

November 5, 2012

Ms. Juliet Spalding, AICP
Planner II
City of Billings Planning Department
501 North Broadway, 4th Floor
Billings, MT 59101

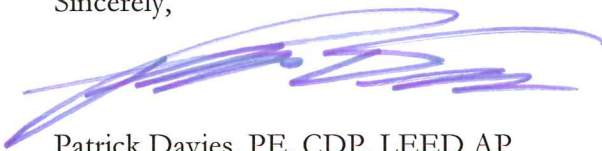
Reference: Amended Lots 1 & 2, Block 1, Lenhardt Square Subdivision, First Filing
Variance Request
Project No. 07054.08

Dear Juliet:

On behalf of the Subdivider, we are submitting a variance request from Section 23-406.B.11 of the City of Billings Subdivision Regulations to allow for a reduction in design speed along the proposed horizontal curve of Monad Road adjacent to proposed Lot 1A in lieu of the required 35 miles per hour design speed for a collector street (see attached existing plat and proposed plat/site plan). Attached for your review are the Findings of Fact addressing Section 23-1101 of the subdivision regulations.

Please contact me if you have any questions or if you need additional information. Thank you.

Sincerely,



Patrick Davies, PE, CDP, LEED AP
Associate Principal/Senior Engineer

PJD/bjm

Enc.

c: Stock Land Development
P:07054.08_Variance_Request_110512

FINDINGS OF FACT:

Variance Request: 23-406.B.11 to allow for a reduction in design speed along the proposed horizontal curve of Monad Road adjacent to proposed Lot 1A in lieu of the required 35 miles per hour design speed for a collector street.

- 1. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties.**

The variance would not be detrimental to the public health, safety, or general welfare of the public, or be injurious to other properties. It has been determined that by reducing the design speed along the proposed horizontal curve the proposed radius of the curve is adequate. The design speed will be reduced by utilizing appropriate traffic signage as approved by the City of Billings Engineering Department. In addition, other design features may be incorporated into the street design to encourage motorists to reduce speeds along the horizontal curve.

- 2. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulations was enforced.**

By enforcing the 35 mile per hour design speed requirement on Monad Road, the radius of the horizontal curve would have to be increased and the developable area of the property would be significantly impacted. In addition, increasing the radius of the horizontal curve would create an unusable parcel of land to the northwest of the horizontal curve. By allowing Monad Road to be dedicated along the existing property line of Lot 1 of Lenhardt Subdivision, First Filing, the area of developable property is maximized and allows for the densities agreed upon during the zoning process to be attainable.

- 3. The variance will not result in an increase in taxpayer burden**

By allowing a reduction in design speed, the City of Billings would actually be creating more developable area within the Lenhardt Square Subdivision, First Filing; thus creating a higher tax base for the City of Billings. In addition, all the street improvements for the subdivision are the responsibility of the Subdivider.

- 4. The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations or Growth Policy.**

Allowing a reduction in design speed would not place the subdivision in nonconformance with the adopted City of Billings Zoning regulations. In addition, this variance would still allow the subdivision to be in compliance with the Growth Policy and the West Billings Plan.

- 5. The subdivider must prove that the alternative design is equally effective and the objectives of the improvements are satisfied.**

With the appropriate traffic signage and/or other street design features implemented onto the street design to reduce the design speed along the horizontal curve, the reduced radius will be equally effective. In addition, the smaller radius curve will require motorists to reduce speed, which will be a benefit for the residential area.