

Variance Request #1 –Right-of-way and street minimum widths, public street and road right-of-way standards, and parking lane requirements.

A variance from Sections 3-020 Table .2A, 3-020.3. C., and 3-020.4. N. proposing 45’ minimum right-of-way width and 33’ standard road width, proposing public street and road rights-of-way meet the standards in Table .2A, and proposing parking lane requirements on both sides of local residential streets and cul-de-sacs, respectively.

Rule (s):

3-020 Streets, Sidewalks, and Trails

Table .2 A (Low Density Local Residential Street)

Table .2 A Standards for Geometric Design of Roads and Streets			
Roadway Designation - City Functional Classification Map link	Local Residential Street	Low Density Local Residential Street (less than 12 dwelling units /acre or greater than 80 feet average frontage)	Home Zones/Woonerf
Functional Classification	Local Street	Local Street	Local Street
Purpose	Access	Access	Access
Daily Traffic Volumes	0 - 250	0 - 250	0-250
Roadway			
Right-of-way (Minimum)	47'	45'	28'
Street Width (Back of Curb to Back of Curb) (minimum)	35'	33'	28'
Number of Travel Lanes (typical)	2	2	-
Lane Width (minimum)	10'	10'	12' - one way 16' - two way
Parking Lane Width (parallel)	7'	6'	-
Street Side			
Sidewalk Width (minimum)	5'	5'	-
Boulevard Width (minimum)	7	7	-
Bike Lanes	-	-	-
Trails	Trails are considered alternatives to sidewalks in common areas and connectors between cul-de-sacs and may be located outside the established street and road right of way corridor if they satisfy the Parks and Open Space Trails criteria in 3-080.		
Buses	When development is adjacent to or within 1/4 mile of an established public transit or school bus route, subdivider may be required by the City Engineer to construct bus stop facilities along with accessible routes, meeting ADA standards, to those facilities. Subdividers are encouraged to consult with the Missoula Urban Transportation District and Missoula County Public Schools early in the planning and design process.		
Landscaping	Streetside landscaping may include shrubs, ground cover, mulch, and irrigation and should incorporate xeriscape methods in accordance with Title 12, Chapter 12.32 Comprehensive Tree and Shrub Planting, Pruning, and Maintenance Regulations.		
Streetside Accessories	The City Engineer and subdivider will determine specific streetside accessory locations, types, and numbers during the design and permitting process.		
Utilities			

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.3 Access, Rights-of-Ways, and Easements

C. Public street and road rights-of-way must meet the standards in Table .2A

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.4 Street Design and Improvements

N. A parking lane is required on both sides of local residential streets and cul-de-sacs.

Request (s):

Approval of a proposed right-of-way width of 29.5 and proposed road width of 25.5' for Road A. Approval of variations from Geometric Design Standards of Roads and Streets presented in Table .2A. Approval of a single 7' parking lane on the western side of Road A.

Reason (s):

The proposed road will provide adequate, safe, transportation options to residents and emergency services while adhering to sidewalk, boulevard, and open space access requirements outlined in the City of Missoula Subdivision Regulations. The existing conditions of the property dictate the proposed road, and its ensuing dimensions, as the predominant practical design for a road in this subdivision. The slightly narrower design prioritizes safe, efficient, travel for both motorized and non-motorized traffic, and still adheres to the minimum setback standards for residential buildings outlined in the City of Missoula Subdivision Regulations. Ultimately, the goal for this subdivision is to help fill the much-needed demand for housing within Missoula, and proposed subdivision will be served by a Low Density Local Residential Street that meets all the requirements stipulated in the City of Missoula Subdivision Regulations with the exception of parking, road and Right-of-way (ROW) width, and turnaround design. The proposed unit design will accommodate detached garages which, combined with the single 7' proposed parking lane, will provide ample parking for all future residents living in the subdivision.

The following points address the six criteria for requesting a variance in accordance with *Missoula City Subdivision Regulations 6-010*:

- 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 proposed road is designed to provide adequate traffic circulation and safe access to all proposed lots within the River View Subdivision. The granting of the road width, right of way width, and parking lane variances does not result in a threat to public safety, health or welfare, nor is it injurious to other persons or property.

- 2.) *The conditions upon which the 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 variance is based are unique in that the particular shape of the proposed subdivision property development cannot be achieved without the use of the Road A design outlined in the Preliminary Plat. By utilizing that particular design for this subdivision, the subdivision will be able to be accessed by residents without the need for new roads to be developed on adjacent properties.



- 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 letter of these regulations are enforced.*

The proposed subdivision will be served by a road that allows safe access to all proposed lots within the subdivision. Enforcing the strict letter of the regulations would result in a hardship to the owner because no other means of motorized transportation infrastructure are feasible if the intuitive design and character of the subdivision is to be maintained.

- 4.) *The variances 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 City of Missoula Title 20 Zoning Ordinance or the Our Missoula 2035 Comprehensive Plan.

- 5.) *The variance will not cause any increase in public costs.*

There will not be an increase to public costs by granting this variance.

- 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. The property is bounded by rental properties, an existing subdivision, and a public park on all sides. There is no possibility for future connection to any other public Right of Way nor any other road design to provide safe access for motorized and non-motorized transportation to future residents.



Variance Request #2 –Geometric Design of Roads and Streets and Dead-End Streets, Cul-de-Sacs, Circle Loops Streets, and turnarounds.

A variance from Sections 3-020.5.A, 3-020.5.B(3), 3-020.5.B(5), and 3-020.5.B(6) prohibiting the presence of Cul-de-Sacs, loop and circle streets, and turnarounds, prohibiting cul-de-sac streets from representing over 15% of total roadways in a subdivision, dictating that the minimum right-of-way of turnaround or cul-de-sac radius be at least 50 feet, and the dictating that the minimum pavement width of the turnaround or cul-de-sac radius be 45 feet, respectively.

Rule (s):

3-020 Streets, Sidewalks, and Trails

.5 Dead-End Streets, Cul-de-Sacs, and Circle and Loop Streets

A. *Cul-de-sacs, loop and circle streets, and turnarounds, are prohibited. Dead-end streets are prohibited.*

B. *If approved by variance, the following standards apply:*

(3) *Permanent cul-de-sac streets may not represent more than 15% of the total roadway miles in a subdivision unless the Office of Planning and Grants Director, and the City Engineer determines that a practical difficulty exists due to the presence of streams, steep slopes, other natural resources or significant physical constraints. Connections must be made with existing roads or streets or planned roads or streets.*

(5) *The minimum right-of-way of the turn-around or cul-de-sac radius is 50 feet.*

(6) *The minimum pavement width of the turn-around or cul-de-sac radius is 45 feet.*

Request (s):

Approval of a proposed hammer head turnaround for Road A which represents over 15% of total roadway miles in the proposed subdivision, has less than a 50ft turnaround radius right of way, and has less than a 45 ft turnaround radius pavement width. Please see proposed Road A on the Preliminary Plat.

Reason (s):

The proposed road will provide adequate, safe, transportation options to residents and emergency services while adhering to sidewalk, boulevard, and open space access requirements outlined in the City of Missoula Subdivision Regulations.

The existing conditions of the property dictate the proposed road, and its ensuing dimensions, as the predominant practical design for a road in this subdivision. The proposed turn-around will provide adequate, safe, transportation options to residents and emergency services while adhering to sidewalk, boulevard, and open space access requirements. The existing conditions of the property dictate the proposed hammerhead turnaround as the predominant practical design for subdivision ingress and egress. There is currently a subdivision directly adjacent to the east (Carter's Orchard Homes), a park directly adjacent to the west (Lafray Park), and rental properties directly adjacent to the south (JT Rental Properties) which allows for no further extension of a roadway and requires a turnaround be used as the transportation corridor for residents.

The following points address the six criteria for requesting a variance in accordance with *Missoula City Subdivision Regulations 6-010*:

- 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 proposed road is designed to provide adequate traffic circulation and safe access to all proposed lots within the River View Subdivision. The granting of the turnaround variance, complete with variations from total roadway miles, turnaround radius, and pavement width radius does not result in a threat to public safety, health or welfare, nor is it injurious to other persons or property.

A turnaround in the proposed subdivision aligns with other subdivisions in the area like the Carter's Orchard Homes which utilizes a cul-de-sac to provide residential access.

- 2.) *The conditions upon which the 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 variance is based are unique in that the particular shape of the proposed subdivision property development cannot be achieved without the use of the Road A design outlined in the Preliminary Plat. By utilizing that particular design for this subdivision, the subdivision will be able to be accessed by residents without the need for new roads to be developed on adjacent properties.

- 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 letter of these regulations are enforced.*

The proposed subdivision will be served by a road that allows safe access to all proposed lots within the subdivision. Enforcing the strict letter of the regulations would result in a hardship to the owner because no other means of motorized transportation infrastructure are feasible if the intuitive design and character of the subdivision is to be maintained.



- 4.) *The variances 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 City of Missoula Title 20 Zoning Ordinance or the Our Missoula 2035 Comprehensive Plan.

- 5.) *The variance will not cause any increase in public costs.*

There will not be an increase to public costs by granting this variance.

- 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. The property is bounded by rental properties, an existing subdivision, and a public park on all sides. There is no possibility for future connection to any other public Right of Way nor any other road design to provide safe access for motorized and non-motorized transportation to future residents.

The following 8 points address the specific standards for the turnaround components of the variance listed above. The specific components from *Section 3-020.5.B* included in this variance request are highlighted below:

- 1.) *Where additional future street extension is proposed, a temporary turn around or cul-de-sac must be provided.*
 - a. **No future street extensions are proposed with this subdivision.**
- 2.) *Cul-de-sacs and turnarounds must meet the requirements of the City Engineer and Fire Chief.*
 - a. **The proposed turnaround (currently Road A) will meet both the City Engineer and Fire Chief requirements. The City Engineer and Fire Chief will have the opportunity to comment during the agency review period.**
- 3.) *Permanent cul-de-sac streets may not represent more than 15% of the total roadway miles in a subdivision unless the Office of Planning and Grants Director, and the City Engineer determines that a practical difficulty exists due to the presence of streams, steep slopes, other natural resources, or significant physical constraints. Connections must be made with existing roads or streets or planned roads or streets.*
 - a. **The intuitive design of the proposed subdivision mandates the presence of roadway access to residential lots. The existing conditions of the property dictate the proposed turnaround as the predominant practical design for subdivision ingress and egress. There is currently a subdivision directly adjacent to the east (Carter's Orchard Homes), a park directly adjacent to the west (Lafray Park), and rental properties directly adjacent to the south (JT rentals) which allows for no further extension of a roadway and requires a hammerhead turnaround.**



4.) *The maximum length of a cul-de-sac street must not be more than 600 feet.*

a. **The distance from River Road to the southern terminus of the proposed cul-de-sac is just over 300'.**

5.) *The minimum right-of-way of the turn-around or cul-de-sac radius is 50 feet.*

a. **The 'T' style, or 'hammerhead', turn around will provide an efficient transportation corridor for utility service providers, residents, and emergency services.**

The minimum right-of-way and pavement width for cul-de-sac radii are based on traditional, circular, turn-around design. The existing conditions of this property and surrounding properties prohibit a traditional, circular, design. The dimensions of the proposed turn-around adheres to all of the principles driving the dimensional standards for circular cul-de-sacs but doesn't adhere to radius variance standards because those standards are designed to ensure cul-de-sacs can serve as safe, efficient, means of transportation. The proposed turnaround for this property has 20 ft widths on the eastern and western edges. The entire length of the turn-around is 120 ft with a turnaround radius of 21.5 ft in the center of the cul-de-sac. There are snow storage areas directly adjacent to the eastern and western edges of the turn-around, and ample room for emergency services access based on the length, width, and radius provided above.

6.) *Cul-de-sacs over 45 feet in radius must include a water permeable center island.*

a. **The proposed turnaround has an intuitive design determined by the existing conditions of the proposed subdivision and surrounding area. The hammerhead design accommodates the layout of the property and will provide ample space for emergency services and adequate, safe, residential traffic circulation.**

The proposed turnaround has a pavement width of 20 ft and pavement length of 120 ft. The proposed turn-around radius has a pavement width of 21.5 ft.

These dimensions allow for adequate, safe, residential traffic circulation and provide room for snow removal areas and emergency service turnarounds.

7.) *Cul-de-sacs over 45 feet in radius must include a water permeable center island. The proposed turnaround does not exceed 45 feet in radius. This specific standard is not applicable for the proposed turn around.*



- 8.) *Development with cul-de-sacs, circle and loop streets, or turnarounds must provide non-motorized access easements that connect the ends of these streets with each other or provide non-motorized access to existing or reasonably expected future streets, schools, shopping, parks, trails, or open space, bus stops and community facilities.*
- a. **The proposed turnaround dead ends at the southern end of the property which is directly adjacent to the east of Lafray Park. Non-motorized transportation infrastructure, 5' sidewalks, are proposed to connect the southern end of proposed Road A with Lafray Park.**



Variance Request #3 –Lots and Blocks

A variance from Sections 3-030.2.A (2) proposing blocks may not exceed a maximum length of 480 feet in urban-suburban subdivisions.

Rule (s):

3-030 Lots and Blocks

.2 Blocks

A. Blocks must be designed to assure traffic safety and ease of circulation, to accommodate the special needs of the use contemplated to accommodate pedestrians, bicyclists and transit users as well as motor vehicles, and to take advantage of the opportunities or to mitigate the limitations of the topography. Specifically:

(2) Blocks may not exceed a maximum length of 480 feet in urban-suburban subdivisions.

Request (s):

Approval of a proposed block length of 638.4 ft.

Reason (s):

The proposed block length is designed to assure traffic safety and ease of circulation, to accommodate the special needs of the use contemplated to accommodate pedestrians, bicyclists, and transit users as well as motor vehicles and to take advantage of the opportunities and limitations of the specific property. The existing conditions of the property dictate the longer block length to accommodate the proposed number of lots for the subdivision. Ultimately, the goal for the subdivision is to help fill the much-needed demand for housing within Missoula, and the proposed 19 lots serve to accomplish that goal while adhering to the City of Missoula Subdivision Regulations except for the total block length of 480 feet.

The following points address the six criteria for requesting a variance in accordance with *Missoula City Subdivision Regulations 6-010*:

- 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 proposed block length is designed to insure traffic safety and ease of circulation, to accommodate the special needs of the use contemplated to accommodate pedestrians, bicyclists, and transit users as well as motor vehicles and to take advantage of the opportunities and limitations of the specific property. The granting of the increased block length does not result in a threat to public safety, health or welfare, nor is it injurious to other persons or property.

- 2.) The conditions upon which the 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 variance is based are unique in that the particular shape of the proposed subdivision property development cannot be achieved without the increased block length. By utilizing the longer block length for this subdivision, the subdivision will be able to be accessed by residents without the need for new roads to be developed on adjacent properties.

- 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 letter of these regulations are enforced.*

Enforcing the strict letter of the regulations would result in a hardship to the owner because no other proposed block lengths are feasible if the intuitive design and character of the subdivision is to be maintained.

- 4.) *The variances 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 City of Missoula Title 20 Zoning Ordinance or the Our Missoula 2035 Comprehensive Plan.

- 5.) *The variance will not cause any increase in public costs.*

There will not be an increase to public costs by granting this variance.

- 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. The property is bounded by rental properties, an existing subdivision, and a public park on all sides. There is no possibility for any other block length while still providing safe access for motorized and non-motorized transportation to future residents.






Variance Request #4 –Standards for Geometric Design of Roads and Streets

A variance from Sections 3-020 Table .2A and 3-020.3.H.(2) proposing the minimum Right-of-way width for Urban Collectors (without Parking) and subdivision abutting existing or proposed streets must provide dedication of right-of-way to meet the requirements of Table .2A.

Rule (s):

3-020 Streets, Sidewalks, and Trails

Table .2 A (Urban Collector Without Parking)

Table .2 A Standards for Geometric Design of Roads and Streets			
Roadway Designation - City Functional Classification Map link	Minor Arterial (with parking)	Urban Collector (without parking)	Urban Collector (with parking)
Functional Classification	Minor Arterial	Collector	Collector
Purpose	Regional	Access	Access
Daily Traffic Volumes	3,500 - 15,000	1,000 - 7,500	1,000 - 7,500
Roadway			
Right-of-way (Minimum)	100'	80'	90'
Street Width (Back of Curb to Back of Curb) (minimum)	57' with turn lane 47' without turn lane	41' with turn lane 31' without turn lane	57' with turn lane 47' without turn lane
Number of Travel Lanes (typical)	2+ center turn lane or 2 lanes	2+ center turn lane or 2 lanes	2+ center turn lane or 2 lanes
Lane Width (minimum)	10'	10'	10'
Parking Lane Width (parallel)	8'	-	8'
Street Side			
Sidewalk Width (minimum)	6'	5'	5'
Boulevard Width (minimum)	10'	7'	7'
Bike Lanes	6'	5'	6'
Trails	Trails are considered alternatives to sidewalks in common areas and connectors between cul-de-sacs and may be located outside the established street and road right of way corridor if they satisfy the Parks and Open Space trails criteria in 3-080.		
Buses	When development is adjacent to or within a mile of an established public transit or school bus route, subdivision may be required by the City Engineer to construct bus stop facilities along with accessible routes, meeting ADA standards, to those facilities. Subdividers are encouraged to consult with the Missoula Urban Transportation District and Missoula County Public Schools early in the planning and design process.		
Landscaping	Streetside landscaping may include shrubs, ground cover, mulch, and irrigation and should incorporate terrscape methods in accordance with Title 12, Chapter 12.32 Comprehensive Tree and Shrub Planting, Pruning, and Maintenance Regulations.		
Streetside Accessories	The City Engineer and subdivider will determine specific streetside accessory locations, types, and numbers during the design and permitting process.		
Utilities			
Refer to Article 3, Section 3-050 for utility placement within right-of-way and easements.			
Illustration (not to scale)			

3-020.3. H. (2) Access Control

Subdivisions abutting existing or proposed streets and roads must provide dedication of right-of-way to meet the requirements of Table .2A measured from the existing center line and extending along the entire frontage of the proposed subdivision.

Request (s):

Approval of a proposed right-of-way width of 60' for River Road, an Urban Collector (without parking), and approval for the proposed subdivision which abuts the existing River Road not to meet the requirements outlined in Table .2A.

Reason (s):

River Road currently provides adequate, safe, transportation options to residents and emergency services utilizing the area without meeting the Right-of-way width and Street Side infrastructure requirements outlined in Table .2A of Missoula City Subdivision Regulations. The proposed subdivision will improve the frontage connection onto River Road with the necessary Street Side infrastructure including sidewalk and boulevard, and the existing 60' right-of-way width will provide adequate, safe, transportation options to both future residents of the proposed subdivision and current residents in the area.

The following points address the six criteria for requesting a variance in accordance with *Missoula City Subdivision Regulations 6-010*:

- 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.*

River Road currently provides adequate, safe, transportation options without meeting all of the requirements outlined for Urban Collectors (without parking) in Table .2A of the Missoula City Subdivision Regulations. The granting of the Right-of-Way width, and Table .2A standard variances does not result in a threat to public safety, health, or welfare, nor is it injurious to other persons or property.

- 2.) *The conditions upon which the 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 variance is based are unique in that the existing conditions of River Road currently provide adequate, safe, access to residents in the area without meeting all of the standards outlined in Missoula City Subdivision Regulations .2A. Additionally, the proposed subdivision is bounded by River Road, rental properties, an existing subdivision, and a public park on all sides. The proposed subdivision will improve Street Side infrastructure along the frontage of River Road which will only serve to improve transportation options in the area.



- 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 letter of these regulations are enforced.*

River Road currently provides adequate, safe, transportation options without meeting all of the requirements outlined for Urban Collectors (without parking) in Table .2A of the Missoula City Subdivision Regulations. Requiring the owner to adhere to the strict letter of Missoula City Subdivision Regulations would result in undue hardship to the owner because the proposed subdivision will improve transportation options in the area by improving Street Side infrastructure along it's River Road frontage, and the current 60' Right-of-Way width provides safe adequate access to residents in the area.

- 4.) *The variances 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 City of Missoula Title 20 Zoning Ordinance or the Our Missoula 2035 Comprehensive Plan.

- 5.) *The variance will not cause any increase in public costs.*

There will not be an increase to public costs by granting this variance.

- 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. The property is bounded by River Road, rental properties, an existing subdivision, and a public park on all sides. There is no possibility for future connection to any other public Right of Way to provide safe access for motorized and non-motorized transportation to the proposed subdivision.

