



Moonrise at Yellowstone Commercial Zoning Application

Public Meeting Dates:

Planning Board February 16, 2024, at 12:00 p.m. was held in person and via Zoom. This action item was tabled to March 1, 2024 at 12:00 p.m. The next meeting was held on March 1, 2024 .

Town Council, March 19, 2024, at 7:00 pm in person and via Zoom. A Zoom link will be provided with the Town Commission agenda.

Project Description:

A Zoning Permit Application to construct 200 apartment units and associated clubhouse maintenance facilities across 16 buildings. The project site includes one parcel and is zoned R-4 Residential – Medium Density Apartments.

Project Location:

The project is located at 111 Moonrise Way and further described as: MOONRISE MEADOWS CONDO, S27, T13 S, R05 E, MADISON ADD TRACT 1 J-120.

Staff Recommendation:

The application conforms to the standards and is sufficient for approval with conditions and subject to all applicable code provisions.

Planning Board Recommendation:

The Planning Board voted unanimously to approve the application with the conditions of approval that were set out in the Staff Report. See pgs. 20-21 of this Report.

Town Council Recommended Motion:

Having reviewed and considered the application materials, public comment, and all the information presented, I hereby move to adopt the findings presented in the staff report for the Moonrise at Yellowstone Project and move to approve of the zoning permit subject to the conditions set out on pages 20-21 of the Staff Report and subject to all applicable code provisions.

Report Date: February 6, 2024, Updated February 26, 2024

Staff Contacts: Dan Walker, Town Manager
Tyler Steinway, Planning Consultant
Dave Noel, Contract Town Engineer
Shane Grube, Hebgen Basin Fire Chief

Agenda Item Type: Action (Quasi-judicial)

Executive Summary



This report is based on the application materials submitted on September 22, 2023, and any public comment received to date. There have been 14 written comments and several verbal comments received as of the writing of this report. All of the public comments are included in this packet and available to the public.

Project summary

The property owner and applicant submitted a zoning permit application to develop a site on the Northwest side of the Town of West Yellowstone. The project site is currently vacant, but previously had a single-household dwelling and associated out buildings on the property. The property is approximately 21.82 AC (950,716 SF) and comprised of one parcel located at the intersection of Moonrise Way and Hayden Street. The property is in the Madison Addition Subdivision and is zoned R-4 (Medium Density Apartments).

The Zoning Permit application form breaks the zoning permit into two categories, Residential and Commercial. The Residential Zoning Permit Application requires that applications for Apartments go through the Commercial Zoning Permit Process. There are no commercial uses proposed in this application.

The application proposes to develop the land with 200 apartments. Additionally, this application includes an associated clubhouse and maintenance facilities. In total there are 16 proposed buildings onsite. Apartments are defined by the Zoning Code as "A building or portion of a building thereof designed with more than 4 individual dwelling units." The project proposes three main building types: a 24-unit three story walk up, a 12-unit three story elevator serviced and a 4-plex building. The applicant's submittal documents reference the words condominium and timeshare, but condominiums and timeshares are ownership structures of property not uses. The applicant's proposed buildings fit into the apartment definition and are being permitted as such. The proposed buildings also meet the R-4 density restrictions. If the applicant wishes to sell these units individually, they will be required to go through an additional process. The Town of West Yellowstone and Montana Subdivision regulations allow for specific exemptions, which could exempt the apartment buildings from a formal Condominium review with the Town. That said, any application for Condominimization that would be submitted to Gallatin County would be forwarded to the Town for their review and comment (see Condition of Approval 11).

The proposed project will be built in 10 phases. In the first phase all the project's infrastructure will be constructed as well as the first 4-plex building. The second phase will construct the second 4-plex building. Phases three and four propose to construct the southeast 24-unit buildings. Additionally, in phase four the common amenities are proposed to be constructed. Phase five proposes to construct the southwest 24-unit building. Phase six will construct the south row of 12-unit buildings. Phases seven through nine propose to construct the northern 12-unit buildings. Finally, phase ten proposes to construct the remaining 24-unit building located on the west side of the site.



On January 5, 2024, the Development Review Group (DRG) found the application sufficient for continued review and recommends approval of the application with the conditions and code provisions identified in this report.

Unresolved issues

Currently, there is not enough sewer capacity in the sewer system to accommodate this project. Town of West Yellowstone is in the process of building a new sewer treatment facility. The best-case scenario for the completion of this project is sometime in 2025. To remedy this issue, a condition of approval has been added to this project that the Town cannot sign off on the required DEQ permit application until that sewer project is complete and additional capacity is available.

Planning Board Summary

The Planning Board held two public meetings in considering this Zoning Permit Application. The first public meeting was held on February 16th, 2024, which resulted in The Planning Board making a motion to table the application for two weeks so the staff report could be updated/clarified. The Planning Board took this item back up on March 1st, 2024, and moved to recommend approval of the Zoning Permit and voted unanimously (6-0) to recommend the City Commission do the same. There were ten (10) verbal public comments at the 2/16 meeting and seven (7) at the 3/1 meeting. Meeting minutes from both meetings can be found on the Town's website.

Alternatives for the Board and or Council

1. Approve the application with the recommended conditions;
2. Approve the application with modifications or additional conditions to the recommended conditions;
- or
3. Deny the application based on detailed findings of non-compliance with the applicable criteria;

Application Type	Commercial Zoning Permit		
Project Name	Moonrise at Yellowstone		
Summary	A Zoning permit application to construct 200 apartment units and associated clubhouse and maintenance facilities across 16 buildings. The project site includes one parcel and is located at 1111 Moonrise Way. The project consists of 3 primary residential building types. The first building type (4 buildings) is a 3 story walk up building with 24 units in each building. The second building type (8 buildings) 3 story walk up building with 12 units in each building. The third building type is a fourplex building (2 buildings). In addition to the 16 proposed buildings the site development included private garages and surface parking accessed from interior drive aisles, sidewalks, open space and other associated site improvements.		
Zoning	R-4 – Residential – Medium Density Apartments	Parcel(s) Size	21.82AC 950,716 SF
Overlay Districts	Wildland Urban Interface		
Street Address	1111 Moonrise Way		

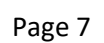
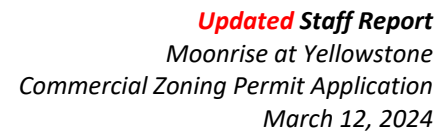


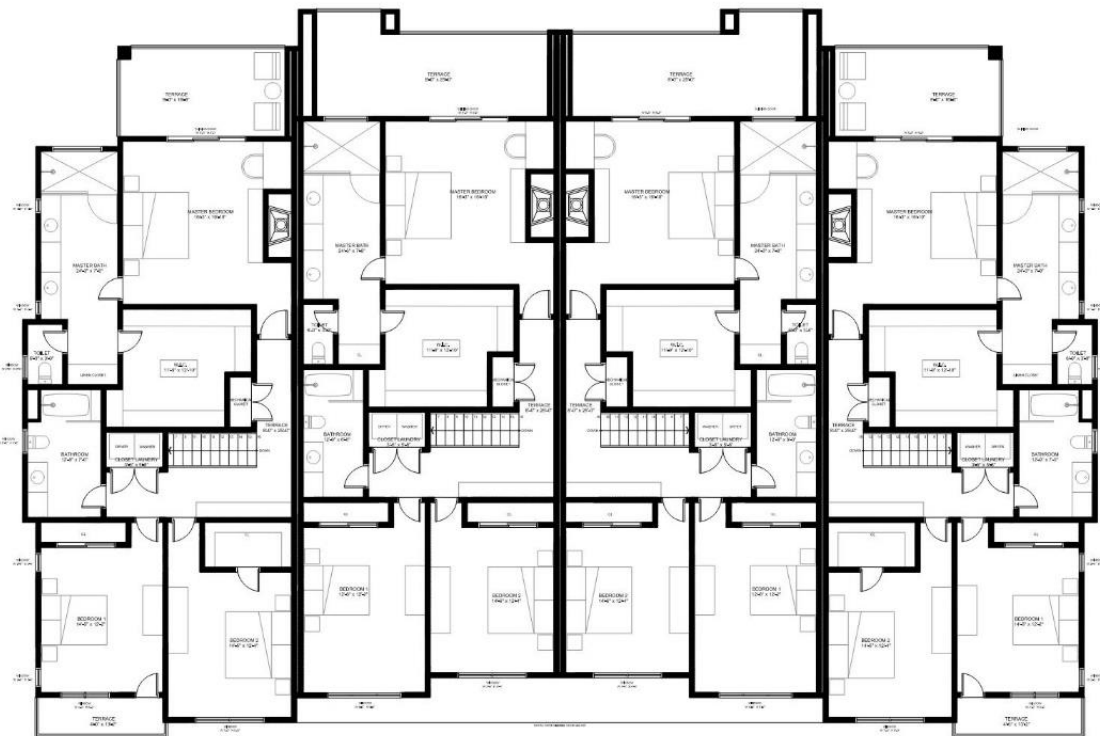
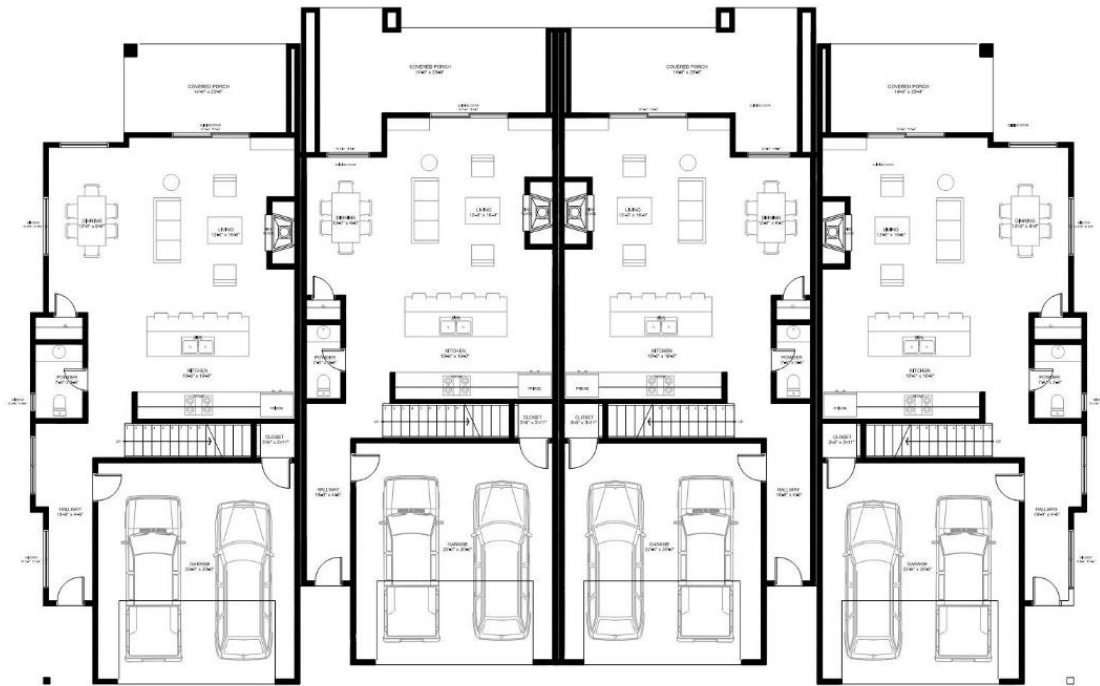
Legal Description	MOONRISE MEADOWS CONDO, S27, T13 S, R05 E, MADISON ADD TRACT 1 J-120			
Geocode(s)	06006227330017000;			
Owner	Moonrise Partners, LLC – 11760 Gee Norman Rd Belgrade, MT 59714-8415			
Applicant	Same as Owner			
Representative	Same as Owner			
Staff	Planner	Tyler Steinway, Intrinsik Architecture	Engineer	Dave Noel, Forsgren Associates
Advisory Board	Board	Date(s)	Recommendation	
	Development Review Group	11/23/2023	DRG recommends approval of the permit subject to conditions	
Recommendation	Application is sufficient for approval with conditions and code provisions			
Decision authority	Town Council		Due: 03/19/2024	

Maps/Graphics













12-Plex Building Floor Plan Levels 1-3





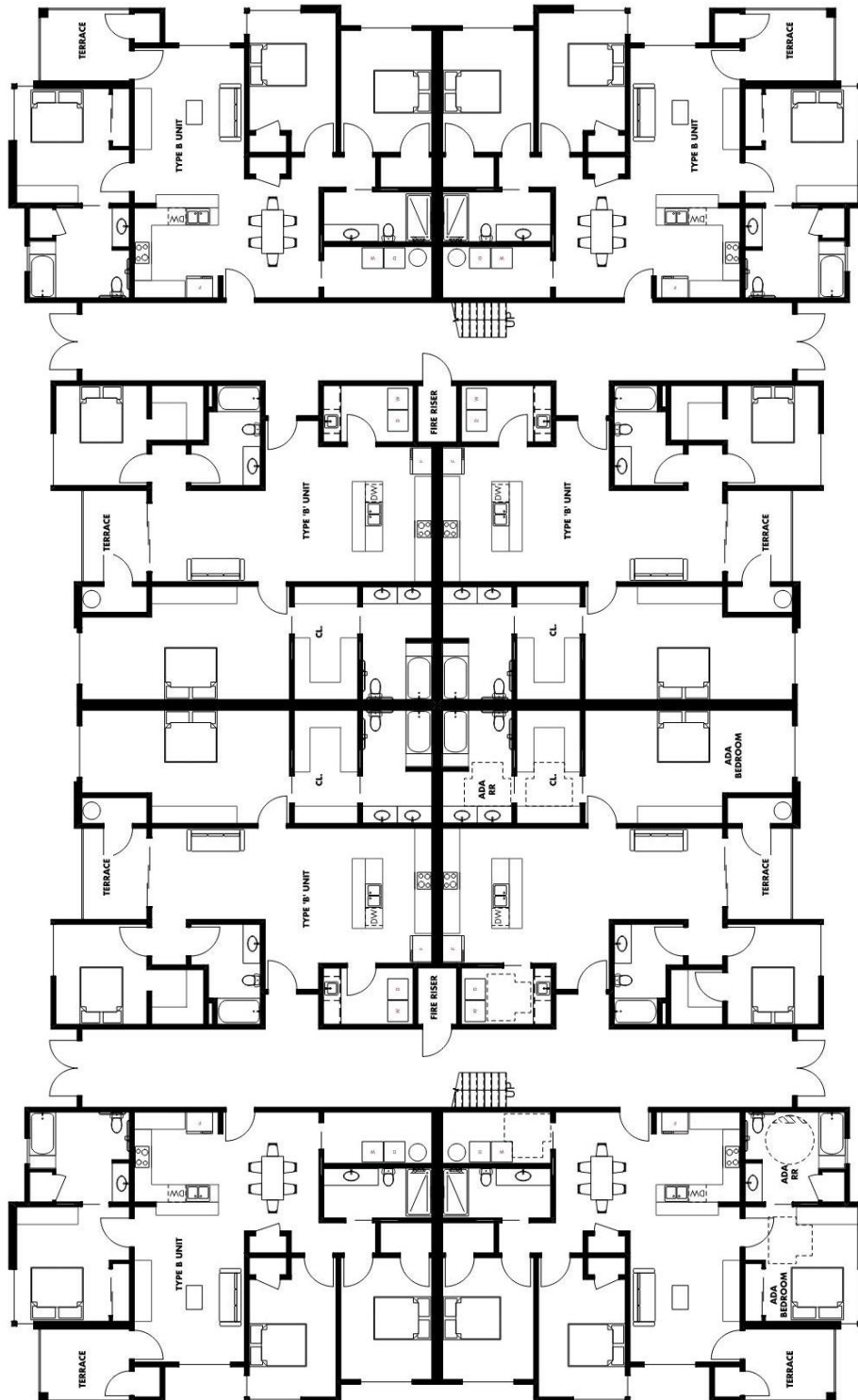
Updated Staff Report
Moonrise at Yellowstone
Commercial Zoning Permit Application
March 12, 2024







24-Plex Building Floor Plans Level 1-3



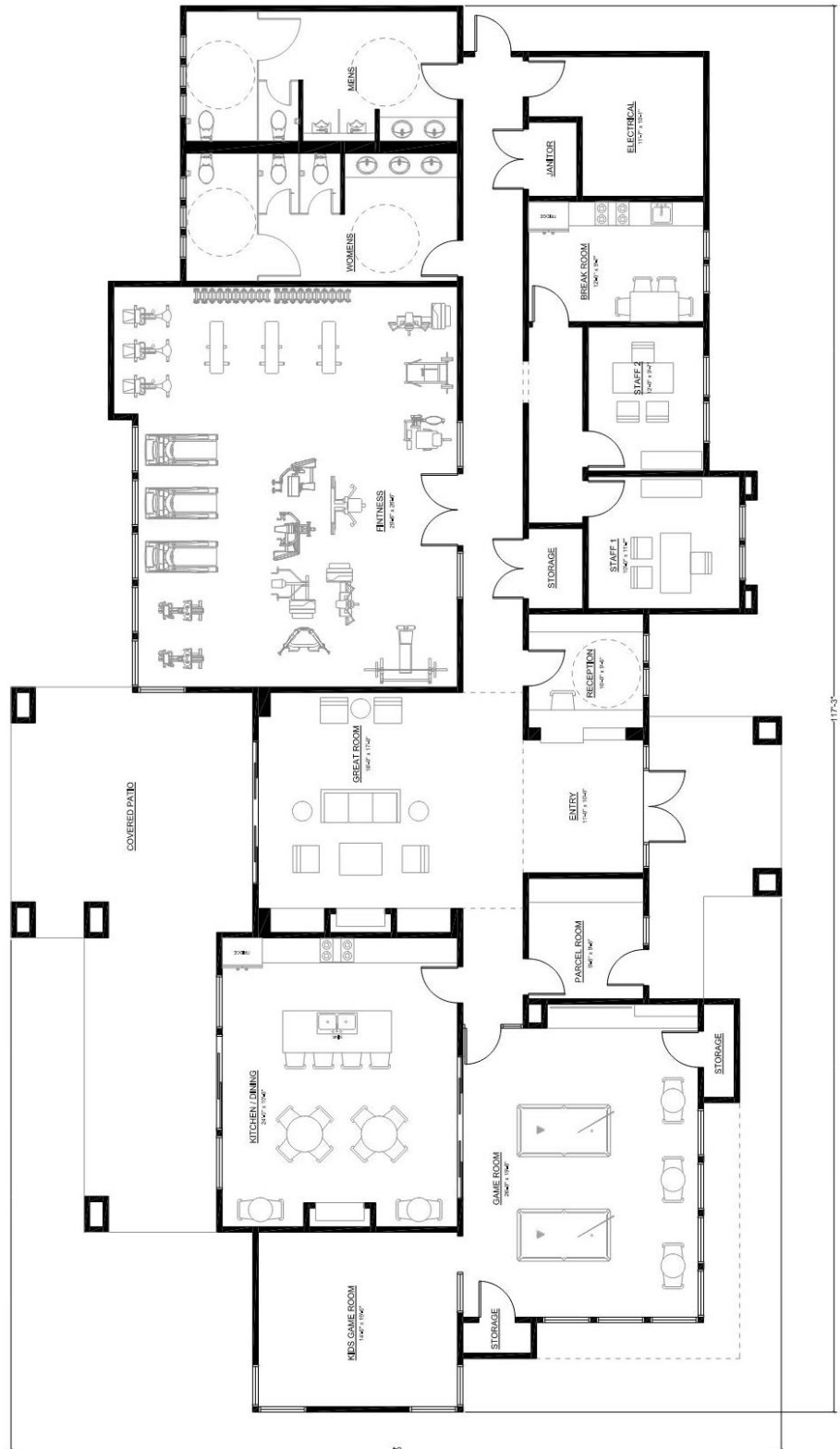


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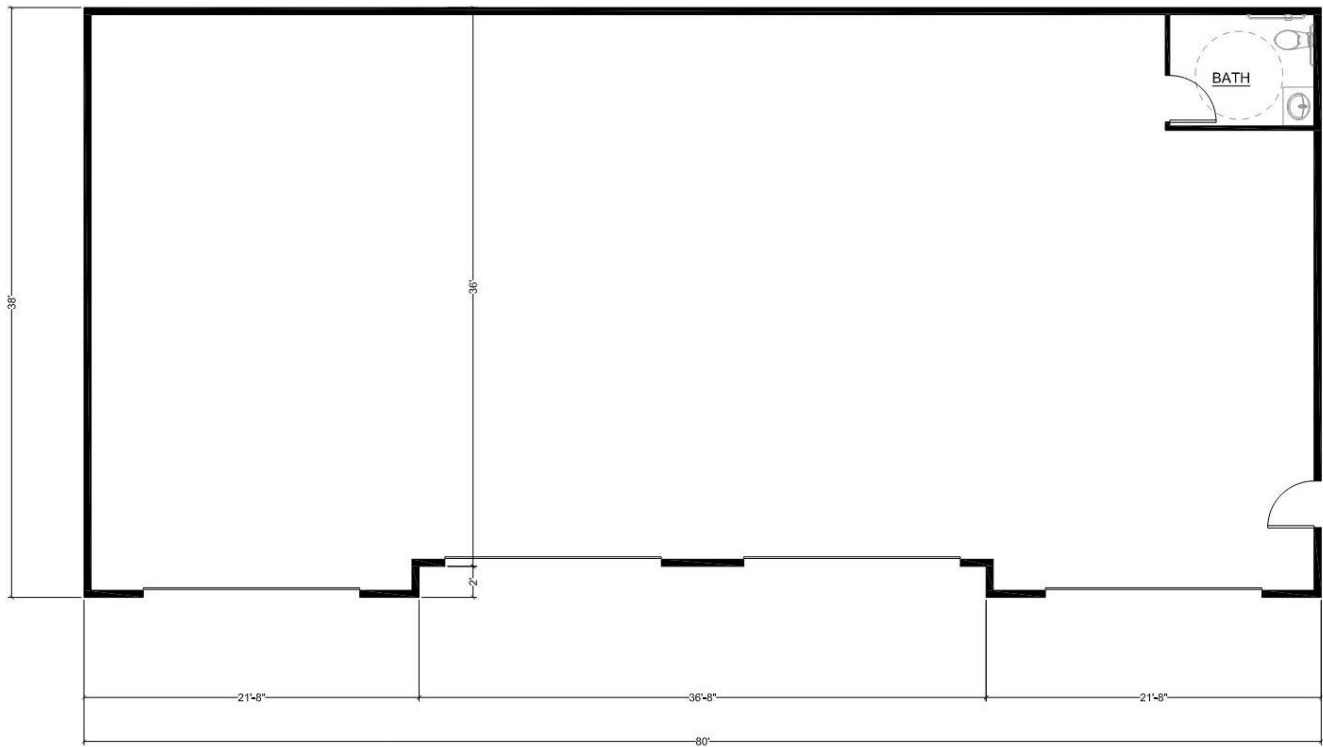
Clubhouse Floor Plan

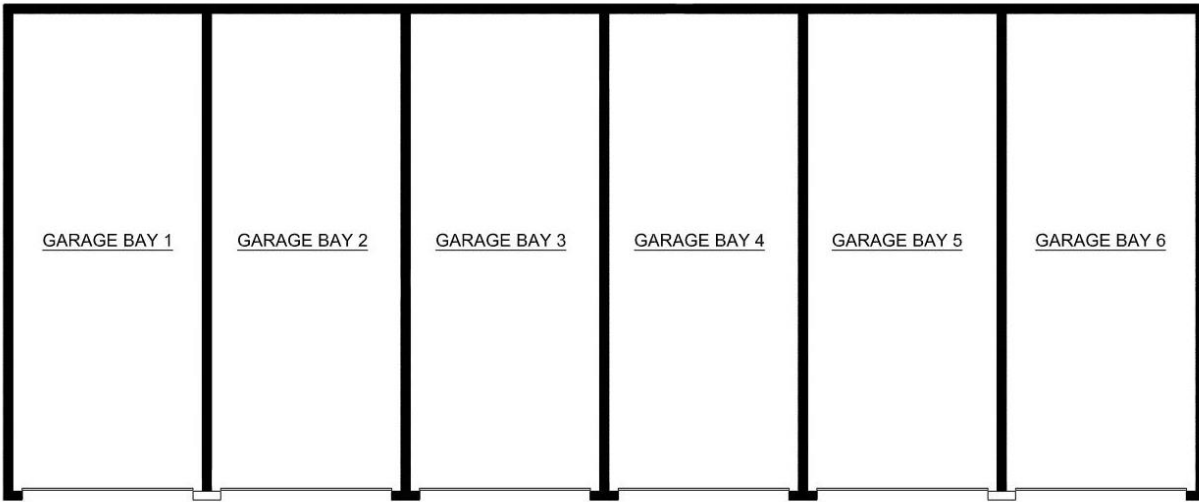




Updated Staff Report
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Conditions of Approval

1. All garbage and refuse containers shall be kept in bear-proof containers designed to make such containers resistant to entry by bears or shall otherwise made unavailable to bears.
2. 17.42.042 - Size and Surfacing requirement for off-street parking facilities - A bond for an amount equal to the cost of those improvements shall be provided, before the start of building construction, to the town to be held until such time as the required improvements are completed and approved. If parking lot improvements are not completed, the bond shall be forfeited, and bond proceeds shall be used to complete the project.
3. All water, and sewer connection fees shall be paid prior to the start of construction.
4. All accessory buildings must 14' or less in height. The Clubhouse building must be resubmitted with a height of 14' prior to the Town Engineer signing any DEQ Application forms.
5. Development and construction shall substantially comply with all plans submitted with the application, including building designs, heights, structural setbacks and other zoning requirements. Any modifications proposed through construction will need to be reviewed and considered under a new zoning application.
6. Town of West Yellowstone is in the process of designing and building a new sewer treatment facility. The best-case scenario for the completion of this project is sometime in 2025. As you are aware there is currently no capacity in the sewer system for this project and as such the town will not sign any Municipal Facilities Exclusion or DEQ Engineering Review Applications. Please be advised that the Town Engineer will only sign the DEQ applications after the completion of the sewer treatment plant and additional capacity is available.
7. All storm water facilities shall be installed as a part of the overall phase 1 infrastructure.
8. All water, sewer and stormwater utilities shall be provided by the developer according to the Town of West Yellowstone specifications.
9. The applicant recognizes the financial obligation of the 1982 Development Agreement recorded at Film 73 Page 1337 and agree and acknowledges applicant is responsible for the costs of construction and installation of all streets, water and sewer lines interior to the property subject to the present application.
10. The included Traffic Impact Study analyses the proposed traffic generated from this project as well as the continued growth in the area. The result of this study shows a drop in level of service at the intersection with HWY 20 and Hayden Street. Prior to final Zoning Permit Approval, the Applicant must identify a plan (and timeline) to restripe the Hayden Street section to allow for a left turn lane. Graphic included as Appendix A.
11. The applicant shall submit an approved Storm Water Pollution Prevention Plan Permit (SWPPP) from Montana Department of Environmental Quality prior to starting construction.
12. The Developer and future unit owners shall be responsible for maintenance of all landscaping, snow storage, open spaces, private street/accesses, water, sewer and stormwater facilities. These maintenance responsibilities shall be incorporated into the private covenants or declaration of unit ownership and submitted with any future condominium declaration. Final documents for final review and approval, must be submitted to the Town prior to them being recorded.



13. The "Removal from the Montana Unit Ownership Act" document shall be recorded with the county clerk and recorded prior to the Town Engineer signing off on the DEQ applications. Please submit a copy of the recorded documents.
14. Prior to any construction or obstructions occurring in a publicly dedicated right-of-way, permission shall be obtained from the Town Council according to Town codes and policies.
15. All construction of public improvements, grading and drainage, parking areas and residential buildings shall be conducted with oversight by a geotechnical firm to ensure the assumptions and recommendations of the Geotechnical Investigation Report are observed. Evidence of compliance and status reports pertaining to this condition is required by the Town of West Yellowstone at any time during construction and prior to any certificate of occupancy being issued for any buildings.
16. It is required that either the Town of West Yellowstone's Engineer or Public Works Departments be present onsite prior to connecting to any public infrastructure.
17. Following the completion of all infrastructure as-builts or record drawings shall be submitted to the Town Engineer for their review and approval.
18. The method of mail delivery for subdivision residents shall be determined and approved by the US Postal Service prior to Certificate of Occupancy.
19. No signage was proposed with this Zoning Application. All signage will be required to be reviewed under a subsequent and separate sign permit application.
20. Administration and enforcement of zoning permits shall be handled pursuant to WYMC 17.48. Conformance with all permit requirements and conditions of approval is required for all development within the Town of West Yellowstone.

Recommended future actions

The Design Review Group (DRG) determined that the application is adequate for continued review and found that the application conforms to standards and it sufficient for approval with conditions and code provisions on 01/05/2024.

The Planning Board held public meetings on February 16th and March 1st and made a recommendation to the town Council for the Zoning Permit. After consideration of all materials and matters they recommended approval of the Zoning Permit Application. The meetings began at 12:00 pm and were held in the Council Chambers and on Zoom.

Town Council, March 19, 2024 at 7:00 pm in person and via Zoom. A Zoom link will be provided with the Town Council agenda.

Staff analysis and findings

Analysis and resulting recommendations based on the entirety of the application materials, municipal codes, standards, plans, public comment, historical data, 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.



In considering application for Plan approval, the Planning Board and/or Town Council shall consider the following:

1. Conformance with the adopted growth policy				Meets Code?
Growth Policy Land Use designation		Residential		Yes
Zoning		R-4 – Residential – medium density apartments		Yes
Comment: The project conforms to the requirements of R-4 as outlined below. The Community Plan distinguishes areas zoned as R-4 to be areas intended for a wide range of housing types including multi-household apartment buildings. The proposed project conforms to this designation by providing urban density homes within the correlated zoning district at acceptable densities.				
2. Conformance with Chapter 17.08 – Application of District regulations				Meets Code?
Current Violations		None		Yes
Comment: There are no current known violations on the property.				
3. Conformance with Submittal Requirements for applicable permit type				Meets Code?
Commercial Zoning Permit				Yes
Submittal Requirements				Yes
Comments: The zoning permit criteria are met with this project. The proposal is compatible and sensitive to the immediate environment of the site and the adjacent neighborhood. Architectural design, building mass and character are compatible with the immediate environment of the site and neighborhood.				
The Zoning Permit Application form requests that approval from the Madison Addition HOA be submitted with a Zoning Permit Application. While the applicant did not submit approval from the HOA the Town of West Yellowstone does not enforce the private HOA covenants and therefore, does not require this item in the application. The subject property is part of the Madison Addition and the applicant will likely need to get approval from the HOA design committee, but such approval is not required to gain approval from the Town of West Yellowstone.				
4. Conformance with Chapter 17.16 – R-4 Residential – medium density apartment standards				Meets Code?
Permitted Use 17.16.020.		Apartments		Yes
Lot Area & Width 17.16.030.				
Required Area	124,400 SF 2.86 AC	Provided Area	950,716SF 21.82 AC	Yes
Required Width	50’	Provided Width	530’ +	Yes
Lot Coverage & Floor Area Ratio 17.16.040.				
Max Lot Coverage	40%	Provided Lot Coverage	13%	Yes
Yards 17.16.050.				
Required Setbacks		Provided Setbacks		



Front	25'	Front	30'+	Yes
Rear	20'	Rear	30'+	
Side	8' Each Side	Side	30'+	
Building Height 17.16.060.				
Maximum Allowed Height	32'	Provided Height	32'	Yes
<p>Comment: Building height is measured from the vertical distance from the average elevation of the proposed finished grade at the front of a building to the highest point of a flat roof, the deck line of a mansard roof, and the mean height between eaves and ridge for gable, hip, and gambrel roofs.</p> <p>All of the residential buildings fall under the apartment use and are allowed to be a maximum height of 32'. The clubhouse building, detached garages and maintenance buildings all fall into the accessory building category. There are supplemental criteria for accessory buildings including limiting the height of the structures to 14'.</p> <p>All the proposed residential buildings have flat roofs. The 4-plex building has a height of 27', the 12-unit & 24-unit buildings have a height of 32'. With the exception of the clubhouse building, all of the accessory structures comply with the 14' maximum height regulation. A condition of approval has been added to the staff report to require the applicant to resubmit the plans for the clubhouse to show compliance with this 14' max height standard.</p>				
Off Street Parking 17.16.070. &17.42				
Required Number of Parking Spaces	300 Total Spaces (1.5 Ratio)	Provided Number of Parking Spaces	461 Total Spaces 212 Garage 249 Surface	Yes
<p>Comment: The applicant is providing an adequate number of parking spaces. These spaces are located within 100' of the proposed buildings they are serving. The parking takes the form of surface level spaces, and individual garages. The drive isles and parking stall also appear to meet the design requirements. The lighting proposed for the parking lots is not proposed within 150' of the adjacent properties. The photometric plan shows that there will be no light trespassing onto adjacent properties.</p>				
Off-Street Loading 17.16.080. & 17.44				
Required Number of Berths	1	Provided Berths	1	Yes
<p>Comment: The proposed loading birth is located adjacent to Building B. This loading area is approximately 12' x 80' and is located over 80'+ away from any residential zoned property. These loading areas are not counting towards the required number of parking spaces.</p>				
Outdoor Lighting 17.30.080				
<p>Comment: Outdoor lighting is shown on the photometric plan and specification sheet. No light will be illuminated or reflect on to an adjacent property.</p>				Yes
Fences, Walls, & Hedges 17.30.120.				



Max Fence Height	8'	Proposed Fence height	6'	Yes
Comment: The applicant is proposing a 6' wire fence along the property boundaries with the Forest Services (west & north sides). This 6' fence complies with the fence regulations.				
Signs 17.47				
Comment: There are no signs proposed with this application. A sign permit application will be required prior to the installation of any project signage. Address signs as well as project signage will require a sign permit.				NA