COSTCO WHOLESALE

1255 E OGDEN AVENUE

ZONING VARIANCE – PARKING LOT SCREENING

ABUTTING RESIDENTIAL PROPERTY

Costco received their approval as it relates to the redevelopment of a portion of what is currently known as "Ogden Mall" located at the NWC of Ogden Avenue and Iroquois Avenue. As part of the overall redevelopment of a member's only retail warehouse consisting of 161,233 sf (includes 5,623 sf entrance canopy), the development also provides for accessory uses to include both an attached Tire Center as well as a free-standing Fueling Facility. During the process of our approvals and obtaining additional information during on-site investigations, we have deemed it necessary to request a variance as it relates to the following zoning code:

5-10-3 Landscaping & Screening

5.2.4. Rear and Interior Side Yards:

5.2.4.1. Abutting Residential Property: Where a parking lot abuts a property zoned for residential use, a solid wood fence, wall, or comparable barrier shall be provided across one hundred percent (100%) of the parking lot to a minimum height of six (6) feet. In addition to this barrier, continuous landscaping shall be provided across fifty percent (50%) of the parking lot to a minimum height of six (6) feet. At the time of planting, such landscaping shall be a minimum height of forty-eight (48) inches and shall consist of fifty percent (50%) evergreens and fifty percent (50%) deciduous shrubbery and/or hedges spaced at a maximum of four (4) feet on center. The buffer shall reach the required minimum height of six (6) feet within two (2) years of planting. Shade trees of a minimum of two and one-half (2½) inches in diameter as measured six (6) inches above the established ground level shall be spaced at the equivalent of not more than thirty-five (35) feet apart along that portion of the parking lot abutting the residential property, exclusive of access drives, perpendicular to the lot lines. All landscape materials will be located on the nonresidential side of the fence/barrier in accordance with exhibit 3, located at the end of this Section and incorporated herein by reference.

Specifically, the portion of the code above that is causing hardship to incorporate into our design is the requirement of providing a "solid wood fence, wall, or comparable barrier shall be provided across one hundred percent (100%) of the parking lot to a minimum of six (6) feet" without impacting the existing tree line that runs along the north half of the west property line.

The code requires 100% screening along this property line, which would require a +/- 1000' length of fence to comply. Costco is requesting relief to this requirement by seeking a reduction to +/- 49% or a total of 490' as depicted on *Exhibit A*. The portion of the fence that we are seeking the variance for is adjacent to an existing detention basin located on the apartment property. The closest location of the mid-rise building to Costco's property line in the area proposed without the fence is approximately 500 feet. Currently the existing mature trees along this property line provide superior screening for the residences versus the aesthetics of a 6 foot solid fence, as well as provide additional shade coverage for the walking path that surrounds the detention basin for pedestrian traffic. Please refer to the enclosed site aerial *Exhibit B* along with the site photographs *Exhibit C* that provides images of the existing trees along the western boundary between the proposed Costco and adjoining residential.

In order to install the required fence as code requires, a number of the existing trees would need to be removed and the remaining trees would need to be pruned by removing the limbs to at least a 7' height. In addition, our landscape consultant, SmithGroup has indicated that the fence and fence posts that would need to be installed approximately 2-4' from the trees would likely cause damage to the existing trees' root systems. These trees are located at or near Costco's proposed property line and thus limits our ability to successfully install the fence while ensuring the trees survivability.

In addition, if the trees need to be removed in this area to accommodate the fence installation, Costco's civil team has also confirmed that planting of replacement trees would prove to be exceedingly difficult due to existing underground utilities. Furthermore, it should be noted that we will be planting trees to fill in larger gaps between the existing trees or where trees are removed due to the poor tree condition or as a result of a utility connection to the detention basin.

Costco is hopeful that the overall intent of the ordinance is met with the combination of the existing trees and proposed fencing for the balance of the property line as shown on *Exhibit A*.

In support of the request, Costco states the following responses as it relates to this zoning variance request:

1) The variance is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan by maintaining the existing trees to provide the screening intent of the code; and.

2) Strict enforcement of this Title would result in practical difficulties or impose exceptional hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district by removing trees that are providing superior screening and shade for the adjacent residential property than a 6-foot fence can provide; and

3) The variance if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property because the variance will allow us to preserve and protect an existing tree line that is far more beneficial to the adjacent property than the required 6 foot fence. The section of the fence that we are seeking relief is at a minimum 500' away from the adjacent residential with a detention basin between the two properties. Additionally, this section of fencing is adjacent to a drive aisle along the west elevation of the proposed warehouse versus a parking lot.