



CITY BOARD OF ADJUSTMENT
AGENDA-Wednesday, May 4, 2022, 6:00 p.m.
Miller Building, 1st Floor Conference Room
2825 3rd Avenue North, Billings, Montana

NOTICE TO THE PUBLIC

****ATTENTION****

In the event a quorum of the Council is present, no City-related decisions will be made during this meeting or event.

Citizens are invited to:

- Review the Agenda Packet on the City's website at: <https://ci.billings.mt.us/117/Agendas-Minutes>
- View the meeting live online at Facebook: <https://www.facebook.com/Billings-Planning-Community-Services-Department-1738982159659260>

Public comment will be taken only during the Public Comment periods as indicated on the agenda and during the Public Hearings, if any are scheduled, under the Regular agenda. Comments may be sent to Board via email before 10:00 AM on the meeting date. All emails received prior to this time will be read into the record for the public hearing. Comments may be submitted by:

- Mail: City/County Planning Division, 2825 3rd Ave N 4th Floor, Billings, MT 59101
 - Email: bartleyr@billingsmt.gov
- Call in during the Public Comment periods as indicated on the agenda:
 - Citizens may call in during specific Public Comment periods at **406.237.6165**.
 - All callers will be placed in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be limited to 3 minutes of testimony as is customary. Future delivery methods may be explored as best practice is learned.

Please direct questions to Administrative Secretary Robbin Bartley at bartleyr@billingsmt.gov or 406-247-8676

Call the meeting to order.

Introduction of City Board of Adjustment Members and Planning Department Staff.

Public Comment

Approval of Minutes:

The minutes of the Board meeting of March 2, 2022 and April 6, 2022.

Disclosure of any Conflict of Interest-Members of the Commission and Staff

Disclosure of an Outside (Ex Parte Communication)-Members of the Commission and Staff
a. The Exparte Communication Binder is available at the Sign-In and Agenda Station.

Regular Business:

- A. Opening of public hearings.
- B. Reading of rules for the procedure by which the public hearings will be conducted.
- C. Reading of notices of the public hearings on the following items:

Public Hearings:

- a. **Return Item - City Variance 1343 -- 3840 Zoo Drive -- Parking Siting - A variance from Section 27-409 requiring surface area parking located to the side and rear of the principal structure, to allow parking in the front of the principal structure in a Heavy Commercial (CX) zone, on Lots, 4 -- 8 and 9A, Block 2, Shiloh Business Park Subdivision, a 24.91-acre parcel of land. The purpose of the variance is to allow the development of a new Costco facility.**

- b. **City Variance 1344** -- Classy & Sassy Kiosks -- A variance to allow Group 3 temporary use structures larger than 120 sf at 1508 Main St, 1221 6th Ave. N & 1313 Broadwater. A variance from Section 27-1009(A)(3)(b)(4)(i) requiring a Group 3 temporary use structure to be a maximum floor area of 120 square feet to allow: 1) a 200 square foot structure in a Corridor Mixed Use 1(CMU1) zone on Block 2, Lot 1, Arrowhead Sub. a 14,724 square foot parcel of land located at 1508 Main St.; 2) a 150 square foot structure in a East Billings Central Works (EBURD-CW) zone, on Block 4, Lot 23, North Park Sub., a 37,500 sf parcel of land located at 1221 6th Ave. N; and 3) a 200 square foot structure in a Corridor Mixed Use 2 (CMU2) zone, on COS 568, Parcel C, a 5.057 acre parcel of land located at 1313 Broadwater Ave. The purpose of the variance is to allow Group 3 temporary use structures at the described locations larger than the maximum allowed floor area 120 square feet. Group 3 temporary uses may be located on property indefinitely but require a yearly renewal of the temporary use permit by the City. Tax IDs: D02554, A12100, D01319.

Other Business/Announcements

Adjournment

A public comment phone line is available for on-line viewers to provide testimony during the specific Public Comment periods announced by the Chairman during the hearings. The call in phone number is (406) 237-6165. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to 3 minutes of testimony as is customary. **Written comments may also be sent to Board via email to cromwelln@billingsmt.gov , keithe@billingsmt.gov or bartleyr@billingsmt.gov before 1:00 PM on Wednesday May 4, 2022.** All emails received prior to this time will become part of the record for the public hearings.

Public hearings are accessible to individuals with physical disabilities. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify Robbin Bartley, Administrative Assistant, at 247-8676 or e-mail to bartleyr@billingsmt.gov

City Board of Adjustment
Meeting Date: 05/04/2022

Information

Subject

The minutes of the Board meeting of March 2, 2022 and April 6, 2022.

Attachments

BBOA_2022_0302

BBOA_2022_0406

CITY BOARD OF ADJUSTMENT

MINUTES March 2, 2022

Name	Title	01/05/2022	02/02/2022	03/02/2022	04/06/2022	05/04/2022	06/01/2022	07/06/2022	08/03/2022	09/07/2022	10/05/2022	11/02/2022	12/07/2022	
David Mitchell	Member	1	-	1										
Dave Hagstrom	Member	1	-	1										
George Warmer	Member	-	-	1										
Jeff Bollman	Vice Chair	P	-	1										
Oscar Heinrich	Chair	1	-	1										
VACANT	Member	-	-	-										
VACANT	Member	-	-	-										
TOTAL NUMBER OF APPLICATIONS 2022		01/05/2022	02/02/2022	03/02/2022	04/06/2022	05/04/2022	06/01/2022	07/06/2022	08/03/2022	09/07/2022	10/05/2022	11/02/2022	12/07/2022	TOTAL
Variance		2	-	3										

Chair Heinrich called the meeting to order at 6:02 p.m.

Nicole Cromwell introduced the City Board of Adjustment members and Planning Department staff. Attending Staff members are Nicole Cromwell, Zoning Coordinator, Erin Keith, Planner I and Robbin Bartley, Administrative Assistant, (virtually).

Attending: Nicolette Schuma, Don Bergeron, Ev Bergeron, Tanya Weinreis, Diana Koenig, Verlin Koenig, Eddie Schmidt, Robin Schmidt, Kirsten DeVries, Colter DeVries, Joe Easton, Chad Schreiner, Koltan Knatterud, Brent Brooks

Public Comment

Chair Heinrich opened the public comment period and asked if there was anyone wishing to speak during the public comment portion of the meeting. There were none.

Approval of Meeting Minutes

Meeting minutes for January 5, 2022.

Board member Hagstrom motioned to approve the January 5, 2022 meeting minutes, Board member Mitchell seconded, they were approved by unanimous voice vote.

Disclosure of any Conflict of Interest, Ex Parte Communications and Site Visits

Board member Mitchell had no exparte communications, no conflicts of interest and visited 3 sites.

Board member Heinrich had no exparte communications, no conflicts of interest and visited 3 sites.

Board member Bollman had no exparte communications, no conflicts of interest and visited 0 sites.


Board member Hagstrom had no exparte communications, no conflicts of interest and visited 1 site.

Board member Warmer had no exparte communications, no conflicts of interest and visited 0 sites.

Public Hearings

Nicole Cromwell reviewed the procedures for public hearings and stated the Board will open a public hearing and allow public comment this evening. She reviewed the hearing and presentation processes for the meeting and acting on each variance.


Return City Variance 1339 – Mountain Mudd Kiosks– allow temporary use structures larger than 120 sf at 16 Shiloh Rd, 2975 Grand Ave & 4001 Montana Avenue - A variance from Section 27-1009(A)(3)(b)(4)(i) requiring a group 3 temporary use structure to be a maximum floor area of 120 square feet to allow: 1) a 160 square foot structure in a Neighborhood Mixed Use (MNU) zone on Parcel 1A, Certificate of Survey 2727M, a 1.587 acre parcel of land located at 16 Shiloh Rd; 2) a 250 square foot structure in a Commercial Mixed Use 1 (CMU1) zone, on Lot 18A, Block 7, Westwood Estate 3rd Filing, a 39,207 sf parcel of land located at 2975 Grand Avenue; and 3) a 360 square foot structure in a Corridor Mixed Use 1 (CMU1) zone, on Lots 1 thru 8, Block 24, Yellowstone Addition, a 21,000 sf parcel of land located at 4001 Montana Ave. The purpose of the



Background

Temporary Uses – 27-1009

- Group 1: Less than 72 hours
 - No permit required
 - Examples: Food trucks
- Group 2: 73 hours to 90 days
 - Permit required
 - Examples: Food trucks, Christmas tree lots, greenhouses
- Group 3: 91 days to 1 year
 - Permit required
 - Structures cannot have axels/wheels
 - Maximum structure size 120 square feet
 - Examples: Coffee kiosks, greenhouses, portable classrooms/offices



Background

Findings from a Recent Intensive Review of Group 3 Temporary Use Permits:

- 6 existing temporary use structures (kiosks) that exceed the maximum square footage of 120 square feet
- From 130-200 square feet
- Proposed direction from Planning staff:
 - Continued use of oversized kiosks would require applying for a variance
 - All newly proposed kiosks would need to meet the maximum size requirement
- This application is only for 1 of the 6 noncompliant temporary use structures
 - The existing structure is currently 160 square feet

variance is to allow group 3 temporary use structures at the described locations larger than the maximum allowed floor area 120 square feet. Tax ID: D11891, A18486B; A19303. Erin Keith presenting.


RECOMMENDATION

Planning staff has reviewed this application & is recommending conditional approval of Variance 1339 based on the proposed findings of the review criteria.



Recommended Conditions,
continued

4. These conditions of variance approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, leaseholders, heirs and assigns, so long as the structure is not moved from its current location.
5. The applicant shall meet all other city code requirements, including annual renewal of the temporary use permit, except for this variance.



Recommended Conditions

1. The approval is for a variance from Zoning Code 27.1009(A)(3)(b)(4)(i), as amended increasing the maximum allowed size of the structure from 120 square feet to 160 square feet (34% increase). No other variance is intended or implied with this approval.
2. The variance is limited the existing 8'x20' kiosk only, currently located on Parcel 1A, Certificate of Survey 2727M, and becomes void if the structure is moved (either within the same parcel or to another parcel within the City Limits) or the footprint is altered in any way.
3. The variance shall be null and void if at any time in the future, the temporary use permit for this kiosk remains expired for more than 30 days or if the structure is not in operation for more than 180 days.

Questions for staff:

Board member Bollman asked if staff had be reaching out to the other 4 kiosk owners who are out of compliance.

Chair Heinrich

Chair Heinrich opened the public hearing at 6:17PM and asked if there was anyone wishing to speak in favor or against **City Variance 1339**.

Applicant: Tanya Weinreis, Mountain Mudd, PO Box 50626, Billings, MT 59105

Favor

NONE

Opposed

NONE

Discussion-Board member Bollman confirmed the variance would only apply to this location and no new construction.

At 6:21PM, Chair Heinrich closed the Public Hearing and called for a motion.

Motion

Board Member Mitchell made a motion and Board Member Hagstrom seconded the motion to approve **City Variance 1339**, with staff recommendations & conditions.

MEMBER	YES	NO	ABSTAINED	NOT PRESENT
David Mitchell	x			
Dave Hagstrom	x			
George Warmer	x			
Jeff Bollman	x			
Oscar Heinrich	x			
VACANT				
VACANT				

The motion to approve City Variance 1339 passed with a 5-0 vote.

City Variance 1341 – Coca-Cola Building– Allow increase in maximum sign square footage in a Light Industrial (I1) zone - A variance from 27-1407(E)(a) requiring a maximum of 250 square feet total sign area per frontage, on parcel 11A of COS 1391 AMND, generally located at Harnish Boulevard and S Frontage Road in a Light Industrial (I1) zone. The purpose of the variance is to allow a 456 sq ft sign on a building with 400 lineal feet of frontage. Tax ID: D008740

RECOMMENDATION

Planning Staff is recommending conditional approval based on draft findings of the review criteria for variances:

- 1) There is a hardship with the property that is not applicable to other lands in the same district – the property is a large lot not oriented directly or squarely with the street or interstate.
- 2) Denying the variance would deprive this owner of similar rights enjoyed by others in the area. The BOA has granted at least 2 sign variances in the past 10 yrs to increase sign area beyond the max, and several existing signs larger than 250 sf were approved under previous sign code.
- 3) Granting the sign variance will not confer a special privilege to this applicant based on previous BOA approvals and existing signs >250 sf in the area.
- 4) Granting the variance will be in harmony with the purposes of zoning and growth policy. The zoning code recognizes the need for businesses to accurately and efficiently advertise their location and services. While not all businesses will require signs >250 sf, the location and property orientation diminish the ability to communicate to the travelling public with a code compliant sign.
- 5) In granting the variance the BOA may impose appropriate conditions. Planning staff recommends the following conditions:
 - 1) Variance is to allow one wall sign up to 456 sf on the north west building façade
 - 2) Applies to the legally described land only
 - 3) Building shall be constructed and oriented in substantial compliance with site plan
 - 4) Apply for building permit within 2 years of BOA approval
 - 5) Prior to sign installation, apply for sign permit within 5 years of BOA approval
 - 6) Failure to begin or complete as required will void the variance
 - 7) All conditions apply to this owner and any future owners/managers/lessees, assigns.

- 6) A time limit for action on the variance shall be prescribed. See conditions No. 4 and No. 5 above.
- 7) No variance may allow a use not otherwise allowed or be inconsistent with other limits on uses in the district. The proposed use – a bottling plant, warehouse and distribution center are allowed uses in the Light Industrial (I1) zone district

Questions for staff:

Chair Heinrich opened the public hearing at 6:48PM and asked if there was anyone wishing to speak in favor or against **City Variance 1341**.

Applicant: Joe Easton, 5730 Alloy North, Missoula, MT

Messenger Director of Property Development for High Country Coca Cola.

Very excited about the opportunity in Billings at this location.

Chad Schreiner, 124 N. 24th, Billings, MT

The intent is to be a prominent location 160 K square foot building and 15 K square foot office building. No secondary sign will be on Harnish. This sign is the same size as the one in Missoula. North/South orientation, design forward office. It is a 50 square foot monument sign.

Favor

NONE

Opposed

NONE

Discussion-Boardmember Bollman encouraged usage of the building for signage, not free standing.

At 6:50PM, Chair Heinrich closed the Public Hearing and called for a motion.

Motion

Board Member Mitchell made a motion and Board Member Hagstrom seconded the motion to approve **City Variance 1341**, with staff recommendations & conditions.

MEMBER	YES	NO	ABSTAINED	NOT PRESENT
David Mitchell	x			
Dave Hagstrom	x			
George Warmer	x			
Jeff Bollman	x			
Oscar Heinrich	x			
VACANT				
VACANT				

The motion to approve City Variance 1341 passed with a 5-0 vote.

City Variance 1342 -2622 Rimrock Rd – Reduce lot width for a 2nd dwelling unit – A variance to reduce the required lot width from 65 feet for each dwelling unit to allow 84.5 feet in lot width for two dwelling units on Lot 11, Block 4 of Bridger Square Subdivision 7th Filing, in a Suburban Neighborhood (N3) zone district on a 12,607 square foot parcel of land. The variance would allow the demolition of an existing garage and construction of a second dwelling unit. Tax ID: A03197D

RECOMMENDATION

Planning staff recommends conditional approval based on the proposed findings of the review criteria for Variance 1342.

Questions for staff:

Boardmember Hagstrom asked how close they are on the lot coverage. Staff replied they are at 36 percent; 40 percent is the maximum. If the zoning was still using the R-96 zoning, what variance would be needed? Staff replied 2 variances would be necessary, 1 for setbacks less than 8 feet for a 2-story building and 1 for lot area. He then asked what the off-street parking requirement would be for the 2 structures. Staff replied each structure requires 2 parking spaces.

Boardmember Mitchell asked if the 3 previously approved variances in the area were before RE:Code. Staff confirmed. He then asked if the construction of a garage would be allowed without a variance. Staff explained the requirements and limitations for a detached garage.

A discussion ensued regarding ADU with garage allowances and the permitting process.

Questions arose regarding the existing house current use with a basement apartment and how that would affect the ADU codes.

The question of rentals was discussed. When there is an Internal door connecting the upper and lower floors, it is not considered 2 dwellings, no matter if one is a rental.

This is not a rebuild situation, this is a new build.

Chair Heinrich opened the public hearing at 7:31PM and asked if there was anyone wishing to speak in favor or against **City Variance 1342**.

Applicant: Colter DeVries, 2622 Rimrock Rd

Thanks to Nicole and Erin for all the help. He wants to reiterate their request is not to ask for a special privilege. There have been heated opinions about our property. We have a pride of ownership; the small house is a fixer upper and will be kept as a guest house. The new house will be our growing family's home. The neighbors want a fence and we are not opposed. We request the building orientation stay as displayed, east to west and not north to south. We would like you to consider a compromise. We do not feel we have any entitlement to the neighbor's driveway/property.

Favor
NONE

Opposed

Don Bergeron, 2729 E. Bridger Drive

Their home has been here for 35 years. He enjoys their backyard. He and his neighbors are powerless to stop this kind of development. It will greatly affect his quality of life, his view and he is overwhelmed with the thought of this happening. Who will advocate for him and his neighbors?

Evelevn Bergeron, 2729 E. Bridger

Mrs. Bergeron was very emotional and claimed the building of this dwelling would limit the light and access. She is an artist.

Diana Koenig, 2612 Rimrock

She and her husband are against the Variance. There is not a shared driveway as the DeVries state. They have no interest in sharing the driveway and no easement exists. They have had problems with owners and renters infringing on their driveway for years. This Variance will not solve their narrow driveway issue. There will be more vehicles. Their views would be blocked, they would be looking directly into the side of the “apartments”. The DeVries already have to entrances to their current dwelling. She continues to refer to the proposed structure as an “apartment building”. She feels this is too much congestion for this residential neighborhood. We are asking, if approved, a condition be put in place of a permanent, solid 6 foot fence.

Verlin Koenig, 2612 Rimrock

This Variance is not appropriate for the location. It falls 45 feet short of the City code. This will create safety issues entering and exiting the lot. The approval of this Variance is forcing and imposing hardships on the surrounding neighbors daily lives. He believes his property value is in jeopardy, while the DeVries profit. Please deny this Variance. 98 percent of the surrounding neighbors are single family residences.

Nicolette Schuman, 2626 Rimrock

Past variances are for shorter and smaller dwellings. Natural landscapes are encouraged. Drainage will be compromised, where will all the rain/snow end up? Cameron Park is a wild park. The proposed dwelling has no room for a yard for children to play.

Brent Brooks, 115 N Broadway

Mr. Brooks is a friend of the surrounding property owner. The applicant has compromised some. The lot is narrow and there are several issues that have not yet been addressed.

Eddie Schmidt, 2625 N Broadway

He is opposed because he does not want to see more rentals in the area. There are very few now. He believes it should be left as a single family residence area.

Robin Schmidt, 2625 N Broadway

Mrs. Schmidt stated she is opposed to the Variance request.

REBUTTAL

Krysta and Colten DeVries, 2622 Rimrock

Verlin brings up a good point regarding the shed access in the back. He wants to replace it as it will not fit his pickup or future purchases. The home would be for our growing family. They are

considering removing the ash tree. It depends on where the survey pins are located. The chain link fence with vines are messy.

It is not a shared driveway, we respect their property. The new building will be our home, it is not an apartment building. The current house is still connected with an interior door. She has considered a circular driveway.

Board member Bollman about the rental issue. An ADU was considered, however 750 square feet is too small.

At 8:06PM, Chair Heinrich closed the Public Hearing and called for a motion.

Discussion-

Boardmember Hagstrom asked what the total square footage would be. 3522 square feet. A Variance is necessary because it is a separate structure. They could add an attached dwelling.

Boardmember Hagstrom mentioned the intention of Re:Code was to increase density in the City and decrease sprawl. However, the neighbors' input is important. He stated to Mr. DeVries that his project makes sense, but understanding the neighbors' input. He then moved to deny the approval of the application.

Chairman Heinrich asked staff to place the criteria back on the viewing screen. He also asked if this is denied, how long must the applicant wait to reapply? Staff replied a 1 year waiting period is required. He then confirmed the applicant may withdraw the application at anytime before the decision is made. Staff replied in the affirmative and there are several options under the code. The Board may **delay action** and keep the public hearing open for 30 days if the applicant and neighbors could agree on a compromise, if there is the possibility of a set of agreed upon conditions to consider, if the Board needs more information about other approved Variances in the area or any other reason you might need a delay.

Chairman Heinrich asked the Board if there was reason to delay action. Board member Mitchell there is no reason to delay and 2nd the motion to deny.

Staff asked the mover and the second to articulate the change of findings from the staff recommendations. Chair Heinrich advised the Board they must find something opposite in the table of findings.

Board member Mitchell said granting this Variance would be a special privilege because of the lot width being so narrow.

Board member Warmer stated he is struggling to deny this. The house to the east has similar square footage. The same size on a smaller lot. The neighbors are benefiting from the DeVries large open lot. It is unfair to penalize them because of the neighbors wish for view.

Colten DeVries stated he would like to withdraw the application.

Chair Heinrich asked the mover and 2nd if they would withdraw the motion, both agreed to remove the motion.

Motion

Board Member Hagstrom made a motion and Board Member Mitchell seconded the motion to allow withdrawal of **City Variance 1342**.

MEMBER	YES	NO	ABSTAINED	NOT PRESENT
David Mitchell	x			
Dave Hagstrom	x			
George Warmer	x			
Jeff Bollman	x			
Oscar Heinrich	x			
VACANT				
VACANT				

The motion to approve withdrawal of City Variance 1342 passed with a 5-0 vote.

Other Business:

ADJOURNMENT: The meeting adjourned at 8:47PM.

ATTEST: DRAFT. To be approved by a motion at the next regularly scheduled meeting.
Robbin Bartley, Administrative Assistant.

CITY BOARD OF ADJUSTMENT

MINUTES April 6, 2022

Name	Title	01/05/2022	02/02/2022	03/02/2022	04/06/2022	05/04/2022	06/01/2022	07/06/2022	08/03/2022	09/07/2022	10/05/2022	11/02/2022	12/07/2022	
David Mitchell	Member	1	-	1	E									
Dave Hagstrom	Member	1	-	1	1									
George Warmer	Member	-	-	1	1									
Jeff Bollman	Vice Chair	P	-	1	1									
Oscar Heinrich	Chair	1	-	1	1									
Chris Hayes	Member	-	-	-	1									
Josh Sayer	Member	-	-	-	1									
TOTAL NUMBER OF APPLICATIONS 2022		01/05/2022	02/02/2022	03/02/2022	04/06/2022	05/04/2022	06/01/2022	07/06/2022	08/03/2022	09/07/2022	10/05/2022	11/02/2022	12/07/2022	TOTAL
Variance		2	-	3	1									6

Chair Heinrich called the meeting to order at 6:00 p.m.

Nicole Cromwell introduced the City Board of Adjustment members and Planning Department staff. Attending Staff members are Nicole Cromwell, Zoning Coordinator and Robbin Bartley, Administrative Assistant.

Attending: Mike Boyett

Public Comment

Chair Heinrich opened the public comment period and asked if there was anyone wishing to speak during the public comment portion of the meeting. There were none.

Approval of Meeting Minutes

Meeting minutes for March 2, 2022.-DELAYED

Public Hearings-Request for delay

City Variance 1343 – 3840 Zoo Drive – Parking Siting - A variance from Section 27-409 requiring surface area parking located to the side and rear of the principal structure, to allow parking in the front of the principal structure in a Heavy Commercial (CX) zone, on Lots, 4 – 8 and 9A, Block 2, Shiloh Business Park Subdivision, a 24.91-acre parcel of land. The purpose of the variance is to allow the development of a new Costco facility. Tax ID: C13936, C13937, C13938, C13939, C13940 and C13941

Questions for staff: NONE

Applicant: Barghausen Consulting Engineers, Inc – Sean Anderson

18215 72nd Avenue South Kent, WA 98032

Appearing via Zoom

Requesting a 30 day delay of the variance hearing.

Discussion

Motion

Board Member Warmer made a motion and Board Member Sayer seconded the motion to delay the hearing of **City Variance 1343 for 30 days.**

MEMBER	YES	NO	ABSTAINED	NOT PRESENT
David Mitchell				x
Dave Hagstrom	x			
George Warmer	x			
Jeff Bollman	x			
Oscar Heinrich	x			
Chris Hayes	x			
Josh Sayer	x			

The motion to delay City Variance 1343 passed with a 6-0 vote.

Other Business: The May 4, 2022 meeting will hear Variance 1343 returning and 1 other.

ADJOURNMENT: The meeting adjourned at 6:03PM.

ATTEST: DRAFT. To be approved by a motion at the next regularly scheduled meeting.
Robbin Bartley, Administrative Assistant.

Board of Adjustment

Date: 05/04/2022
Title: Variance 1343 - Costco Wholesale - Parking Siting
Presented by: Nicole Cromwell
Department: Planning & Community Services
Presentation: Yes

Information**RECOMMENDATION**

Planning staff is recommending conditional approval, based on the re-submitted site plans and supporting documentation, and adoption of the findings of the criteria for Variance 1343.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

This is a variance request from Section 27-409 (Table 27-400-6) requiring new parking lots in the Heavy Commercial (CX) zone to be either in the side yard or rear yard of a building. The property is intended for the development of a new +166,000 square foot Costco Wholesale warehouse and fueling facility at 3840 Zoo Drive. The property consists of 6 parcels that total 24.91 acres of land generally located at the intersection of South Shiloh Road and Zoo Drive. This is a prominent corner location for the regional community center developments at the Zoo Drive exit off Interstate 90. The proposed site plan places the new building at the south edge of the property about 350 feet west of Shiloh Rd and about 500 feet south of Zoo Drive. Future expansions include a potential 25,000 square foot market delivery operating center (MDO) on the west side of the warehouse and additional fuel pumps. The MDO is a new concept for Costco where customer orders of large appliances or furniture would be received and then delivered locally to customers via smaller delivery vehicles. The applicant proposes 852 parking stalls with 61% of those stalls in the front yard of the new building. Approximately 39% of the parking stalls will be in the easterly side yard of the new warehouse.

The original site plans and documentation have been supplemented since the original application and staff recommendation of denial. The applicant has submitted documentation of how alternate building locations and fueling facility locations were attempted and the specific deficits and inefficiencies of those alternate site plans. The applicant has demonstrated through these documents the proposed building and fuel facility locations as proposed are locations that they believe best meet their safety needs of customers, efficiencies for truck and fuel deliveries, and moves some parking to the side of the building. The applicant has proposed mitigation measures to meet the intent of the code requirement - placing parking to the side or rear of the building - by proposing safe pedestrian pathways from Zoo Drive and the fueling facility to the customer entrance of the Costco building, enhanced street frontage landscaping and construction of gazebos and pavilions along the pedestrian path on Zoo Drive. The intent of the code requirement to place parking to the side or behind a building is to help "frame" the street right of ways where heavy commercial uses are located. Framing the street with a building is the most effective way to do this. Framing can partially be done with landscaping, other types of structures, terminating vistas and earthworks. Streets that are framed this way tend to contribute to higher compliance with posted speed limits leading to safer transportation corridors, improve and sustain property and market value over time, and generally enhance the community fabric.

The current plan is to relocate the current Costco Warehouse from 2290 King Ave West to this new location on Zoo Drive. The proposed location and this location are close to major I-90 interchanges. The current location is about 11.5 acres with a 141,000 square foot building. The current location shares a parking lot with the adjacent At Home store. The At Home store is about 120,000 square feet. The At Home parking lot holds 433 spaces and the Costco Wholesale parking lot holds 562 spaces. There is no physical separation between the parking lots. More than 90% of the parking spaces are in front of the buildings on King Ave West and the parking areas are rarely completely full during normal business operations. The Costco on King Avenue West was built in 1991.

The new zoning code adopted by the city in January 2021 is intended to help achieve the goals of the 2016 Growth Policy. Those goals include making sure investments in new infrastructure increase the stability and sustainability of existing property values, create quality entryways to the city, and provide safe transportation systems that support all modes of travel. A key feature of the new code is the requirement to enhance all city streets by bringing buildings to the street frontage of lots and/or placing parking areas to the side or rear of buildings. The CX zone is not a zone where the building must be placed along the street front, but parking is required to be in the side yard or rear yard of the new structure. Both the building location and the parking location contribute to making the most of the city's investment in the street and increases the safety of all modes of travel. Streets that are framed with buildings tend to slow the speed of traffic while streets lined with parking lots and fewer structures tend to increase traffic speeds. The driver's perception of a safe travel speed is tied directly to objects and structures within the driver's field of vision. Driver's will tend to ignore posted speed limits if the

design of the road and the lack of roadside structures indicates a higher speed is just as safe as the posted limit. There are several arterial, collector and even local streets in Billings that encourage higher speeds through design and the lack of roadside structures and other improvements. Ironically, arguments by the applicant for safer customer travel in its new parking lots needing to be in front of its building do not support improved safety of public street corridors by having buildings closer to the roadway to calm traffic.

This request will not necessarily be precedent case before the Board of Adjustment. While there are special and peculiar situations with the ditch that create a unique circumstance, the ditch alone does not create a special and peculiar situation as there are many situations in which ditches are covered or are integrated into site design that do not prevent utilization of the parcel in the way the zoning code contemplates. The Board has granted two other variances in the past year related specifically to the new code requirements for commercial or industrial zones. The first variance related to the required build-to zone for a new building on Blue Creek Road in a mixed use zone. The parcel had a physical hardship - a mapped flood plain - across the entire frontage of the parcel. This flood plain would not allow the placement of the new building at the required build-to zone. The board conditionally granted this request. A second variance was conditionally approved last month for a larger building sign for the new Coca-Cola bottling plant on South Frontage Road. The board found there was a hardship with this location that was not applicable to other land in the area, and the board had granted similar sign variances in the past. Granting this variance would not automatically make any future similar variance easier to approve. The ditch and set of particular circumstances is unique to this property and to this applicant's development project.

There is a hardship with this property. The Canyon Creek Ditch crosses the northwest corner of the property. The agents, in the updated site plan and documentation, intend to re-locate the ditch crossing by piping the ditch underground. In order to make this work from an engineering perspective, the underground pipe will not be in the same location as the open ditch. (See updated site plan) The piped ditch will have a 50-foot easement across the top where no structure may be built but paving and drive aisles can be constructed. Even with the ditch underground, it represents a constraint to placing a building the size of the proposed structure along either the Zoo Drive frontage or the Shiloh Road frontage.

Planning staff has reviewed Costco's updated site plan, landscape plan, proposed pedestrian gazebo/pavilions on Zoo Drive, along with other documentation, and is recommending conditional approval to the Board of Adjustment. The applicant has proven at least some hardship with the land due to the location of the Canyon Creek Ditch. Although the site is nearly 25 acres in area, the other site layouts provided by the applicant present what they find to be safety and efficiency challenges for customers and delivery traffic. Without the presence of the Canyon Creek Ditch crossing the northwest corner of the property, the Costco Building would fit comfortably across the Zoo Drive street frontage. This orientation would have the "back" of the building to the Zoo Drive frontage and certain facade treatments would be necessary, similar to other Costco warehouses located at the street frontage in other communities. The customer entrance and the delivery entrances would face south. The building would frame the street and all the parking would be to the side or rear of the building. In the proposed site plan, 61% of the parking will be between Zoo Drive and the building. The applicant has demonstrated the requested variance is necessary to accommodate the development for its purposes and not cause unnecessary hardship. Mitigation measures have been proposed on the re-submitted site plans and documentation. Planning staff proposes to make these part of the conditions of approval.

APPLICATION DATA

OWNER: Shiloh 47 LLP

AGENT: Barghausen Consulting Engineers, Sean Anderson

PURPOSE: To construct a new Costco Wholesale warehouse with 61% of the surface parking in front of the building

LEGAL DESCRIPTION: Lots 4-8 and 9A of Block 2, Shiloh Business Park Subdivision

ADDRESS: 3840 Zoo Drive

SIZE OF PARCEL: 24.91 acres

ZONING: Heavy Commercial CX

EXISTING LAND USE: vacant

PROPOSED LAND USE: Costco Wholesale warehouse, fueling station and future MDO (25,000 sf)

SURROUNDING ZONING & LAND USE

NORTH: Zoning: CX

Land Use: Agriculture

SOUTH: Zoning: CX

Land Use: vacant

EAST: Zoning: CX

Land Use: Nissan car dealership

WEST: Zoning: Neighborhood Mixed Use (NMU) and Agriculture (A) - County

Land Use: Agriculture

Planning staff is recommending conditional approval based on the re-submitted site plans, documentation and proposed mitigation and on staff recommended findings of the variance review criteria.

STAKEHOLDERS

Planning staff notified owners by mail, posted the property and published the legal ad as required. As of the date of this staff report, comments have been submitted to Planning staff. Those comments are attached to this report. A few email inquiries did come in to the City Council and staff did visit with one interested Billings resident about the project and the plans for Costco to move from its King Avenue location.

ALTERNATIVES

The Board of Adjustment may:

- Conditionally approve the requested variance and adopt the proposed findings of fact for the review criteria as recommended by the Planning staff;
- Approve the requested variance with different or added conditions, or no conditions;
- Deny the requested variance and amend the findings of fact for the criteria;
- Allow the applicant to withdraw the variance request; or
- Delay action on the variance to a future BOA meeting.

FISCAL EFFECTS

Approval or denial of the requested variance will have no financial effect on the Planning Division budget.

SUMMARY

Prior to approval, the Board of Adjustment shall ensure that the determinations for variances (Sec. 27-1627.D and E.), as outlined below, have been satisfied:

Section 27-1627.D

1) That special conditions and circumstances exist which are peculiar to the land, the lot or something inherent in the land which causes the hardship, and which are not applicable to other lands in the same district.

Applicant: The project land includes unique conditions and constraints that impact Costco's ability to meet the specific parking siting requirements of the Zoning Code that do not apply to other properties in the same district. These include an irrigation ditch that traverses the site between Zoo Drive and Shiloh Drive, and limited direct access to the surrounding street network. The irrigation ditch includes a 50-foot easement that prevents the siting of any structures along Shiloh Drive and significantly restricts the buildable area along the Zoo Drive frontages. Costco consulted with the irrigation district on potential solutions to mitigate the site impact of the canal. However, the functional and technical requirements prohibit any significant relocation of the canal. Costco would need to significantly reduce the size of the warehouse building in order to locate it along the Zoo Drive frontage and would not be able to construct the MDO. Additionally, the project area is effectively a corner property with only two frontages that have direct access to adjacent streets. Opportunities to create driveways from the two frontage streets are limited due to the size and design requirements of the building and fuel facility, as well as the setback restrictions of irrigation facilities in the northwest corner of the project site. Also, the driveway entrance to Shiloh Drive is restructured to a right in/right out and is generally fixed in location due to the intersection with Zoo Drive to the north and existing off-site driveways and the intersection with Pierce Parkway to the south. As a result, these access restrictions make it difficult to place the building closer to the street frontages without requiring the closure of at least one driveway. Limiting direct access to the surrounding streets' network would force members to use the shared driveway to the east of the site, creating unnecessary congestion for both Costco and the adjacent parcels. The combination of these unique conditions creates a significant hardship that restricts Costco's ability to meet the strict application of the surface parking siting standards without creating a detrimental impact to the layout or operation of the development.

Applicant Supplemental Information: In order to accommodate the project, the existing Canyon Creek irrigation ditch is being reconfigured and piped underground across the site. The proposed, piped condition is safer and provides increase development potential now and in the future. Preliminary pipe sizing with the constraints of the upstream and downstream connection elevations revealed that the irrigation pipe would need to be relocated. If the pipe were to be installed in its current configuration, the pipe would be above grade by a few feet. Our team coordinated with the Canyon Creek Ditch Company to find a route that allowed the ditch to be piped within the constraints of the existing grades, follows a path that minimizes disruption to site development, and maintains the flow characteristics needed to service downstream irrigation recipients. The relocation of the pipe will require a 50-foot easement restricting the development of any structures. Due to existing grades, the reconfiguration needs to avoid sharp bends because the ditch slope is very shallow and would lead to debris stagnating and blocking the canal over time. As a result, rerouting the ditch around the northwest street frontages is not a feasible option.

Staff: There are special circumstances that exist which are peculiar to the lot that are not applicable to other lots in the same district. The property is encumbered by the Canyon Creek Ditch that crosses the northwest corner of the property. The applicant has submitted supplemental information on the plan to pipe the ditch. Approximately 10% of the land area is on the north and west side of the ditch. It is not possible to re-locate the open ditch alignment or to place any structure over the

ditch. It is possible to pipe and pave over the ditch crossing. Parking and driving over the piped ditch is feasible. This has been done in several areas to the north and east of the subject property where ditch water users no longer exist. The applicant has demonstrated the infeasibility of other building and fueling facility locations. The hardship combined with operational safety, site efficiency, traffic movements for customers and delivery vehicles supports the proposed site plan. If it was feasible to re-align the ditch to the edge of the property, then a site plan with the building in front of all the parking would have been feasible. The applicant's proposed site plan puts 61% of the surface parking between the building and Zoo Drive (the front yard). The applicant analyzed each of the prior staff proposed site layouts for feasibility. Those site plans and analysis are included in the attachments. Each of the three alternate staff layouts presents a deficit to either safety, site access, efficiency of the site or truck traffic.

2) That a literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other tracts in the same district.

Applicant: As demonstrated by the enclosed alternative layouts, the literal application of the surface parking siting standards on this specific site makes it practically infeasible to place the building along either street frontage. Due to the location of the irrigation ditch and associated no-build easement, there is no area along the Shiloh Drive frontage that can accommodate the warehouse building. Similarly, the available developable area along Zoo Drive is not large enough to accommodate the warehouse, which requires access on the east side of the building for the tire center and the west for loading. The limited space would also prohibit the future addition of the MDO. In order to meet the strict application of the surface parking standards, Costco would need to reduce the size of the warehouse and limit future growth at this location. This would significantly restrict Costco's ability as a regional retail operator to meet the anticipated demand of its members and would limit its rights to fully utilize the development standards and allowances of the CX zone, which is intended to support heavy commercial uses.

Applicant Supplemental Information: A. Relocated to Zoo Drive Frontage (Attached as Staff Alternate 1):

This alternate layout shows the warehouse located along the Zoo Drive frontage in a north to south orientation, with the main entrance located at the northwest corner of the building directly adjacent to Zoo Drive. As a result, only a small portion of parking is located near the main entrance requiring members to travel up to 1,000 feet to reach the furthest areas of parking. Additionally, parking areas to the south and east of the building are not visible from the warehouse entrance, impacting on-site way-finding and will be less desirable and potentially less safe. This layout reduces access to the surrounding transportation network to four points: one on Zoo Drive, two on Pierce Parkway, and one on Shiloh Road, which is limited to right-in/right-out access. But more significantly, it creates a narrow, congested corridor for vehicles to access the parking area from the main access point on Zoo Drive, which is anticipated to be signalized. In order to place the fuel facility so that it is visible from the entrance, it would most likely need to go in the southwest corner of the site. This reduces parking near the entrance and creates a source for traffic congestion. More specifically, the confluence of driveways from the surrounding street access points creates a single, congested intersection south of the building at the junction of the warehouse parking area and gas facility. The alternative location for the Fuel Facility would be to the east of the warehouse, which is not visible from the warehouse entrance and is the least preferred option by the neighboring properties. This increases potential conflicts between trucks, vehicles and pedestrians, and impacts circulation for the tire center and MDO operations. For the reasons outlined above, and as specifically noted on the attached exhibit, this proposed Site Plan will not work.

B. Zoo Drive Orientation -- Relocated to Center of the Site (Attached as Staff Alternate 2): This alternate layout shows the warehouse located in the center of the site in an east to west orientation, with the main entrance located at the southeast corner of the building. There are two fatal flaws to this plan; (i) the fuel facility is behind the building and (ii) a significant amount of parking would need to be placed behind the building. If parking were to be located along Zoo Drive, it would be underutilized due to the excessive travel distance and lack of visibility from the main warehouse entrance. It also introduces safety concerns due to its location. In addition, if the fuel facility was relocated to the eastern side of the building, it would create poor interaction with the entrance and require even more parking to be placed behind the building. Functionally, this option would need to be modified further in order to create the necessary space along the eastern façade to operate the Tire Center, which requires a 30-foot drive aisle and associated parking. The entrance from Shiloh Road would require a long throat into the site, requiring vehicles to circulate around the back of the warehouse to the driveway entrance from Zoo Drive, in order to reach the warehouse entrance and loading area. This will result in a bottleneck at the Zoo Drive intersection and require delivery trucks to circulate past the warehouse entrance. Additionally, the congestion at the intersection with Zoo Drive will be exacerbated by traffic from vehicles traveling between the fuel facility and warehouse through this same intersection. As a result, this would direct all vehicles near the warehouse entry/exit area, increases the mixing of trucks, vehicles, and pedestrians. For the reasons outlined above, and as specifically noted on the attached exhibit, this proposed Site Plan will not work.

C. Shiloh Road Orientation -- Relocated to Zoo Drive (Attached as Staff Alternate 3): This alternate layout shows the warehouse located along Zoo Drive with a south to north orientation, with the main entrance located at the northeast corner of the building. Similar to the aforementioned alternate shown on Exhibit B, this option would need to be modified further in order to create the necessary space along the eastern façade to operate the Tire Center, which requires a 30-foot drive aisle and associated parking. Also, only a small portion of parking is located near the main entrance requiring members to travel over 1,300 feet away to reach the furthest areas of parking. Additionally, a majority of the parking is located out of view from the main building entrance, impacting on-site way-finding and making the site less desirable and

safe for members who will need to circulate around the building. More critical to the safety concerns of this option is the fact that the proximity of the entrance to the primary access point from Zoo Drive creates significant member vehicle interaction that is avoided with the project plan. This layout reduces access to the surrounding transportation network to four points: one on Zoo Drive, two on Pierce Parkway, and one on Shiloh Road. Similar to the other Zoo Drive facing alternate, this layout creates a narrow, congested corridor for vehicles to access parking area. As mentioned above, the confluence of driveways from the surrounding street access points creates a single, congested intersection at the junction of the warehouse parking area and gas facility. This increases potential conflicts between trucks, vehicles and pedestrians, and impacts circulation for the Tire Center and MDO operations. For the reasons outlined above, and as specifically noted on the attached exhibit, this proposed Site Plan will not work.

Staff: This application is a request of first impression, meaning the Board of Adjustment has not ever considered an application to deviate from the parking location requirement. Under the previous zoning code for the city, parking lots were allowed in any location on a lot in relation to the building and street frontage. Most of the nearby developments have the buildings centered on the lots with parking lots surrounding the structure. (See attachments). Several of the existing hotels on the north/east side of Zoo Drive close to the interstate are placed close to the front property line with fewer than 50 parking spaces between the building and Zoo Drive. Large front yard parking lots are an outdated pattern of suburban commercial development. It is inefficient and a costly development pattern to sustain over time. The right to place parking in the front of a building is commonly enjoyed by some previous developments in the area. The rights commonly enjoyed by others in the district are now considered non-conforming site characteristics. It would not be consistent with current regulations to grant a variance based on prior development standards. New developments are required to meet current regulations - not prior regulations.

Staff proposed several alternate building locations and site plans for the previous BOA meeting to consider. Since this meeting was postponed, the applicants have taken the time to thoroughly review each alternate location and to consider how the prior site plan could be modified to address the zoning code intent and staff concerns. The supplemental information (above) along with the attachment demonstrate the proposed site plan is the applicant's preferred approach to address the site constraints, the zoning requirements and mitigate the impact of this variance on the surround properties.

3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this zoning code to other land in the same district.

Applicant: Granting the requested variance to the Zoning Code parking siting standards is supported by this narrative, along with the enclosed proposed and alternative layouts and associated parking waiver. As described in this narrative, Costco intends to develop a warehouse, fuel facility, and future MDO to address the limitations of its current facility in Billings and continue to serve its members in the surrounding region. The layout of the facility, including the location and amount of parking, is based on a demand analysis prepared for this specific location. Reviewing the alternative layouts demonstrates that strict compliance with the Zoning Code's parking siting standards creates unnecessary hardship and limits the rights of Costco to develop this project in a way similar to other tracts within the surrounding district. Specifically, applying those standards would result in a layout that restricts adequate access to the site, limits building size, and constrains site circulation. As a result, these combined findings support the decision to grant the requested variance based on the merits of the project and would not act as a special privilege to the applicant that would be otherwise denied within the same zoning district.

Staff: Granting any requested variance may confer on the applicant a privilege and even more so when a variance is the first of its kind before the board. Careful analysis and consideration for special circumstances is necessary. While surrounding properties may have developed in a similar way under the previous zoning regulations, the new zoning code is intended to move away from this style of development. Variance requests should tend to be the minimum required to accommodate the proposed construction. Through the supplemental information and analysis of several alternate plans, the applicant has demonstrated support for the proposed site plan. Staff does not believe granting this variance, based on this analysis, the site constraints and the proposed mitigation, will grant a *special* privilege to the applicant. Staff does not believe granting this variance will make it easier for future developers in the area to receive similar variance. The criteria for approving this variance are site specific and based on careful analysis.

4) That the granting of the variance will be in harmony with the general purpose and intent of this zoning code and with the Growth Policy.

Applicant: The uses associated with the project are all allowed as-of-right and granting of a variance to the surface parking siting requirements would allow for the development of a uniquely constrained parcel and would remain consistent with the purpose of the CX zone. Specifically, the CX zone is designed to provide standards and use allowances to accommodate large, auto-oriented commercial uses that are suited for corridors located away from residential and mixed-use areas. Allowing a variance to provide flexibility to the surface parking siting requirements does not alter the type or intensity of uses associated with the project in a way that would be out of character for the surrounding area or the intent of the CX zone. The project is consistent with the types of large-format auto-oriented commercial uses in the surrounding CX

zoning district. Granting of the variance to allow for the development of this parcel is also consistent with the guidelines described in the 2016 Billings Growth Policy. Specifically, it supports the broad goal of "Essential Investments" by allowing Costco to relocate its existing operations to a neighborhood that is zoned for the type of regional retail services it provides. As a result, Costco is able to continue providing essential goods and services to members within the surrounding region, a stated guideline within the Growth Policy. A variance also allows Costco to develop an area that currently sits vacant with a high-quality building, provide attractive landscape along the street frontages, and contributes to the "Community Fabric" of an established commercial area that includes similar auto-oriented commercial uses. The addition of the Costco development to this area also contributes to providing "Strong Neighborhoods" that are designed to be safe, attractive, and provided essential services to the greater community. Based on the findings provided in response to the required decision-making criteria, the approval of a variance for this project would support a Costco development that is harmonious with the intent of the Zoning Code and stated goals and guidelines of the City Growth Policy.

Supplemental Applicant Information: We believe that the above responses, together with the enclosed revised plans, landscape perspectives, and alternate layout analysis exhibits address the feedback received from both the Staff Report and our subsequent discussions, and demonstrate the key considerations Costco made in meeting the intent of the Heavy Commercial design standards. This variance request is the minimum necessary deviation from the City parking siting Code in order to allow the project to meet the Costco's operational requirements within the constraints of the site.

Staff: Granting this variance as requested will meet the general purposes and intent of the zoning regulations and the 2016 Growth Policy. The Growth Policy guidelines support new developments that support existing investments in infrastructure, stabilize and grow the city's tax base and enhance entryways to the city. The proposed mitigation measures, landscape plan, activity centers on Zoo Drive, along with the investment in a regionally significant commercial center, will support these goals and guidelines. The zoning regulations were adopted to specifically require the placement of surface parking lots to the side or rear of buildings to minimize the inefficient use of land on the street frontage, create street frontages that benefit the community at large, minimize the need for over-sized signs, and allow for the sustainable and adaptable use of commercial land. The zoning regulations were also adopted to recognize that not all regulations can apply everywhere in all circumstances especially when geography and topography create hardships. While the area that is impacted by the Canyon Creek Ditch is relatively small in comparison to the overall site, the applicant's unique building requirements allow this constraint to have a larger impact on the site design and layout. The intent of the zoning regulations is also to recognize when these site hardships occur and to grant variances from strict adherence to the code requirements.

Section 27-1627.E

2) In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Zoning Code. Violation of such conditions and safeguards, when made a part of the terms upon which the variance is granted, shall be deemed a violation of this Zoning Code;

Staff is recommending conditions for the variance request:

1. The variance is to allow up to 535 of the surface parking spaces to be in the front yard of the proposed warehouse building at 3840 Zoo Drive. The front yard is a yard extending along the full length of the front lot line which is situated between the warehouse building and the front lot line on Zoo Drive. The variance would be granted based on the April 18, 2022 site plan and the April 25, 2022 Concept Landscape Plan (L1.1, L1.2 and L1.3), Costco provided and that is attached to this variance memo. No other variance is intended or implied.
2. The variance is limited to Lots 1-8 and 9A of Block 2, Shiloh Business Park Subdivision, Amended and generally located at 3840 Zoo Drive.
3. The applicant will install and provide ground markings for two safe pedestrian pathways through the front yard parking lot from Zoo Drive to the warehouse building, as described in Supplemental Item number IV (page 7) that is attached to this variance memo.
4. The applicant will install the gazebos and pavilions as shown on Concept Landscape Plan sheet L1.2. Minor modifications to the location of these structures is specifically allowed.
5. The street frontage landscaping on Zoo Drive and South Shiloh Rd will not include any evergreen trees or shrubs that are intended to obscure the subject property either at the time of installation or at maturity. All street trees installed shall be trimmed up so the lowest branch height at installation is at least 8 feet above grade. The Concept Landscape Plan will be a starting basis for a final landscape plan submitted with the Building permit application.
6. No outdoor announcement system shall be audible beyond the exterior property lines.
7. The applicant will apply for a building permit within 2 years of Board approval and complete the project within 5 years of Board approval.
8. Any structures **not shown** on this approved site plan, will **not** comply with all zoning regulations and other city regulations in place at the time of development.
9. All other zoning regulations, except for this specific variance, and any other applicable city regulations apply to the development of the warehouse structure, the fueling facility and the MDO future expansion on the warehouse building.
10. Failure to begin or complete actions required by this approval within the time limits set forth shall void this variance.
11. These conditions of variance approval shall run with the land described in this authorization and shall apply to all

current and subsequent owners, operators, managers, lease-holders, heirs and assigns.

3) The Board shall prescribe a time limit within which the action for which the variance is required shall be begun or completed, or both. Failure to begin or complete such action within the time limit set shall void the variance. Staff is recommending any conditions of approval that include time limits to begin and complete the project.

4) Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this zoning code in the district involved. A variance shall not be a grant of special privilege inconsistent with limitations placed upon other properties in the district.

The granting of this variance would not allow a use that is not allowed in the zoning district. Large format retail and wholesale businesses are allowed uses in the CX zone.

Attachments

Zoning Map and Site Photos

Application and Letter

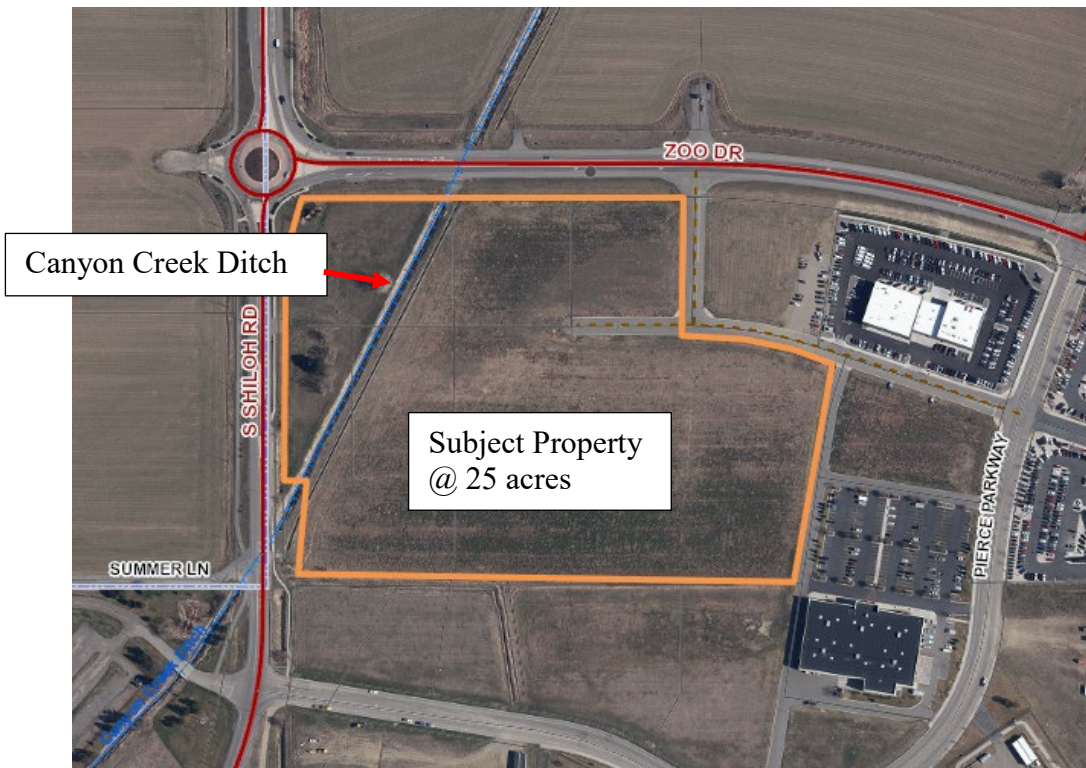
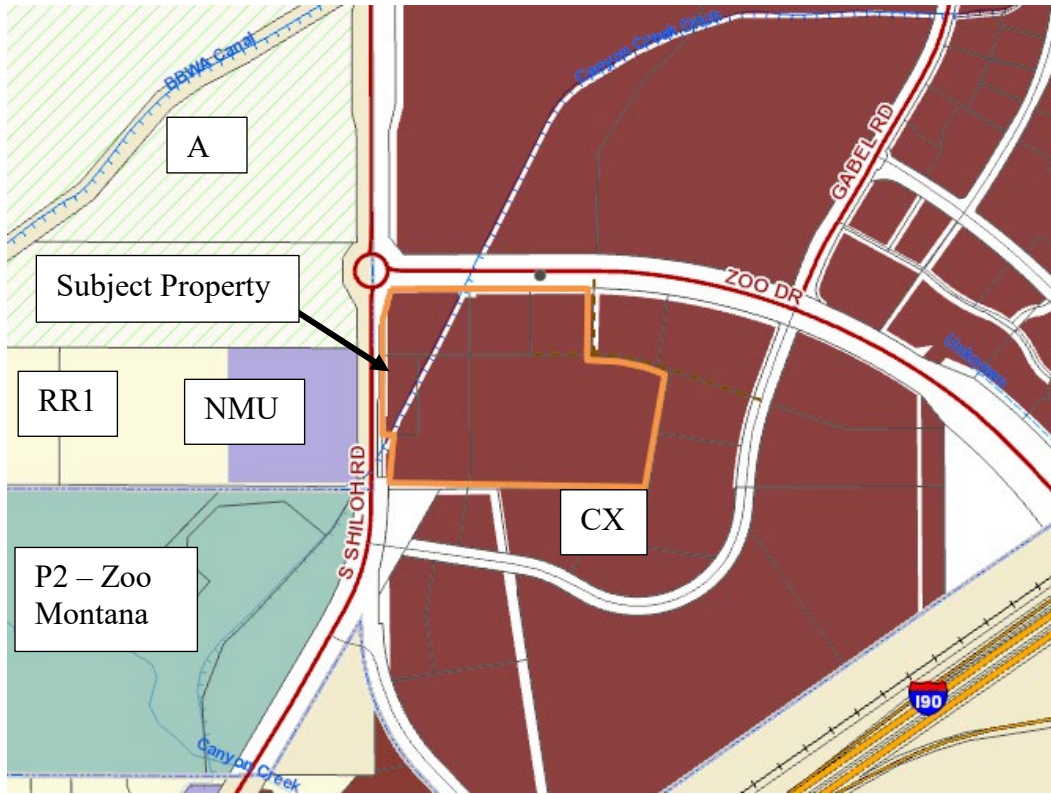
Supplemental Information Analysis Site Plan and Concept Landscape Plan

Various Costco Locations Site Layouts

Public Comments

Zoning Map and Site Photos

Variance 1343







Subject Property – view south and east from Zoo Drive





View south and east from internal access road intersection (south east corner of subject property)



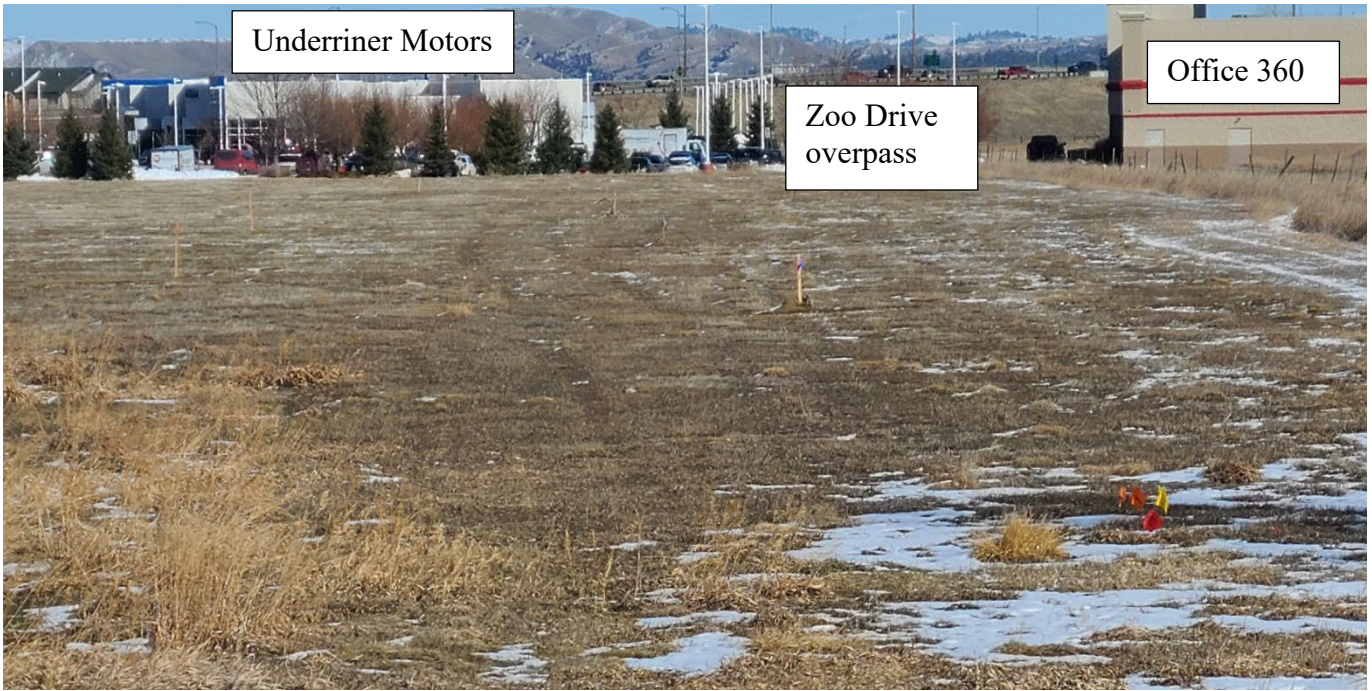
View north and east from Pierce Parkway



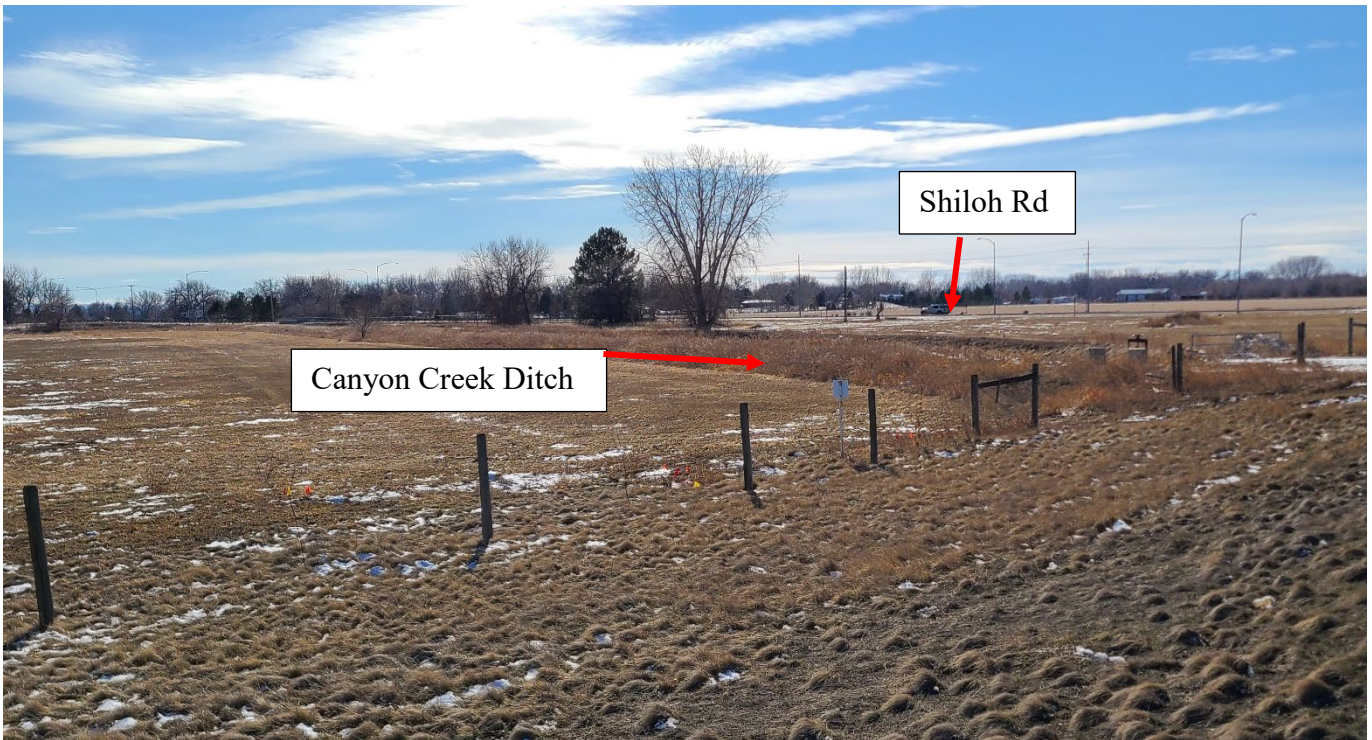
View east from subject property across un-named internal road



View north across subject property at Shiloh Road



View south and east from internal access road intersection



View south and west from north west corner of subject property



View north and west from Pierce Parkway to Shiloh Rd



View south and west from internal un-named road on subject property



View north along internal un-named road



West on Zoo Drive to round-a-bout at Shiloh Rd



Dead end of east/west internal un-named road



View west from north/south internal un-named road



APPLICATION FORM

CITY VARIANCE

ID: Billings Variance # _____ - Project # _____

The undersigned as owner(s) of the following described property hereby request a Variance from the terms of the City of Billings Zoning Regulations.

PROPERTY TAX ID # C13941 CITY ELECTION WARD # 5

Legal Description of Property: SHILOH BUSINESS PARK SUBD, S23, T01 S, R25 E, BLOCK 2, Lot 9A, LT 9A BLK 2 SHILOH BUSINESS PARK SUB AMD (09)

Address or General Location (If unknown, contact City Engineering): 3840 Zoo Drive
Billings, Montana 59102

Zoning Classification: Heavy Commercial (CX)

Size of Parcel (Area & Dimensions): 24.91 acres (1,085,048 square feet)

Covenants or Deed Restrictions on Property: Yes No

If yes, please attach to application

Variance(s) Requested: To allow a variance to the surface area parking yard location requirements for the Heavy Commercial (CX) zoned described in BMCC 27-409.

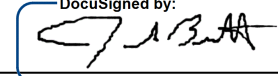
Facts of Hardship: (attach letter) Please see enclosed Project Narrative

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): Shiloh 47 LLP
(Recorded Owner) PO Box 80667 Billings MT 59108-0667
(Address) 406-670-7136 jimbd@diamondbco.com
(Phone Number) (email)

Applicant Agent(s): Barghausen Consulting Engineers, Inc. C/O Sean Anderson
(Name) 18215 72nd Avenue South, Kent, WA 98032
(Address) (425) 251-6222 Sanderson@barghausen.com
(Phone Number) (email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Variance. Also, I attest that all the information presented herein is factual and correct.

DocuSigned by: 
Signature: _____ Date: 3/1/2022
E8E5F3488117477...
(Recorded Owner)



Date Stamp



BARGHAUSEN

PROJECT NARRATIVE VARIANCE

Costco Wholesale Warehouse and Fuel Facility Relocation

**3840 Zoo Drive
Billings, Montana 59102**

Prepared for
Costco Wholesale
999 Lake Drive
Issaquah, Washington 98027

March 1, 2022
Our Job No. 21966

Introduction:

Costco is under contract to purchase vacant land at the southeast intersection of Zoo Drive and Shiloh Road. It wants to develop a new facility on that land to relocate its existing operations from its King Avenue West location. Costco's proposed site plan for the project is included with these materials as Site Plan A, but to develop the project in that fashion, Costco needs a variance. This is because the application of the parking siting requirements in the City of Billings Zoning Code would require Costco to locate the new store along the street frontage of either Zoo Drive or Shiloh Road, as shown on Site Plan B or Site Plan C. Due to the peculiarities of this land, those street frontage locations are not feasible and will cause hardship, the most significant of which is (1) the inability to relocate the irrigation canal running through the land, (2) access and traffic congestion issues, and (3) limiting the developability and future essential strategic store expansion plans. Granting a parking siting variance to enable Costco to develop its new store will not confer any special privilege on Costco and is in harmony with the general purpose of the Zoning Code.

Project Description:

The project is a 166,388-square-foot Costco building, an associated nine-dispenser fuel facility, and 852 parking stalls at 3840 Zoo Drive. The project also includes a future addition of a 25,000-square-foot market delivery operating (MDO) center and a potential seven-dispenser fuel facility expansion. The project site is approximately 24.91 acres (1,085,048 square feet) and within the Heavy Commercial (CX) Zone, which is intended for heavy commercial, wholesale, warehouse distribution, and other similar uses. The project area is situated within a commercial district with the parcels to the north, east, and south likewise zoned CX, and uses within this area generally consist of heavy commercial retail and hospitality uses. The areas to the west of the site generally consist of agricultural land. The project area currently includes seven parcels, which will be consolidated into three parcels for the building and associated parking, the fuel facility, and a 1.35-acre (58,949 square feet) out lot.

The purpose of the project is to allow Costco to relocate its existing operations within the City of Billings to develop a warehouse, fuel facility, and parking lot based on current design standards. In addition, the new site will allow a future MDO. The existing Costco building located on King Avenue includes 591 parking stalls and is located within a shopping center where on-site parking is shared with adjacent retail tenants. As a result, the existing development regularly experiences parking deficiencies, congestion, and internal circulation issues associated with an inefficient, non-standard layout. The new project allows Costco to improve the efficiency, safety, and capacity of its operations.

The site and structure regulations for the CX zone described in BMCC Section 27-409 require surface parking to be located at the side or the rear of a building. The parking layout for the project can generally be described as including three equally proportioned zones being located between the fuel facility and building along Shiloh Drive, along Zoo Drive, and to the eastern side of the building. As described in the detailed responses below, unique constraints associated with the project site and existing on-site easements significantly limit Costco's ability to construct a development that addresses its operational requirements and meet the strict interpretation of the Zoning Code. The intent of the CX Zone is to allow heavy commercial uses along corridors where proximity to residential and walkable mixed-use development is limited. As described above, the uses associated with this project are allowed as-of-right. In order for Costco to be allowed to construct a project that meets its minimum standard operational requirements, a variance to the parking siting requirements is required.

The warehouse, fuel facility, and associated parking are going to be delivered in a single phase once all required permits are approved. The MDO and potential fuel facility expansion may be delivered during separate future phases, and do not have a specific timeframe.

Purpose of Variance Request

BMCC Section 27-1627 allows the Board of Adjustments (BOA) to grant a variance from the terms of the Zoning Code in specific cases where it is found that the granting of the variance will not be contrary to the public interest and where, because of special conditions with respect to the lot shape or topography,

a literal enforcement of the provisions of the Zoning Code would result in unnecessary hardship. Before the BOA grants a variance, it shall determine:

1. *That special conditions and circumstances exist which are peculiar to the land, the lot or something inherent in the land which causes the hardship, and which are not applicable to other lands in the same district.*

Response: The project land includes unique conditions and constraints that impact Costco's ability to meet the specific parking siting requirements of the Zoning Code that do not apply to other properties in the same district. These include an irrigation ditch that traverses the site between Zoo Drive and Shiloh Drive, and limited direct access to the surrounding street network. The irrigation ditch includes a 50-foot easement that prevents the siting of any structures along Shiloh Drive and significantly restricts the buildable area along the Zoo Drive frontages. Costco consulted with the irrigation district on potential solutions to mitigate the site impact of the canal. However, the functional and technical requirements prohibit any significant relocation of the canal. Costco would need to significantly reduce the size of the warehouse building in order to locate it along the Zoo Drive frontage and would not be able to construct the MDO.

Additionally, the project area is effectively a corner property with only two frontages that have direct access to adjacent streets. Opportunities to create driveways from the two frontage streets are limited due to the size and design requirements of the building and fuel facility, as well as the setback restrictions of irrigation facilities in the northwest corner of the project site. Also, the driveway entrance to Shiloh Drive is restructured to a right in/right out and is generally fixed in location due to the intersection with Zoo Drive to the north and existing off-site driveways and the intersection with Pierce Parkway to the south. As a result, these access restrictions make it difficult to place the building closer to the street frontages without requiring the closure of at least one driveway. Limiting direct access to the surrounding streets' network would force members to use the shared driveway to the east of the site, creating unnecessary congestion for both Costco and the adjacent parcels.

The combination of these unique conditions creates a significant hardship that restricts Costco's ability to meet the strict application of the surface parking siting standards without creating a detrimental impact to the layout or operation of the development.

2. *That a literal interpretation of the provisions of this zoning code would deprive the applicant of rights commonly enjoyed by other tracts in the same district.*

Response: As demonstrated by the enclosed alternative layouts, the literal application of the surface parking siting standards on this specific site makes it practically infeasible to place the building along either street frontage. Due to the location of the irrigation ditch and associated no-build easement, there is no area along the Shiloh Drive frontage that can accommodate the warehouse building. Similarly, the available developable area along Zoo Drive is not large enough to accommodate the warehouse, which requires access on the east side of the building for the tire center and the west for loading. The limited space would also prohibit the future addition of the MDO. In order to meet the strict application of the surface parking standards, Costco would need to reduce the size of the warehouse and limit future growth at this location. This would significantly restrict Costco's ability as a regional retail operator to meet the anticipated demand of its members and would limit its rights to fully utilize the development standards and allowances of the CX zone, which is intended to support heavy commercial uses.

3. *That granting the variance requested will not confer on the applicant any special privilege that is denied by this zoning code to other land in the same district; and*

Response: Granting the requested variance to the Zoning Code parking siting standards is supported by this narrative, along with the enclosed proposed and alternative layouts and associated parking waiver. As described in this narrative, Costco intends to develop a warehouse, fuel facility, and future MDO to address the limitations of its current facility in Billings and continue to serve its members in the surrounding region. The layout of the facility, including the location and amount of parking, is based on a demand analysis prepared for this specific location. Reviewing the alternative layouts demonstrates that strict compliance with the Zoning Code's parking siting standards creates unnecessary hardship and limits the rights of Costco to develop this project in a way similar to other tracts within the surrounding district. Specifically, applying those standards would result in a layout that restricts adequate access to the site, limits building size, and constrains site circulation. As a result, these combined findings support the decision to grant the requested variance based on the merits of the project and would not act as a special privilege to the applicant that would be otherwise denied within the same zoning district.

4. *That the granting of the variance will be in harmony with the general purpose and intent of this zoning code and with the growth policies.*

Response: The uses associated with the project are all allowed as-of-right and granting of a variance to the surface parking siting requirements would allow for the development of a uniquely constrained parcel and would remain consistent with the purpose of the CX zone. Specifically, the CX zone is designed to provide standards and use allowances to accommodate large, auto-oriented commercial uses that are suited for corridors located away from residential and mixed-use areas. Allowing a variance to provide flexibility to the surface parking siting requirements does not alter the type or intensity of uses associated with the project in a way that would be out of character for the surrounding area or the intent of the CX zone. The project is consistent with the types of large-format auto-oriented commercial uses in the surrounding CX zoning district.

Granting of the variance to allow for the development of this parcel is also consistent with the guidelines described in the 2016 Billings Growth Policy. Specifically, it supports the broad goal of "Essential Investments" by allowing Costco to relocate its existing operations to a neighborhood that is zoned for the type of regional retail services it provides. As a result, Costco is able to continue providing essential goods and services to members within the surrounding region, a stated guideline within the Growth Policy. A variance also allows Costco to develop an area that currently sits vacant with a high-quality building, provide attractive landscape along the street frontages, and contributes to the "Community Fabric" of an established commercial area that includes similar auto-oriented commercial uses. The addition of the Costco development to this area also contributes to providing "Strong Neighborhoods" that are designed to be safe, attractive, and provided essential services to the greater community. Based on the findings provided in response to the required decision-making criteria, the approval of a variance for this project would support a Costco development that is harmonious with the intent of the Zoning Code and stated goals and guidelines of the City Growth Policy.

Based on information provided in this narrative and documentation included in this submittal package, we believe the Board of Adjustment is justified in approving a variance to the surface parking standards for the CX zone.



BARGHAUSEN

April 26, 2022

Nicole Cromwell, Zoning Coordinator
City of Billings
Planning & Community Services Department
2825 3rd Avenue North, 4th Floor
Billings, MT 59101

RE: Costco Wholesale Warehouse and Fuel Facility Relocation – Variance 1343
Supplemental Information
3840 Zoo Drive, Billings, Montana 59102
Our Job No. 21966

Dear Nicole:

I am writing to provide additional materials and information to supplement the request to allow Costco a variance to the Billings, Montana City Code parking siting requirements. Enclosed are the following documents for your review:

1. Preliminary Site Plan (P11-28), dated April 18, 2022, prepared by MG2
2. Overall Site Plan (P13-28), dated April 18, 2022, prepared by MG2
3. Landscape Concept, prepared by Weisman Design Group:
 - a. Concept Landscape Plan (L1.1), dated April 25, 2022
 - b. Concept Landscape Plan (L1.2), dated April 25, 2022
 - c. Concept Landscape Perspectives (L1.3), dated April 25, 2022
4. Staff Alternate Layout Exhibits, prepared by MG2:
 - a. Staff Alt 1
 - b. Staff Alt 2
 - c. Staff Alt 3
 - d. Costco's Proposal
5. Photometric Plan Package, prepared by T.E., Inc:
 - a. Billings Site Lighting – Costco Standard Pole Height
 - b. Billings Site Lighting – 20-foot Pole

The following outlines feedback provided from the Board of Adjustment Staff Report, dated April 6, 2022, and our subsequent discussions, along with a narrative response describing how each item was addressed:

I. Provide Description of Costco Operations to Clarify Alternatives Analysis:

A. Costco Site Plan and Warehouse Layout Principles:

- Costco has operated as a member-only warehouse club for 46 years and developed 572 warehouses in the United States and over 800 warehouses worldwide. Through this experience, Costco has learned what site development features work best for its unique type of retail operations in order to provide a safe and convenient experience

BARGHAUSEN CONSULTING ENGINEERS, INC.

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for the members. These key principles are what informed this Site Plan and are described in detail below.

- A single customer entrance/exit at one corner of the building (northeast corner on the project Site Plan) allows Costco to control the flow of members and products, reducing losses due to theft or damage to 90 to 95 percent less than typical retail, and maximizing operational efficiencies.
- As staff has acknowledged by approving the maximum parking waiver, parking is critical for Costco operations. Just as important to the amount of parking is the location of the parking. For safety reasons and practical operational needs, significant parking stalls cannot be located in the rear of the facility or in locations where it is difficult for Costco members to get from their car to the entrance. Generally speaking, parking stalls are located in areas where they can be seen from the entry.
- All Costco site plans are developed to "Fan" the parking out from the entrance to maximize the number of stalls within a similar radius of that entrance and minimize large areas of parking far away or out of sight. The project plan provides 95 percent of the parking stalls within 500 feet of the warehouse entry canopy.
- Costco sites are large and often front on multiple streets, so providing multiple access points to the surrounding street network is essential in order to minimize congestion, maximize safety, and avoid long waits for vehicles entering and exiting the site. The site plan includes five points of access: one from Zoo Drive, one from Shiloh Road restricted to right-in/right-out movements, and three points from an internal road that provides access to Pierce Parkway. Having additional ingress/egress points just provides options for Costco's membership, which eases potential congestion in the transportation grid around the site.
- Costco locates internal circulation drives away from the façade of the building (referred to as "back-feed drives"). This makes it easier to access more of the parking areas across the site without the necessity of travelling past the warehouse entrance. As a result, this circulation design, combined with safety features such as bold ground painting and signage, increases the safety of this area for pedestrians as they leave the facility and take purchased goods back to their vehicle. The project Site Plan is a great example of this principle. Vehicles approaching the Costco site have many driveways to gain entrance to the parking area. Then they have back-feed drives running east/west and north/south perpendicular to the front of the building from which to branch off to find parking. With this design, it is likely they will be able to find parking before they even get to the driveway along the building frontage. Even if they do not find a stall in the first drive aisle, they will likely just circulate to the next aisle over to find one. When they are ready to leave, they will likely exit their stall and immediately proceed to the internal back-feed drives avoiding interaction with the entrance and members leaving the building.
- The Tire Center requires a 30-foot drive aisle for delivery and removal of tires. Enough space is required along this façade to accommodate the circulation of cars in and out of the Tire Center bays as well. Additionally, associated parking is necessary for members to park vehicles waiting to receive a tire change. Given these space requirements, this façade cannot be located directly up to a street frontage.

- The receiving area is located on the same façade as the entrance; however, on the opposite corner. This is in an effort to be efficient with the use of land due to the amount of space required for the large trucks to maneuver. It is also a critical location to allow goods to be delivered and placed on the sales floor in a safe and efficient manner. Also, the receiving area is roughly 500 feet away from the main entrance, which reduces the potential conflict between delivery trucks and busy pedestrian areas.
- Typically, an access driveway is required around the entire building for Fire Department and other life safety access. The City of Billings adopted the 2012 International Fire Code, which requires two fire apparatus roads to be provided for the warehouse, one to be located within 15 feet of the building and the other within 30 feet, and both running parallel with the building. In addition to the Code requirement, Costco feels that having easy access for emergency services is important. This design also provides access for garbage collection and other pickups and deliveries.
- In order to accommodate the project, the existing Canyon Creek irrigation ditch is being reconfigured and piped underground across the site. The proposed, piped condition is safer and provides increase development potential now and in the future. Preliminary pipe sizing with the constraints of the upstream and downstream connection elevations revealed that the irrigation pipe would need to be relocated. If the pipe were to be installed in its current configuration, the pipe would be above grade by a few feet. Our team coordinated with the Canyon Creek Ditch Company to find a route that allowed the ditch to be piped within the constraints of the existing grades, follows a path that minimizes disruption to site development, and maintains the flow characteristics needed to service downstream irrigation recipients. The relocation of the pipe will require a 50-foot easement restricting the development of any structures. Due to existing grades, the reconfiguration needs to avoid sharp bends because the ditch slope is very shallow and would lead to debris stagnating and blocking the canal over time. As a result, rerouting the ditch around the northwest street frontages is not a feasible option.
- The developed site is required to meet current stormwater treatment and detention requirements prior to discharge to the existing lateral storm main established during the previous site development under the subdivision plat. The size of the site and length of conveyance pipe requires a pump system to pump stormwater up the stormwater lateral. In order to provide detention and water quality in close proximity to the pump and stormwater discharge point, the pond must be located in or around the location shown on the Site Plan.

B. Costco MDO (Home Delivery Warehouse):

- This is a fairly new component to the Costco program. It will be roughly 25,000 square feet and attached to the main warehouse. The main activity of this facility will be storing and delivering large items (e.g., washer/dryers and furniture) that members purchase online.

- It is not being constructed initially as it is a new addition to Costco facilities and a prototype is currently under construction. Operations wants to have some experience with the internal layout of the prototype before the construction of new facilities.
- Because the MDO is more similar to a typical warehouse type of facility with no customers coming to this area, the main warehouse and the MDO will share the main receiving dock for large trucks.
- The MDO delivery trucks will be smaller vehicles like step vans and such, delivering just a couple of items at a time and providing white-glove installation services as needed.
- Locating the MDO on the opposite side of the member entrance reduces the potential conflict between delivery vehicles and busy pedestrian areas.

C. Costco Fuel Facility Layout Principles:

- Costco Fuel Facilities are always 1-way flow for vehicles in order to minimize driver confusion and maximize the efficiency/speed at which they can serve its members.
- Fuel delivery trucks typically have a separate fuel drop zone that removes them from the Fuel Facility stacking area. This enhances safety for the members and allows the station to continue to operate at its highest efficiency even when it is receiving new product.
- We always attempt to align entrance and exit points to the Fuel Facility with drive aisles and other vehicular movements again to increase safety and efficiency for vehicles.
- The Fuel Facility is located away from the main entrance of the warehouse in order to separate circulation patterns to minimize potential conflicts between fuel delivery trucks, member traffic associated with the facility, and busy pedestrian areas.
- For management and safety issues, Costco has an objective to locate Fuel Facilities so that they can be seen from the entrance of the building.
- Based on discussions with the adjacent property owner, it was determined that the southeast corner of the site is not a desirable location for the Fuel Facility due to potential congestion impacts to the neighboring property. Additionally, the advantage of the current layout is that the Fuel Facility has two points of direct access to the surrounding street network and minimizes the interaction between traffic associated with the warehouse, fuel deliveries, and associated member trips.

II. Operational Response to Alternate Layouts Proposed by Staff

A. Relocated to Zoo Drive Frontage (Attached as Staff Alternate 1):

This alternate layout shows the warehouse located along the Zoo Drive frontage in a north to south orientation, with the main entrance located at the northwest corner of the building directly adjacent to Zoo Drive. As a result, only a small portion of parking is located near

the main entrance requiring members to travel up to 1,000 feet to reach the furthest areas of parking. Additionally, parking areas to the south and east of the building are not visible from the warehouse entrance, impacting on-site wayfinding and will be less desirable and potentially less safe.

This layout reduces access to the surrounding transportation network to four points: one on Zoo Drive, two on Pierce Parkway, and one on Shiloh Road, which is limited to right-in/right-out access. But more significantly, it creates a narrow, congested corridor for vehicles to access the parking area from the main access point on Zoo Drive, which is anticipated to be signalized. In order to place the fuel facility so that it is visible from the entrance, it would most likely need to go in the southwest corner of the site. This reduces parking near the entrance and creates a source for traffic congestion. More specifically, the confluence of driveways from the surrounding street access points creates a single, congested intersection south of the building at the junction of the warehouse parking area and gas facility. The alternative location for the Fuel Facility would be to the east of the warehouse, which is not visible from the warehouse entrance and is the least preferred option by the neighboring properties. This increases potential conflicts between trucks, vehicles and pedestrians, and impacts circulation for the tire center and MDO operations.

For the reasons outlined above, and as specifically noted on the attached exhibit, this proposed Site Plan will not work.

B. Zoo Drive Orientation – Relocated to Center of the Site (Attached as Staff Alternate 2):

This alternate layout shows the warehouse located in the center of the site in an east to west orientation, with the main entrance located at the southeast corner of the building. There are two fatal flaws to this plan; (i) the fuel facility is behind the building and (ii) a significant amount of parking would need to be placed behind the building. If parking were to be located along Zoo Drive, it would be underutilized due to the excessive travel distance and lack of visibility from the main warehouse entrance. It also introduces safety concerns due to its location. In addition, if the fuel facility was relocated to the eastern side of the building, it would create poor interaction with the entrance and require even more parking to be placed behind the building.

Functionally, this option would need to be modified further in order to create the necessary space along the eastern façade to operate the Tire Center, which requires a 30-foot drive aisle and associated parking.

The entrance from Shiloh Road would require a long throat into the site, requiring vehicles to circulate around the back of the warehouse to the driveway entrance from Zoo Drive, in order to reach the warehouse entrance and loading area. This will result in a bottleneck at the Zoo Drive intersection and require delivery trucks to circulate past the warehouse entrance. Additionally, the congestion at the intersection with Zoo Drive will be exacerbated by traffic from vehicles travelling between the fuel facility and warehouse through this same intersection. As a result, this would direct all vehicles near the warehouse entry/exit area, increases the mixing of trucks, vehicles, and pedestrians.

For the reasons outlined above, and as specifically noted on the attached exhibit, this proposed Site Plan will not work.

C. Shiloh Road Orientation – Relocated to Zoo Drive (Attached as Staff Alternate 3):

This alternate layout shows the warehouse located along Zoo Drive with a south to north orientation, with the main entrance located at the northeast corner of the building. Similar to the aforementioned alternate shown on Exhibit B, this option would need to be modified further in order to create the necessary space along the eastern façade to operate the Tire Center, which requires a 30-foot drive aisle and associated parking. Also, only a small portion of parking is located near the main entrance requiring members to travel over 1,300 feet away to reach the furthest areas of parking. Additionally, a majority of the parking is located out of view from the main building entrance, impacting on-site wayfinding and making the site less desirable and safe for members who will need to circulate around the building. More critical to the safety concerns of this option is the fact that the proximity of the entrance to the primary access point from Zoo Drive creates significant member vehicle interaction that is avoided with the project plan.

This layout reduces access to the surrounding transportation network to four points: one on Zoo Drive, two on Pierce Parkway, and one on Shiloh Road. Similar to the other Zoo Drive facing alternate, this layout creates a narrow, congested corridor for vehicles to access parking area. As mentioned above, the confluence of driveways from the surrounding street access points creates a single, congested intersection at the junction of the warehouse parking area and gas facility. This increases potential conflicts between trucks, vehicles and pedestrians, and impacts circulation for the Tire Center and MDO operations.

For the reasons outlined above, and as specifically noted on the attached exhibit, this proposed Site Plan will not work.

III. Enhance Landscape along Zoo Drive with Plant Species that do not Obstruct Views into the Site:

The additional landscape area is provided along Zoo Drive in order to create an attractive treatment between the multi-use pedestrian path and northern parking pod. The pedestrian entrance to the site will also be demarcated with a pergola structure and to create an inviting and comfortable environment for members visiting the site, waiting for services within the warehouse, or non-members passing the property from the multi-use path along Zoo Drive. The landscape treatment along the on-site pedestrian path between the fuel facility and northern parking pod will transition and integrate with the parking lot landscape design. Plant species that will be used include a combination of shrubs, groundcover, and high canopy deciduous trees in order to provide an attractive canopy and natural treatment along pedestrian routes. The combination of shrubs and high-canopy trees will also help frame views from the street frontage for both pedestrians and members travelling by vehicle. Pedestrian network enhancements along the Zoo Drive frontage also add to the network of routes identified in the 2014 Zoo Montana to Riverfront Park Trail Feasibility Study. In that study, a pedestrian connection along Zoo Drive to connect Shiloh Road and the existing footpath at Zoo Drive to the east of the business park was identified as an option for creating a pedestrian route to the east side of I-90.

IV. Providing a Safe and Attractive Pedestrian Connection from Zoo Drive:

The site plan is updated to include a pedestrian connection from the multi-use path along Zoo Drive, which travels south between the fuel facility and the northern parking pod until it connects with the ADA parking area north of the warehouse entrance. As described above, the area along Zoo Drive will be treated with enhanced landscaping to provide a comfortable setting for pedestrians. As the path travels through the parking area toward the warehouse entrance, it will be delineated using bold line striping for drive aisle crossings and concrete for areas passing between parking stalls. This creates an easily visible path of travel for both pedestrians and motorists passing through the site.

V. Review Options to Improve ADA Pedestrian Safety at the Warehouse Entrance, including Setback of the Driveway:

After consideration of alternate driveway and ADA stall locations, the existing layout along with pedestrian safety enhancements such as bold ground striping and additional signage remains the preferred design. As discussed in the operational description, the drive aisles that travels along the building frontage is separated from the back-feed aisles circulation, meaning that members using this route are likely to be travelling at slower speeds, searching for parking or dropping someone off at the entrance rather than trying to pass through the site. Additionally, the presence of a busy, clearly delineated pedestrian area is likely to deter any drivers looking to quickly pass through the area.

Relocating the ADA stalls against the building frontage eliminates a circulation drive aisle that is included in the current design, resulting in an increased confluence of parking back-feed aisles directly in front of the warehouse entrance. This would cause increased congestion between pedestrians and vehicles circulating through the most desirable parking area on the property. In addition to creating a separate circulation aisle away from the main entrance, the current ADA parking canoe creates a refuge for the pedestrian connection to Zoo Drive.

The proposed location of the ADA stalls is prototypical for Costco and was designed by observing and receiving feedback on current locations. Additionally, the ADA parking layout and pedestrian areas are designed in compliance with the 2010 ADA Standards for Accessible Design. We find that the proposed design works well in other locations and anticipate that it will also work well at the proposed location in Billings.

VI. Parking Lot Lighting Pole Height:

External lighting for the warehouse and fuel canopy signage will be wall-mounted down-facing flat lens LED fixtures. Costco's standard site/parking lot lighting has been developed over many years with an eye toward sustainability through the reduction of raw materials and energy usage. As a result, they have developed a standard site lighting pole that is 36 feet 6 inches tall and uses high efficiency LED fixtures. City staff proposed a Condition of Approval, should the variance be granted, limiting the parking lot pole height to 20 feet. Enclosed are two photometric exhibits showing a comparison of light levels between Costco's standard pole height and the proposed conditional height. Both options are equally efficient in limiting light spill and glare onto adjacent streets and properties. However, Costco's standard lighting design only requires 44 poles and 67 fixtures, as opposed to 102 poles and 105 fixtures, which would be required based on the City's conditional height limit. Costco's standard design would

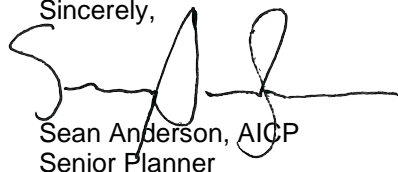
allow for a 56 percent reduction in materials and a 36 percent reduction in energy use for the site.

VII. Provide Explanation for Costco's Relocation:

The current Costco facility in Billings is undersized, has a poor parking area with narrow drive aisles, no back-feed lanes, and grades that make it difficult to maneuver Costco shopping carts. In addition, the current location does not allow for the ability to expand and add a MDO facility, which will be a critical part of Costco's future business operations. Due to the current physical limitations of the existing Costco location, the existing development regularly experiences parking deficiencies, congestion, and internal circulation issues associated with an inefficient, non-standard layout. Specifically, the existing Costco building located on King Avenue includes 591 parking stalls and is located within a shopping center where on-site parking is shared with adjacent retail tenants. The main internal drive aisle between South 24th Street West and King Avenue West also passes directly in front of the warehouse house entrance, where it also intersects with another drive aisle between the commercial areas to the east, and eventually Grant Road. As a result, the area in front of the warehouse entrance regularly experiences large volumes of vehicles interacting with a busy pedestrian area, creating congestion and increasing the risk of potential conflicts. The new project allows Costco to improve the efficiency, safety, and capacity of its operations

We believe that the above responses, together with the enclosed revised plans, landscape perspectives, and alternate layout analysis exhibits address the feedback received from both the Staff Report and our subsequent discussions, and demonstrate the key considerations Costco made in meeting the intent of the Heavy Commercial design standards. This variance request is the minimum necessary deviation from the City parking siting Code in order to allow the project to meet the Costco's operational requirements within the constraints of the site. Based on the additional materials and narrative responses provided in this letter, we believe staff are justified in supporting this variance request. If you have questions or need additional information, please do not hesitate to contact me at (425) 251-6222. Thank you.

Sincerely,



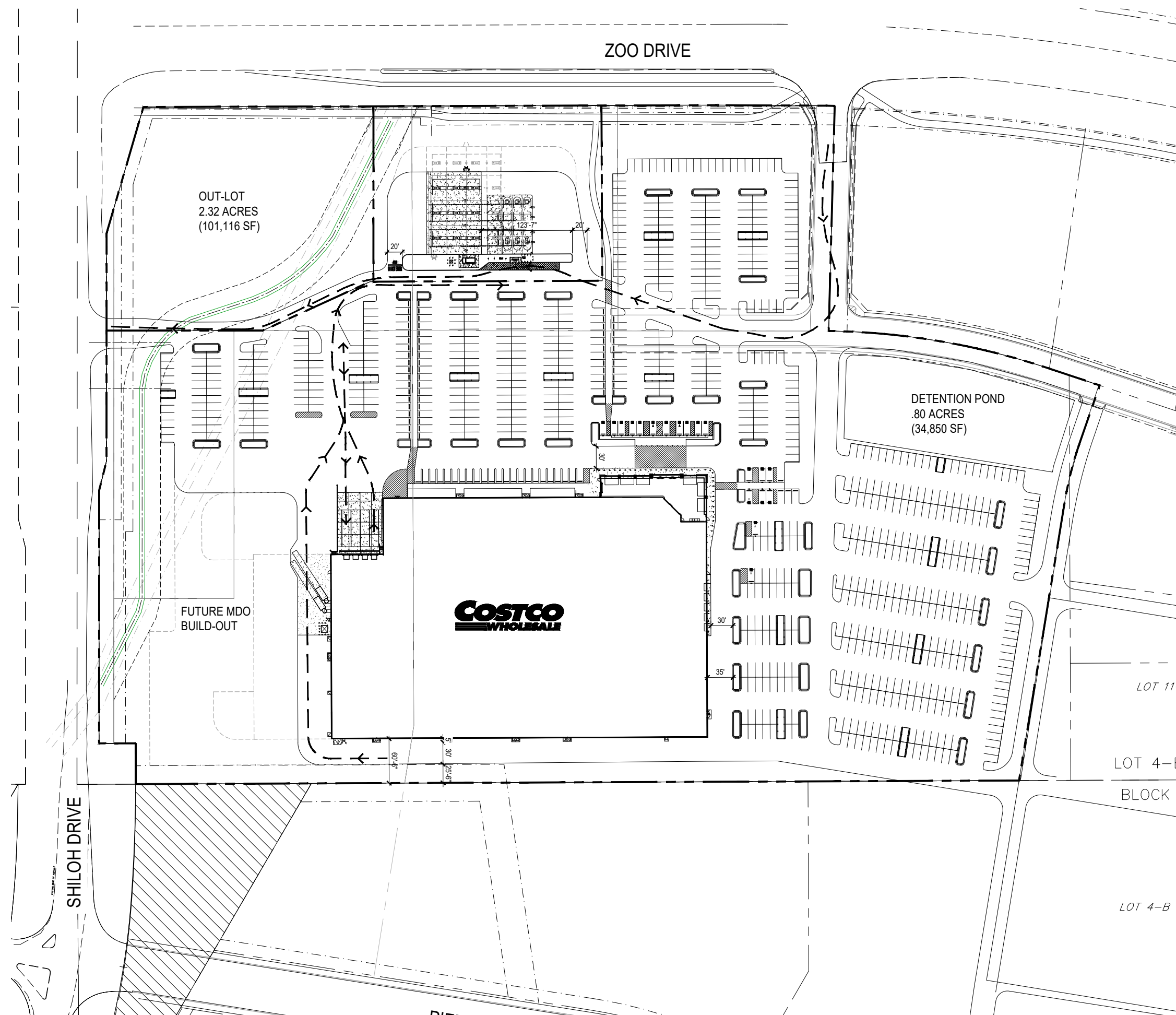
Sean Anderson, AICP
Senior Planner

SA/ps

21966c.002.docx

enc: As Noted

cc: John Ellingsen, Costco Wholesale
Brian Whelan, Costco Wholesale
Steve Bullock, MG2
Andy Daleiden, Kittelson and Associates
Jeff Shoemaker, DOWL
Jay S. Grubb, Barghausen Consulting Engineers, Inc.
Chris S. Ferko, Barghausen Consulting Engineers, Inc.



PROJECT DATA

CLIENT: COSTCO WHOLESALE
 999 LAKE DRIVE
 ISSAQUAH, WA 98027

PROJECT ADDRESS: SEC OF ZOO DR & SHILOH RD
 BILLINGS, MT

SITE DATA:

WAREHOUSE SITE AREA: 20.89 ACRES (909,931 SF)
 FUEL SITE AREA: 1.70 ACRES (74,115 SF)
 OUT-LOT SITE AREA: 2.32 ACRES (101,116 SF)
 TOTAL COSTCO SITE AREA: 24.91 ACRES (1,085,162 SF)

JURISDICTION: CITY OF BILLINGS

ZONING: HEAVY COMMERCIAL (CX)

BUILDING DATA: 151K NET SALES PROTOTYPE

TOTAL BUILDING FOOTPRINT AREA: 166,388 SF

INCLUDES:

- NET SALES FLOOR 156,615 SF
- NET FIRE DEPT. / ELECT. 2,459 SF
- NET VESIBULE 5,123 SF
- BUILDING ENVELOPE 2,191 SF

NUMBER OF STORIES: 1

PARKING DATA:

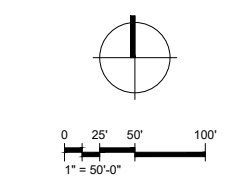
TOTAL WAREHOUSE PARKING: 848 STALLS

INCLUDES:

- 10' WIDE STALLS 829 STALLS
- ACCESSIBLE STALLS 19 STALLS

NUMBER OF STALLS PER 1000 SF OF BUILDING AREA: 5.10 STALLS

NOTES:
 EXISTING CONDITIONS TO BE FIELD VERIFIED.



20-6050-01
 APRIL 18, 2022

PRELIMINARY
 SITE PLAN

P11-28

COSTCO WHOLESALE

BILLINGS, MONTANA

PRELIMINARY SITE PLAN

APRIL 18, 2022

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PROJECT DATA

CLIENT: COSTCO WHOLESALE
 999 LAKE DRIVE
 ISSAQUAH, WA 98027

PROJECT ADDRESS: SEC OF ZOO DR & SHILOH RD
 BILLINGS, MT

SITE DATA:

WAREHOUSE SITE AREA: 20.89 ACRES (909,931 SF)
 FUEL SITE AREA: 1.70 ACRES (74,115 SF)
 OUT-LOT SITE AREA: 2.32 ACRES (101,116 SF)
 TOTAL COSTCO SITE AREA: 24.91 ACRES (1,085,162 SF)

JURISDICTION: CITY OF BILLINGS

ZONING: HEAVY COMMERCIAL (CX)

BUILDING DATA: 151K NET SALES PROTOTYPE

TOTAL BUILDING FOOTPRINT AREA: 166,388 SF

INCLUDES:

NET SALES FLOOR	156,615 SF
NET FIRE DEPT. / ELECT.	2,459 SF
NET VESIBULE	5,123 SF
BUILDING ENVELOPE	2,191 SF

NUMBER OF STORIES: 1

PARKING DATA:

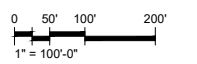
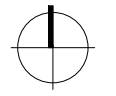
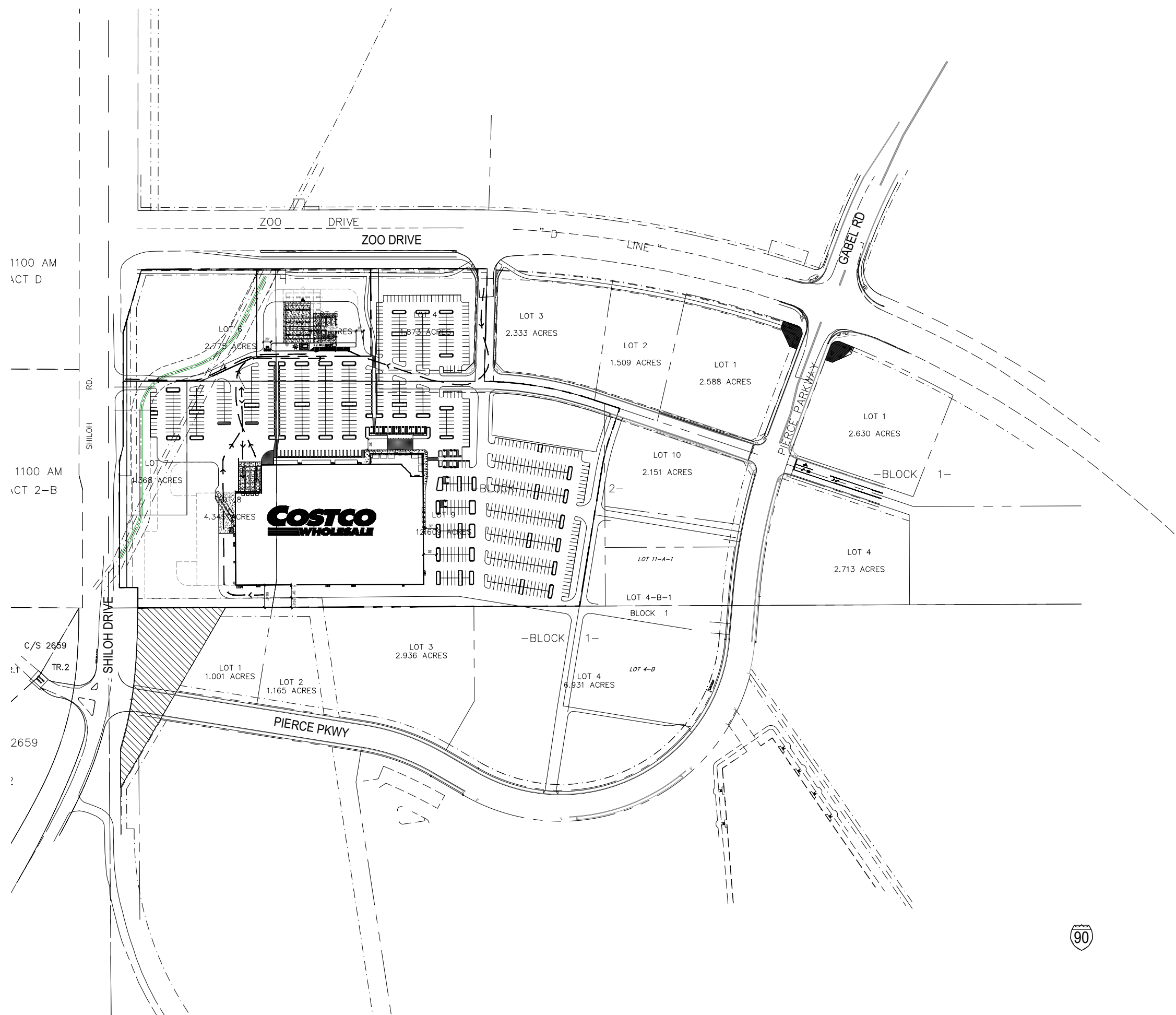
TOTAL WAREHOUSE PARKING: 848 STALLS

INCLUDES:

10' WIDE STALLS	829 STALLS
ACCESSIBLE STALLS	19 STALLS

NUMBER OF STALLS PER 1000 SF OF BUILDING AREA: 5.10 STALLS

NOTES:
 EXISTING CONDITIONS TO BE FIELD VERIFIED.



20-6050-01
 APRIL 18, 2022

PRELIMINARY
 SITE PLAN

P13-28

COSTCO WHOLESALE

BILLINGS, MONTANA

OVERALL SITE PLAN

APRIL 18, 2022



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659

TR-2

LOT

COSTCO WHOLESAL

BILLINGS, MONTANA

CONCEPT LANDSCAPE PLAN

APRIL 25, 2022

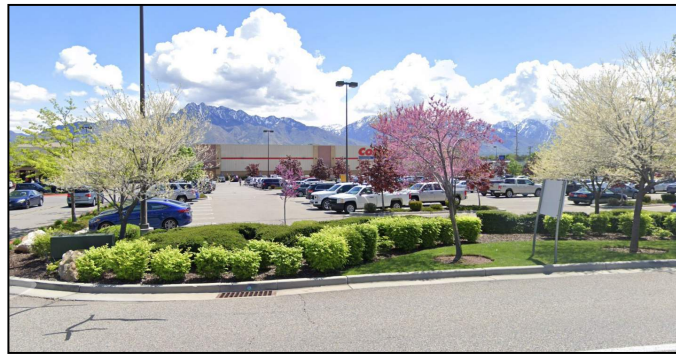


ZOO DRIVE & SHILOH ROAD
BILLINGS, MONTANA

WEISMANDESIGNGROUP

LANDSCAPE ARCHITECTURE 1430 NE 65TH ST SEATTLE WA 98115 206-322-1732 WWW.WDGN.COM

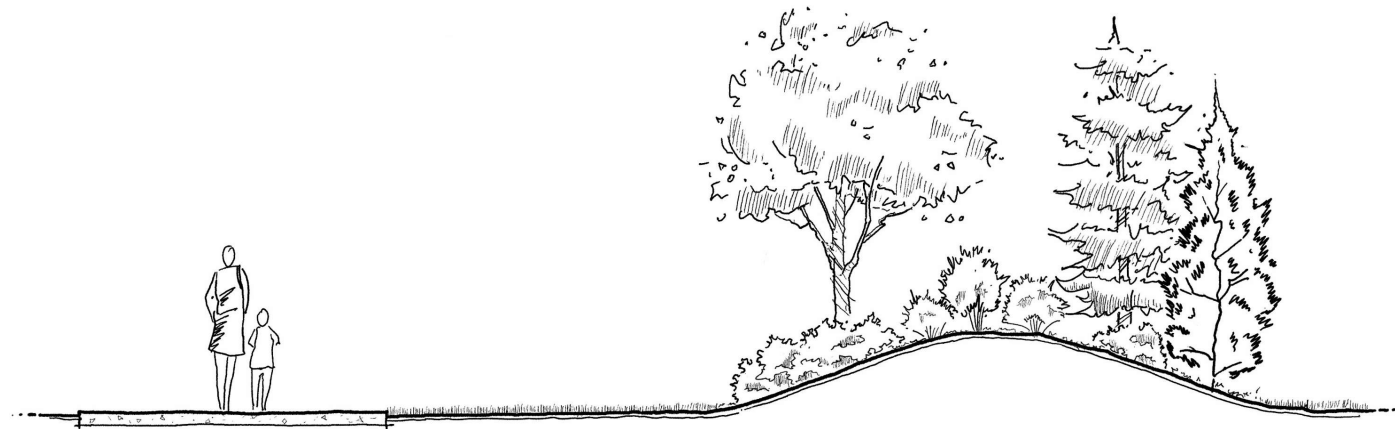
APRIL 25, 2022
CONCEPT
OVERALL
LANDSCAPE PLAN
L1.1



STREET FRONTAGE LANDSCAPE IMAGES OF SIMILAR COSTCO SITE



LANDSCAPED STREET FRONTAGE AT ST. VINCENT HOSPITAL, BILLINGS



SECTION THROUGH PORTION OF LANDSCAPE BERM



PROPOSED PERGOLA STRUCTURES AND BENCHES AT PEDESTRIAN CONNECTION

0 25' 50' 100'
1" = 50'-0"

COSTCO
WHOLESALE
BILLINGS, MT

ZOO DRIVE & SHILOH ROAD
BILLINGS, MONTANA

WEISMANDESIGNGROUP

APRIL 25, 2022
CONCEPT
FRONTAGE
LANDSCAPE PLAN
L1.2

COSTCO WHOLESALE

BILLINGS, MONTANA

CONCEPT LANDSCAPE PLAN

APRIL 25, 2022



COSTCO
WHOLESALE
BILLINGS, MT

ZOO DRIVE & SHILOH ROAD
BILLINGS, MONTANA

WEISMANDESIGNGROUP

COSTCO WHOLESALE

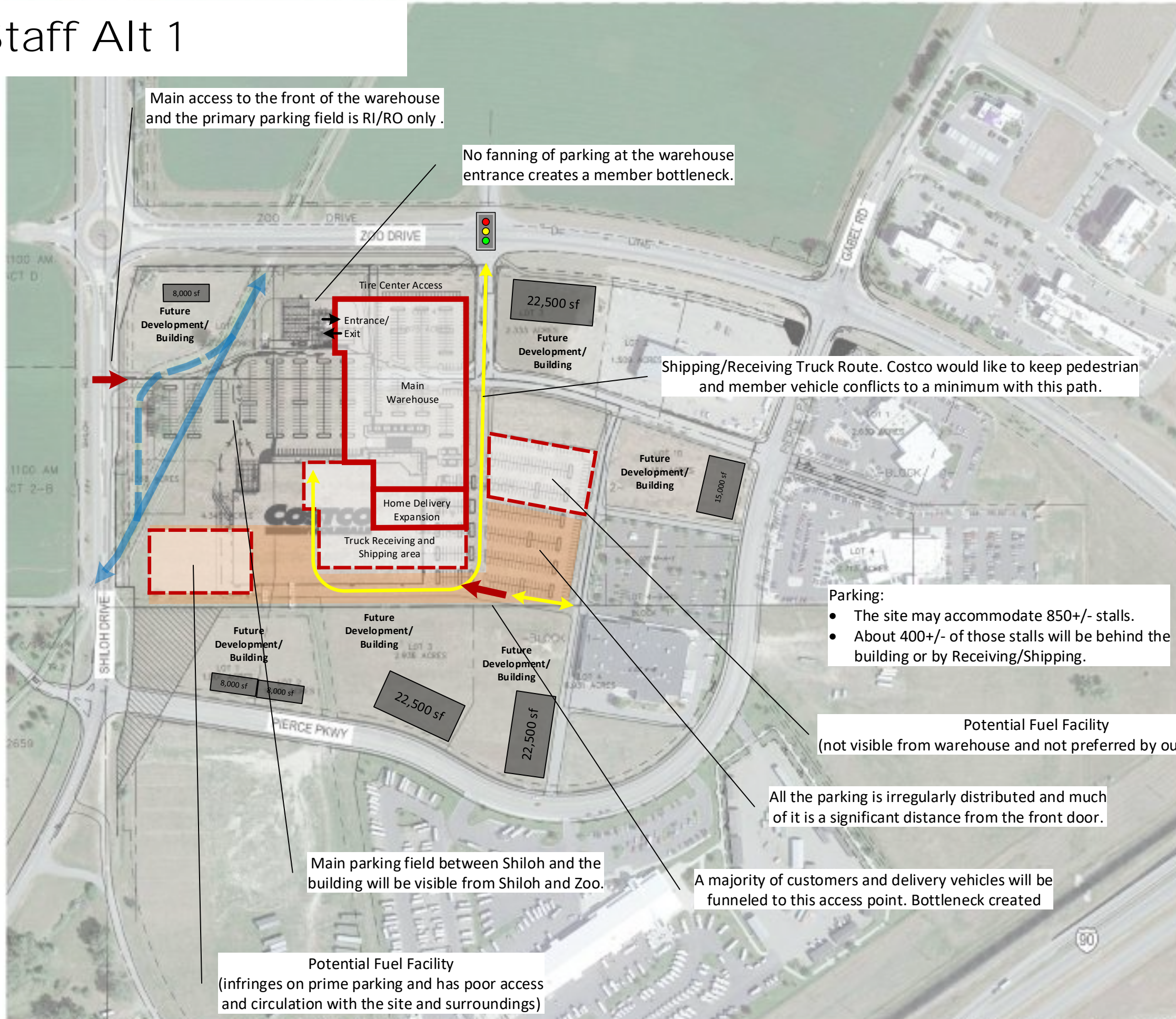
BILLINGS, MONTANA

CONCEPT LANDSCAPE PERSPECTIVES

APRIL 25, 2022

APRIL 25, 2022
CONCEPT
LANDSCAPE
PERSPECTIVES
L1.3

Staff Alt 1



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JURISDICTION: CITY OF BILLINGS

ZONING: HEAVY COMMERCIAL (CK)

BUILDING DATA: 151K NET SALES PROTOTYPE

TOTAL BUILDING FOOTPRINT AREA: 199,368 SF

INCLUDES:

- NET SALES FLOOR: 156,615 SF
- NET FIRE DEPT. / ELECT.: 2,459 SF
- NET VEHICLE: 6,123 SF
- BUILDING ENVELOPE: 2,191 SF

NUMBER OF STORES: 1

PARKING DATA:

TOTAL WAREHOUSE PARKING: 848 STALLS

INCLUDES:

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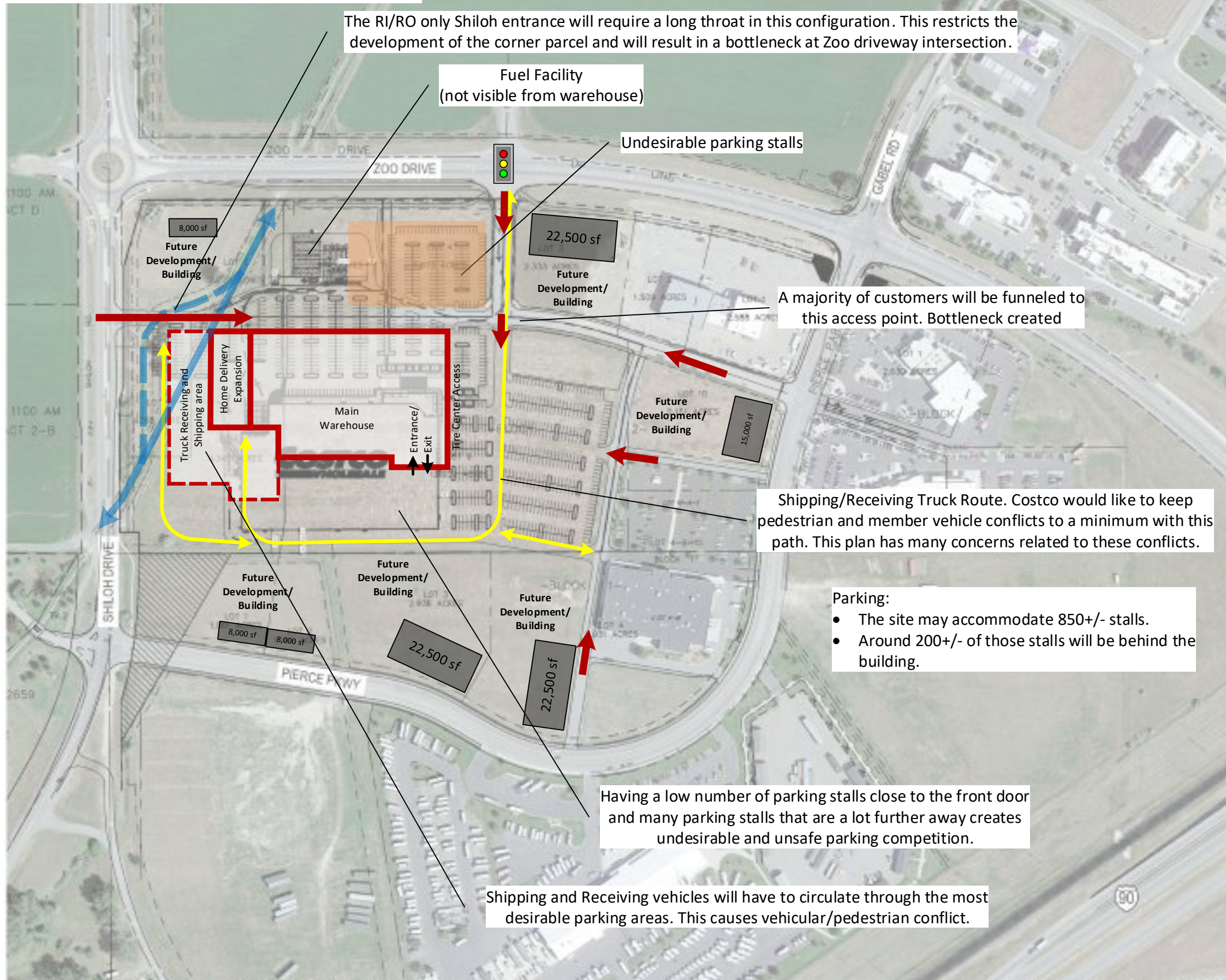


25-6053-01
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PRELIMINARY
 SITE PLAN

P13-28

Staff Alt 2



The RI/RO only Shiloh entrance will require a long throat in this configuration. This restricts the development of the corner parcel and will result in a bottleneck at Zoo driveway intersection.

Fuel Facility
(not visible from warehouse)

Undesirable parking stalls

A majority of customers will be funneled to this access point. Bottleneck created

Shipping/Receiving Truck Route. Costco would like to keep pedestrian and member vehicle conflicts to a minimum with this path. This plan has many concerns related to these conflicts.

Parking:

- The site may accommodate 850+/- stalls.
- Around 200+/- of those stalls will be behind the building.

Having a low number of parking stalls close to the front door and many parking stalls that are a lot further away creates undesirable and unsafe parking competition.

Shipping and Receiving vehicles will have to circulate through the most desirable parking areas. This causes vehicular/pedestrian conflict.

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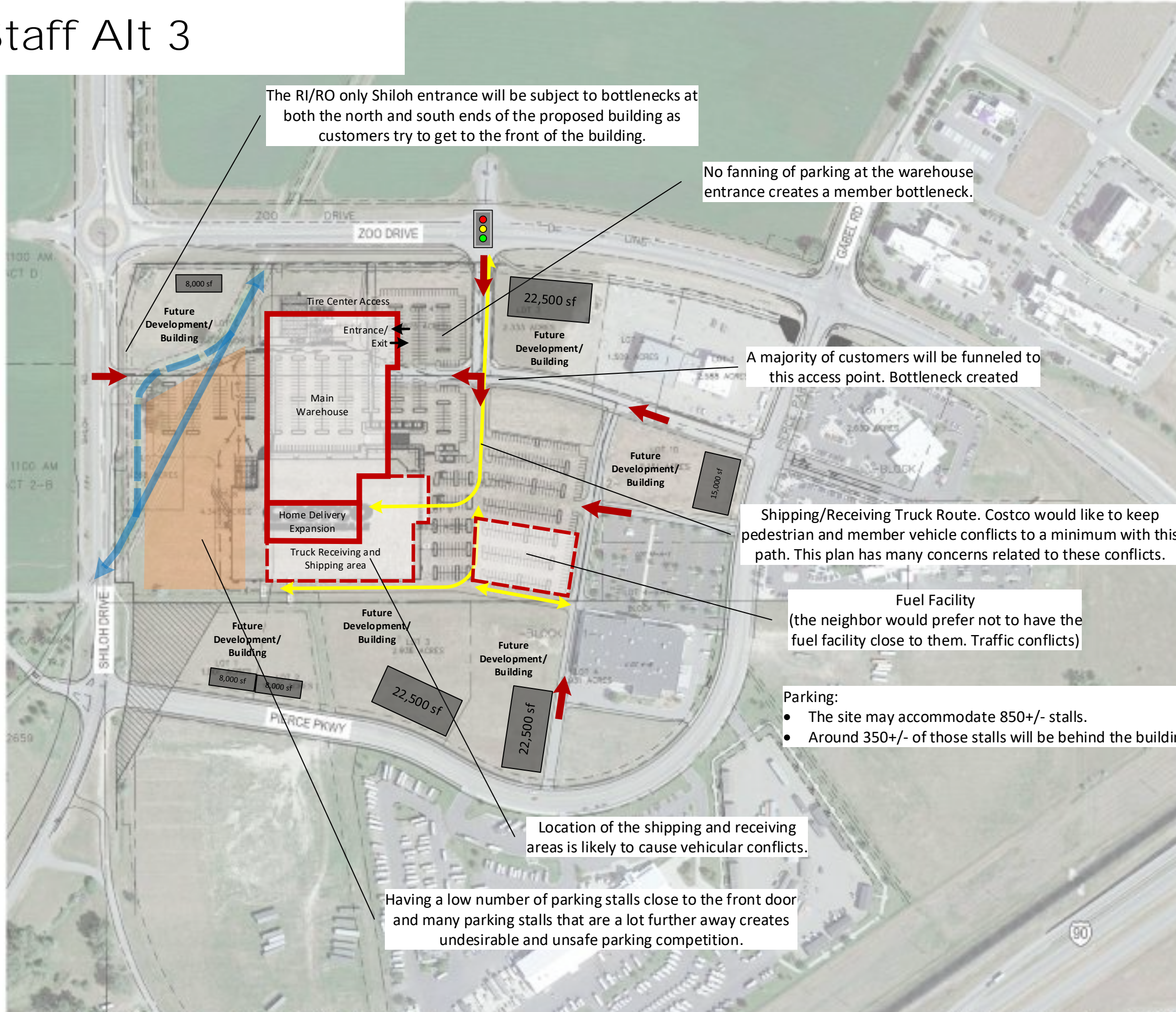


25-6050-01
APRIL 18, 2022

PRELIMINARY
SITE PLAN

P13-28

Staff Alt 3



The RI/RO only Shiloh entrance will be subject to bottlenecks at both the north and south ends of the proposed building as customers try to get to the front of the building.

No fanning of parking at the warehouse entrance creates a member bottleneck.

A majority of customers will be funneled to this access point. Bottleneck created

Shipping/Receiving Truck Route. Costco would like to keep pedestrian and member vehicle conflicts to a minimum with this path. This plan has many concerns related to these conflicts.

Fuel Facility (the neighbor would prefer not to have the fuel facility close to them. Traffic conflicts)

Parking:
 • The site may accommodate 850+/- stalls.
 • Around 350+/- of those stalls will be behind the building.

Location of the shipping and receiving areas is likely to cause vehicular conflicts.

Having a low number of parking stalls close to the front door and many parking stalls that are a lot further away creates undesirable and unsafe parking competition.

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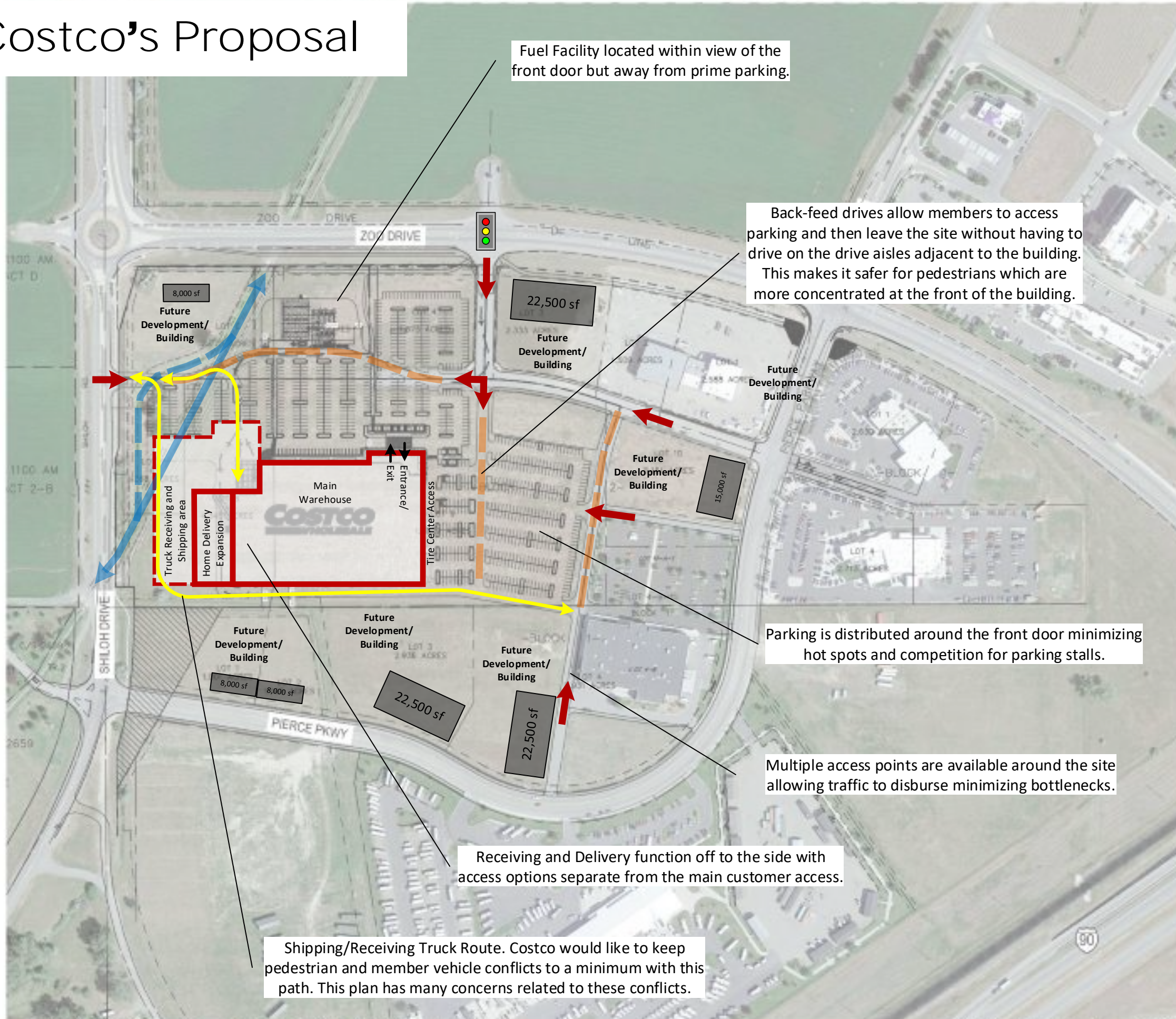


25-6053-01
 APRIL 18, 2022

PRELIMINARY
 SITE PLAN

P13-28

Costco's Proposal



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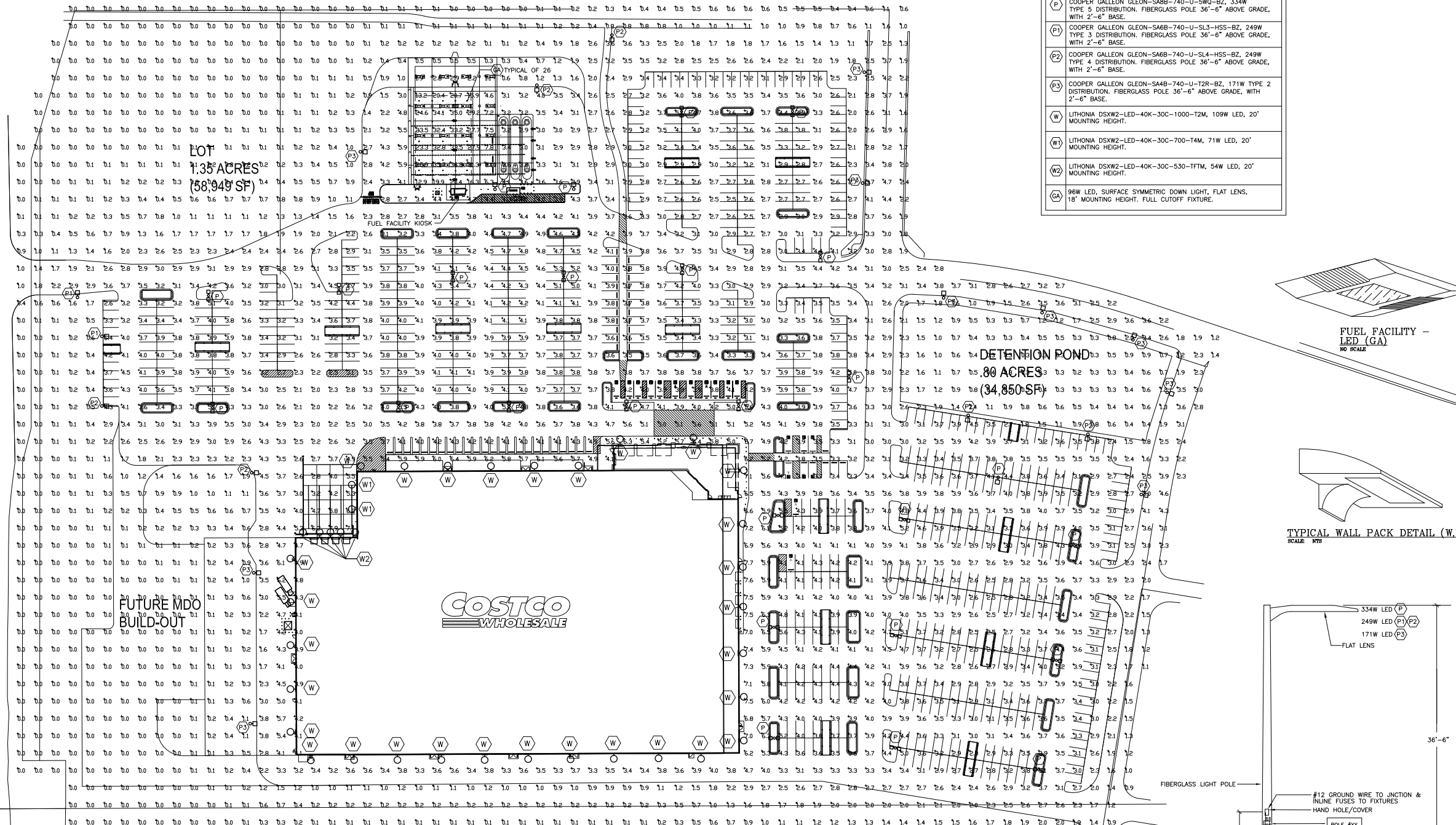
25-6053-01
 APRIL 18, 2022

PRELIMINARY
 SITE PLAN

P13-28

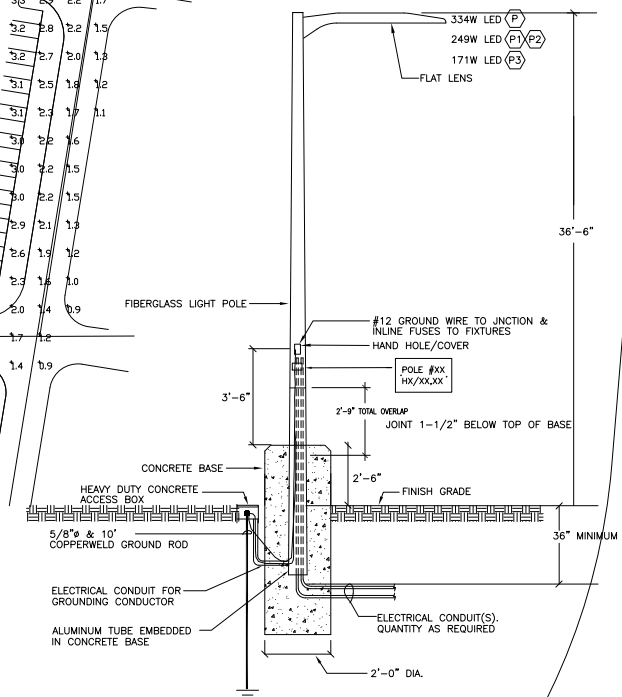
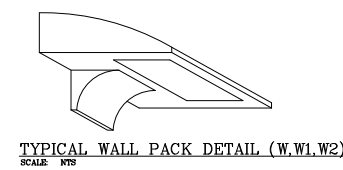
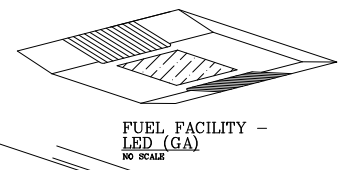
ZOO DRIVE

SHILOH DRIVE



SITE PHOTOMETRIC PLAN
SCALE 1" = 40'-0"

FIXTURE DESCRIPTION	
(P)	COOPER GALLEON GLEON-SAB8-740-U-SWQ-BZ, 334W TYPE 5 DISTRIBUTION, FIBERGLASS POLE 36'-6" ABOVE GRADE, WITH 2'-6" BASE.
(P1)	COOPER GALLEON GLEON-SAB8-740-U-SL3-HSS-BZ, 249W TYPE 3 DISTRIBUTION, FIBERGLASS POLE 36'-6" ABOVE GRADE, WITH 2'-6" BASE.
(P2)	COOPER GALLEON GLEON-SAB8-740-U-SL4-HSS-BZ, 249W TYPE 4 DISTRIBUTION, FIBERGLASS POLE 36'-6" ABOVE GRADE, WITH 2'-6" BASE.
(P3)	COOPER GALLEON GLEON-SAB8-740-U-T2R-BZ, 171W TYPE 2 DISTRIBUTION, FIBERGLASS POLE 36'-6" ABOVE GRADE, WITH 2'-6" BASE.
(W)	LITHONIA DSXW2-LED-40K-30C-1000-T2M, 109W LED, 20' MOUNTING HEIGHT.
(W1)	LITHONIA DSXW2-LED-40K-30C-700-T4M, 71W LED, 20' MOUNTING HEIGHT.
(W2)	LITHONIA DSXW2-LED-40K-30C-530-TFTM, 54W LED, 20' MOUNTING HEIGHT.
(GA)	96W LED, SURFACE SYMMETRIC DOWN LIGHT, FLAT LENS, 18' MOUNTING HEIGHT, FULL CUTOFF FIXTURE.



NOTE: PROVIDE CONCRETE J-BOX AS REQUIRED. THIS DETAIL IS FOR ELECTRICAL CONDUITS ROUTING ONLY. SEE STRUCTURAL DRAWINGS S0.2 FOR DETAILS.

ISSUED FOR QA
 CHECKED: ANT/ADM
 DRAWN: NV
 REVISION DATE:
 ISSUE DATE: NOVEMBER 2021
 ARCHITECT REFERENCE NO.:
 ARCHITECT: T.E., Inc.
 PROJECT NO: 21-886
 NO PART OF THIS DOCUMENT MAY BE USED OR COPIED IN WHOLE OR IN PART WITHOUT THE PRIOR WRITTEN CONSENT OF T.E., Inc.
 ELECTRICAL SITE PLAN

DD PACKAGE

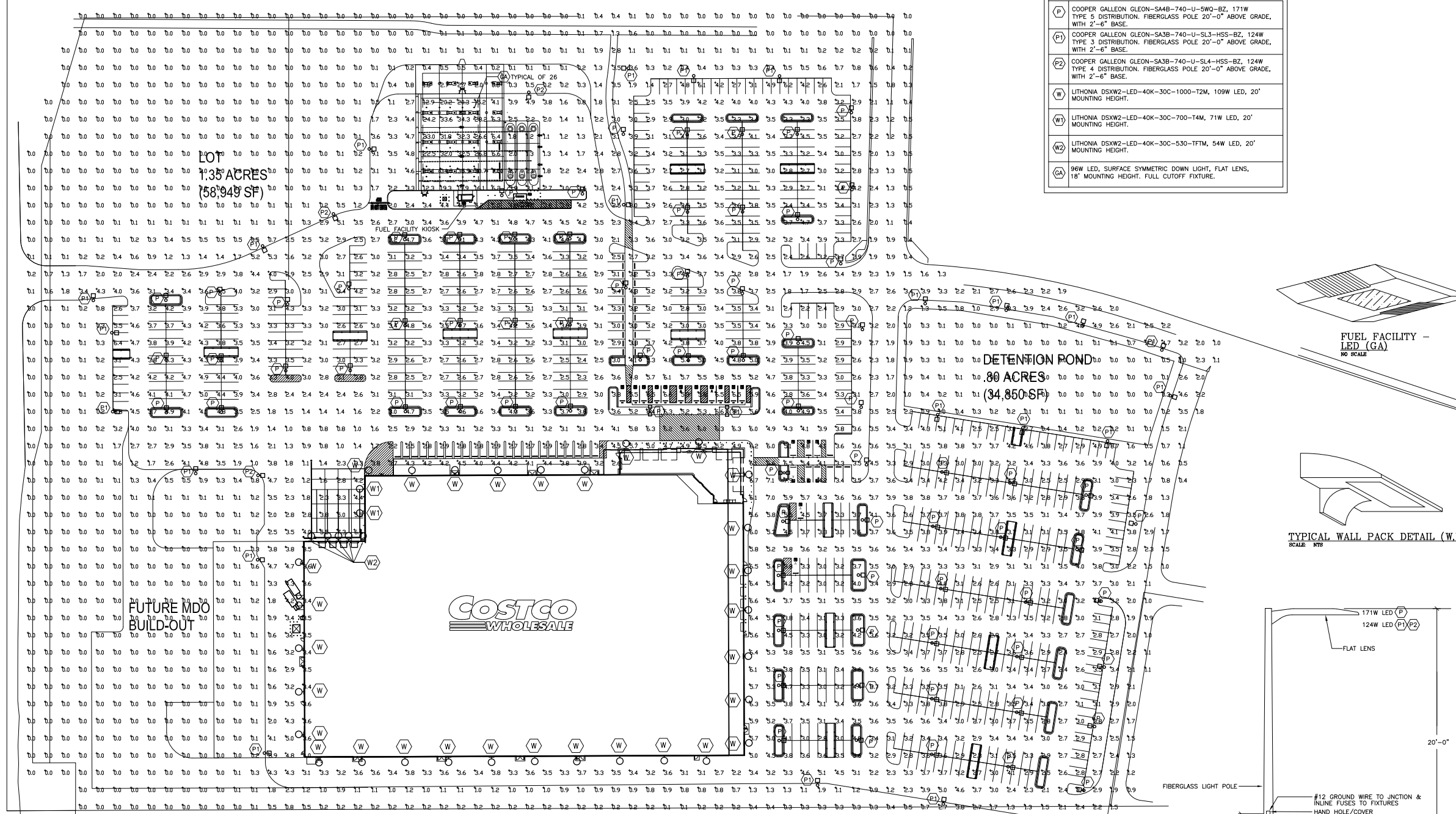
BILLING, MT

SE-1

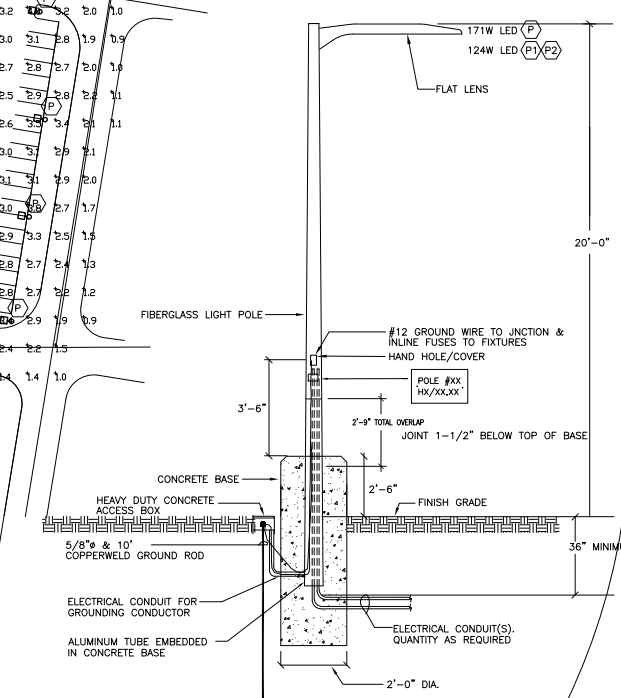
T.E., Inc.
 830 N. RIVERSIDE DRIVE
 BILLING, MT 59607
 PHONE: 406-970-3753
 FAX: 406-970-3756

ZOO DRIVE

FIXTURE DESCRIPTION	
(P)	COOPER GALLEON GLEON-S44B-740-U-SWQ-BZ, 171W TYPE 5 DISTRIBUTION, FIBERGLASS POLE 20'-0" ABOVE GRADE, WITH 2'-6" BASE.
(P1)	COOPER GALLEON GLEON-S43B-740-U-SL3-HSS-BZ, 124W TYPE 3 DISTRIBUTION, FIBERGLASS POLE 20'-0" ABOVE GRADE, WITH 2'-6" BASE.
(P2)	COOPER GALLEON GLEON-S43B-740-U-SL4-HSS-BZ, 124W TYPE 4 DISTRIBUTION, FIBERGLASS POLE 20'-0" ABOVE GRADE, WITH 2'-6" BASE.
(W)	LITHONIA DSXW2-LED-40K-30C-1000-T2M, 109W LED, 20' MOUNTING HEIGHT.
(W1)	LITHONIA DSXW2-LED-40K-30C-700-T4M, 71W LED, 20' MOUNTING HEIGHT.
(W2)	LITHONIA DSXW2-LED-40K-30C-530-TFTM, 54W LED, 20' MOUNTING HEIGHT.
(GA)	96W LED, SURFACE SYMMETRIC DOWN LIGHT, FLAT LENS, 18" MOUNTING HEIGHT, FULL CUTOFF FIXTURE.



SITE PHOTOMETRIC PLAN
SCALE 1" = 40'-0"



NOTE: PROVIDE CONCRETE J-BOX AS REQUIRED. THIS DETAIL IS FOR ELECTRICAL CONDUITS ROUTING ONLY. SEE STRUCTURAL DRAWINGS S0.2 FOR DETAILS.
POLE DETAIL
SCALE: NTS

ISSUED FOR QA
 CHECKED: ANT/ADM
 DRAWN: NV
 REVISION DATE:
 ISSUE DATE: NOVEMBER 2021
 ARCHITECT REFERENCE NO.:
 PROJECT NO: 21-886
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ELECTRICAL SITE PLAN 20FT

DD PACKAGE

T.E., Inc.
830 N. RIVERSIDE DRIVE
BILLING, MONTANA 59607
PHONE: 406-970-3753
FAX: 406-970-3756

BILLING, MT

SE-1

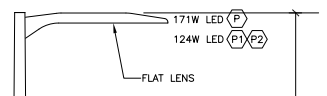
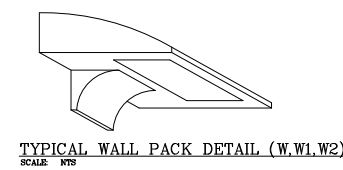
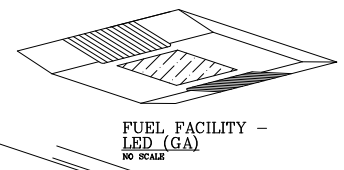


SHILOH DRIVE

LOT
1.35 ACRES
(58,949 SF)



DETECTION POND
.80 ACRES
(34,850 SF)



20'-0"

36" MINIMUM

NOTE: PROVIDE CONCRETE J-BOX AS REQUIRED. THIS DETAIL IS FOR ELECTRICAL CONDUITS ROUTING ONLY. SEE STRUCTURAL DRAWINGS S0.2 FOR DETAILS.



Costco Site in Idaho Falls, ID – Zone = Highway Commercial – standard zone with minimum setbacks



Costco in Idaho Falls ID





Costco in Helena, MT



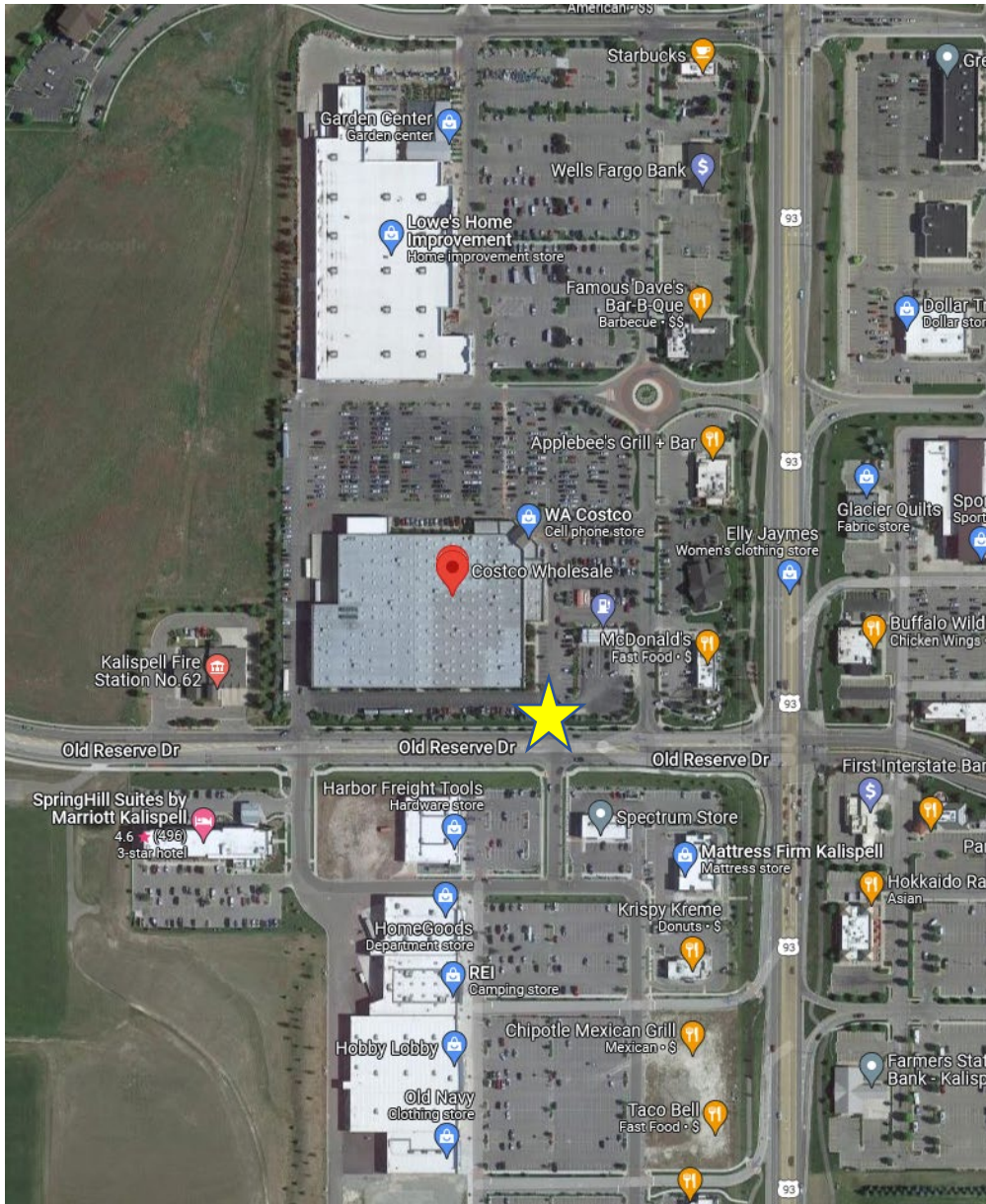
Helena MT



Costco in Bozeman MT



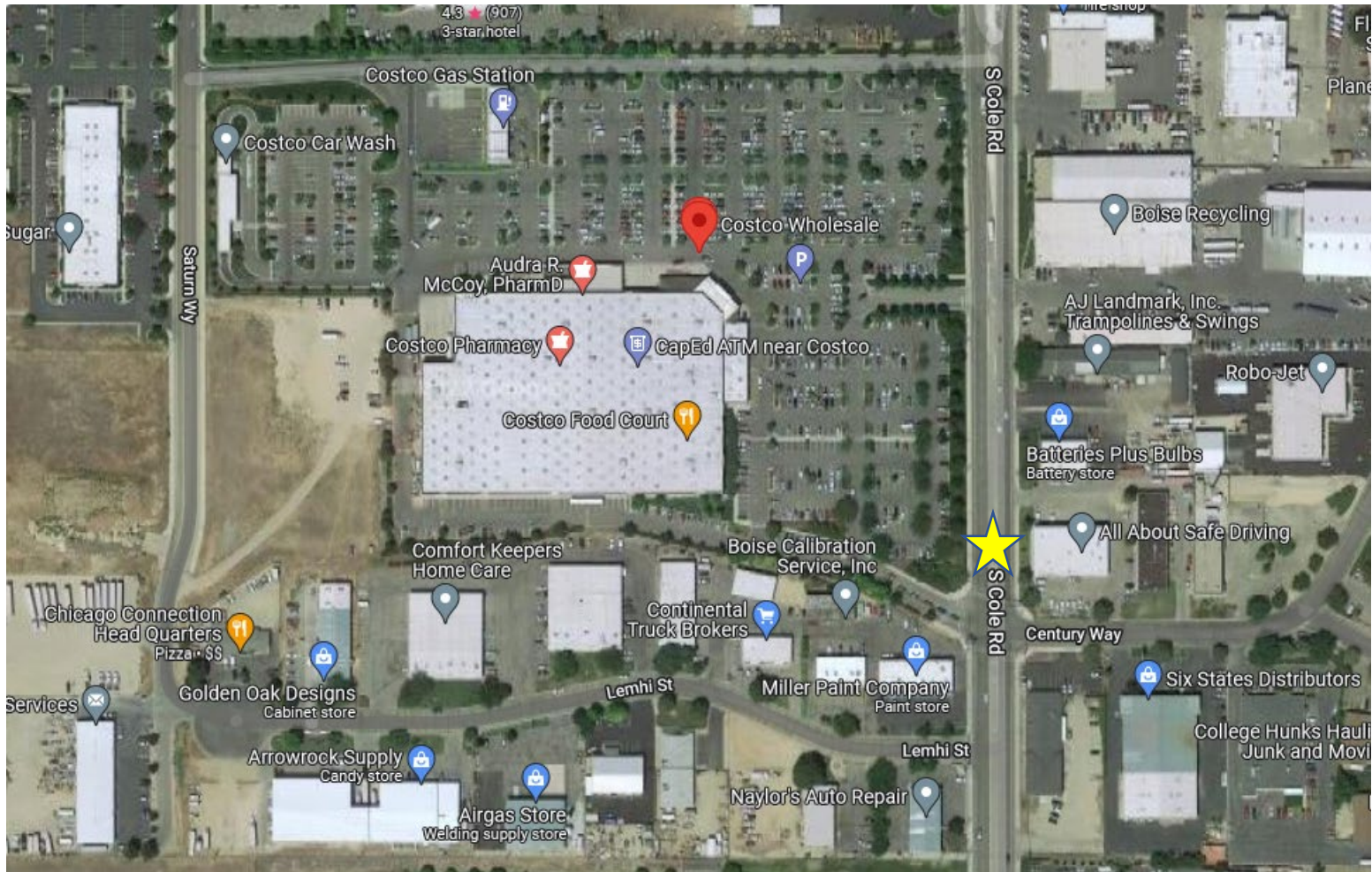
Bozeman, MT



Costco in Kalispell MT

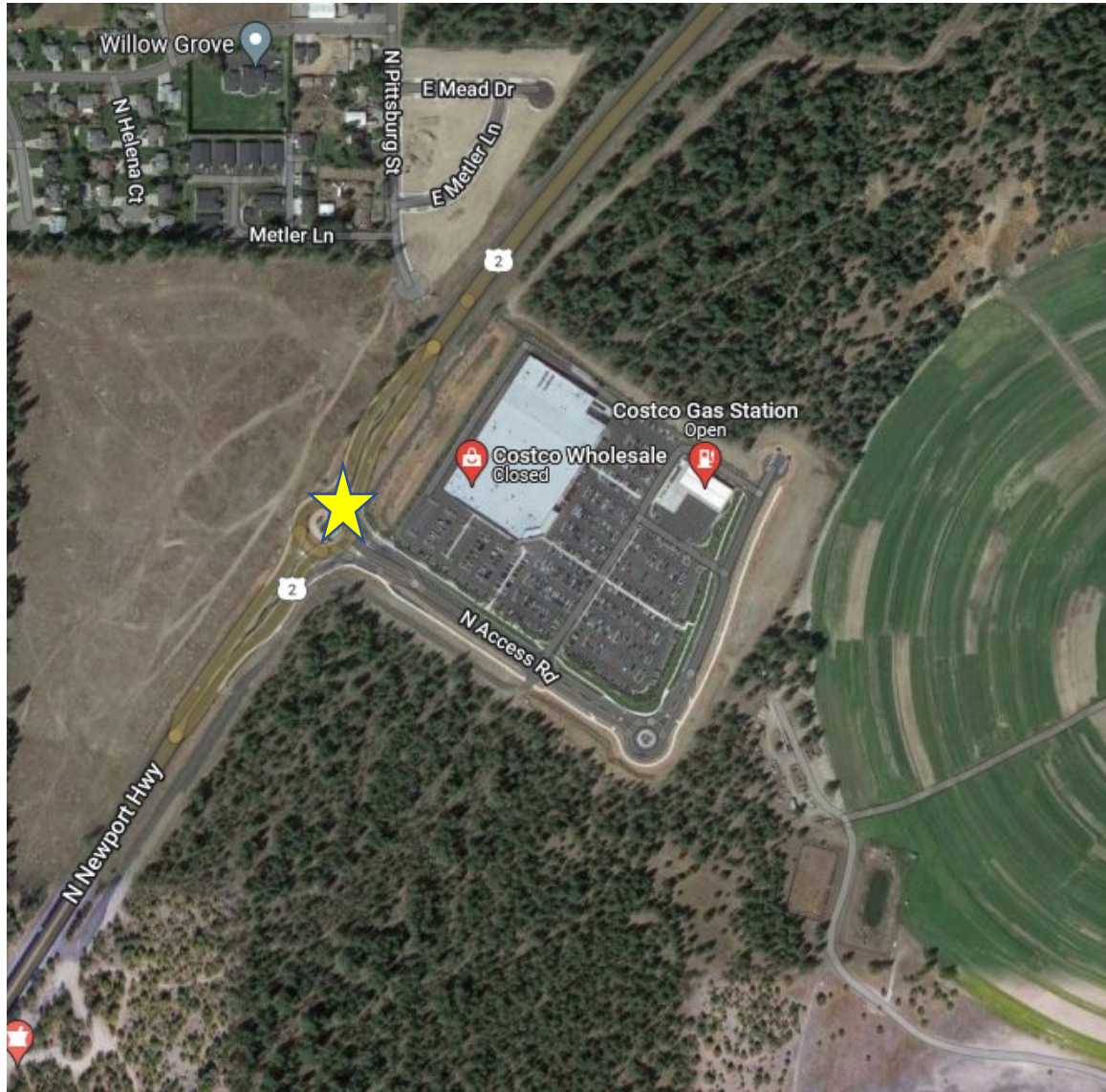


Kalispell MT



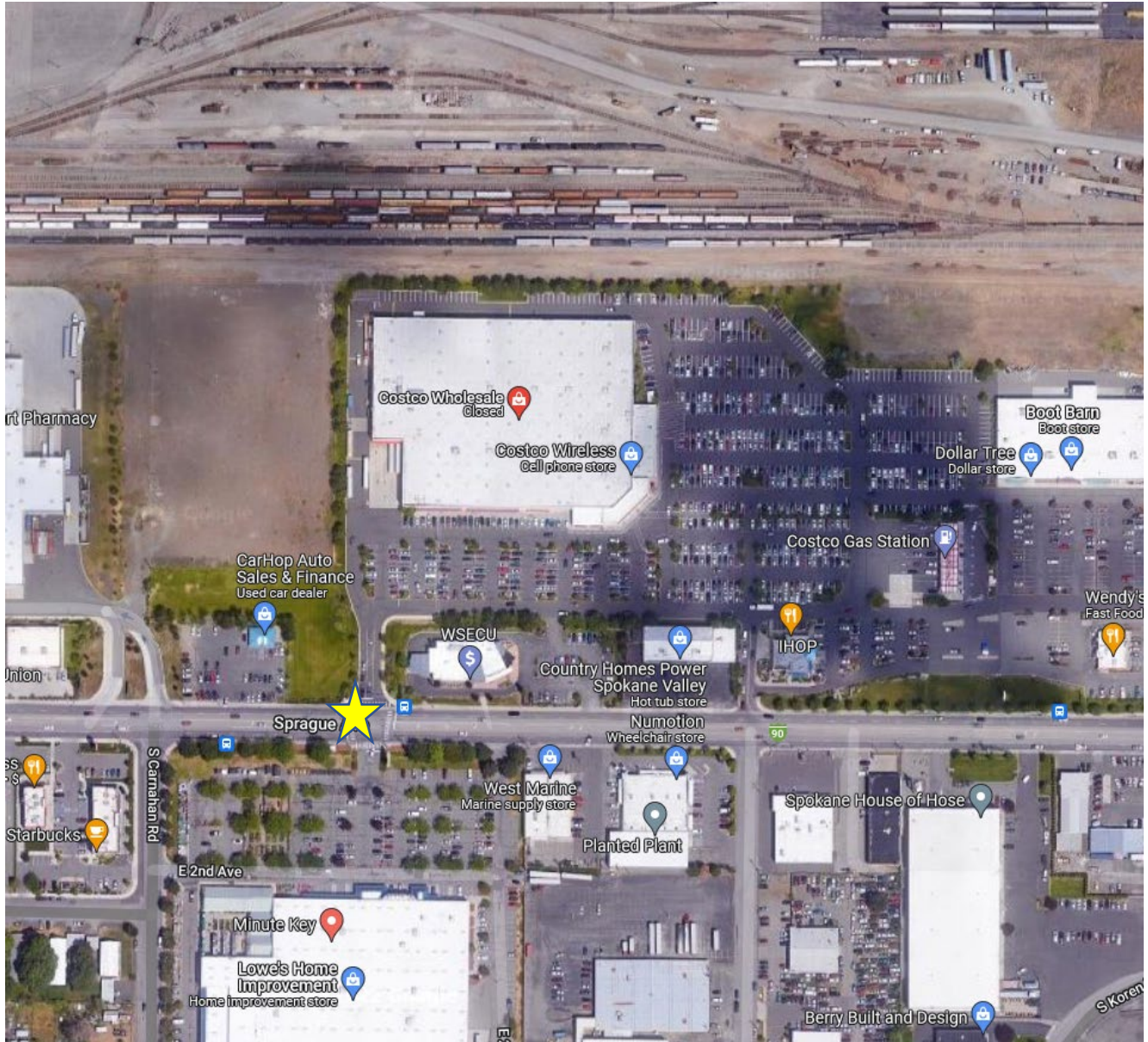
Costco in Boise ID





Costco in Spokane WA (north)





Costco Spokane, WA (Sprague)





Costco Billings, MT



From: mike trans <mtrang.mt@gmail.com>

Sent: Sunday, April 3, 2022 7:25 PM

To: Council <council@billingsmt.gov>; Cromwell, Nicole <CromwellN@billingsmt.gov>

Subject: [EXTERNAL] Costco relocation

I would like to voice my concern about the location Costco is interested in relocating to. As I'm sure everyone understands, Costco warehouse creates a significant amount of traffic regardless of where it is located. While that is expected, Zoo Drive is not big enough to handle the amount of traffic that it currently supports. Without Zoo Drive first undergoing major reconstruction to allow for 2 lanes in both directions, Costco's relocation to this area will cause some very serious traffic problems. Aside from traffic being severely congested in the immediate area, this will also translate into off-ramp congestion which will no doubt cause traffic to back up onto the highway regularly. This situation is already taking place from time to time without a major retail store located close.

Thank you for your consideration,

Mike - concerned Billings resident

1109 Delphinium Drive
Billings, MT 59102
April 5, 2022

Nicole Cromwell, Zoning Coordinator
Planning Board Members
Billings Planning Division
2825 3rd Ave. N.
Billings, MT 59101

Dear Ms. Cromwell and Planning Board Members:

Re: City Variance 1342 – 3840 Zoo Drive

I am urging Planning Board members to vote against the Variance requested by Costco in order to build a new warehouse at 3840 Zoo Drive.

Even though I have been a Costco member since Costco first opened a Billings warehouse, and even though I shop at Costco regularly, I believe strongly that a new Costco warehouse will be detrimental to Billings, and the best future for Billings.

I understand that you must judge the merits of the Costco request on four specific criteria. Based on those criteria, my perspective is:

- that Costco is choosing not to meet siting requirements rather than it can't
- Costco members will continue to shop at Costco, no matter where it is located
- Costco is, in fact, asking for special privileges
- The requested variance will in no way help Costco contribute to the "Community Fabric," in fact just the opposite.

My major concerns regarding a new Costco warehouse being built on the proposed site have to do with the 2016 Billings Growth Policy (#4). Costco describes itself as an “Essential Investment.” Will it become less essential if remains in its present location? I like having Costco in Billings, but it is, and I believe will continue serving Billings just fine where it is now on King Avenue West. Costco warehouses are most definitely not attractive buildings no matter where they are, and even really nice landscaping next to Costco will not contribute to our “community fabric.” Neither do I see how a new Costco warehouse will turn this area into a “strong neighborhood.”

In fact, allowing Costco to move from its present location to Shiloh and Zoo Drive will tear apart the community fabric in the area on King Avenue West where it is now located. Costco’s departure from its present commercial neighborhood will leave a big, ugly, gaping hole in what is now a busy, peopled business sector. There is already one of these ugly gaping holes on King and Grant Road where an auto dealer used to be, and many Billings business and commercial neighborhoods have, in the recent past, dealt with similar ugly, empty buildings sitting in large parking lots. The closed K-Mart sat as an empty eyesore on a very busy commercial street for years, until it was finally torn down and Winco built on the site. After years sitting empty, the Sports Authority was finally just demolished. The old Sears, near where I live, is another example of a years long empty ugly building and surrounding parking lot. As of just recently, it is finally being used again. Billings does not need any more huge empty buildings and parking lots detracting from our community. What is even more worrisome, Costco’s departure could lead to a domino effect resulting in neighboring businesses deciding to relocate, further deteriorating this area of Billings.

Should Costco move four miles to the southwest, it will result in many Costco members having to drive further from home to get there. This means more vehicle miles driven, resulting in more gasoline consumption, and more carbon and pollutants spewed into the air we breathe. The present Costco location is also on a bus route, which provides access for those who do not drive or own a car, including access to an employment opportunity. The proposed new Costco location comes with the loss of opportunity to get to a hub of goods and services, but also the loss of equal opportunity for employment and economic advancement for those who cannot get there by car.

Costco claims that not only is their proposed new warehouse wonderful for Billings but it is what Costco members want and somehow deserve. Have you ever been to a Costco warehouse in a large urban area? I have shopped at Costco in Denver, Las Vegas, and the Seattle area. They make our Costco look uncrowded and unbusy. But no matter how crowded, these other Costco warehouses continue to serve members who are obviously not at all deterred, even if they have to park a little further away or wait in a longer line for gasoline.

I can’t know what benefits corporate Costco anticipates with a new Billings warehouse, but I feel certain that Costco will continue to gain new members and reap profits at its present location on King, and I also feel certain that if Costco moves to Shiloh and Zoo Drive, it will be in the best interest of Costco, but not in our community’s long term best interests.

Please do NOT grant Costco the variance they are seeking.

Thank you for including my comments in your official record.

Sincerely,
Adela Awner



April 26, 2022

City/County Planning Division
2825 3rd Ave N 4th Floor
Billings MT 59101

RE: Support for Costco's Proposed New Facility

Sir/Madam:

We would like to express our full support for Costco's Proposed Preferred Plan for their New Facility.

Our Nissan facility is located at 3710 Zoo Drive. We also own the land to the immediate West of the Nissan facility and plan to build an approximately 22,500 square foot new facility on that parcel known as 3788 Zoo Drive.

We have had the opportunity to meet, discuss, and review with Costco representatives the variance request with respect to the parking on the front and side of their building. The Costco Preferred Plan for the building, we believe, is the best option available given the property layout, especially with the ditch that crosses the property.

Given the volume of Costco customer base, it would be prudent to plan ahead and provide a safe environment for the overall development of the area by maximizing the use of available access points for entry and exit of their facility.

We also discussed and reviewed with Costco representatives, other alternative designs and believe these are definitely not the best option for their facility. Access and operational issues that the alternative designs present would have a negative impact on our properties and their long-term value.

Thank you

Dennis Menholt
Menholt Auto Group
President/CEO

3710 Zoo Drive Billings MT 59106

From: Stacy Lind <stacy.lind@erckhotels.com>
Sent: Monday, April 25, 2022 4:30 PM
To: Bartley, Robbin <bartleyr@billingsmt.gov>
Subject: [EXTERNAL] Costco new development

Good afternoon.

I am reaching out on behalf of Erck Hotels. We have 4 hotel properties in the Billings market, including the Hampton Inn & Suites by Hilton and the Homewood Suites by Hilton, located at the Zoo Drive exit – near proximity to where the new Costco Wholesale is being proposed.

We would like to express our support for Costco moving to the proposed site, their proposed plan, and the necessary adjustments needed to make their plan work.

We have reviewed their requests and spoke with the property owners, and feel Costco's proposed development would have a positive impact on the surrounding properties, and be a safer, more aesthetic approach to developing the property.

Thank you for your time,



Stacy Lind
COO
PHR® | Interior Design
P 406.860.8140
E stacy.lind@erckhotels.com



City Board of Adjustment
Miller Building 1st Floor Conference Room
2825 3rd Ave. North
Billings, MT

Members of the City Board of Adjustment,

My name is Jeff Ewelt, and I am the Executive Director of ZooMontana here in Billings. I would like to express my support for the proposed Costco relocation to the corner of Zoo Drive and Shiloh Rd.

We have reviewed the request by Costco to seek a variance and feel that it is consistent with how we expected the property to be developed and is the best option available given the constraints of the site created by existing access points and the ditch that crosses the property. Like other businesses in the area, we believe one of the most important aspects of Costco's plan is it provides a much safer environment for the overall development area by maximizing the use of the available access points and providing shoppers multiple ways to enter and exit the project.

The only concern ZooMontana officials have is the current intersection of Shiloh Rd. and Pierce Parkway. We ask that some attention be given to this area. With the addition of a bus stop on that corner, in conjunction with the Zoo's increasing crowds, Zoo officials are concerned with the lack of crosswalks and the 55-mph speed zone in front of the Zoo's lot. We hope a traffic control device of some kind is installed.

Thank you for your time. For more information or questions, please contact me at (406) 652-8100 or at director@zoomontana.org. Thank You.

Sincerely,

A handwritten signature in black ink, appearing to read "JEFF EWELT".

Jeff Ewelt

Executive Director



April 25, 2022

City of Billings – City & County Planning Division
2825 3rd Avenue North 4th Floor
Billings, Montana
59101

Members of the Board of Adjustments,

We have received the documents related to the Costco development that is proposed to the west of our location. We have reviewed the plans provided Costco and the proposed alternatives by the City. We also had a meeting with the representatives from Costco to walk us through their proposed plan for the location.

In reviewing the information, we feel that the Costco plan as proposed is the best plan for the development for the site. The reasons we believes this is the best option are:

- The plan provides the best lay out of the needed parking.
- The flow of traffic appears vey logical and makes sense to us on how customer would access the location in a safe and uncongested manner.
- The proposed plan is consistent with how we understood the property would be developed when we moved into our location and complements our building.
- We feel the location of the fueling center is better in the Costco plan as it will reduce the congestion around our building.

Overall, we are excited and supportive of Costco developing the site next to our location as they have outlined in their proposal. We feel it will have a positive impact on this development and on our business.

We appreciate you taking the time to listen to our thoughts and if you have any additional questions, please do not hesitate to contact us.

Respectfully,
360 Office Solutions

A handwritten signature in black ink, appearing to read 'Craig D. Bartholomew', is written over a faint, light-colored circular graphic element.

Craig D. Bartholomew
President

A large, stylized red arrow graphic that curves from the bottom left towards the top right, pointing towards the slogan.

Smart answers everywhere you turn.

www.360-OS.com

Board of Adjustment

Date: 05/04/2022
Title: City Variance 1344 - Classy N Sassy Temporary Use Structure
Presented by: Erin Keith, Planner 1
Department: Planning & Community Services
Presentation: Yes

Information

RECOMMENDATION

Planning staff has reviewed this application and is forwarding a recommendation of conditional approval for the variance based on the determinations for review provided within this report.

REQUEST

A variance from Section 27-1009(A)(3)(b)(4)(i) requiring a Group 3 temporary use structure to be a maximum floor area of 120 square feet to allow: 1) a 200 square foot structure in a Corridor Mixed Use 1(CMU1) zone on Block 2, Lot 1, Arrowhead Sub. A 14,724 square foot parcel of land located at 1508 Main St.; 2) a 150 square foot structure in a East Billings Central Works (EBURD-CW) zone, on Block 4, Lot 23, North Park Sub., a 37,500 sf parcel of land located at 1221 6th Ave. N; and 3) a 200 square foot structure in a Corridor Mixed Use 2 (CMU2) zone, on COS 568, Parcel C, a 5.057 acre parcel of land located at 1313 Broadwater Ave. The purpose of the variance is to allow Group 3 temporary use structures at the described locations larger than the maximum allowed floor area 120 square feet.

APPLICATION DATA

OWNER:

- 1) 1508 Main St, Billings Federal Credit Union (Parcel Owner)
 - 2) 1221 6th Ave N, Popelka Enterprises (Parcel Owner)
 - 3) 1313 Broadwater Ave, First National Properties (Parcel Owner)
- Cassandra Dennison, Classy N' Sassy Coffee (Leases the land for each of these kiosks)

AGENT: Greg Reid, WWC Engineering

PURPOSE: Increase the maximum allowed Group 3 Temporary Use structure size of each of the three kiosks

LEGAL DESCRIPTION:

- 1) Block 2, Lot 1, Arrowhead Sub
- 2) Block 4, Lot 23, North Park Sub.
- 3) COS 568, Parcel C

ADDRESS:

- 1) 1508 Main St
- 2) 1221 6th Ave N
- 3) 1313 Broadwater Ave

SIZE OF PARCEL:

- 1) 14,724 sf
- 2) 37,500 sf
- 3) 5.057 acre

ZONING:

- 1) CMU1
- 2) EBURD-CW
- 3) CMU2

EXISTING LAND USE:

- 1) Bank/Coffee Kiosk
- 2) Coffee Kiosk
- 3) Pawn Shop/Strip Mall/ Coffee Kiosk

PROPOSED LAND USE: No change

CONCURRENT APPLICATIONS

None

APPLICABLE ZONING HISTORY

A variance was conditionally approved in March 2022 to Mountain Mudd Coffee for a 160 sq ft kiosk located at 16 Shiloh Rd.

SURROUNDING ZONING & LAND USE

1) 1508 Main St

NORTH: Zoning: CMU1

Land Use: Bank

SOUTH: Zoning: CMU1

Land Use: Liquor Store

EAST: Zoning: CMU1 & CMU2

Land Use: Restaurant (Arbys) and Shopping Center (Big Lots, Petsmart, Ace)

WEST: Zoning: NX2

Land Use: Multi-family residential

2) 1221 6th Ave N

NORTH: Zoning: NX1

Land Use: Residential

SOUTH: Zoning: EBURD 13th & EBURD IS

Land Use: Industrial Warehouse

EAST: Zoning: EBURD CW

Land Use: Retail/Concrete Yard Art

WEST: Zoning: EBURD CW

Land Use: Auto Dealer

3) 1313 Broadwater Ave

NORTH: Zoning: NX2

Land Use: Residential

SOUTH: Zoning: NO (Neighborhood Office)

Land Use: Residential

EAST: Zoning: CMU2

Land Use: Auto Repair

WEST: Zoning: CMU2 and CMU1

Land Use: Contractor Office and Bar/Grill

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

Planning staff recently completed an intensive review of Group 3 Temporary Use Permits. During this work, it was discovered that there were 5 existing temporary use structures (kiosks) that exceed the maximum allowed floor area requirement of 120 square feet within the City Limits. These non-compliant structures vary in size from 130 square feet to 200 square feet. Each of the nonconforming temporary use structures did disclose their sizes either during the initial application process or during the annual renewal process, and were approved by the Planning Division. The overall proposed direction from the Planning Staff to business owners for all over-sized, existing kiosks would be to allow their continued use through the variance process, with annual renewal of their temporary use permits. Otherwise, all newly proposed or replacement kiosks would be required to meet the maximum size of 120 square feet, in addition to all other Zoning Code requirements. One of those variances was conditionally approved in March 2022. The current application is for 3 of the 5 noncompliant temporary uses throughout the City. It is anticipated the Board of Adjustment will see one additional future applications for last remaining identified non-conformity within the next 9 months.

Per the Zoning Code, these oversized structures are considered to be in non-compliance and for it to come into compliance without a variance it would mean either (1) replacing the kiosks with smaller structures or (2) obtaining a commercial building permit (voiding the temporary use). The ICC Commercial Building Code adopted by the City of Billings and the State of Montana states that any commercial building that exceeds 120 square feet in floor area requires a building permit from the state or local jurisdiction. This exempts buildings less than 120 square feet from the commercial building review process and allows commercial structures under 120 square feet to be considered a temporary use under BMCC 27.1009(A)(3). For this business owner to replace the kiosks with smaller buildings after they were already approved

for use and currently in operation, would be cost prohibitive for the applicant. In addition, following discussions with Planning Staff, Building Division and Public Works Engineering, it was determined that it would be very difficult or even impossible to issue building permits after a kiosk has been constructed and in-use.

This applicant currently operates temporary use kiosks in these three different locations across Billings and another one in Yellowstone County. They also have a proposed 200 square foot kiosk that the Planning Division denied a temporary use permit, as construction is not yet complete, and they will be obtaining a commercial building permit in order to operate from this location, or will need to resize the structure to less than 120 sq ft to be considered for a temporary use permit.

The purpose of this variance is to allow the three existing kiosks (200 sq ft, 150 sq ft, and 200 sq ft respectively) Group 3 Temporary Use structures at the described locations to be larger than the maximum allowed floor area of 120 square feet.

FISCAL EFFECTS

Approval or disapproval of the proposed variance should not have an impact of the Planning Division budget.

SUMMARY

The Board of Adjustment shall make the following determinations prior to granting a variance:

1. That special conditions and circumstances exist which are peculiar to the land, the lot or something inherent in the land which causes the hardship, and which are not applicable to other lands in the same district;
There are no special conditions that are peculiar to the land or the lot which causes hardship, however, these temporary use structures are only 3 of five temporary use structures within the City limits that have been erroneously approved by the Planning Division in the past.
2. That a literal interpretation of the provisions of the Zoning Code would deprive the applicant of rights commonly enjoyed by other tracts in the same district;
There are five kiosks that exceed the 120 square foot maximum structure size requirement currently in operation within the City limits, across various zoning districts. These kiosks are not in compliance with the Zoning Code. Granting this variance allows the applicant the continued, and legal nonconforming status of the kiosks in their current location.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other land in the same district;
There has only been one prior application for a variance from the maximum allowed size for a Group 3 Temporary Use structure, which was conditionally approved in March 2022. This variance, if granted, would be a one-time allowance for the continued use of the existing temporary structures which were erroneously approved by the Planning Division. The intent is not to allow any new temporary use structures to exceed this maximum size requirement.
4. That the granting of the variance will be in harmony with the general purpose and intent of the Zoning Code and with the Growth Policy;
The variance is in harmony with the general purpose and intent of the zoning regulations and the growth policy. Approval of this variance would allow the applicant to continue to use the kiosks as drive-thru coffee businesses from these locations only.
5. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with the Zoning Code. Violation of such conditions and safeguards, when made a part of the terms upon which the variance is granted, shall be deemed a violation of the Zoning Code.

These buildings and uses are in existing operation. Each year the temporary use permit is reviewed for annual renewal. The site plan, traffic plan, and parking has been approved and meets all other zoning and site design requirements ensuring safety standards.

Staff is recommending the following conditions for the allowance of an increase in square footage for this Group 3 Temporary Use structure variance request:

1. The approval is for a variance from Zoning Code 27.1009(A)(3)(b)(4)(i), as amended increasing the maximum allowed size of the structures from 120 square feet to two at 200 square feet (66% increase) and one at 150 sq ft. (30% increase). No other variance is intended or implied with this approval.
2. The variance is limited the existing kiosks only, currently located on the parcels described above, and becomes void if the structure is moved (either within the same parcel or to another parcel within the City Limits) or the footprint is altered in any way.
3. The variance shall be null and void for each site, if at any time in the future, the temporary use permit for this kiosk remains expired for more than 30 days or if the structure is not in operation for more than 180 days.
4. These conditions of variance approval shall run with the land described in this authorization and shall apply to

all current and subsequent owners, operators, managers, leaseholders, heirs and assigns, so long as the structure is not moved from its current location.

5. The applicant shall meet all other city code requirements, including annual renewal of the temporary use permit, except for this variance.

6. The Board shall prescribe a time limit within which the action for which the variance is required shall be begun or completed, or both. Failure to begin or complete such action within the time limit set shall void the variance. The structures are fully constructed, in-use and have been approved for temporary use by the Planning Division, therefore the time limit would be for ensuring the temporary use permit remain active, annually. If at any time in the future, the temporary use permit for this kiosk remains expired for more than 30 days or if the structure is not in operation for more than 180 days, this variance shall be void.

7. Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this Chapter in the district involved. A variance shall not be a grant of special privilege inconsistent with limitations placed upon other property in the district.

The granting of this variance would not allow a use that is not permitted in the zoning district -- drive-thru restaurants are a permitted accessory use in the CMU1, EBURD CW & CMU2 districts.

Attachments

1508 Main St - Application
1221 6th Ave - Application
1313 Broadwater - Application
Zoning Maps & Site Photos
Variance Letter

APPLICATION FORM

CITY VARIANCE

ID: Billings Variance # _____ - Project # _____

The undersigned as owner(s) of the following described property hereby request a Variance from the terms of the City of Billings Zoning Regulations.

PROPERTY TAX ID # A02554 CITY ELECTION WARD # 2 - BILLINGS

Legal Description of Property: ARROWHEAD SUBD, S22, T01 N, R26E, BLOCK 2, LOT 6, LESS 375 SQFT (96)

Address or General Location (If unknown, contact City Engineering): 1508 MAIN ST, BILLINGS, MT 59105

Zoning Classification: CMU-1

Size of Parcel (Area & Dimensions): 196.32' X 75' - 14,724 SQFT

Covenants or Deed Restrictions on Property: Yes _____ No X

If yes, please attach to application

Variance(s) Requested: INCREASE THE SIZE OF ALLOWABLE KIOSK TO MATCH THE SIZE OF EXISTING KIOSK.

Facts of Hardship: LETTER ATTACHED.

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

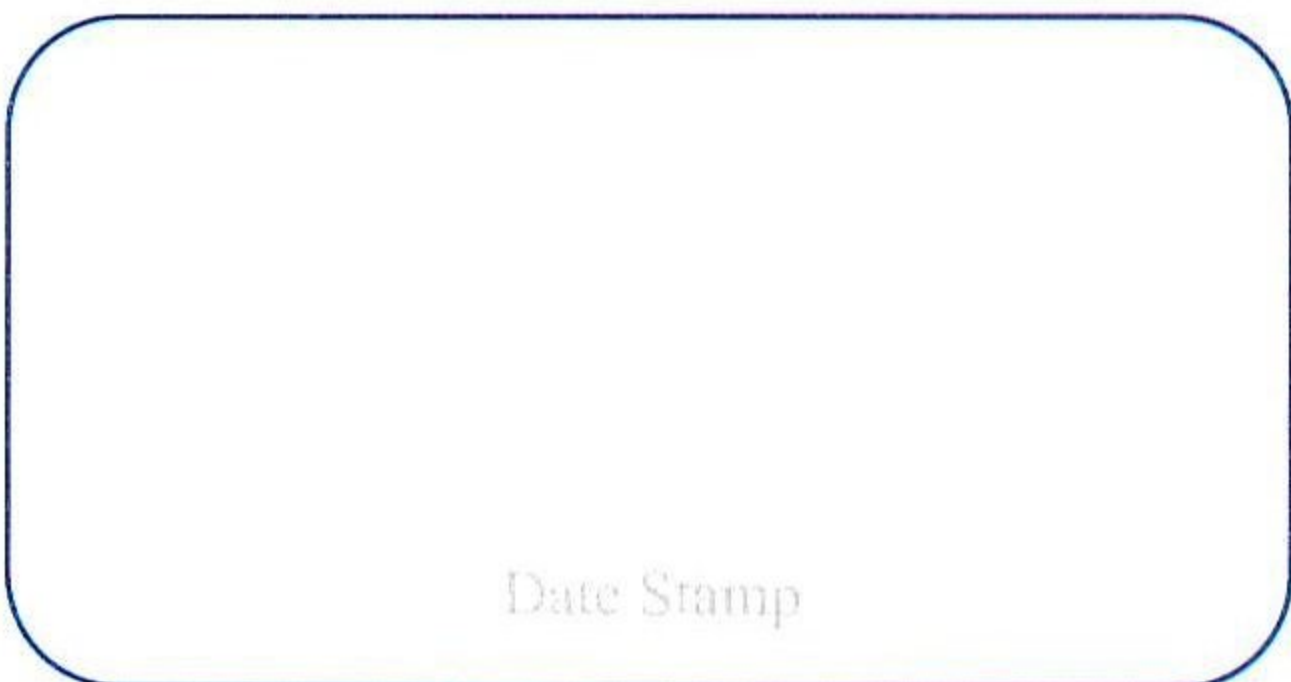
Owner(s): CASSANDRA DENNISON
(Recorded Owner)
6947 BRAVE LOOKOUT, SHEPHERD, MT 59709
(Address)
406.370.3215 DENNISON_14@YAHOO.COM
(Phone Number) (email)

Agent(s): GREG REID/WWC ENGINEERING
(Name)
550 SOUTH 24TH ST W BILLINGS
(Address)
406.894.2210 GREID@WWCENGINEERING.COM
(Phone Number) (email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Variance. Also, I attest that all the information presented herein is factual and correct.

Signature: Cassandra Dennison Date: 3/31/2022
(Recorded Owner)

[Signature] Date: 3/31/2022
(Landowner)
Pres/CEO, BILLINGS FCU



APPLICATION FORM

CITY VARIANCE

ID: Billings Variance # _____ - Project # _____

The undersigned as owner(s) of the following described property hereby request a Variance from the terms of the City of Billings Zoning Regulations.

PROPERTY TAX ID # A12100 CITY ELECTION WARD # 1 - BILLINGS

Legal Description of Property: NORTH PARK SUBD, S33, T01, N R26 E, BLOCK 4, LOT 23-32

Address or General Location (If unknown, contact City Engineering): 1221 6TH AVE N, BILLINGS, MT 59101

Zoning Classification: EB CW-EAST BILLINGS CENTRAL WORKS

Size of Parcel (Area & Dimensions): 250' X 150' - 37,500 SQFT

Covenants or Deed Restrictions on Property: Yes _____ No X

If yes, please attach to application

Variance(s) Requested: INCREASE THE SIZE OF ALLOWABLE KIOSK TO MATCH THE SIZE OF EXISTING KIOSK.

Facts of Hardship: LETTER ATTACHED.

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

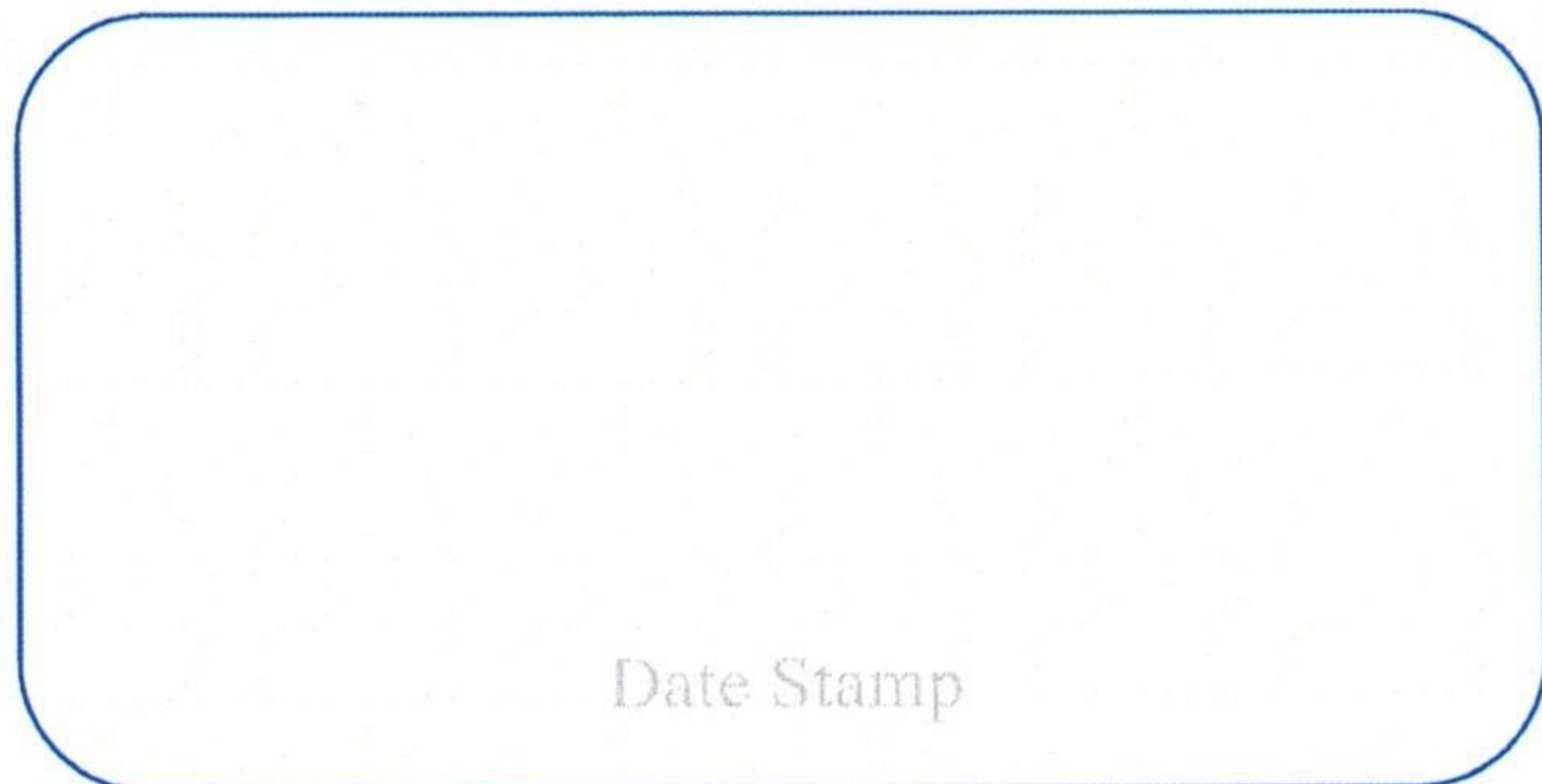
Owner(s): CASSANDRA DENNISON
(Recorded Owner)
6947 BRAVE LOOKOUT, SHEPHERD, MT 59709
(Address)
406.370.3215 DENNISON_14@YAHOO.COM
(Phone Number) (email)

Agent(s): GREG REID/WWC ENGINEERING GREG REID/WWC ENGINEERING
(Name)
550 SOUTH 24TH ST W BILLINGS, MT 59102
(Address)
406.894.2210 GREID@WWCENGINEERING.COM
(Phone Number) (email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Variance. Also, I attest that all the information presented herein is factual and correct.

Signature: Cassandra Dennison Classy N' Sassy Date: 3/31/2022
(Recorded Owner)

Robert A. Papell
Signature: (Landowner)
Date: 4/1/2022



Date Stamp

APPLICATION FORM

CITY VARIANCE

ID: Billings Variance # 1344 - Project # PZX-22-00083

The undersigned as owner(s) of the following described property hereby request a Variance from the terms of the City of Billings Zoning Regulations.

PROPERTY TAX ID # D01319 CITY ELECTION WARD # 3 - BILLINGS

Legal Description of Property: S05, T01, S, R26 E, COS 568, PARCEL C, & TR 2 COS 1135 & E 10' OF ADJ VACATED ALLEY (I01195 LOC HERE)

Address or General Location (If unknown, contact City Engineering): 1313 BROADWATER AVE BILLINGS, MT 59102

Zoning Classification: CMU-2

Size of Parcel (Area & Dimensions): 603.5' X 365' - 220,290 SQFT

Covenants or Deed Restrictions on Property: Yes No

If yes, please attach to application

Variance(s) Requested: INCREASE THE SIZE OF ALLOWABLE KIOSK TO MATCH THE SIZE OF EXISTING KIOSK.

Facts of Hardship: LETTER ATTACHED.

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): CASSANDRA DENNISON
(Recorded Owner)
6947 BRAVE LOOKOUT, SHEPHERD, MT 59709
(Address) 406.370.3215 DENNISON_14@YAHOO.COM
(Phone Number) (email)

Agent(s): GREG REID/WWC ENGINEERING
(Name)
550 SOUTH 24TH ST W, BILLINGS, MT 59102
(Address) 406.894.2210 GREID@WWCENGINEERING.COM
(Phone Number) (email)

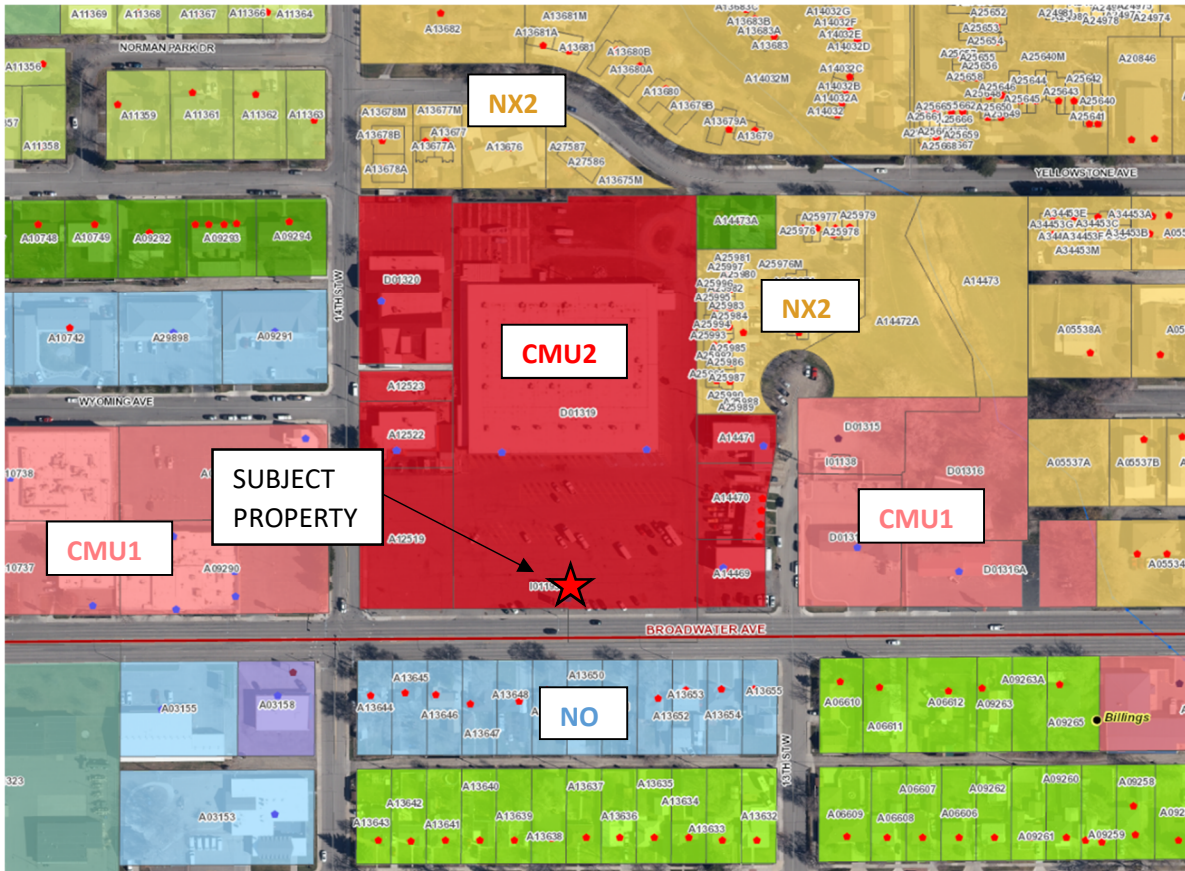
I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Variance. Also, I attest that all the information presented herein is factual and correct.

Signature: Cassandra Dennison Date: 3/31/2022
(Recorded Owner)



Signature: Ben Brown
(Landowner)
Date: 4-1-2022

3) 1313 Broadwater Ave



1508 Main St - Kiosk Looking Northwest from Main St



1508 Main St-North on Main St



1508 Main St – EAST Across Main St



1508 Main St – SOUTH on Main St



1221 6th Ave N – Kiosk looking North



1221 6th Ave N – EAST on 6th Ave N



1221 6th Ave N – WEST on 6th Ave N



1221 6th Ave N – SOUTH across 6th Ave N



1313 Broadwater Ave – Kiosk Looking North



1313 Broadwater Ave – WEST on Broadwater Ave



1313 Broadwater Ave – EAST on Broadwater Ave



1313 Broadwater Ave – South Across Broadwater





550 S. 24th STREET W., SUITE 201, BILLINGS, MT 59102 | 406.894.2210

March 24, 2022

Chairperson
Board of Adjustment
City of Billings
2825 3rd Ave. North
Billings, MT 59101

Re: Variance Request for Increase in Size of Kiosk

Dear Board:

On behalf of the owners of Classy N' Sassy Coffee (Owner), WWC Engineering (WWC) has prepared the following letter of facts and hardships to accompany an application form for a variance request. The information in this letter describes why the Owner is requesting a variance to obtain a temporary use permit. Please note, the owner of the kiosk is listed on the variance application as the "owner," not the owner of the property parcel where the kiosk is located.

Questions in Item 3 of the variance request application are answered below:

- A. What reasons prevent you from using this property in conformance with the Zoning Regulation requirements?
 - a. Classy N' Sassy contracted a building to be constructed for the proposed site previously. This was done based on prior knowledge three kiosks that are currently operational that had been accepted as temporary use structures. Those other buildings are also larger than the maximum size of 10'x12' or 120 ft².
- B. Why is there a need for the intended use of the property at this location?
 - a. Allowing a temporary use permit for this location allows an empty lot to be used with a temporary structure while still allowing the development the lot in the future.

Item 4 requires a statement that is answered with the following. It is intended to place a temporary structure and operate a Classy N Sassy Coffee kiosk. There is not any proposed construction planned to the property, as the kiosk already exists. The current use of property is an empty lot, except for the existing kiosk. The proposed use of the property is continued use of a temporary structure to be operated as a drive through coffee shop.

Chairperson of the Board of Adjustment

Page 2 of 2

March 24, 2022

Section 27-1009(A) requires the temporary structure to be a maximum size of 10'x12' or 120 ft². This variance is being sought to increase the allowed size of a temporary structure from 10'x12' to 10'x20' at this location.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Reid".

Greg Reid, P.E.
Project Engineer

GR/br

K:\Billings\Dennison, Travis\2021550 Classy N Sassy Variance Request\12Submittals\Variance Application\Work\Letter to Board of Adjusment.docx

