

RESOLUTION NO. 4682

A RESOLUTION APPROVING AMENDMENTS TO THE CONDITIONS OF APPROVAL FOR THE CITY VIEW SUBDIVISION, GRANTING A VARIANCE TO THE MILES CITY SUBDIVISION REGULATIONS, AND PROVIDING FOR A PUBLIC HEARING ON THE VARIANCE REQUEST.

WHEREAS, the City Council has reviewed requests by the agents for L & L Development LLC for approval of a variance to the Miles City Subdivision Regulations and to the conditions of approval for the City View Subdivision;

AND WHEREAS, the City Council held a properly noticed public hearing on the variance request and considered comments on the request;

AND WHEREAS, after considering the requests and public comments elicited at the public hearing and meeting on the amendments, the City Council finds that approval of the variance request and amendment requests for said City View Subdivision should be approved.

NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:

1. The subdivider for the City View Subdivision is hereby granted a variance to Sec. 21-18(a)(8)(h) of the Miles City Subdivision Regulations to allow Horizon Parkway to have up to a 270-foot segment with grades from 6% to 8%, in excess of the maximum street grade of 5% for “Arterial” streets; this approval is based on the findings of fact attached hereto as Exhibit “A” and made a part hereof, which are hereby approved and adopted by this council.
2. The council hereby amends Condition 18 of the preliminary, conditional approval for the City View Subdivision as follows: (additions are underlined; deletions are ~~stricken~~)

All street, water, sewer, and stormwater improvement plans shall be reviewed and approved by the Miles City Public Works Department and be built to applicable city standards, with the exception of the street grade of Horizon Parkway, which a variance has been granted for, to allow maximum street grades of 6 to 8% for a segment of approximately 275 feet as represented by the roadway as-builts dated 10/8/2025 by Brosz Engineering, Inc. All applicable specifications and requirements of the approved plans shall be met and certified by a professional engineer.

3. The council hereby amends Condition 23 of the preliminary, conditional approval for the City View Subdivision as follows:

Electrical utilities shall be installed to ~~each lot~~ in the subdivision in accordance with Sec. 21-18(a)(13) MCSR, and the proposed Utility Easement document prepared by Wilhelm Land Surveying dated 12/19/2025 or a substantially similar easement document shall be recorded at the Custer County Clerk & Recorder's Office within 30 days of this approval. Prior to final plat approval (unless secured by SIA), the subdividers shall submit letters from the electrical utility service providers indicating utilities have been installed to their specifications and within appropriate easements as shown on the final plat. Telecommunications services may be provided by extensions of utilities from those existing in the Horizon Parkway right-of-way in accordance with Sec. 21-18(a)(13) MCSR or the occupants may rely upon other services providers, such as satellite service providers.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 28TH DAY OF APRIL, 2026.

C.A. Grenz, Mayor

ATTEST:

Mary Rowe, City Clerk