



DEVELOPMENT SERVICES

435 RYMAN • MISSOULA, MT 59802 - 4297 • (406) 552-6630 • FAX: (406) 552-6053

August 21, 2020

Jamie Erbacher
WGM Group
1111 E Broadway
Missoula, MT 59802

Re: Trinity Mullan Subdivision – 2 Lot Minor, 2340 & 2350 Mullan Road

Dear Jamie Erbacher,

Development Services received your application packet for the above subdivision for *1st Element Review* on August 14, 2020. The element review deadline is August 21, 2020. **At this time, Development Services cannot certify your application packet as containing all the necessary elements.**

Please address the items listed below. Once these items have been addressed, please submit a second Element Review packet with a new cover page clearly titled as *2nd Element Review*, and include the date submitted. In lieu of a CD, please provide the *2nd Element Review* materials on a USB drive or provide a link for downloading the application materials.

General

Provide all the information required under City Subdivision regulations Article 5, Sections 5-010 and 5-020 and provide answers to all questions consistently from one section to the next, and address all applicable subdivision design standards in Article 3 of the City Subdivision regulations. Please include the following items:

- a. Include a plat map of COS 4878.
- b. Provide a proposed typical street section exhibit to show the proposed improvements to Maple Street.
- c. Label the bike lanes for Mullan Road in the Existing Typical Street Sections Exhibit in Section 5.
- d. Article 5-020.12.C states that the approximate location of the nearest gas lines, electric, cable TV, telephone lines, and street lights must be shown in the utility plan.

Preliminary Plat

Provide all applicable information required under City Subdivision regulations Article 5, Section 5-010 and applicable preliminary plat supplements under Article 5, Section 5-020 while addressing all applicable subdivision design standards in Article 3 of the City Subdivision regulations. Include the following items:

- a. Correct the access easement across the Dollar-Rent-A-Car lot to match the required 10 foot minimum width for neighborhood connector trails found in Article 3-020 Table .14A. The minimum is 10 feet but Parks and Recreation Staff recommends 12 feet if possible. The trail does not have to be centered on the easement.

- b. Per our meeting on Friday 8/14/2020, you intend to place a utility easement where the angled path across the Dollar-Rent-A-Car parcel is. If this is true, show the easement on the plat.
- c. Show the retention pond on the plat within a storm water easement.
- d. Under the SID statement, replace “streets within the subdivision” with the specific street names; “Mullan Road, West Broadway, and Maple Street”.
- e. Per our meeting, the access easement from Maple Street to West Broadway is only for pedestrian access. The easement on the plat appears to include vehicular access and follows the existing infrastructure, connecting to Lot 2. The easement should be placed in the location proposed on the site plans we reviewed in the post and clarify that it is a pedestrian public access easement.

Subdivision Application

Provide all applicable information required under City Subdivision regulations Article 5, Section 5-020 while addressing all applicable subdivision design standards in Article 3 of the City Subdivision regulations. Include the following items:

- a. Subdivision Application, under item 5, mark “yes”.
- b. Subdivision Application, under item I., include COS 4878 and any other maps related to the parcel history with the application packet.
- c. Subdivision Application, under item I., the existing conditions map does not state the land use of the parcel. Add this to the map.
- d. Subdivision Application, under item K.4.b.ii, there is no attached Declaration of Covenants. Covenants may not be necessary because there are no common areas or shared facilities per Dave DeGrandpre’s email, 7/24/2020. Revise this section to describe any proposed measures to minimize or mitigate conflicts between residents and wildlife, if any. Attach a Declaration of Covenants if one exists or is proposed. Revise other parts of the application referencing covenants for consistency, for example the Vegetation and Riparian Resource Areas section of the Project Summary.
- e. Subdivision Application, under item K.5.a, include a narrative that identifies the adverse impacts and describe proposed avoidance and mitigation efforts that will be used to reasonably minimize potentially significant adverse impacts to public health and safety as it applies to the Air Stagnation Zone.
- f. Subdivision Application, under item K.6.a.4.A, include a copy of the cited sections of *Trip Generation: An ITE Informational Report* with the application packet.
- g. Subdivision Application, under item K.6.a.5.A, revise to direct to specific maps and exhibits in Sections 2 and 5. The required information is split up between different exhibits though the response does not specify where to find all of the information. Provide all of the required information for Lot 2, not just Lot 1. You may want to combine this information and place it on a few maps rather than many.
- h. Subdivision Application, under item K.6.a.5.B, provide a road section reflection the proposed improvements to Maple Street.

Variance

Please see the revised variance request provided with this letter.

Other (sufficiency review)

The following items are not required for element review. However, addressing these items now will speed up the process once we reach sufficiency review. Please let us know if you would like to schedule a meeting to clarify the requested items.

- a) Under 2.0 Design Criteria in the Stormwater Summary, capitalize “City” in the first sentence. Correct “design” to “designed” in the third line on this section. Capitalize “City” in the second to last line of this section.
- b) Label the bike lanes for Mullan Road in the Existing Typical Street Sections Exhibit in Section 5. Your application states there are bike lanes on Mullan Road.

Project Summary (sufficiency review)

Provide all applicable information required under City Subdivision regulations Article 5, Section 5-020 and Subdivision Application Section H. Project Summary. A narrative is required in the Subdivision Section K, 1 through 6 that identifies the adverse impacts and describes proposed avoidance and mitigation efforts that will be used to reasonably minimize potentially significant adverse impacts. The Project Summary includes inconsistencies with other sections of the submittal packet, and missing answers or information include, though are not limited to, the following items:

- a. Clarify which parties are the developer, architect, and representative.
- b. State that a Riparian Resource Management Plan will not be required because there is no riparian vegetation on the parcel.
- c. Revise the project summary to include language stating the City has a project planned to improve Maple Street and will be contributing to the cost of improvements. Remove language regarding the Missoula Redevelopment Agency. See revised variance request for additional information and communicate with Heather.
- d. Revise the section regarding the public access easement from the site to Broadway to reflect standards for a neighborhood connector trail found in Article 3-020 Table .14 A.
- e. Add language to the parking section regarding the parking calculations for Lot 2. Reference the parking study and state the total number of spaces available after the 26 spaces are removed.
- f. Remove the language in Variance 1 regarding cost as a hardship and replace with language stating that dedication of additional right-of-way and improvements are not possible due to the location of the irrigation ditch.
- g. Revise the language in Variance 2 to reflect the improvements to the north side of Maple Street. Insert language regarding the planned City project and the City’s contribution to the cost of the project. Remove language regarding Missoula Redevelopment Agency.

Subdivision Application (sufficiency review)

Provide all applicable information required under City Subdivision regulations Article 5, Section 5-020 while addressing all applicable subdivision design standards in Article 3 of the City Subdivision regulations. Include the following items:

- a. Subdivision Application, under item D, provide this table:

	Zoning	Existing Land Use
Adjacent (North)	M1-2/DE-C Limited Industrial / Design Excellence Corridor Typology 3	Office, Light Equipment Sales/Rentals
Adjacent (South)	C2-4 Community Commercial	Single Dwelling Residential, Office, Medical Office, College, Retail
Adjacent (East)	M1-2 Limited Industrial and C2-4/DE-C Community Commercial Design Excellence Corridor Typology 3	Light Equipment Sales/Rentals, Retail
Adjacent (West)	M1R-2 Limited Industrial-Residential	Medical Office

- b. Subdivision Application, under item D.2.a, provide the full zoning district name, M1R-2 Limited Industrial-Residential.
- c. Subdivision Application, under item 8, revise the language to align more closely with the Growth Policy. Keep what you have already stated but add the following to the beginning; “The Regional Commercial and Services land use designation accommodates those uses with special or extensive land use needs and impacts. The proposed subdivision is zoned M1R-2 which is one of the zoning districts corresponding to the Regional Commercial and Services land use designation. Multi-dwelling and commercial uses are permitted in the M1R-2 zoning district.”
- d. Subdivision Application, under item I., the existing conditions map does not state the land use of the parcel. Add this to the map.
- e. Subdivision Application, under item K.3.e.iv, include the ditch name and approximate size. Describe the proximity of the proposed Trinity building to the ditch.
- f. Subdivision Application, under item K.3.f.ii, revise to state the existing conditions map is in Section 2 of the application packet.
- g. Subdivision Application, under item K.6.a.ii, include language regarding the subdivision standards for a neighborhood connector trail (Article 3-020 Table .14A) for the pedestrian path through the Dollar-Rent-A-Car site. Include language about the existing sidewalk on the Maple Street. Broadway does not have a bike lane as stated in the table in K.6.a.iv. It includes a wide shoulder which can be used by bicyclists. Correct this.
- h. Subdivision Application, under item K.6.a.iii, please provide distances to the nearest school bus stops. Have there been discussions to provide a new school bus stop closer to the subdivision?

- i. Subdivision Application, under item K.6.a.iv, state the maximum grade even if no modifications are proposed to the existing road grade. Revise the table to show proposed improvements to Maple Street. Please reference the revised variance request for more information.
- j. Subdivision Application, under item K.6.a.4.B, revise to include information about the improvements to Maple Street. Describe how the project will impact each street including Maple Street and Birch Street.
- k. Subdivision Application, under item K.6.a.4.C, include information about the proposed improvements to the north side of Maple Street. Talk to Heather and see revised variance request for more information.
- l. Subdivision Application, under item K.6.a.5.A, revise to direct to specific maps and exhibits in Sections 2 and 5. The required information is split up between different exhibits though the response does not specify where to find all of the information. Provide all of the required information for Lot 2, not just Lot 1.
- m. Revise K.6.a.5.C to say "N/A". There are improvements proposed.
- n. Subdivision Application, under item K.6.a.6.B, include the proposed grades of all streets or state where this information is located.
- o. Subdivision Application, under item K.6.a.6.D, revise to say "Please see the Slope Map Exhibit located in Section 2."
- p. Subdivision Application, under item K.6.a.8, correct the narrative to say Mullan Road is a minor arterial road. Revise to include information about the proposed improvements to the north side of Maple Street. See the revised variance request.
- q. Subdivision Application, under item K.6.a.9.c.i, revise to say the water main that bisects Lot 1 will be relocated and the new development will be served by a service line. Include a narrative that identifies the adverse impacts and describe proposed avoidance and mitigation efforts that will be used to reasonably minimize potentially significant adverse impacts to water supply, or state there are no identified adverse impacts if true.
- r. Subdivision Application, under item K.6.a.9.c.iv, state that the water supply is sufficient to meet the needs of the anticipated final populations of the subdivision, if true.
- s. Subdivision Application, under item K.6.a.9.d., provide a narrative that identifies the adverse impacts and described proposed avoidance and mitigation efforts that will be used to reasonably minimize potentially significant adverse impacts regarding sewage disposal, or state there are no identified adverse impacts if true.
- t. Subdivision Application, under item K.6.a.9.d.ii, state the distance from the proposed development boundary to the nearest public sewage system.
- u. Subdivision Application, under item K.6.a.9.d.iii.1, include the approval letter from the City Sewer Service Review Committee once received.

If you have additional questions, you may reach me at 552-3282 or email me at TripardC@ci.missoula.mt.us.

Sincerely,

Cassie Tripard

Cassie Tripard, Associate Planner
Development Services

cc: Mary McCrea, DS
Dave DeGrandpre, DS
Heather McMilin
Eran Pehan
Henri Foch

MEMORANDUM

DATE: July 29, 2020 – DRAFT FOR REVIEW & COMMENT
TO: City of Missoula
FROM: WGM Group, Inc.
RE: Trinity Mullan – Variance Requests

Infill developments in the urban core of Missoula are posed with significant obstacles. Specifically, when existing urban infrastructure is already in place around new development it can be difficult, if not impossible to bring existing infrastructure up to current standards and still have a viable project. Upgrading existing infrastructure is very expensive and arterial roadways serve the entire community of Missoula. Upgrades or improvements to these streets cannot be done piecemeal as individual developments occur, rather it is, a community-wide responsibility. In this particular subdivision, Mullan Road and West Broadway are existing improved arterial roads with no future improvements ~~are~~ proposed by the City along the remaining portions of the road. Both Mullan and West Broadway have existing sidewalks and the Trinity Mullan project would like to utilize the existing infrastructure that is in place now. A variance is request for Mullan Road because it does not meet the current standards for a Minor Arterial street. Mullan Road cannot be expanded to meet the road standards, due to the placement of an existing ditch running along the north side of Mullan Road. A variance is requested for West Broadway which does not meet the current standrds for a Major Arterial street. It Improvments to Mullan Road and West Broadway would create be a significant hardship to the project's goals and objectives to provide an important housing option for the City of Missoula.

~~Maple Street, an Urban Local Commercial Industrial street, is 310 feet long from the intersection of West Broadway to the subject property boundary. This Maple Street, an Urban Local Commercial Insustrial street, is an off-site road that is perpendicular to the property measuring roughly 48 feet (+/-). Acquiring additional right-of-way north or south of the existing right-of-way is not possible since those properties are held in different ownership from the subdivided property. The existing sidewalk on the south side of Maple Street is in relatively good shape and it is the desire of the Trinity Mullan project to utilize this existing street and sidewalk as it exists today. Road improvments to the north side of Maple Street are proposed, including a 5 foot sidewalk, gurb and gutter, and 7 foot landscape boulevard. Due to the inability to obtain additional right-of-way for Maple Street, a variance is requested to vary from the standards for an Urban Local Commercial Industrial Street.~~

Commented [CT1]: More information provided under the Maple Street section. Review this language with Heather to make sure it reflects what we discussed in the meeting.

Variations are necessary to accommodate existing conditions and still meet the goals of the growth policy. The requests are in line with the spirit of the regulations and do not result in a threat to public safety, health or welfare, of the community. Each variance will discuss the existing condition specific to the request, along with the associated justification for the variance. We appreciate your consideration.

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DRAFT

VARIANCE REQUEST #1 – MULLAN ROAD

Requirement - We are requesting to vary from Article 3-020 Table .2A, Standards for Geometric Design of Roads and Streets. The regulation requires Minor Arterials, without parking – in this case, Mullan Road – to meet the following standards: two travel lanes plus center turn lane or two travel lanes of minimum 10-foot width; five-foot-wide bike lanes, curb and gutter, plus 10-foot-wide boulevard and six-foot-wide sidewalk, in a right-of-way width of 100 feet. All of these improvements total 73 feet.

Variance Request – We are asking for a variance to retain the current configuration, width and design of Mullan Road within the existing 66-foot-wide ~~right-of-way~~ road located in a public access easement, rather than a 100-foot right-of-way. The current configuration does not include boulevards, or six-foot-wide sidewalks, though a curbside five-foot-wide sidewalk does exist on both sides of Mullan.

Please refer to the street cross-sections in Section 5 of the subdivision application called “Existing Typical Street Section”

Mitigation – This variance allows the existing configuration and design to remain and not require off-site improvements to the existing ~~road~~ right-of-way improvements. Trees approved by the Urban Forester will be provided north of the ditch since no boulevard exists. In addition, the project will provide a public access easement for pedestrians that will create a new sidewalk connection from Broadway to Mullan Road through the proposed Trinity Mullan project.

The following points address the six criteria for requesting a variance in accordance with Missoula City Subdivision Regulations Section 6-010: (WGM’s responses in bold)

- 1) The granting of this variance does not result in a threat to public safety, health or welfare, nor is it injurious to other persons or property.
The existing street section exists from the intersection of Mullan Road and West Broadway to the intersection of Mullan Road and Reserve Street. No increased threat to public safety, health or welfare is anticipated with retaining the existing road right of way or configuration. The internal network of sidewalk and pedestrian connectivity that is being proposed with the Trinity Mullan site gives bicycles and pedestrians other options for traveling between Mullan Road and West Broadway and is an added public safety benefit of the project.
- 2) The conditions upon which this request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
The conditions upon which this request for a variance is based are unique to the properties along the north side of Mullan Road. Due to the existing ~~right-of-way public road~~ easement, previous road grid plan, ditch location, and ditch easement an expanded ~~right-of-way road width~~ is not possible. The requirement to provide an

Commented [CT2]: Mullan Road is not dedicated as right-of-way and should not be referred to as ROW. Normally subdivision requires dedication of ROW but I remember Engineering stating that it was not required. I will work on getting a letter from Engineering that states why dedication is not required.



additional 34 feet of ~~road width and right-of-way~~ where the property is already encumbered by the existing irrigation ditch is unique to this property and section of the roadway. Without the additional ~~width right-of-way~~, it is not possible to add boulevards or increase the sidewalk width. Mullan Road ~~currently contains is already an arterial roadway with~~ two driving lanes, two bike lanes, and a center turn lane. This road currently functions very well and traffic flows freely through this section of Mullan Road.

Commented [CT3]: It's classified as a minor arterial but doesn't meet standards. I eliminated this portion to avoid confusion.

- 3) Because of the physical surroundings, particular shape, or topographical conditions of the specified property involved, undue hardship to the owner would result if the strict requirements of these regulations are enforced.

The hardship in providing the width of ~~right-of-way road~~ specified in current regulations is not the fault of the applicant. The existing Mullan Road ~~right-of-way public road~~ easement was established as a Territorial Highway on January 7, 1869, by the Legislative Assembly of the Territory of Montana. In addition, the Flynn Lowney Ditch Easement that abuts the right-of-way easement on the north was originally established in 1906 according to BK 37 Deed Page 84. These constraints place an undue hardship on the applicant and require the need to request a variance. The Flynn Lowney Ditch Company has told WGM Group that they are not interested in further encumbering the ditch with additional City ~~road width right-of-way~~. If Mullan Road was ever expanded the irrigation ditch would need to be put in a pipe and that would be very expensive and not feasible with this project.

- 4) The variance will not in any manner violate the provisions of the zoning ordinance or any variance granted to those regulations or the Missoula County Growth Policy. **This variance request will not violate the provisions of the zoning ordinance or any variance granted to those regulations or conflict with the Our Missoula City Growth Policy 2035.**
- 5) This variance will not cause any increase in public costs.
This variance request will not cause any increase in public costs.
- 6) The hardship has not been created by the applicant or the applicant's agent or assigns.
The hardship has not been created by the applicant or the applicant's agent. The hardship is a result of previous development, existing easement width, ditch location, and ditch easement.



VARIANCE REQUEST #2 MAPLE STREET

Requirement – We are requesting to vary from Article 3-020 Table .2A, Standards for Geometric Design of Roads and Streets. The regulation requires Urban Local Commercial Industrial streets with parking – in this case, Maple Street – to meet the following standards: two travel lanes of minimum 10-foot width; eight-foot width for parking lane; curb and gutter, plus seven-foot wide boulevard and five-foot-wide sidewalks, in a right-of-way width of 80 feet. All of these improvements total 61 feet.

Variance Request – We are asking for a variance to construct improvements within the existing 48-foot wide right-of-way, retain the current configuration and design within a 48-foot-wide right-of-way, rather than the 80-foot-wide required right-of-way. The current configuration requires a variance to the regulations for a sidewalk on the north side of Maple Street and boulevards on each side of the street. Acquiring additional right-of-way north or south of the existing right-of-way is not possible since those properties are held in different ownership from the subdivided property. The 5-foot sidewalk on the south side of the road is in good condition. The existing 48-foot right-of-way allows for improvements to the north side of Maple Street including a 5-foot sidewalk, curb and gutter, and a 7-foot boulevard. The curb ramps on the north side of the intersection of Maple Street and West Broadway will be improved to meet current standards, with permission obtained from the Montana Department of Transportation. The City of Missoula will be participating in the cost of improvements to the north side of Maple Street. The City of Missoula has a project planned to improve the Maple Street right-of-way. We will participate in a cost improvements agreement with the City of Missoula to construct the required right-of-way improvements. Once the proposed improvements are constructed, Maple Street will contain 5 foot sidewalks on both sides of the street, 28 feet of roadway including two drive lanes and one parking lane, a seven foot boulevard on the north side, and curb and gutter.

Please refer to the street cross-sections in Section 5 “Existing-Proposed Typical Street Section”.

Mitigation – Minimal improvements can be made to the existing road and street design of Maple Street due to the limited right-of-way provided between the properties north and south of Maple Street. The street section ~~could~~ will be re-built to include a boulevard and sidewalk on the north side as suggested by City Engineering in their preliminary review of the subdivision on July 14, 2020, ~~however, it seems unnecessary since the street section is only 310 feet long and alternate routes exist or are planned that connect West Broadway to the site and then to Mullan Road. Once Maple Street is improved, pedestrian routes will be provided on both sides of Maple Street to connect the development to West Broadway. A public access easement from the property owner to the east to allow for an additional pedestrian route from the site to West Broadway. These connections include an existing sidewalk along the south side of Maple Street, an existing sidewalk along Mullan Road, and a planned sidewalk connection from Lot 1 to West Broadway on the north end of the property.~~ There is also a proposed public pedestrian access easement from Maple Street to Mullan Road that will mitigate pedestrian connectivity through the proposed project between Broadway

Commented [CT4]: Insert applicable party

Commented [CT5]: This needs to be added to the application packet.



and Mullan Road.

The following points address the six criteria for requesting a variance in accordance with Section 6-010:

(WGM's responses in bold)

- 1) The granting of this variance does not result in a threat to public safety, health, or welfare, nor is it injurious to other persons or property.

Maple Street is approximately 310 feet long from the intersection of Maple Street and West Broadway. This portion of the street will serve Lot 1 and three other properties. The three other properties have primary access points on West Broadway and Mullan Road. Vehicular traffic is proposed to increase by (To be added once the TIS is completed)____. Non-vehicular traffic will increase with the proposed project. **Improvements to the north side of Maple Street will accommodate the additional non-vehicular traffic created by this development. however, the existing sidewalk along the south side of Maple Street, t**The existing sidewalk along Mullan Road, and the future sidewalk extending from Lot 1 to West Broadway **through the adjacent property to the east on the north end of the property are will be** adequate to serve the increased use. The existing right-of-way width and street improvements will not result in a threat to public safety, health, or welfare nor are they injurious to other persons or property. **We are constructing improvements to accommodate all modes of transportation while working with the constraints of the existing right-of-way widths.** The existing and future Mountain Line bus stops along the west side of West Broadway can be accessed from the south side of Maple Street and will become more accessible with the proposed connection on the north end of Lot 1. The existing traffic signal and crosswalk are the best options for crossing West Broadway to get to the bus stops along the east side of West Broadway.

- 2) The conditions upon which this request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.

The condition upon which this request for a variance is based is unique to the property due to the **inability to obtain additional right-of-way for Maple Street. existing right-of-way easement that is also an offsite improvement and not internal to the subdivision.** Maple Street dead-ends at the eastern boundary of the subject property. The properties north and south of Maple Street are not in the applicant's ownership therefore the applicant cannot increase the right-of-way width for Maple Street. **Even with the proposed improvements, Maple Street will not meet the current standards for a Urban Local Commercial Industrial street due to insufficient right-of-way width. Removing the existing driving surface and replacing a section with a sidewalk and boulevard is not cost-effective for an affordable housing project, especially when the project does not think this improvement is necessary or will increase public safety.** These unique circumstances require the applicant to request a variance. **We believe there is adequate, existing infrastructure in place that the Trinity Mullan Subdivision can utilize "as is".**

- 3) Because of the physical surroundings, particular shape, or topographical conditions of the specified property involved, undue hardship to the owner would result if the strict requirements of these regulations are enforced.

The hardship in providing the width of right-of-way specified in current regulations is not the fault of the applicant. The existing Maple Street right-of-way was created and



dedicated per McCormicks's Addition No. 2 in 1890 per BK 1, Page 82. There is no ability to dedicate additional right of way to meet the current regulations since the subdivider does not own the property north or south of Maple Street. ~~In addition, if a sidewalk was required on the north side of Maple Street, the entire northwestern curb return at Maple and Broadway would need to be reconfigured and handicap ramps on both the north and south side of Maple Street would need to be upgraded to meet current PROWAG standards. These handicap ramps are within MDT right-of-way and the costs for these improvements would be significant and would take a lot of time and effort to obtain MDT approval. The cost of the improvements and time frames to get plans approved for the improvements would be a significant hardship to the proposed project.~~

- 4) The variance will not in any manner violate the provisions of the zoning ordinance or any variance granted to those regulations or the Missoula County Growth Policy. **This variance request will not violate the provisions of the zoning ordinance or any variance granted to those regulations or conflict with the Our Missoula City Growth Policy 2035.**
- 5) This variance will not cause any increase in public costs. **This variance request will not cause any increase in public costs.**
- 6) The hardship has not been created by the applicant or the applicant's agent or assigns. **The hardship has not been created by the applicant or the applicant's agent. The hardship is a result of previous development and previously deeded right-of-way.**



VARIANCE REQUEST #3 WEST BROADWAY

Requirement – We are requesting to vary from Article 3-020 Table .2A, Standards for Geometric Design of Roads and Streets. The regulation requires Principal Arterial streets with parking – in this case, West Broadway – to meet the following standards: four travel lanes of minimum 10-foot width plus a turn lane or four travel lanes a minimum of 10 feet wide; eight-foot-wide parking lanes; six-foot wide bike lanes; curb and gutter, plus ten-foot-wide boulevards and six-foot-wide sidewalks, in a right-of-way width of 120-140 feet. All of these improvements total 123 feet.

Variance Request – We are asking for a variance to retain the current configuration and design of West Broadway. Specifically allowing a reduced boulevard of 7.5 feet in width on the northeast side of Broadway, a five-foot-wide sidewalk on each side of Broadway, and a shared or oversized parking lane/bike lane of 12 feet on the east side of Broadway and 13 feet on the west side of Broadway.

Please refer to the street cross-sections in Section 5 of the subdivision application labeled “Existing Typical Street Section”.

Mitigation – This variance will allow the current configuration of Broadway to be maintained. For this particular variance, we do not believe that much in the way of mitigation is necessary. West Broadway, in its existing condition, already conforms to all requirements in the subdivision regulations. ~~It exceeds the required right-of-way width, has adequate lane widths for vehicles, provides for parking, and/or a bike lane, and has boulevard sidewalks on both sides of the road. This variance is essentially asking to vary from the boulevard width on one side of the road by 2.5 feet, the sidewalk width by 1 foot, and 1-2 feet for a bike lane on each side of the road. Existing infrastructure currently accommodates all modes of transportation. The sidewalk and boulevard fronting the proposed subdivision are in conformance with the subdivision regulations.~~

The following points address the six criteria for requesting a variance in accordance with Section 6-010:
(WGM’s responses in bold)

7)1) The granting of this variance does not result in a threat to public safety, health or welfare, nor is it injurious to other persons or property.

The street section proposed for this development meets all of the standards of Article 3-020 Table .2 A, except for the required 10-foot wide boulevard on the northeast side of West Broadway and the 6-wide sidewalk on both sides of Broadway. A boulevard and wide shoulders/bike lanes (13 feet and 12 feet) do exist between the travel lanes and the sidewalk, allowing for safe pedestrian travel. The wide shoulder allows for safe travel by bike, separated from vehicular traffic. The existing travel and turning lanes meet the standards of Article 3-020 Table .2A, promoting safe vehicular travel. The variance to maintain the existing sidewalk and boulevard widths will not result in a threat to public safety, health, or welfare nor are they injurious to other persons or property.

Commented [CT6]: The boulevard and sidewalk widths do not conform to the subdivision regulations.

Commented [CT7]: Not fully accurate because of the bike lane parking lane standards. I would focus on how it supports safe travel for all modes of transportation.



8)2) The conditions upon which this request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other properties.

The conditions upon which this request for a variance is based are unique to the property due to the limited frontage on West Broadway. The request to provide improvements to 98 lineal feet of frontage along West Broadway would be out of character for the neighborhood and would not improve pedestrian safety or circulation. In general, most other properties fronting on West Broadway have between 200 and 500 feet of frontage and primary access is also provided by West Broadway. The circumstances related to the subject property are vastly different as compared to other properties in the area.

9)3) Because of the physical surroundings, particular shape, or topographical conditions of the specified property involved, undue hardship to the owner would result if the strict requirements of these regulations are enforced.

Due to the limited frontage and built environment along West Broadway, requiring the applicant to provide an increased boulevard on the east side of West Broadway and an increased sidewalk width for 98 lineal feet of frontage would create an undue hardship for the owner. Improvements within MDT right-of-way would be very expensive and the time frames to get MDT approval of plans is also a hardship to the project's overall schedule. This site has significantly less frontage on West Broadway than surrounding properties. Improvements to West Broadway adjacent to the subject property would not align with the current infrastructure to the north and to the south, all of which is in good condition.

10)4) The variance will not in any manner violate the provisions of the zoning ordinance or any variance granted to those regulations or the Missoula County Growth Policy. This variance request will not violate the provisions of the zoning ordinance or any variance granted to those regulations or conflict with the Our Missoula City Growth Policy 2035.

11)5) This variance will not cause any increase in public costs.

This variance request may cause an increase in public costs at the time West Broadway Street is improved. will not cause any increase in public costs.

12)6) The hardship has not been created by the applicant or the applicant's agent or assigns.

The hardship has not been created by the applicant or the applicant's agent. The hardship is a result of the limited frontage and the existing infrastructure improvements.

Commented [CT8]: This is possible. You could sign an SID waiver in order to say it won't increase public costs.

