

Aspire Subdivision

Variance Request #1

A variance is being requested from the City of Missoula Subdivision Regulations for the Aspire Subdivision concerning the right-of-way for the proposed Low Density Urban Local Streets within the Subdivision.

Regulation of Concern:

- Article 3.020.2.B, All public and private street and road improvements, including pavement, curbs, sidewalks, bike facilities, and drainage must be in accordance with the Missoula City Public Works Standards and Specifications and standards prescribed in Table .2A. Where the specifications or standards conflict with other regulations, the regulations of 3-020 apply.
- Article 3.020.2 table .2 A, Right-of-Way minimum width and street width.
- Article 3.020.3.C Public street and road Right-of-Way must meet the standards in Table .2A.

Variance Request: Reduce the minimum right-of-way (ROW) from 70-feet to 62-feet as shown on the Preliminary Plat.

Justification: This variance still allows all required improvements per subdivision regulations to fit within the right-of-way. The proposed street sections of Bent Branch Road, Crosscut Way, Junction Way, Heartwood Place, Aspire Loop, and all but a small section of Waterside Drive meet all requirements of the Low Density Urban Local Street as stated in the City of Missoula Subdivision Regulations with the exception of the right-of-way width. This would provide a road right-of-way, per Aspire Subdivision Road Design, that is back of sidewalk to back of sidewalk plus ½-foot on each side on each side. This ROW would be slightly larger but matches in context the current ROW of Somers Street. This will keep the standard of design similar for the entire neighborhood. By allowing a reduction in right of way to the sidewalk allows for a clearer view of City right-of-way to residences as well as more function use of lot space with-in the subdivision.

The following address the criteria requirements of Section 6-010 of Article 6 of the Missoula Subdivision Regulations:

1. **The granting of the variance does not result in a threat to the public safety, health or welfare and is not injurious to other persons or property.** Reducing the Right-of-Way will not reduce or limit any physical infrastructure for the proposed subdivision, it will accommodate the proposed street section which is wider and safer than the required per Article 3.020.0 table .2 A. All proposed City infrastructure will easily fit with-in the proposed right-of-way. Non-City infrastructure will be installed in an utility easement located just outside of the City right-of-way.
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 request for a variance is based are unique to the property because of the existing infrastructure to the south of which this subdivision will be connecting to and providing a similar design standard of streets for the neighborhood. Also, to achieve a mid-

range density according to the growth policy of this area, a slightly smaller right-of-way makes this achievable.

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.** Undue hardship would result to the owner, if strict requirements of the regulations were enforced, by creating smaller lot sizes in which to build homes due to an unnecessary portion of Right-of-Way taking up portions of each lot.
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 will not violate zoning, previous variances, or the Missoula County Growth Policy.
5. **The variance will not cause an increase in public costs.** This variance will not cause an increase in public costs. The smaller right-of-way would require less maintenance costs for any future needs.
6. **The hardship has not been created by the applicant or the applicant's agent or assigns.** The hardship was not caused by the applicant, their agents, or assigns. This is the result of an existing condition, prior to the applicant's involvement.

Aspire Subdivision

Variance Request #2

A variance is being requested from the City of Missoula Subdivision Regulations for the Aspire Subdivision concerning the right-of-way for the proposed Low Density Urban Local Streets within the Subdivision.

Regulation of Concern:

- Article 3.020.2.B, All public and private street and road improvements, including pavement, curbs, sidewalks, bike facilities, and drainage must be in accordance with the Missoula City Public Works Standards and Specifications and standards prescribed in Table .2A. Where the specifications or standards conflict with other regulations, the regulations of 3-020 apply.
- Article 3.020.2 table .2 A, Right-of-Way minimum width and street width.
- Article 3-020.3.C, Public Street and road rights-of-way must meet the standards in Table .2A.
- Article 3-020.4.N, A parking lane is required on both sides of local streets and cul-de-sacs.

Variance Request: Reduce the minimum right-of-way (ROW) from 70-feet to 54-feet and reduce the parking lane from both sides to one side as shown on the Preliminary Plat for approximately 415 feet of Waterside drive.

Justification: The proposed street section of Waterside Drive is to closely match the street cross-section for the existing Waterside Drive connection to the north. Due to the smaller size of the existing Waterside Drive this small section is proposed to act as a traffic calming and volume mitigation for the already undersize road that exists as a connection point to the subdivision. The proposed ROW would match the existing ROW of Waterside Drive. This will keep the standard of design similar for the entire neighborhood. Making the change of Right-of-Way widths at an intersection rather than in the middle of the street. The current design as proposed meets all subdivision regulations for a cross-section of Low Density Urban Local Streets except for the lack of parking on one side of the street.

The following address the criteria requirements of Section 6-010 of Article 6 of the Missoula Subdivision Regulations:

- 1. The granting of the variance does not result in a threat to the public safety, health or welfare and is not injurious to other persons or property.** Reducing the Right-of-Way and Street Section will not reduce or limit any physical infrastructure for the proposed subdivision, all proposed infrastructure will be able to fit with-in the ROW and the smaller Cross-Section will provide a traffic calming as traffic moves to an already existing cross-section of similar size. This reduction in ROW will provide a safer travel speed as Waterside Drive enters the Water's Edge Subdivision where the road is narrower and meanders more.
- 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 request for a variance are based are unique to the property due to the existing infrastructure (Waterside Drive) to the north of which this subdivision will be

connecting. The variance requested will provide a similar design standard compared to the existing street.

- 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 northern connection point for the proposed subdivision is the recently constructed Waterside Drive. This public County ROW is only a 54' ROW with a smaller winding cross-section through water's edge subdivision. In order to promote a safer transition point to the smaller road that already exists, this variance request to change the ROW transition 415' to the south of the existing road, at a proposed intersection.
- 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.** The variance request is from subdivision regulations, and does not change or violate zoning, previous variances, or the Missoula County Growth Policy.
- 5. The variance will not cause an increase in public costs.** The reduction in ROW will not add any additional costs to maintenance or future work on this section of Waterside Drive.
- 6. The hardship has not been created by the applicant or the applicant's agent or assigns.** The hardship was not caused by the applicant, their agents, or assigns. This is the result of an existing county ROW needed to access the proposed project. That was prior to the applicant's involvement.

Aspire Subdivision

Variance Request #3

A variance is being requested from the City of Missoula Subdivision Regulations for the Aspire Subdivision concerning the Sidewalk for the proposed Low Density Urban Local Streets within the Subdivision.

Regulation of Concern:

- Article 3.020 table .2A, Right-of-way sidewalk.

Variance Request: Reduction of Sidewalk on both sides of Aspire Loop to one side of Aspire Loop for approximately 460' along the Northwest Corner of the street.

Justification: When Aspire loop makes its northern 90 degree turn the street comes up next to the steep embankment along the western boundary creating constructability issues for the proposed sidewalk. Reducing the sidewalk along the northern and western edge is requested due to the difficult nature of construction along this embankment. A crossing is proposed at each location the sidewalk starts and stops, and no house shall be without a sidewalk on its front. Pedestrian traffic shall still be able to move freely and easily along the sidewalk on the east and south side of Aspire Loop.

The following address the criteria requirements of Section 6-010 of Article 6 of the Missoula Subdivision Regulations:

- 1. The granting of the variance does not result in a threat to the public safety, health or welfare and is not injurious to other persons or property.** Pedestrian traffic should still be able to freely and safely along the eastern and southern sidewalk portions of Aspire Loops, and the installation of pedestrian crossing will ensure Pedestrians are directed to the remaining sidewalk. There will be no houses or need to access the northern and western side of Aspire Loop through this section. The road in the area with no proposed sidewalk is up against the boundary of the property, not allowing for any pedestrian access to any additional portion of the development.
- 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 unique shape of this property coupled with the steep embankment located along the western edge of the property is unique to this property. The unique shape encroaches on the road as a grid system paralleling the river is established. This encroachment along with the steep bank is the reason for the request for a variance.
- 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 the these regulations are enforced.** Should the sidewalk be required to be constructed it may end up being several feet above the proposed street, and will be extremely difficult to construct due to the existing topographical condition. This would also create an unsafe condition that would either require an expensive hand rail or construction of a block wall for access to an area that provides no access, thus this would be considered undue hardship.

- 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 is variance to the subdivision regulations and engineering will not violate zoning, previous variances, or the Missoula County Growth Policy.
- 5. The variance will not cause an increase in public costs.** By reducing the amount of sidewalk through this section no additional maintenance or future construction cost should be appointed to the city. This if anything should reduce maintenance of an expensive handrail or block wall.
- 6. The hardship has not been created by the applicant or the applicant's agent or assigns.** The hardship was not caused by the applicant, their agents, or assigns. This is the result of an existing condition, prior to the applicant's involvement.

Aspire Subdivision

Variance Request #4 – Block Length

A variance is being requested from the City of Missoula Subdivision Regulations for the Aspire Subdivision concerning the block length along Sommers Street, Lots 1-18 & 103-113.

Regulation of Concern:

- Article 3.030.2.A (2), Blocks may not exceed a maximum length of 480 feet in urban-suburban subdivisions.

Variance Request: Extend the maximum block length to 1,287 feet for the block along Sommers Street fronting Lots 1-18 and 103-113 of the Aspire Subdivision.

Justification: Due to the lack of existing and potential pedestrian and vehicle connection points along the western side of Sommers Street the block length will need to be 1,220 feet. This is the westernmost boundary of the subdivision abutting the existing Canyon View Subdivisions. The layout and completion of subdivisions #2 and #4 have no public connectivity to the proposed Aspire Subdivision property. North of Sommers Street (the western entrance to Aspire) the only potential location for connectivity to the west is through Canyon View Park. This location allows for pedestrian connectivity through the park to the existing Canyon View Drive and Robison Street. As part of the subdivision application, parkland is proposed to connect to Canyon View Park along the entire eastern length of the existing park (~140 LF). This park is proposed to be dedicated to the City of Missoula, ensuring public access through the park. A proposed park layout and trail system will provide pedestrian access to the Canyon View Park, and from there to Canyon View Drive and Robinson Street.

The following address the criteria requirements of Section 6-010 of Article 6 of the Missoula Subdivision Regulations:

- 1. The granting of the variance does not result in a threat to the public safety, health or welfare and is not injurious to other persons or property.** On the eastern side of Sommers Street there will be cross streets at less than 480' at approved locations to ensure block lengths for public safety, health and welfare are met. By allowing this variance the current property owners on the western edge of Canyon View Subdivision will ensure that this layout is not injurious to their private 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 existing location of the street grid from Canyon View and Braaten subdivision is unique to this property. This grid system was established in the early 1970's with a layout not designed for future growth from the east. The only vehicular public access from the west is Sommers Street at the very southern end of the property. Canyon View Park does add another pedestrian access point, and the proposed layout takes advantage of this location to add public pedestrian connectivity.
- 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.** In order to follow the conditions as perfectly

as prescribed, several residential homes would need to be purchased and turned into a through street. This would cause undue hardship to the developer, but also the existing residence of Canyon View Subdivision. Due to the ability to mitigate all of the other criteria this would be unnecessary.

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.** As shown on the proposed layout this variance will not violate zoning, previous variances, or the Missoula County Growth Policy.
5. **The variance will not cause an increase in public costs.** Due to the lack of any major material changes the subdivision regulations no additional maintenance, or other additional costs would be associated with granting this variance.
6. **The hardship has not been created by the applicant or the applicant's agent or assigns.** The hardship was not caused by the applicant, their agents, or assigns. This is the result of an existing condition occurring during the approval and construction of the Canyon View Subdivisions in the early 1970's.

Aspire Subdivision

Variance Request #5 – Block Length

A variance is being requested from the City of Missoula Subdivision Regulations for the Aspire Subdivision concerning the block length along Crosscut Way, Lots 19-31.

Regulation of Concern:

- Article 3.030.2.A (2), Blocks may not exceed a maximum length of 480 feet in urban-suburban subdivisions.

Variance Request: Extend the maximum block length to 547 feet for the block along Crosscut Way fronting Lots 19-31 of the Aspire Subdivision.

Justification: Due to the unique shape of the property and the infill design associated with the development's existing conditions, creating a uniform grid system is difficult and cost prohibitive. This is especially true for the block surrounded by Crosscut way, Sommers Street, Waterside Drive and Junction way. This block is between two other blocks that back constraining elements to the project (the Clark Fork River, and the Western property boundary). This means that the block itself is constrained to its current size and location. This size slightly extends past the 480' recommend length in the subdivision regulations. Extending a street through this block would create two very small blocks with an additional street that does not provide any real benefit to the community, and in someways is a negative impact to the community by producing extra stormwater, additional heat absorbing asphalt, higher speed vehicular traffic, and maintenance for the City of Missoula. A proposed pedestrian access is shown on the preliminary plat to mitigate any harm to pedestrian connectivity. This access is proposed for the center of the block to best maximize its effectiveness. This variance also allows the project to add 4 additional homes where the street would pass through. These homes can be moved from an area that is now able to be dedicated as additional parkland above the subdivision required amount. This variance trades unneeded streets for additional parkland, while maintaining a balanced traffic pattern.

The following address the criteria requirements of Section 6-010 of Article 6 of the Missoula Subdivision Regulations:

- 1. The granting of the variance does not result in a threat to the public safety, health or welfare and is not injurious to other persons or property.** This variance does not harm vehicle movement (safety) due to the fact that entering and exiting this block length is completed by an east-west travel direction and providing an additional north-south cross street would add no measurable benefit. Having a road go through the middle of the block causes a slightly heightened threat to public safety by having the risk of increased speeds through the subdivision. With the current layout, vehicles must reduce their speed and turn to get to their desired location. By providing pedestrian access in the center of the block, the recommended block length for pedestrian access would be maintained ensuring no threat or harm to pedestrian travel.
- 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.** Due to the

unique shape of the property, this is the block in the east and west direction that needs to make up for the static boundary of the Clark Fork River and Canyon View Subdivisions and their unique boundaries, creating solely unique block length even for this subdivision.

- 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 unique shape of the block, adding an additional road at no benefit to the development would add undue hardship for the cost of the road, but also the loss of 4 lots. These lots would need to be relocated back to the area of additional parkland, reducing the area of parkland that exceeds the minimum required by the regulations. This variance would relieve undue environmental and monetary hardships.
- 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 will have no effect on zoning, previous variances, or the Missoula County Growth Policy. By allowing this variance 4 lots that would be placed in the additional park area, can be included in a block that does not harm or threaten public health or safety.
- 5. The variance will not cause an increase in public costs.** The reduction of road in this variance would be a public cost savings of future maintenance of unneeded road, utilities, and stormwater infrastructure.
- 6. The hardship has not been created by the applicant or the applicant's agent or assigns.** Located uniquely between the Clark Fork River and Canyon View Subdivision, the development starts to build off of both of these constraining elements creating a unique block length located in the center of the development. This length is slightly longer than the maximum suggested in the subdivision manual, but a pedestrian access located in the center of the block would ensure all pedestrian traffic would still flow seamlessly. By allowing this variance the entire community may be able to benefit from the additional parkland dedicated as a result of the relocation of 4 lots to the center of this block.

Aspire Subdivision

Variance Request #6 – Block Length

A variance is being requested from the City of Missoula Subdivision Regulations for the Aspire Subdivision concerning the block length east of Waterside Drive fronting Lots 32-46 and Lots 68-87.

Regulation of Concern:

- Article 3.030.2 A (2) Blocks may not exceed a maximum length of 480 feet in urban-suburban subdivisions.

Variance Request: Extend the maximum block length to 1,815 feet for the block east of Waterside Drive fronting Lots 32-46 and Lots 68-87 of the Aspire Subdivision.

Justification: Due to the Clark Fork River running along the eastern boundary of the property and Waterside Drive paralleling the river, the ability to break up the block length along the eastern side of Waterside Drive is unachievable. The western side of Waterside Drive has cross-street connections that are within the recommended block lengths, allowing for traffic to be unhindered as it travels through the development. For pedestrian mitigation to the river front trail system four(4) 20-feet wide connection points with pedestrian pathways have been proposed to help break up this block length. These access points match up to proposed cross streets to allow for maximum pedestrian efficiency as individuals access the river front trail. These accesses average under 480' between each point, but one section is slightly longer than the recommended 480'. If all entrances were shifted to be under 480' it would create access points at random locations, reducing the efficiency of each access.

The following address the criteria requirements of Section 6-010 of Article 6 of the Missoula Subdivision Regulations:

1. **The granting of the variance does not result in a threat to the public safety, health or welfare and is not injurious to other persons or property.** This variance does not harm public safety, health or welfare, because all vehicle traffic needs to travel north-south along Waterside Drive since a natural barrier of the Clark Fork River runs along the entire eastern boundary. Creating dead roads that end at the river provides no vehicle benefit. Providing four (4) pedestrian access points to the river front trail maintains all public safety, health and welfare for pedestrian traffic.
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 existing location of the Clark Fork River is unique to this property as it runs north to south along the proposed subdivision boundary. This natural feature is the defining reason for the variance request.
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 unique location of the existing Clark Fork River, if the owner were to reduce the existing block size to meet current required

block lengths additional unnecessary dead-end roads and intersections would be required that provide not benefit beyond what the proposed pedestrian access points provide.

- 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 will not violate zoning, previous variances, or the Missoula County Growth Policy. It is the result of an existing nature barrier to creating connections to the property.
- 5. The variance will not cause an increase in public costs.** If this variance were not approved additional dead streets would need to be maintained by the City causing an additional cost burden. This variance would reduce public costs.
- 6. The hardship has not been created by the applicant or the applicant's agent or assigns.** The existing condition of the Clark Fork River was not caused by the applicant.

Aspire Subdivision

Variance Request #7 – Lot Abutment of Alley for Access

A variance is being requested from the City of Missoula Subdivision Regulations for the Aspire Subdivision concerning the Lots 62, 65, and 66 abutting only an alley in the rear of the lots, not a full street or road as required by subdivision regulations.

Regulation of Concern:

- Article 3-030.1.C(3) - Each lot must abut on and have access to a public or private street or road.

Variance Request: To allow lots 62, 65 and 66 to abut a public alley as access instead of a public or private street or road.

Justification: The desire to create a cottage court complex that has residential front doors open onto a shared pedestrian pathway (8' wide) within a 20' wide access easement that connects into full cross-section local roads. With the current subdivision regulations cottage courts with vehicle access via an alley only, are not permitted due to the definition of an alley also needing a full cross-section road abutting the property as well. This would indicate that an alley is not considered a street or road.

The project's desire is to create a cottage court that is pedestrian friendly while still providing vehicle access to the garages in the rear of the complex. Each alley is proposed to be at least a 20' wide public right of way to ensure full fire code is met. Each alley also connects to full cross-section streets providing ample vehicle access points. Additional off-street parking besides each units' garages is proposed for the area to ensure traffic will not be hindered by parking within the 20' alley. The desire is for the multifamily zone to focus on safer and easier pedestrian travel, with vehicle access focused on reaching a parking location, not expedient travel through the development. Allowing lots to be accessed from the rear of the units with an alley and a shared path in the front will provide a more livable safer complex.

The use of alleys for access is very common and expected in multi-family units. Unique to this complex is the desire for each unit to be on an individual lot instead of the whole complex being on one lot. If only one large lot was dedicated to multi-family instead of 10 smaller ones the current layout would meet all subdivision, zoning and building code regulations. Placing each building on their own lot meets all zoning and building code regulations, but a variance is needed to Article 3-030.1.C(3).

The following address the criteria requirements of Section 6-010 of Article 6 of the Missoula Subdivision Regulations:

1. **The granting of the variance does not result in a threat to the public safety, health or welfare and is not injurious to other persons or property.** This variance does not harm public safety, health or welfare. All fire and life safety requirements are met with the proposed layout. Slowing of traffic on smaller streets in areas with high pedestrian traffic should improve public safety, health and welfare. In areas of denser housing more pedestrian traffic is expected at multiple and unpredictable locations. Walking from a parked car to a dwelling unit typically is

more of a straight line rather than along a designated route. This causes unpredictable pedestrian patterns that are best handled with a much lower speed road that does not encourage through traffic. Alley type accesses work well for this focus. Also, allowing front entrances of the proposed multiplexes to open on to a shared path should also allow for safer and easier pedestrian travel throughout the area.

- 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 are unique to the property due to the unique shape of the property and the shape of the area the multifamily must conform to in order to create a more grid area for the single family.
- 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 unique shape of the proposed area due to the shape of existing features would result in an area of large amounts of ROW with little room for residence. A desire to focus this particular area on pedestrian travel and slower vehicle speeds requires an alley to be allowed to be the primary vehicle access.
- 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 will not violate zoning, previous variances, or the Missoula County Growth Policy. It is the result of an unique shape as well as a desire for less vehicular traffic while still maintaining all life safety requirements.
- 5. The variance will not cause an increase in public costs.** If this variance were not approved additional cost to the City would occur due to a larger ROW maintenance and additional stormwater facilities due to more impervious areas, as well as additional snow removal. The shared path will be the responsibility of each unit similar to a sidewalk for each house. The access is a public access so all will be welcome to use it, but the City of Missoula will not be responsible for any maintenance of the access.
- 6. The hardship has not been created by the applicant or the applicant's agent or assigns.** The existing boundary conditions were not created by the applicant.

Example Photos of Multi-Family Cottage Courts:





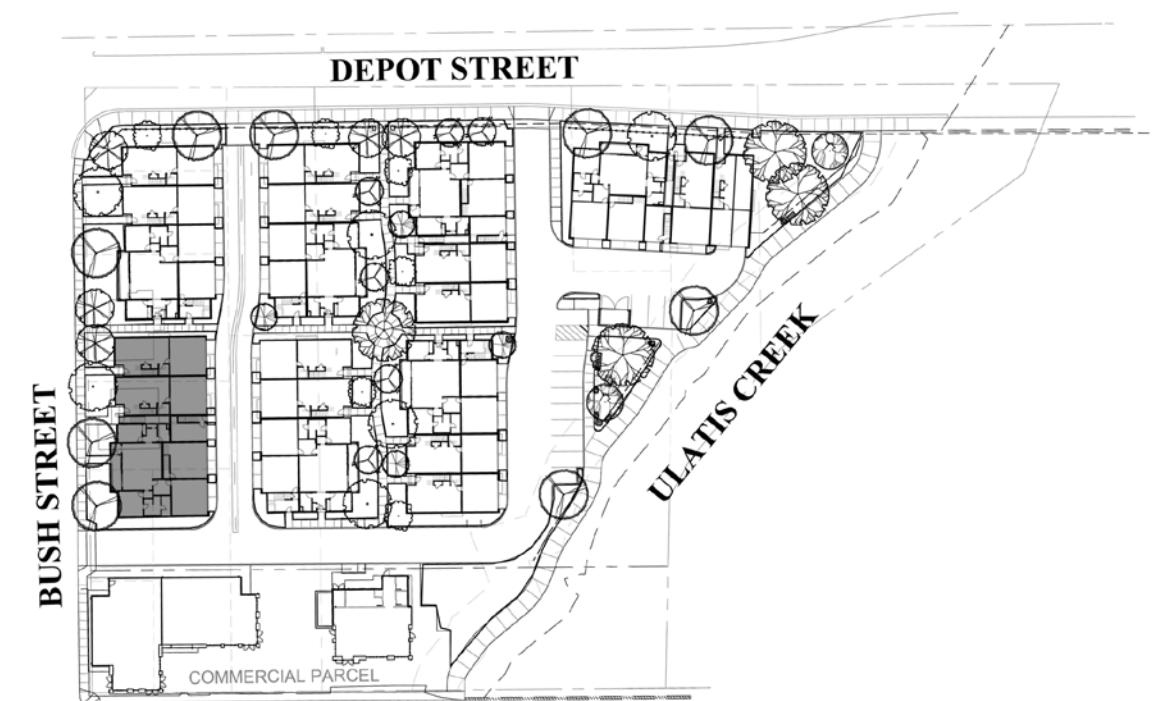
Proposed Multi-Family Floor Plans and Lot Layout:



Front Elevation

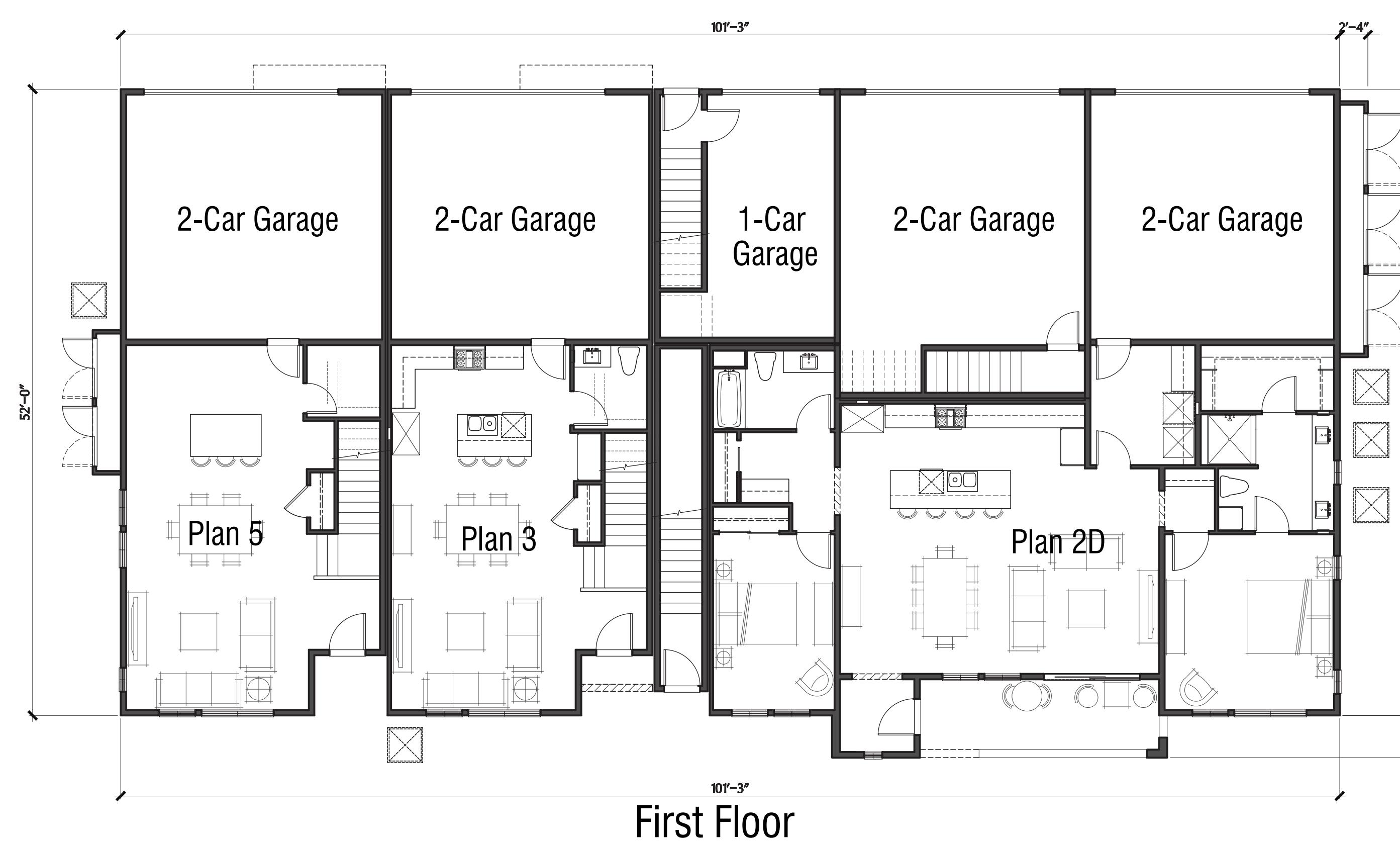
BUSH STREET ELEVATION

BLD 1
5 PLEX



EAST MAIN DISTRICT - SITE 3
VACAVILLE, CA

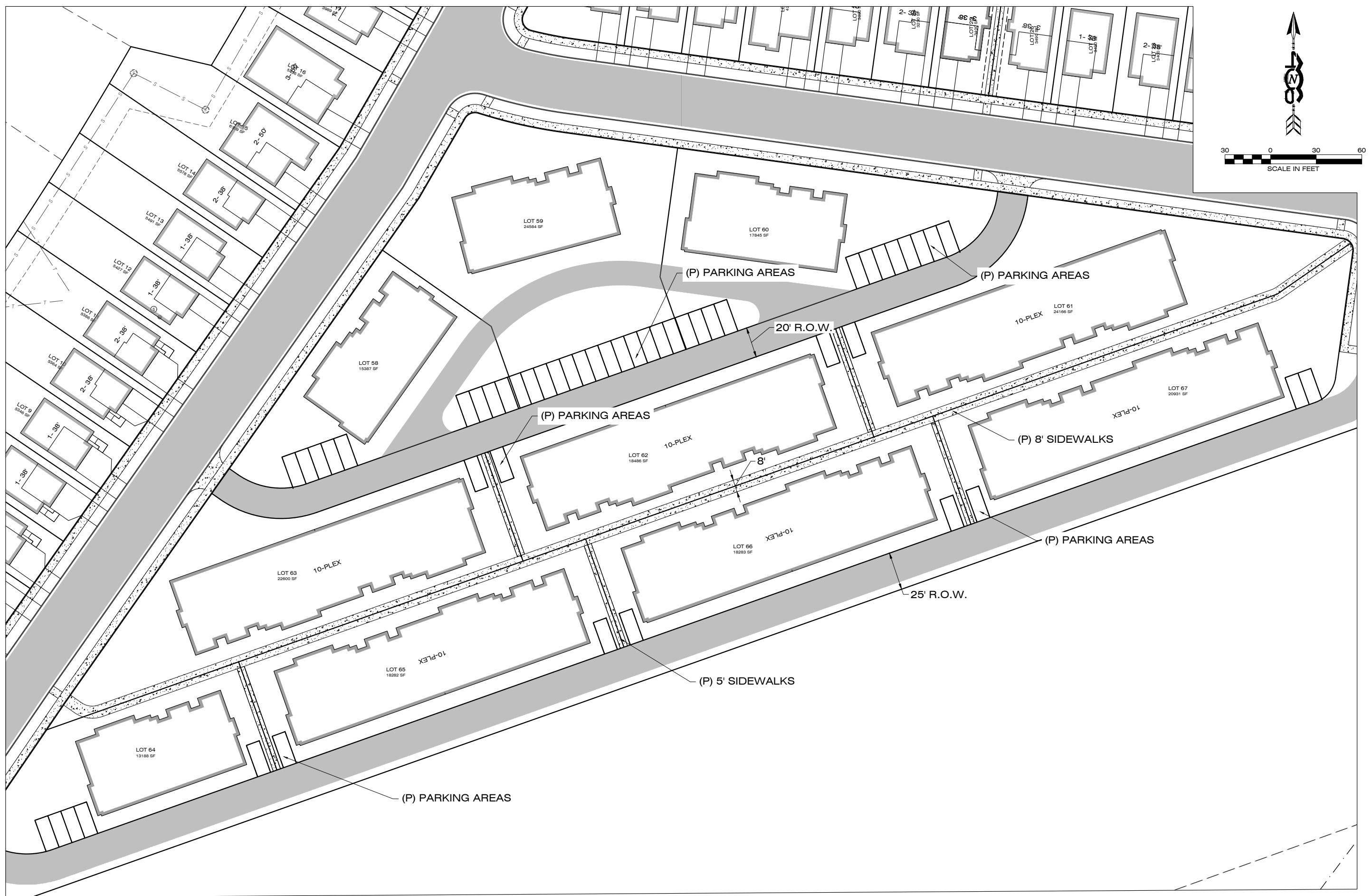
B20
3 6 12 18



5-PLEX
BUILDING PLAN
(BUILDING 1, 6, 7)

EAST MAIN DISTRICT - SITE 3
VACAVILLE, CA

B22
0 4 8 16 24



406 ENGINEERING
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DESIGNED: -
DRAFTED: BT
CHECKED: -
DATE: April 2024

LOCATION: SEC. 19, T:13N, R:18W, AND
SEC. 24, T:13N, R:19W, P.M.M.
MISSOULA COUNTY, MONTANA
PREPARED FOR: DENOVA HOMES

PROJECT NAME: ASPIRE SUBDIVISION
PHASE III LAYOUT
VARIANCE #7

406 PROJECT NO.
21-001

SHEET: 1 OF 1

DWG LOCATION: C:\USERS\BRANTHICK\DESKTOP\406\406 ENGINEERING - DOCUMENTS\406\WORK1\PROJECTS\406\PROJECTS\21-001\DENOVA HOMES\DRAWINGS\21-001.DWG

DWG LOCATION: C:\USERS\BRANTHICK\DESKTOP\406\406 ENGINEERING - DOCUMENTS\406\WORK1\PROJECTS\406\PROJECTS\21-001\DENOVA HOMES\DRAWINGS\21-001.DWG

FILE DATE: 4/20/2024 11:52 AM

Aspire Subdivision

Variance Request #8 – Block Length

A variance is being requested from the City of Missoula Subdivision Regulations for the Aspire Subdivision concerning the block length east of Sommers Street and south of Crosscut Way fronting Lots 58-61 and Lots 63-64.

Regulation of Concern:

- Article 3.030.2 A (2) Blocks may not exceed a maximum length of 480 feet in urban-suburban subdivisions.

Variance Request: Extend the maximum block length to 1,125 feet. This is 550 feet for east of Sommers Street, Lots 58-59 and 63-64 and 575 feet for south of Crosscut Way Lots 59-61 of the Aspire Subdivision.

Justification: Lots 58-67 are desired to be an area with multifamily buildings that create a cottage court type building style. The extension of these blocks' length will not restrict vehicle or pedestrian traffic, it just separates them into different locations throughout the block. This separation does not allow for a full street cross section, instead creating alleys and pedestrian paths. This allows for the vehicle focus for this area to be on reaching a parking location instead of passing through on full streets. This parking can either be to the garages of each unit or additional off-street parking areas.

Between lots 63 and 58 on Sommers Street an alley is proposed to help mitigate the block length. Also, between lots 64 and 63 a 20' pedestrian easement with an 8' walking path is proposed to help facilitate pedestrian traffic to the front doors of each multifamily unit. Between lots 60 and 61 on Crosscut Way there is another alley connection proposed to help mitigate the extended block length along Crosscut Way. Another pedestrian connection between lots 61 and 62 is proposed. This pedestrian connection runs entirely through the multifamily area connecting to the previously mentioned pedestrian location on Sommers Street. Accessibility for both vehicles and pedestrians will be maintained through the block, but with use of alleys and pedestrian paths instead of a full street cross section. The use of alleys for access is very common in multifamily complexes, but the unique aspect of this complex is the desire for each unit to be on its own lot. This creates the need for the variance to Subdivision Regulations.

The following address the criteria requirements of Section 6-010 of Article 6 of the Missoula Subdivision Regulations:

- The granting of the variance does not result in a threat to the public safety, health or welfare and is not injurious to other persons or property.** This variance does not harm public safety, health or welfare. All fire and life safety requirements are met with the proposed layout. Slowing of traffic on smaller streets in areas with high pedestrian traffic should improve public safety, health and welfare. In areas of denser housing more pedestrian traffic is expected at multiple and unpredictable locations. Walking from a parked car to a dwelling unit typically is more of a straight line rather than along a designated route. This causes unpredictable pedestrian patterns that are best handled with a much lower speed road that does not

encourage through traffic. Alley type accesses work well for this focus. Also, allowing front entrances of the proposed multiplexes to open on to a shared path should also allow for safer and easier pedestrian travel throughout the area.

- 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 are unique to the property due to the unique shape of the property and the shape of the area the multifamily must conform to in order to create a more grid area for the single family.
- 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 unique shape of the proposed area due to the shape of existing features would result in an area of large amounts of ROW with little room for residence. A desire to focus this particular area on pedestrian travel and slower vehicle speeds requires an alley to be allowed to be the primary vehicle access.
- 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 will not violate zoning, previous variances, or the Missoula County Growth Policy. It is the result of an unique shape as well as a desire for less vehicular traffic while still maintaining all life safety requirements.
- 5. The variance will not cause an increase in public costs.** If this variance were not approved additional cost to the City would occur due to a larger ROW maintenance and additional stormwater facilities due to more impervious areas, as well as additional snow removal. The shared path will be the responsibility of each unit similar to a sidewalk for each house. The access is a public access so all will be welcome to use it, but the City of Missoula will not be responsible for any maintenance of the access.
- 6. The hardship has not been created by the applicant or the applicant's agent or assigns.** The existing boundary conditions were not created by the applicant.