

Attachment A

Staff Analysis and Recommendation

City staff has reviewed the request for a variance from **Section 23-406.A.1, Streets and Roads, relation to undeveloped areas**. Specifically, the applicant is requesting to not provide a connection to the undeveloped land to the west. Section 23-406.A.1 requires new subdivision to provide a connection to undeveloped land all around it.

The applicant has requested this variance, see Request Letter included below this analysis.

This proposed subdivision is a major commercial subdivision and the land to the west is zoned CX – Heavy Commercial, the same as the subject property. Providing an access for property to the west would allow for interconnected subdivisions with the same zoning and uses.

The applicant has provided their reasoning for not providing the connection but they have not provided any alternative to the connection.

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

By not providing a connection to the subdivision to the west it will create a barrier for people to be able to access the existing trail system in the QFC subdivision that lead to other trails and connection.

This variance will be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties by not allowing for a connection that will benefit people in the area.

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 is an existing trail along the west side of Hogan's Slough that provides a connection to the trail on the south side of Elysian Road. This trail is identified on the Billings Area Bikeway and Trails Master Plan as a shared use path, conceptual. A pedestrian bridge can be placed over Hogan's Slough, similar to the one over Hogan's Slough on the trail along the south side of Elysian Road. This connection would open a lot of pedestrian/biking possibilities. It would help people walking/running or biking to be able to stay off arterial streets.

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

The variance request will not increase taxpayer burden.

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

Granting the variance will have no effect on zoning. It is an issue of connecting subdivisions through roads and trails.

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

The applicant has not provided an alternate for the request to not provide a vehicle connection to the undeveloped land to the west.

When QFC subdivision was completed to the west of this property they were required to provide a 56-foot-wide dedicated utility and bike path right of way along their east border next to Hogan's Slough. That 10-foot-wide paved path has been installed and will provide a connection to the 10 paved trail that runs along the south side of Elysian Road. The trail along the south side of Elysian Road has had a pedestrian bridge constructed across the Hogan's Slough.

This subdivision is required to install a 10-foot-wide trail along the frontage of South Frontage Road that abuts this subdivision. The reconstruction of Mullowney Lane will provide a bike/pedestrian trail along it when the construction is completed.

Staff is proposing as an alternative to a vehicle connection to the undeveloped land to the west that the developer provide a pedestrian connection to the land to the west. This would include a 10-foot-wide paved trail on the utility easement between lots 11 and 12, block 1. A pedestrian bridge over Hogan's Slough and a connection to the existing trail. With this connection for pedestrians it would open access through the subdivision to those who walk or ride a bike and provide a connection to the trail on Mullowney Lane and a connection to the future trail on South Frontage Road through the use of the internal sidewalks and local street network within the proposed subdivision.

Variance request from applicant's agent

Howard Billings Industrial Subdivision Variance Request

This document will address the Variance Request Criteria for per Chapter 11 sections 1.A.1-5

The developer is requesting a variance from the City of Billings Subdivision Regulations Section 23-406.A.1, Streets and Roads, Relation to Undeveloped Areas. The section states:

When a proposed subdivision adjoins undeveloped land, streets within the proposed subdivision shall be arranged to allow access to the adjoining undeveloped land. Streets within the proposed subdivision shall be constructed to the boundary lines of the tract to be developed, unless prevented by topography or other physical conditions.

Discussion: This section seems to require an extension or accommodation of an extension, of the proposed Holiday Ave to the west across the proposed Lot 11 of Block 1. Hogans Slough bounds this property on the west. In order to extend the proposed Holiday Ave. to the west subdivision, a new bridge would have to be constructed over Hogans Slough.

Variance Request Criteria per Article 23-1100

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 adjoining properties are currently undeveloped and there has not been a Hogans Slough crossing in this area. The granting of this variance will maintain current conditions.

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;

To cross Hogans Slough, a bridge would have to be constructed. The bridge would need to have a surface elevation approximately five feet above existing ground. During high water events in Hogans Slough, any crossing could act as a chokepoint and cause water to overtop the banks, flooding surrounding property. The proposed subdivision is all down grade of the Slough and would water would flow through the subdivision to Mallowney Lane.

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

The granting would decrease taxpayer burden. A bridge would eventually be owned and maintained by the City of Billings.

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

The proposed subdivision will be in conformance with the City of Billings Zoning Regulations and the Growth Policy.

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

The variance request will have no effect on the traffic within the proposed subdivision. Adequate access to the lots are provided by proposed subdivision streets that access off of Mallowney Lane and the South Frontage Road. The additional easement may affect undeveloped lands to the west. However, the undeveloped parcel has access to East Street and access to Elysian Road through an existing Right of Way.