

Attachment A

Staff Analysis and Recommendation

Staff has reviewed the request (See Request Letter included below this analysis) for a variance from the regulation that requires developers to provide; Boulevard style sidewalks shall be installed on both sides of all streets except cul-de-sacs less than on hundred feet (100) in length. The applicant is requesting a variance from Section 23-406(B)(13). Staff is recommending approval of this variance request.

The applicant will be providing boulevard style sidewalks on the public streets, Lake Channel Drive. The undeveloped portion of Ditton Drive will have boulevard sidewalks that transition from existing curb walks. They will provide boulevard sidewalks that transition to curb walks on Lake Heights Drive. They are also providing boulevard style sidewalks on the east side of the private road, Passage Way, that is west of Lake Channel Drive. All private roads, which include the cul-de-sacs and the west side of the private road, Passage Way, that is west of Lake Channel Drive, are proposed to have curb walks in the proposed subdivision.

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 granting of the variance would not be detrimental to public health, safety and general welfare. The short cul-de-sac roads do not have through traffic on them so the vehicles on the road should be going at slow speeds on such a short road. The larger private road, Passage Way, is a through street just over 600 feet in length. The southern end is about 150 feet long and is a curve and the portion going north of that initial curve also has curvature to it. The length of the private street is short enough to help keep speed of vehicles down so pedestrians can feel safe on a curb sidewalk and curb walks are only proposed on the west side of the private through road.

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 regulation was enforced; There are no particular physical surroundings, shape or topographical condition of the land that would prevent the applicant from installing the required boulevard sidewalk. Boulevard sidewalks would reduce the amount of useable lot depth on the west side of the private through road making it more difficult to meet requirements of zoning and setbacks from the front and rear.

3. The variance will not result in an increase in taxpayer burden; The variance will have no effect on taxpayer burden.

4. The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations or Growth Policy; The variance request will not make the subdivision nonconforming with any adopted zoning regulation or growth policy.

5. The subdivider must prove that the alternative design is equally effective and the objectives of the improvements are satisfied. The alternate of curb walks, in this instance, is an acceptable

alternative to the boulevard walk because they are on short streets that do not carry large amounts of traffic that would cause a safety issue for pedestrians in the subdivision.

Therefore, staff is recommending approval of the proposed variance, and recommends that the City Council approve the applicants' variance request.

January 23, 2019

Monica Plecker
Planning Division Manager
2825 3rd Ave N
Billings, MT 59101

RE: CANAL VISTA SUBDIVISION VARIANCE REQUEST

Dear Ms. Plecker:

On behalf of Canal Vista, LLC (Owner), WWC Engineering is submitting a request for variance of City of Billings Subdivision Regulations (Regulations) Section 23-406(B)(13) – boulevard style sidewalks. As per this section, it is required that boulevard style sidewalks be installed on all streets, except cul-de-sacs less than 100 feet in length. On the private drives for the Canal Vista Subdivision we have proposed back of curb sidewalks. It is requested that the requirement for the Canal Vista Subdivision to install boulevard sidewalks be given a variance, for the reasons outlined herein.

As per the Regulations Section 23-1101(A) Parts 1-5, the following outlines information as necessary.

Part 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 proposed locations of the sidewalk to be adjacent to back of curb are on private streets within the development. The proximity of the sidewalks to roadway are on short roads that will have low traffic speeds, which will not result in safety concerns pedestrians. In addition, properties in the adjacent development have back of curb sidewalks, restricting detrimental issues to these properties.

Part 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 regulation was enforced.

The proposed project is a patio home site with open space around the units. The requirement of boulevard style sidewalks would cause the private road widths to be an extra 10' wide, which would reduce the greenspace behind the units in exchange for greenspace in the boulevards. This additional width would also necessitate longer driveways for the units away from back of curb, which would further restrict developable layouts of the units.

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Part 3:

The variance will not result in an increase in taxpayer burden.

The proposed sidewalks are to be on private property and will be the responsibility of the residences in the development in the future and not taxpayers. As such, the boulevard style sidewalk or back of curb sidewalks would not create a difference in taxpayer burden as they are the responsibility of the private development and not the public to maintain.

Part 4:

The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations or Growth Policy;

The development proposes to have sidewalks on both sides of every street at a width of 5' and will meet all other setback requirements.

Part 5:

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

The objective of the sidewalks are to provide complete pedestrian access to all residences, across all streets, and to the adjacent properties. The proposed project ties to the existing back of curb sidewalks of the adjacent development and continues throughout the project.

Please do not hesitate to contact us should you have any questions or require additional clarification.

Sincerely,



Greg Reid, P.E.
Billings Branch Manager

GR/

Attachments: as noted

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