantings required.	
6c. Conformance with Article 4 – Community Design Provisions: Park and Recreation Requirements (38.420)	Meets Code?
Parkland requirements 38.420.020.A	3.11 acres @ \$2.07/sf = \$244,268.36
Cash donation in lieu (CIL) 38.420.030	Yes, with condition & code provision
Improvements in-lieu	NA
Comments: The applicant has requested to pay cash in lieu (CIL) of parkland dedication for the 3.11 acres of parkland required. The Parks Department concurs with the justification provided by the applicant and finds it is not feasible to get 100% street frontage for a park as is required by the municipal code. Any park at the corner of Babcock and Ferguson would be adjacent to a busy, wide street, which is a high traffic area and is not consistent with park location policies. There is ~1 acre of open space in the center of the site for the residents' use. The Parks Department supports the applicant's request to pay CIL of parkland. The applicant is required to pay the CIL prior to final plan approval. See code requirement 3.	

Park Frontage 38.420.060		NA
Park development 38.420.080		NA
Recreation pathways 38.420.110		NA
Park/Recreational area design		NA
<p>Comments: There are no public parks adjacent to the site. There is a shared use trail to the south, however, the neighboring development, Cottonwood Condominiums, contends that it privately owns the trail, and has indicated its refusal to grant an easement. The most recent plat references a 30' public trail easement, however it also includes a comment "to be abandoned." While the applicant found no record of the actual abandonment, there was also lack of substantial evidence supporting the existence of a public easement. Thus, the City has declined to require a connection to the existing trail and the connections are not proposed to be provided at this time. As such, a cash-in-lieu of required parkland contribution is appropriate.</p>		
7a. Conformance with Article 5 – Project Design: Block Frontage Standards (38.510)		Meets Code?
Block frontage classification	W. Babcock – Mixed/landscape S. Ferguson Ave – Mixed/landscape Special Residential along sidewalks and internal pathways.	Yes, with the Director's approval of the departure request
Departure criteria	Yes, North Façade of Building A, transparency	Yes, with departure approval
<p>Comments: The proposal has multiple block frontages it is required to meet. To the north and east, West Babcock and South Ferguson Ave respectively have mixed block frontage designations, to which the applicant has chosen to apply the landscape block frontage standards. Internally on the site, the buildings orient towards internal sidewalks that require special residential block frontage where residential is on the ground floor facing the sidewalk. The proposal meets the block frontage standards with one departure request ,which is discussed below.</p> <p><u>Departure Request:</u> Building A's northern façade is facing West Babcock St, which requires the mixed/landscape block frontage. The applicant has requested a departure citing that "new windows would either be placed in closets or the exit stair which already has a fully glazed wall. More windows would also reduce the performance of this façade." Departures are allowed per 38.510.030.C.3, which lists criteria that the proposed alternative design treatment of façade area between ground level windows provides visual interest to the pedestrian and mitigates impacts of any blank wall areas. Staff supports the departure based on the trellis treatment with clematis proposed as the growing vine. The building is setback from the street 16' and has landscaping provided between the building and the street softening the impact that the lack of transparency will have for pedestrians.</p>		
7b. Conformance with Article 5 – Project Design: Site Planning and Design Elements (38.520)		Meets Code?
Design and arrangement of the elements of the plan (e.g., buildings, circulation, open space and landscaping, etc.) so that activities are integrated with the organizational		Yes

scheme of the community, neighborhood, and other approved development and produce an efficient, functionally organized and cohesive development																																																										
Relationship to adjacent properties 38.520.030		Yes																																																								
Non-motorized circulation and design systems to enhance convenience and safety across parking lots and streets, including, but not limited to paving patterns, pathway design, landscaping and lighting 38.520.040		Yes																																																								
<p>Comments: The proposed site has four streets and one trail that would typically require connection (West Babcock St to the north, South Ferguson Ave to the east, and within the adjacent neighborhood, Cottonwood Condominiums, Mill Creek Drive and a shared use path to the south, and Slough Creek Drive to the west. The proposal gains access from South Ferguson Ave and West Babcock. However, as described above, insufficient evidence of a public right-of-way exists and the City has determined that connections to Mill Creek Drive, Slough Creek Drive and the public trail are not feasible.</p>																																																										
Design of vehicular circulation systems to assure that vehicles can move safely and easily both within the site and between properties and activities within the general community 38.520.050		Yes																																																								
Internal roadway design 38.520.050.D		Yes																																																								
Comments: The internal drives meet the municipal code standards.																																																										
On-site open space 38.520.060		Yes																																																								
Total required	Residential: 28,875 square feet	Yes																																																								
Total provided	Residential: 81,347 square feet	Yes																																																								
<p>Comments: The proposal meets the required residential open space through a combination of private front setbacks (townhouse/rowhouse), common open space (both outdoor and indoor), private balconies, and shared rooftop balconies. See the open space table below. (Note, GL standards for ground level)</p>																																																										
<h3>Open Space Table</h3>																																																										
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Location and design of service areas and mechanical equipment 38.520.070		Yes																																																								

Comments: The trash enclosures are located for convenient access and are appropriately screened from adjacent public common areas, residential areas, as well as upper story residential uses with the trash enclosures covered horizontally as required.		
7c. Conformance with Article 5 – Project Design: Building Design (38.530)		Meets Code?
Compatibility with, and sensitivity to, the immediate environment of the site and the adjacent neighborhoods and other approved development 38.530.030		Yes
Building massing and articulation 38.530.040		Yes
Building details, materials, and blank wall treatments 38.530.050-070		Yes
<p>Comments: Façade articulation is provided through use of windows, entrances, balconies, and vertical modulations. Per 38.530.040.E., the longer buildings (Buildings A, B, & C) are required to provide at least one massing break as the buildings are greater than 150' in width, which has been provided through the use of vertical building modulation.</p> <p>Per 38.530.070.B., a blank wall, which is defined as over ten feet in height, with a horizontal length greater than 15 feet, and does not include a transparent window or door, is present on the northern façade of Building A. The proposal has a vertical landscaped trellis to treat the blank wall, which is permitted by 38.530.070.C.</p> <p>The rowhouses also have additional design standards discussed in section 5 above under supplemental criteria.</p>		
7d. Conformance with Article 5 – Parking (38.540)		Meets Code?
Parking requirements 38.540.050	Yes	Yes, with condition of approval.
Parking requirements residential 38.540.050.A.1	380.5	
Reductions residential 38.540.050.A.1.b	Yes	
Parking requirements nonresidential 38.540.050.A.2	31.6	
Reductions nonresidential 38.540.050.A.2.c	Yes	
Provided off-street	350	
Provided on-street	0	
Bicycle parking 38.540.050.A.4	74 required, 82 provided	Yes
<p>Comments:</p> <p>The residential component of this site requires 380.5 parking stalls and the commercial component requires 31.6 parking spaces. The applicant is requesting reductions allowed per the Bozeman municipal code. Pursuant 38.540.050.A.2.c.(1), in R-O zoning districts parking reductions are allowed for restaurants (up to 50 percent) and office (up to 20 percent). The applicant's calculations include those commercial reductions.</p> <p>When a residential or commercial development is within 800 feet of a developed and serviced transit stop that has a shelter installed, and the transit route runs on not less than an hourly schedule a minimum of five days per week, the proposal may request a 10% parking reduction. The applicant has requested this reduction, and is providing a covered shelter on an approved stop within 800' of the development. See condition of approval 2. There is also a reduction request for car share spaces as well as for providing covered bicycle parking. The reductions requested meet the criteria for approval.</p> <p>A car share agreement must be provided to the city to be reviewed and approved by the Director of Community Development prior to Final Site Plan Approval. See code requirement 6.</p>		

Residential Calculation			count	req/unit	req. parking
One-Bedroom Units:			63	1.5	94.5
Two-Bedroom Units:			101	2	202
Three-Bedroom Units:			16	3	48
Tri-Plex Units			12	3	36
			192		380.5 residential subtotal

Commercial Calculation			SF	req/Xsf	req. parking
In-Door Seating Area			800	1/50sf =16	x 50% reduction = 8
Patio			300	1/100sf =3	x 50% reduction = 1.5
Office			3150	1/250sf =12.6	x 20% reduction = 10
					19.5 commercial subtotal
					400 combined subtotal
					- 40 (10% bus reduction)
					-10 (2 Car Share Spaces)
					-2 (additional covered bike parking)
					Total Required Parking Stalls 348

Covered Parking Subtotal	
182 Covered Standard spaces	196
6 Accessible spaces	
1 Van Accessible spaces	
1 E.V. Van Accessible space	
2 E.V. Spaces	
2 Car Share Spaces	
46 Compact spaces (less than 25%)	
Covered Parking Subtotal	196

Non-Covered Parking Subtotal	
158 Standard spaces	154
6 Accessible spaces	
1 Van Accessible spaces	
1 E.V. Van Accessible space	
2 E.V. Spaces	
2 Car Share Spaces	
46 Compact spaces (less than 25%)	
Non-Covered Parking Subtotal	154
Total On-site Parking Stalls	350

Covered Bike Parking	
Building A	20 Spaces
Building B	38 Spaces
Building C	16 Spaces
Covered Bike Parking	74 Spaces

Uncovered Bike Parking	
Building D	8 Spaces
Uncovered Bike Parking	8 Spaces
Bike Parking Total	82 Spaces

Loading and unloading area requirements 38.540.080	NA	
First berth – minimum 70 feet length, 12 feet in width, 14 feet in height	NA	
Additional berth – minimum 45 feet length	NA	
Comments: No loading berths are provided nor required for the proposal.		
7e. Conformance with Article 5 – Landscaping (38.550)	Meets Code?	
Mandatory landscaping requirements 38.550.050	Yes, with code requirements & Condition of approval.	
Drought tolerant species 75% required		Yes
Parking lot landscaping		Yes
Additional screening		Yes
Street frontage		Yes
Street median island		NA
Acceptable landscape materials		Yes
Protection of landscape areas		Yes
Irrigation: plan, water source, system type		Yes
Residential adjacency	Yes	
<p>Comments:</p> <p>The project is in conformance with the landscaping requirements, including, but not limited to, minimum drought tolerant species proposed, parking lot landscaping, street frontage landscaping, and acceptable landscape materials proposed. No tree shall be planted closer than three feet to the back of the curb or edging. Refer to Code Requirement 4.</p> <p>The parking located on the southern boundary of the property is adjacent to another residential development, thus requiring screening that is not less than 4 feet in width, and maintained at a height of four to six feet. The applicant has provided this screening and proposed landscaping that, once it reaches maturity, will meet the 4' width and 4'-6' height requirements. In order to ensure full screening of the parking area (except pedestrian pathway connections), the applicant must submit a proposed plan that incorporates additional screening measures such as a fence or berm. The applicant has worked with the adjacent neighbors to find an agreeable solution in the form of the fence. Any proposed fence is not intended to take the place of the</p>		

approved landscaping, but to work in tandem with it. A final landscaping plan, with the proposed fence shown, must be reviewed and approved prior to the construction of this improvement. See Condition of Approval 2.	
Landscaping of public lands 38.550.070	NA
Comments: No landscaping of public lands is required.	
7f. Conformance with Article 5 – Signs (38.560)	Meets Code?
Allowed SF/building 38.560.060	NA
Proposed SF/building	NA
Comments: No signs are proposed or approved with this Site Plan application. Any future signs will be required to go through the permitting process with the City and receive an approved sign permit.	
7g. Conformance with Article 5 – Lighting (38.560)	Meets Code?
Site lighting (supports, cutoff, footcandles, temperature) 38.570.040	Yes
Building-mounted lighting (supports, cutoff, footcandles, temperature) 38.570.040.B	Yes
Comments: All light fixtures meet code.	
8. Conformance with Article 6 – Natural Resource Protection	Meets Code?
Floodplain regulations 38.600	NA
Wetland regulations 38.610	NA
Comments: There are no FEMA regulated floodplains nor known wetlands on site.	
9. Relevant Comment from Affected Parties (38.220)	Meets Code?
Public Comment	Yes
Comments: The public notice period ran from July 2, 2022 through August 01, 2022. Forty-five (45) public comments were received. Staff's summary of the public comments' topics are provided below:	
<ul style="list-style-type: none"> Concern that the proposed development is not compatible with the existing neighborhoods nor enhancing it. (including heights an impact on existing residents views, densities, building types and design, building street layout) <i>Section 1 discusses concerns regarding compatibility with existing neighborhoods at length. Additionally, sections 2-8 of this report detail how the application meets all code requirements regarding building height, density, building type, design, and street layout. There are no code requirements to protect existing residents' views. In summary, the zoning districts are applied to parcels, and it is presumed that the uses set forth in the district will be compatible when the standards found within Chapter 38 are met. In addition, compatible growth does not require uniformity as a necessity for compatibility. Compatibility is considered within and between districts. The proposal meets all standards of Section 38 with conditions of approval, code corrections, and the noted departure request, which meets the criteria for approval. No specific evidence has been provided that the proposal is non-compliant with the municipal code and standards. Refer to Section 1 for additional discussion on this topic.</i> Lack of public parkland provided <i>Section 6c addressed this provision of parkland. BMC 38.420.030 allows the review authority to determine whether the park dedication is required as a land dedication, cash donation in-lieu of land dedication or a combination of both. The Parks Department reviewed the applicant's request, and determined it is not feasible to get a dedication of parkland on this parcel that meets the municipal code. Therefore, the Parks Department has determined the applicant's request to pay CIL of parkland is appropriate and meets code requirements. See Section 6c for additional discussion.</i> Lack of affordable housing units provided <i>The Bozeman Municipal Code does not require affordable housing.</i> 	

- Requests for more screening, (or a 'secure barrier') between the walking trail on Cottonwood Condominiums to the south, and the proposed development.
The application provided screening in the form of landscaping that met the required code provisions. In addition to the landscaping screening code requirement, the applicant has worked with the adjacent neighbors to provide additional screening in the form of a fence. The fence placement will be reviewed as a supplemental item prior to final plans approval. The concern has been addresses by Condition of Approval 2.
- Detailed comments on plans submitted.
All comments received were distributed to reviewers and the applicant. City staff reviewed the comments against all documents and drawings received to ensure adequacy with all applicable code and standards.
- Concern regarding increased impacts the proposal could cause such as: increased traffic; light pollution; traffic on existing private streets; etc.
The Bozeman Municipal Code has adopted standards that attempt to minimize negative impacts new developments may have on existing or future users while still allowing reasonable use of a property. This application was reviewed against all such standards and staff determined that the proposal meets all code requirements. Applicable code provisions that addressed these specific concerns are conformance with 38.400.060 – level of service and 338.560- Lighting standards. The applicant was required to submit a Traffic Impact Study (TIS) that demonstrated no intersection would fall below an acceptable level of service with added traffic generated by the proposed development. The Engineering Division reviewed applicant's TIS and found it demonstrated that code requirements are met. Regarding lighting standards, the city has adopted many provisions to address mitigate light pollution, including full cut off fixtures and requiring a photometric plan showing compliance with code provisions. In addition, the applicant has agreed to install a fence that will shield vehicular light pollution from the parking lot into adjacent neighbors' back yards, which is incorporated as a required condition of approval.
- Support was provided for the development design and location.
Support was acknowledged. No additional review required.

10. Division of Land Pertaining to Subdivisions (38.240-Part 4)	Meets Code?
Subdivision exemptions	NA
Required easements	Yes
Comments: All required easements must be provided and approved prior to the Final Site Plan approval. See condition of approval 5.	