



Date: May 23, 2023  
To: Planning and Zoning Board  
From: Ellen Hardgrove, City Planning Consultant  
XC: Sandy Riffle, City Clerk  
Brett Sollazzo, Administrative & Permitting Manager  
Drew Smith, City Attorney  
Allen Lane, City Engineering Consultant  
Jim Winter and Galen Pugh, City Landscape Architects  
Re: Landscaping and Parking Variances for 75 Holden Avenue, Boise Cascade

**A variance to allow an exemption to requiring code compliant landscaping when existing development is greater than 5,000 square feet and proposed expansion is in excess of 5,000 square feet.**

**A variance to allow less than the required parking for a warehouse use.**

This agenda item is a variance application for landscaping and parking requirements at the Boise Cascade property located on the north side of Holden Avenue, on the west side of the railroad tracks as shown in Exhibit 1. The application was prompted by a proposal for a new building on the property.

Exhibit 1 – Subject Property



The property contains a building supplies business consisting of 167,151 square feet of warehouse space plus outdoor storage. The original building on site, totaling 109,427 square feet, was constructed in 1971 (Wayne Densch), with additional buildings totaling 57,724 square feet built in 1983. Boise acquired the property in 2000. The proposal is to replace three of the existing buildings, totaling 9,340.54 square feet, with a 26,400 square foot building and two “lean-to” expansions providing an additional 11,000 square feet of covered space.

The site is categorized as legally nonconforming due to minimal landscaping onsite and the number of parking spaces. Per Code Section 134-38, legal nonconforming situations are not allowed to expand; furthermore, the city’s landscaping regulations require the site to be brought into compliance with landscaping requirements if new construction totals more than 5,000 square feet.

### **LANDSCAPING VARIANCE**

Conformance with current landscape requirements would include, but are not necessarily limited to, establishing the following onsite. Note, County standards apply because a city zoning was never established on the property.

#### **Required Landscaping (County Standards)**

- **Landscaping along the building side fronting Holden Avenue:** 8 feet wide with 1 shade tree/25 feet or fraction thereof of the lineal building facade, or one (1) understory tree or palm tree planted for each fifteen (15) feet or fraction thereof of the lineal building facade
- **Landscaping where vehicular use area is adjacent to Holden:** minimum 7 feet wide pervious strip, with 1 understory tree/25 linear feet and a continuous hedge capable of growing to at least 36 inches in height within 18 months
- **Landscaping of parking row end caps:** minimum 8 feet x 8 feet with a tree in each end cap, and a maximum of 10 spaces in each row
- **Landscaping where vehicular use area is adjacent to residential (west and north side of the property):** completely opaque from the ground to height of at least six (6) feet, can be a wall, within a minimum of seven (7) feet of pervious width and at least one (1) shade tree every fifty (50) feet of common lot line or fraction thereof
- **Landscaping of open storage areas:** totally screened from the public right-of-way and any adjacent properties, to include a six-foot high masonry wall or ten-foot wide landscape buffer; if landscape buffer is used, must be a minimum of three (3) feet in height and fifty (50) percent opaque at planting and be capable of attaining a height of five (5) feet and seventy-five (75) percent opaqueness within eighteen (18) months; in addition to landscaping requirements, the zoning requires open storage to be a minimum 15 feet from these property lines
- **Landscaping along other property perimeters:** one (1) shade tree for each forty (40) lineal feet or fraction thereof

Because of “space limitations of existing improvements,” the applicant is requesting approval of a variance from all of these Code requirements and proposes to provide landscaping as shown on the submitted landscape plan. The submitted landscape plan shows the following.

## Proposed Landscaping

- **Landscaping along the building side fronting Holden Avenue:** The applicant is proposing to add 2 shade trees in front of the building. There are currently 5 tall palms and 7 Dwarf Date palms in front of the building. To meet Code, 6 additional understory or palm trees or 4 additional shade trees would be needed.
- **Landscaping where vehicular use area is adjacent to Holden:** No buffer between the Holden Avenue right of way (ROW) and the parking area east of the westernmost driveway. Parking spaces would need to be removed if any landscaping was to be planted in this location. The vehicular parking area edge is the right-of-way line. There is, however, a hedge and 5 understory trees (crape myrtles) planted within the right-of-way along this parking area at a rate of 1 understory tree per 68 feet as shown in Exhibit 2 (vs. the required 1 per 15 feet)

Exhibit 2 – Hedge and Crape Myrtles in the Holden Avenue ROW



Looking east toward Orange Avenue

The landscape strip between the parking on the west side of the driveway and Holden Avenue (ROW is 3± feet wide landscape strip with a hedge and two crape myrtles (a rate of one understory tree/±18 feet) as shown in Exhibit 3.

Exhibit 3 3-foot Wide Hedge and Crape Myrtles West of Driveway



Looking west



The applicant is proposing to add landscaping along Holden Avenue east of the easternmost driveway and along the railroad track as shown in Exhibit 4 to mitigate the noncompliance with landscaping standards along Holden. The proposed rate of understory trees is 1 tree/25 feet along Holden Avenue including the existing grouping of palms (vs the required 1 tree/15 feet), and 1 tree/±28 feet along the railroad tracts. A hedge is also proposed along these frontages.

Exhibit 4 – Proposed Additional Hedge and Understory Trees



looking west

- **Landscaping of parking row end caps:** The applicant is not proposing any landscaping in the parking lot since any change would reduce the number of parking spaces as can be seen from Exhibit 5.

Exhibit 5 – No Parking Lot Landscaping



- **Landscaping where vehicular use area is adjacent to residential (west and north side of the property):**

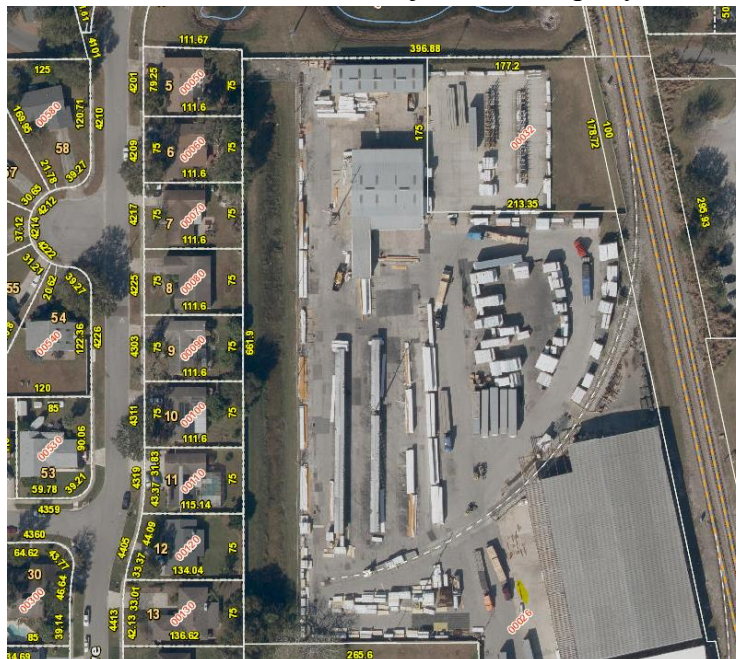
- 1) **Adjacent to the Fellowship Baptist Church of Orlando Inc.** property (11-23-29-0000-00-025) - The lack of required trees in a 7 foot wide pervious buffer along the west side of the vehicular use is not proposed to be corrected. Additionally, the required minimum 15-foot setback for open storage is not shown to be corrected adjacent to the church property. As can be seen in from the latest aerial photograph (Exhibit 6), the open storage is very near the property line. Note, a  $\pm 7$  feet high concrete wall exists along these property lines that is proposed to be maintained.

Exhibit 6 – No Landscaping Adjacent to Church Property



- 2) **Adjacent to the homes along Forestal Avenue** - Trees, although not shade trees, are proposed to be added at a rate of 1 tree/41.25 linear feet on the east side of the stormwater pond that parallels property line shared with the residences along Forestal Avenue. The existing 7 feet high concrete wall is proposed to be maintained.

Exhibit 7 – Homes Adjacent to Property





- **Landscaping along other property perimeters:** No trees are proposed along the north property line (one (1) shade tree for each forty (40) lineal feet or fraction thereof required). An existing fence along the north property line, as shown in Exhibit 8, is proposed to be maintained.

Exhibit 8 – Existing Fence Along North Property Line



### **OPEN SPACE**

In addition to the above landscaping, a minimum of 20% open space is required for commercial zoned property. The Boise property totals 11.75 acres. According to the applicant, the site currently includes an estimated 2 acres of open space (17%). The pervious areas onsite are not proposed to change; the proposed buildings will be on existing impervious areas.

### **PARKING VARIANCE**

As noted above, the applicant's proposal for new landscaping takes into consideration that additional landscaping will further aggravate the code deficient parking. Per code standards, minimum parking onsite (one space for each 1,000 square feet, plus one parking space for each bay) should be 174 spaces, with 6 being ADA compliant. Reviewing various other local government codes, the 1/1000 ratio is typical for warehouse uses.

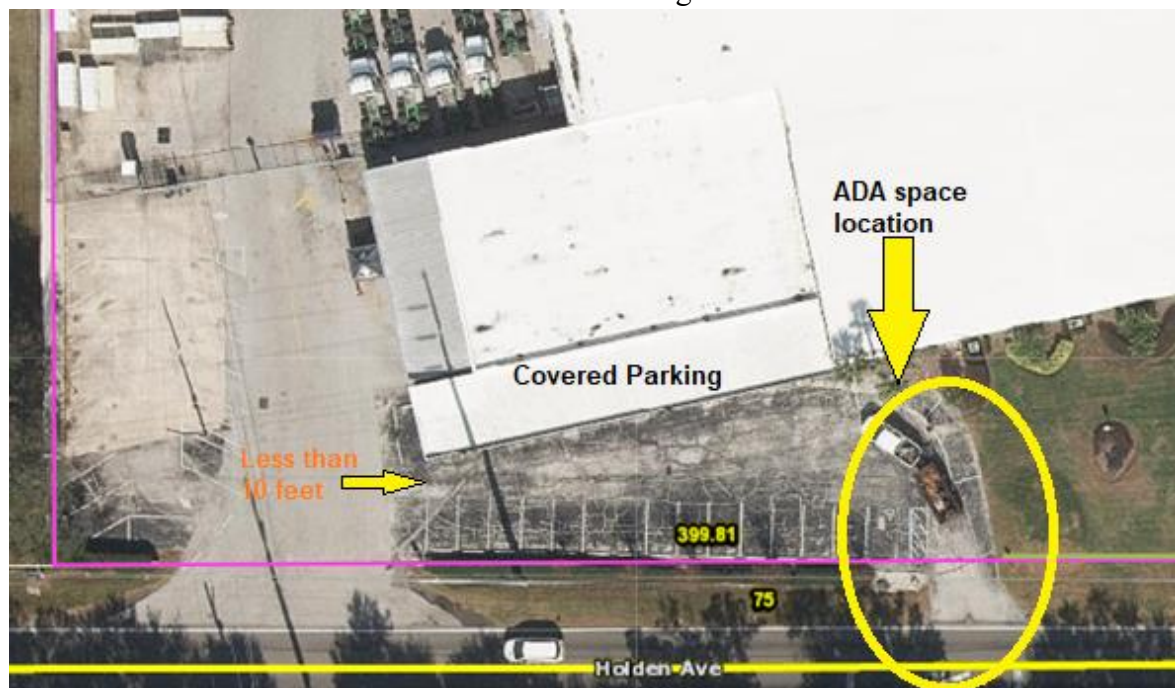
According to the submitted site plan, 59 parking spaces existing onsite, with only one that is ADA compliant. The proposed new building would bring the total gross square feet of building area to 184,210.46 square feet with six (6) bays, resulting in a required minimum parking total of 191 spaces, including 6 ADA compliant spaces. No additional parking is proposed.

The applicant has stated that the parking onsite is sufficient for the current use and that the demolition/new construction will not increase the current demand for parking onsite as the new building is strictly an overflow storage building for the large existing building. According to the applicant, approximately 50 employees are onsite each day with 48 personal vehicles. In addition, between 12 and 16 tractor trailers are onsite daily.

There is concern from a public safety perspective relative to the onsite parking and vehicle circulation such as the narrow width of the drive aisle in the parking lot in front of the building and the location of the ADA compliant parking space as shown in Exhibit 9. It is acknowledged

that conformance with landscaping requirements would further reduce the number of parking onsite; however, the applicant could take corrective by redesigning the onsite parking.

Exhibit 9 – Substandard Parking and Onsite Circulation



### **CRITERIA FOR VARIANCE APPROVAL**

Whereas it may be impractical to require compliance with all landscaping requirements, particularly when the trigger for compliance (proposed new building) is not in the public view, approval of a variance requires the six standards stated in Code Section 134-104 to be found true i.e., the criteria for variance approval. The same is true for reducing parking requirements in line with the needed demand. Full demonstration of meeting these criteria has not been submitted and the applicant can address at the public hearing.

Those standards are as follows.

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
2. That the special conditions and circumstances do not result from the actions of the applicant.
3. That approval of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in the same zoning district.
4. That literal interpretation of the provisions contained in this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.
5. That the variance approved is the minimum variance that will make possible the reasonable use of the land, building or structure.
6. That approval of the variance will be in harmony with the general intent and purpose of this chapter and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

## **RECOMMENDATION**

If the Board finds the criteria has been met, staff recommends the following motion.

Recommend to Council to approve variances in landscaping and parking requirements to allow the addition of more than 5,000 square feet of building with the landscaping, open space, and parking/vehicular circulation as shown on the submitted site plan dated received 4/24/23 with the following conditions.

- A. The maximum additional building square footage on the property shall be 17,059.46 (26,400 square feet new construction less the demolition of 9,340.54 square feet), and 11,000 square feet of non-enclosed lean-to square footage.
- B. Modify the plan to show additional landscaping as following
  1. **Along and adjacent to the building side fronting Holden Avenue**
    - a. Provide additional plants to provide a continuous hedge along the building frontage (excluding the western part of the building frontage where covered parking exists), with the new plants being be at least 24 inches high at planting and be of a species capable of growing to at least 36 inches in height within 18 months. Maintain the existing and new hedges at a height not less than 36 inches.
    - b. Add 4 evergreen shade trees along the building frontage, e.g., between the existing palm groupings. Each evergreen shade tree shall be of a species with a mature height of 30'-40' and a minimum caliper of 4" and minimum of 16 feet in height at planting. Maintain the existing Palms.
  2. **Along the Holden Avenue frontage, east of the easternmost driveway**
    - a. Plant multi-stemmed evergreen understory trees a at a minimum rate of 1 understory tree/25 feet, with each tree planted on center, with a minimum of three (3) stems, each stem a minimum 1.5 inch caliper and 4 feet spread. The existing cluster of palms in this location can substitute for one required understory tree.
    - b. Plant a continuous hedge of plants at least 30 inches high at planting, planted 30 inches on center, of a species capable of growing to at least 3 feet in height within 6 months, and maintained at a height of not less than 36 inches.
  3. **Along the east property line, south of the building to the buffer along Holden**
    - a. Plant Evergreen shade trees at a rate of 1 tree/35 feet, setback from the east property line a distance that the chosen species at maturity will not interfere with railroad operations. Groupings of evergreen multi-stemmed understory trees can substitute for these shade trees at a minimum rate of 1 grouping (3 understory trees)/20 feet, with each grouping evenly spaced and with each tree a minimum of three (3) stems, each stem a minimum 1.5 inch caliper and 4 feet spread.
    - b. Plant a continuous hedge of shrubs at least 30 inches high at planting, 30 inches on center, of a species capable of growing to at least 3 feet in height within 18 months, and maintained at a height of not less than 36 inches.



#### **4. Along the west property line**

- a. Maintain the 7 feet high wall along the perimeter of the property adjacent to the church and homes along Forestal Avenue.
- b. Adjacent to the homes fronting Forestal Avenue, on the west side of the existing stormwater pond, provide evergreen shade trees instead of Cypress Trees within the at a rate of 1 tree/35 feet on center, with each tree a minimum of 4 inch caliper and capable of a canopy 30 to 40 feet wide at maturity. Mature height to be attainable within three years. The intent is to provide a dense visual screening from 7 feet to at least 30 feet in height;

#### **5. Along the north property line**

Provide at least one evergreen (1) shade tree or groupings (three trees) of evergreen multi-stemmed understory trees every fifty (50) feet within the 15 feet building setback along the north property line. Each shade tree shall be a minimum of ten (10) feet tall, with a minimum caliper of three (3) inches as measured twelve (12) inches above the root ball. Each understory tree shall be a minimum of three (3) stems, each stem a minimum 1.5 inch caliper and 4 feet spread.

- C. Maintenance of a solid, minimum 6 feet high fence.
- D. All onsite landscaping shall be irrigated.
- E. A minimum of 15% open space on the property shall be maintained.
- F. Outdoor storage or materials and equipment shall be setback a minimum 15 feet from the property lines of current tax parcel 11-23-29-0000-00-025; i.e., Fellowship Baptist Church of Orlando Inc.
- G. No materials, equipment or other goods stored outdoors shall exceed 24 feet in height within 100 feet of the adjacent residential zoned property fronting Forestal Avenue.
- H. Two ADA compliant parking spaces shall be provided onsite. If additional parking is provided onsite, ADA compliant parking spaces shall be provided at a rate of at least 1/25 new parking spaces.

Staff also recommends that the applicant consider the following design changes that will improve the safety of onsite circulation:

- Provide a minimum 24 feet wide two-way drive aisle or a minimum of 12 feet one-way drive aisle in front of the covered parking (south side of front building), replacing the eliminated parking resulting from the driveway changes in the area east of the easternmost driveway; and,
- If the current ADA space is maintained, provide a landscaped end cap to improve the safety of use this space.