



September 1, 2023

City of Billings Board of Adjustments  
City of Billings Planning Department

Thank you for the time and consideration of the submitted City Zoning Variance Application for the future proposed development located at 3042 King Avenue West. The property is legally described as Lot 3A1 of Studer Acreage Tracts Subdivision Amended, located in Section 13, Township 1 south, Range 25 east. The lot is zoned Commercial Mixed-Use 2 (CMU2), the proposed development is for a single lane automated car wash. On behalf of the owner, Squirrels' Real Estate, LLC, we are requesting variances from the City of Billings Zoning Regulations Table 27-400-3.4 Front Build to Zone, Table 27-400-3.14 Ground Story Minimum Height, Table 27-400-3.15 Upper Story Minimum Height, Table 27-400-3.16 and 17 Window and Door Coverage Ground Story Front Façade and All Stories Façade, Table 27-400-3.18 Number of Front Façade Entrances, Table 27-400-3.19 Permitted Roof Types, and Section 27-1005.Q.1 Service Bay sections of the zoning code.

As development has continued to grow on the west side of Billings, King Avenue between S 32<sup>nd</sup> Street and S 24<sup>th</sup> Street acts as a main commercial corridor for west side of the city. The vacant Johnny Carino's building currently on the property is an eye sore in the midst of the area. The property owner is proposing a car wash to take the place of the abandoned building. The car wash is a permitted commercial use within CMU2. The proposed car wash fits with many of the existing business on King Avenue such as the Conoco Station, Mercedes Benz Dealership, Chevrolet Dealership, Carnu Custom AutoTrim, Hertz Car Sales, and Discount Tire. None of these major businesses offer a car wash, however the car wash will be in proximity to retail businesses such as Walmart, Ross, Home Depot, Lowes, Joann's, Best Buy, etc.

We are requesting the Board's consideration of the following variances.

#### **Table 27-400-3.4 Front Build to Zone**

CMU2 requires buildings to be built 20 feet from the property boundary. Currently the property has a 30' deep reciprocal easement (Doc #3294396). Due to the easement, the building is required to be built within 50' of the property boundary. The proposed building is approximately 74.2' away from the property boundary, which is 24.2' away from the build to requirement. In an effort, to protect public safety and allow for internal site circulation the building has been placed the 74.2' away from the property line. This consideration was also made regarding front lot line coverage request that will be made in an Administrative Relief Application. Additionally, the adjacent Lisac's tire and future Panda Express both do not meet the build to requirements. Lisac's existed prior to project ReCode, however the character and pattern of the neighborhood exists.

**Table 27-400-3.14 Ground Story Minimum Height and Table 27.400-3.15 Upper Story Minimum Height**

The site also has façade variances associated with heights of stories. Table 27-400-3.14 and 27-400-3.15. The Ground Story minimum requirement for height is 12' with a maximum of 18'. The Upper Story minimum requirement for height is 9' with a maximum of 12'. CMU2 allows for a four-story building. The entire height of the carwash does not exceed the height of a four-story building. The carwash has varying heights due to the type of building required for this type of operation. The provided elevation displays each of the heights of the ground story and upper story of the office and car wash bay. The owner is requesting a variance from the minimum upper and ground story height of the office tower. The owner will also be requesting administrative relief regarding the ground story height of the wash bay. Stories are determined by the ceiling within a building. Due to the overall height of the structure not exceeding the limitations of zoning, these façade variances will not create any special privilege to the property and allow the site to be in general harmony with the district.

**Table 27-400-3.16 and 17 Window and Door Coverage: Ground Story and All Stories Front Façade**

The owner is requesting a variance from the required window and door coverage on all stories of the buildings. The building provides many windows and doors. Indicated on our elevations are the portions of blank wall segments for the building. The window and door coverage façade variance request is also to address the blank wall segments. The intent of these blank wall segments is to protect the internal equipment necessary for the car wash. Due to the request of variation from the front build to zone requirements, the façade variations are negligible. The neighborhood character of the district will still be met with the design of this development. Western Emporium and Lisac's Tires both permitted prior to the current zoning regulations offer less window and door façade than the proposed new building.

**Table 27-400-3.18 Number of Front Façade Entrances**

The building has also been oriented with the entrance to the wash lane at the rear of the property. Thus the site does not provide the one required entrance at the frontage. There is also an entrance to the office on the side of the building. These entrance locations have been designed this way to allow room vehicle queueing that will not impede with traffic flow for the adjacent properties or perhaps inhibit King Avenue if oriented or placed otherwise. The granting of this variance does not allow the property special privilege it will provide the owner an opportunity to develop the property within the limitations that exist from the access easements.

**Table 27-400-3.19 Permitted Roof Types**

The carwash facility has mixed roofing types. The building has parapet, pitched, flat and barrel roofs. CMU2 allows for parapet, pitched, flat, and tower roofs. Due to the type of permitted use that is proposed on the property, the car wash has these varying roof types. There currently exists a barrel roof in the rear of the adjacent property. This building was approved prior to ReCode, however, the commercial area has existing aesthetic. The redesign of the associated internal equipment and architectural cost will cause a hardship for the property owner. We have requested a variance from this standard and feel that the build to zone away from the street due to the easements will align the wash bay barrel roof in proximity to the adjacent properties barrel roof.



### **Section 27-1005.Q.1 Vehicle Service Station, Service Bays**

The building has been designed to have to overhead door facing the front façade. This is due to the internal site circulation of the property. By having the cars queue alongside the building to obtain entrance to the wash bay at the rear of the property, this allows for internal traffic circulation to not impede adjacent sites or cause public safety issues. The Mercedes Benz dealership and Lisac's Tires both have overhead doors which face King Avenue. The ability to provide a safe circulation plan was important for site development.

We have included renderings of the development proposed for the Board's review. We have also included pictures of neighboring properties which will display a neighborhood character that exists. The requested variances will not inhibit the neighborhood character, nor will it provide this property an owner a privilege as this is the remaining vacant lot in this corridor. The new development will provide landscaping, street trees, screened garbage enclosure in the rear of the property, infill commercial development, new jobs to residents, protect public health in safety regarding site circulation. The proposed owner is requesting variances from the City of Billings Zoning Code in order to bring a successful business with multiple locations throughout the state to Billings. We have listed items from the City of Billings Growth Policy which encourages development such as the proposed.

- Landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors.
- Public health and safety and emergency service response are critical to the well-being of Billings' residents, businesses, and visitors.
- Infill development and development near existing City infrastructure may be the most cost effective.
- Developed landscape areas in commercial areas encourage more pedestrian activity and vibrant commercial activity.
- Attractive streetscapes provide a pleasant and calming travel experience in urban and suburban neighborhoods.
- Implementation of Infill Policy is important to encourage development of underutilized properties.
- Successful businesses that provide local jobs benefit the community.

We thank the Board for their consideration of our requests.

