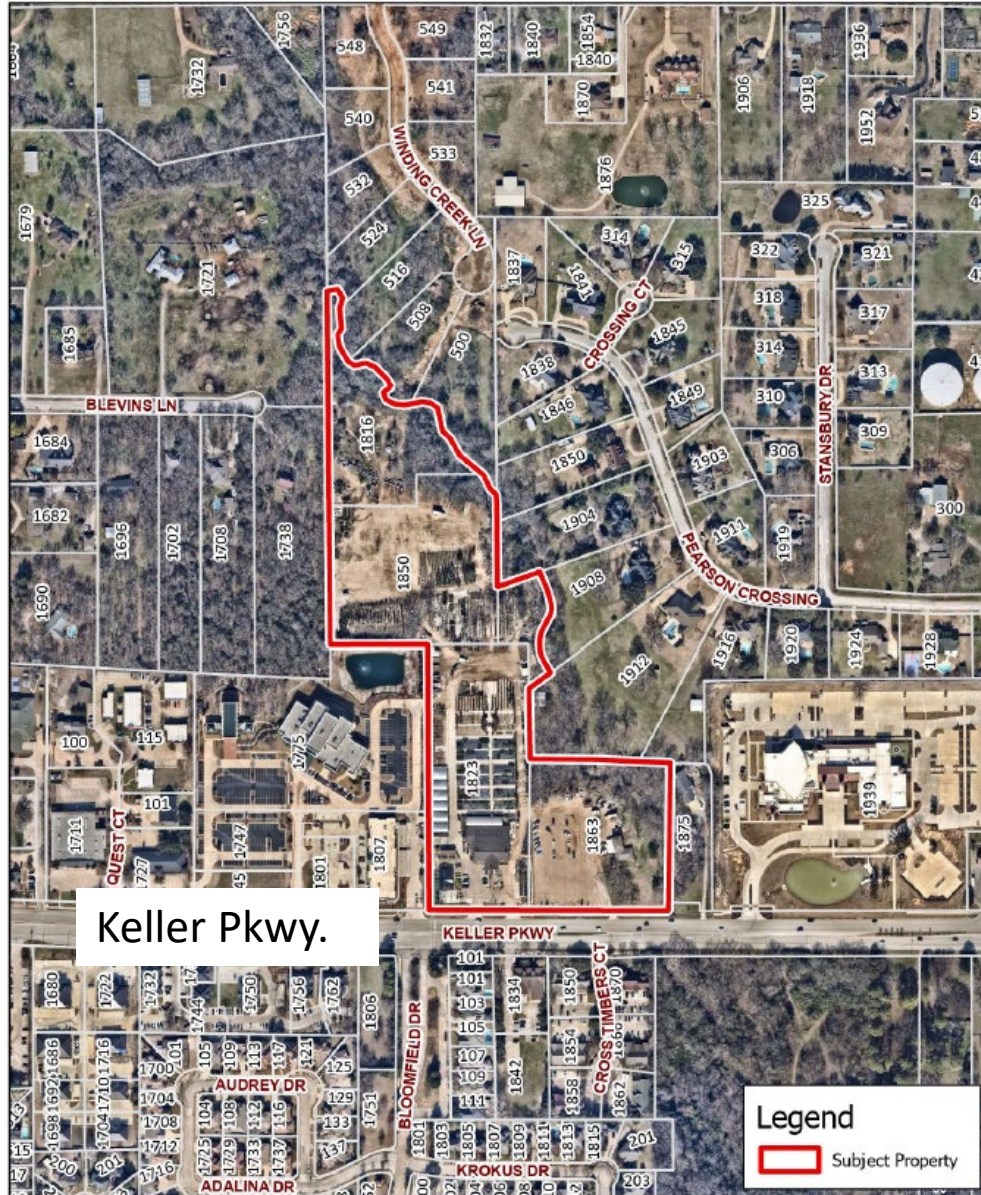


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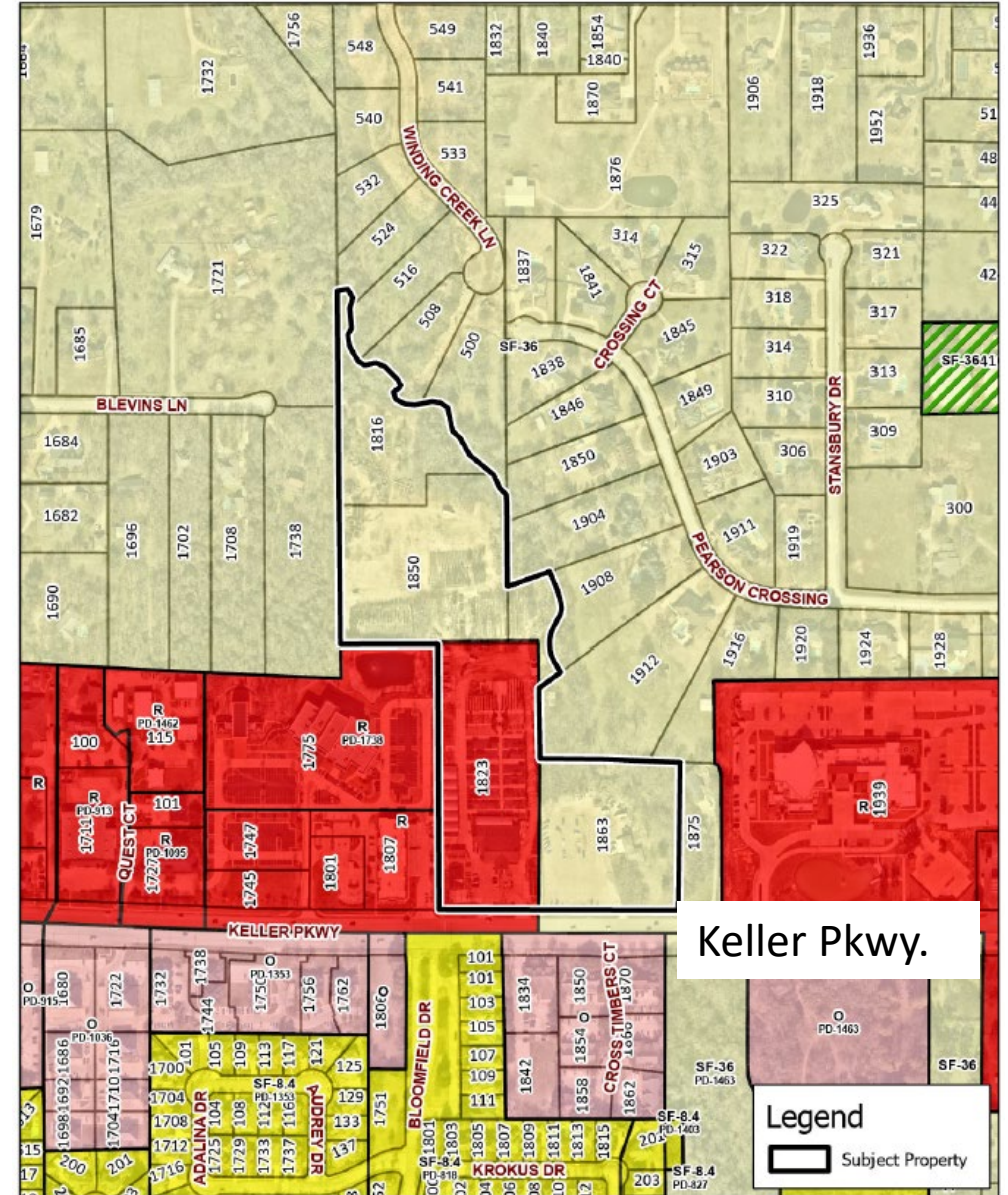
PUBLIC HEARING: Consider an ordinance approving a rezone from Single Family - 36,000 square-foot minimum lot size (SF-36) and Retail to Planned Development-Retail (PD-R), for approximately 17.52 acres, legally described as Tract 1F, Abstract 1153, John Martin Survey, Lot 1R, Block A - Sutton's Nursery Addition, Tract 1D01A, Abstract 1153, John Martin Survey, and portions of Lot 7, Block 1, Pearson Crossing and Tract 1D01, Abstract 1153, John Martin Survey addressed as 1863 Keller Parkway, 1823 Keller Parkway, 1850 Pearson Crossing, 1908 Pearson Crossing, and 1816 Johnson Road. Ruibal Properties LLC, Applicant. Ruibal Properties, Don Dinger and Devane Clark Partnership LTD, Owners. (ZONE-2408-0003)

Item H-7 Aerial Map



Zoned:
SF-36 and Retail

Item H-7 Zoning Map



Item H-7

Background:

The subject property has been considered for planning and zoning actions several times since the site began operating as Sutton Nursery in 1996. The basic timeline is as follows:









- May 2010: Specific Use Permit (SUP) approved for nursery use for Landscape Systems
- December 2020: SUP approved for Landscape Systems for Light Manufacturing of live edge furniture
- December 2022: Rezone from SF-36 to Retail and Future Land Use Plan (FLUP) amendment for portions of the Applicant's property failed at City Council; Site Plan Amendment with Variances and SUP for light manufacturing, greenhouses/nursery and outside storage for plant material and vehicles - no action taken after rezone failed
- February 2024: Following staff review, the Applicant's Planned Development (PD) Zoning Change and FLUP amendment requests were scheduled and noticed for Planning & Zoning Commission consideration, but were withdrawn by the Applicant before the meeting

Item H-7

Request:

- The Applicant requests to rezone the property from Single Family - 36,000 square-foot minimum lot size (SF-36) and Retail to Planned Development-Retail (PD-R) to operate a full-service landscape business.
- Within the proposed PD, the Applicant proposes two separate zoning areas.
- The project is proposed to be completed in two phases, with Phase II construction to commence after approval by the Federal Emergency Management Agency (FEMA) of the Applicant's submission for reclamation of the existing floodplain.
- The Applicant has provided a detailed site plan, including a landscaping plan, for consideration with the Planned Development proposal.



- | | |
|---|---|
|  | EXISTING CONCRETE PAVEMENT
TO REMAIN IN PLACE |
|  | EXISTING PAVERS
TO REMAIN IN PLACE |
|  | PROPOSED FIRE LANE
7' - 3/8" MIN. SPACING 1/2" MIN.
BASE 10" D.I.C. # 20 1/2" LANE OR
10' MIN. WIDTH SURFACE |
|  | PROPOSED BUILDING/STRUCTURE |
|  | PROPOSED CONCRETE PAVEMENT |
|  | PROPOSED GRAVEL PAVEMENT |
|  | PROPOSED SIDEWALK |
|  | OPEN SPACE |

NOTES

- 15' LANDSCAPE BUFFER IS PROVIDED FOR 30' ALONG THE SOUTHWEST PORTION OF THE SUBJECT PROPERTY AS SHOWN.
- NO LANDSCAPING TO BE REQUIRED WITHIN THE LANDSCAPE BUFFERS ALONG THE EAST AND NORTH PORTIONS OF THE SUBJECT PROPERTY.
- MASONRY SCREENING WALL SHALL NOT BE REQUIRED ALONG THE NORTH AND WEST PORTIONS OF THE NEXT PROPERTY WHICH ARE CONTAINED WITH A FLOODPLAIN.
- PHASE 2 CONSTRUCTION WILL BE COMPLETED AFTER APPROVAL BY FEMA OF THE FLOODPLAIN ELEVATION STUDY.
- 10' CONCRETE TRAIL SHALL BE COMPLETED WITH THE CONSTRUCTION OF PHASE 2. ALIGNMENT OF TRAIL MAY VARY DEPENDING ON FLOODPLAIN ELEVATION.
- OPEN SPACE SHALL CONFORM TO 0.2% THAT THE SITE MEETS OR EXCEEDS 15% OPEN SPACE PER 600 SECTION 02.27 (D) OPEN SPACE REQUIREMENTS.
- CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SAN JOSE CITY CODE.
- CONCRETE FINISH SHALL BE SUBMITTED AND APPROVED BY THE CITY PRIOR TO CONSTRUCTION OF SITE LIGHTING FOR PHASE 2 IMPROVEMENTS.

SITE DATA SUMMARY

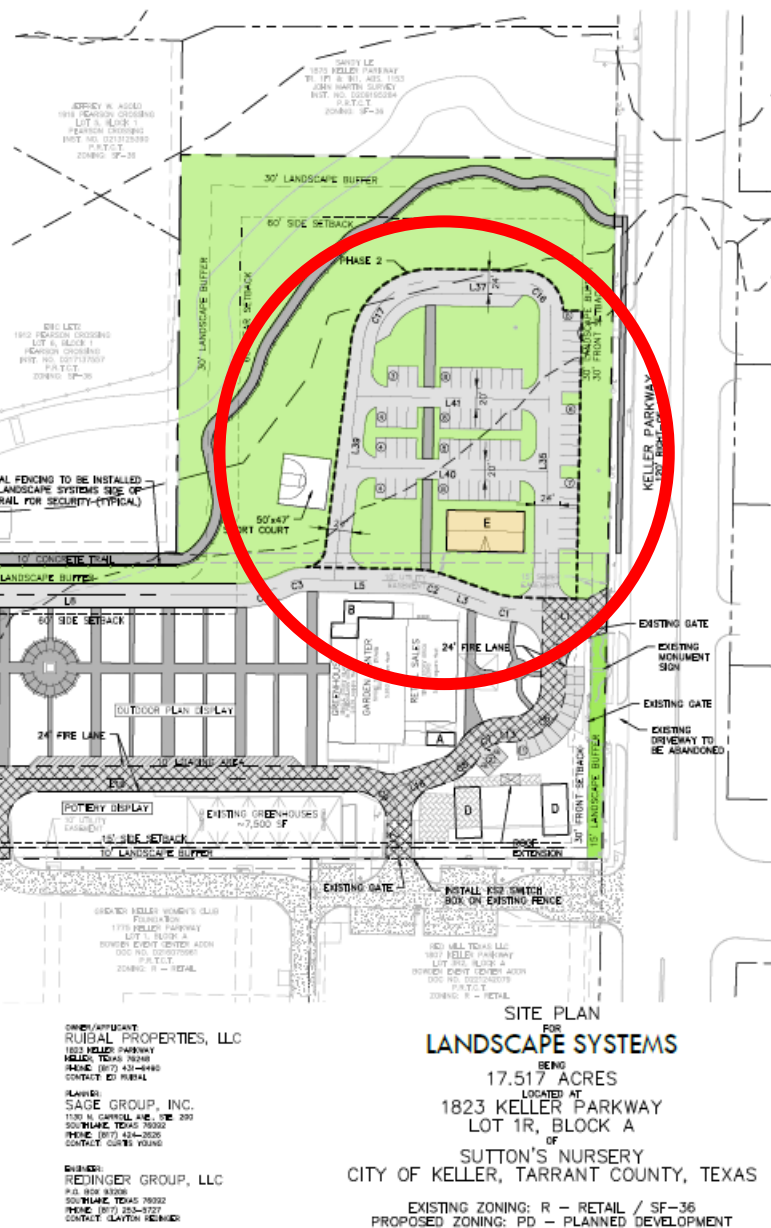
TOTAL SITE AREA	763,030 SF
OPEN SPACE AREA (AS SHOWN)	346,886 SF
	45.3%
TOTAL BUILDING AREA	15,146 SF
NETTAL AREA	15,146 SF
THE NETTAL AREA INCLUDES ALL AREA ATTACHED TO THE MAIN BUILDING INCLUDING RETAIL, GATED GARDEN CENTER, GREENHOUSE PLUS ADDITIONS A & B	
PHASE 1 PARKING	
NETTAL (1/2000 SF (BLOG AREA)	76 SPACES
PROPOSED PARKING SPACES	76 SPACES
TEMPORARY ACCESSIBLE SPACES	2 SPACES
PROMOTED OVERFLOW PARKING PROVIDED	
PHASE 2 PARKING	
PARKING PROVIDED	68 SPACES
TOTAL PARKING	
PARKING REQUIRED	84 SPACES
PARKING PROVIDED	86 SPACES

USE TABLE		
USE #	LENGTH	HEIGHT
L1	84.80"	N0000300"SW
L2	46.17"	N0902222"E
L3	105.69"	N0000000"E
L4	324.83"	N010100"E
L5	144.22"	S0911230"E
L6	76.07"	N0902317"W
L7	7.48"	N0200000"E
L8	83.00"	N0301304"W
L9	34.81"	S0828106"E
L10	468.81"	N0100100"E
L11	54.88"	N3450233"W
L12	260.65"	N0001130"E
L13	78.78"	N0427300"E
L14	193.60"	S0937130"E
L15	306.48"	N0110320"E
L16	136.12"	S040700"E
L17	110.21"	S040070"E
L18	38.37"	S222850"E
L19	296.78"	N007211"E
L20	202.83"	S0952425"E
L21	87.85"	N0000100"E
L22	230.42"	N0300444"W
L23	596.41"	N0000000"E
L24	168.00"	N0000000"E

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CH BEARING	CH LENGTH
01	35.04'	88.00'	18.56° 43"	N09°35'06"E	36.87'
02	29.14'	112.00'	16.55° 43"	N09°33'59"E	28.75'
03	26.04'	42.00'	212°20' 39"	M37°44' 40"E	18.80'
04	31.28'	112.00'	26°13'38"	N49°08' 28"E	50.63'
05	26.57'	36.00'	86°45'18"	N45°52' 43"E	5.62'
06	63.38'	42.00'	86°27'39"	N46°08' 44"E	57.53'
07	42.81'	42.00'	51°59'00"	N31°36' 34"E	40.71'
08	28.83'	42.00'	43°48'50"	N46°24' 04"E	29.31'
09	67.13'	42.00'	91°34'33"	N46°40' 22"E	50.21'
10	34.22'	42.00'	33°02'18"	N71°32' 19"E	23.88'
11	118.87'	208.00'	331°14' 43"	M72°27' 29"E	114.28'
12	46.30'	42.00'	88°18'50"	N48°18' 50"E	41.37'
13	14.68'	42.00'	22°02'18"	N42°02' 18"E	64.38'
14	37.89'	42.00'	78°33' 38"	N47°33' 38"E	36.58'
15	16.21'	42.00'	22°08'11"	N71°33' 16"E	16.11'
16	43.88'	268.00'	96°03'00"	N40°03' 00"E	39.69'
17	56.70'	68.00'	89°02'18"	N43°02' 18"E	51.31'

PROPOSED BUILDING/ADDITION DESCRIPTIONS

- A. 188 SQFT BUILDING ADDITION
B. 1,311 SQFT BUILDING ADDITION
C. 1,996 SQFT OPEN AIR PAVILION WITH 225 SQFT COURTESY LOUNGE
D. 2- 25' X 50' SHADE STRUCTURES (1,250 SF EACH)
E. 40' X 76' SHADE STRUCTURE (3,040 SF)
F. 24' X 80' CANOPY COVER / EQUIPMENT PARKING (1,920 SF)



Phase II (plus trail construction)

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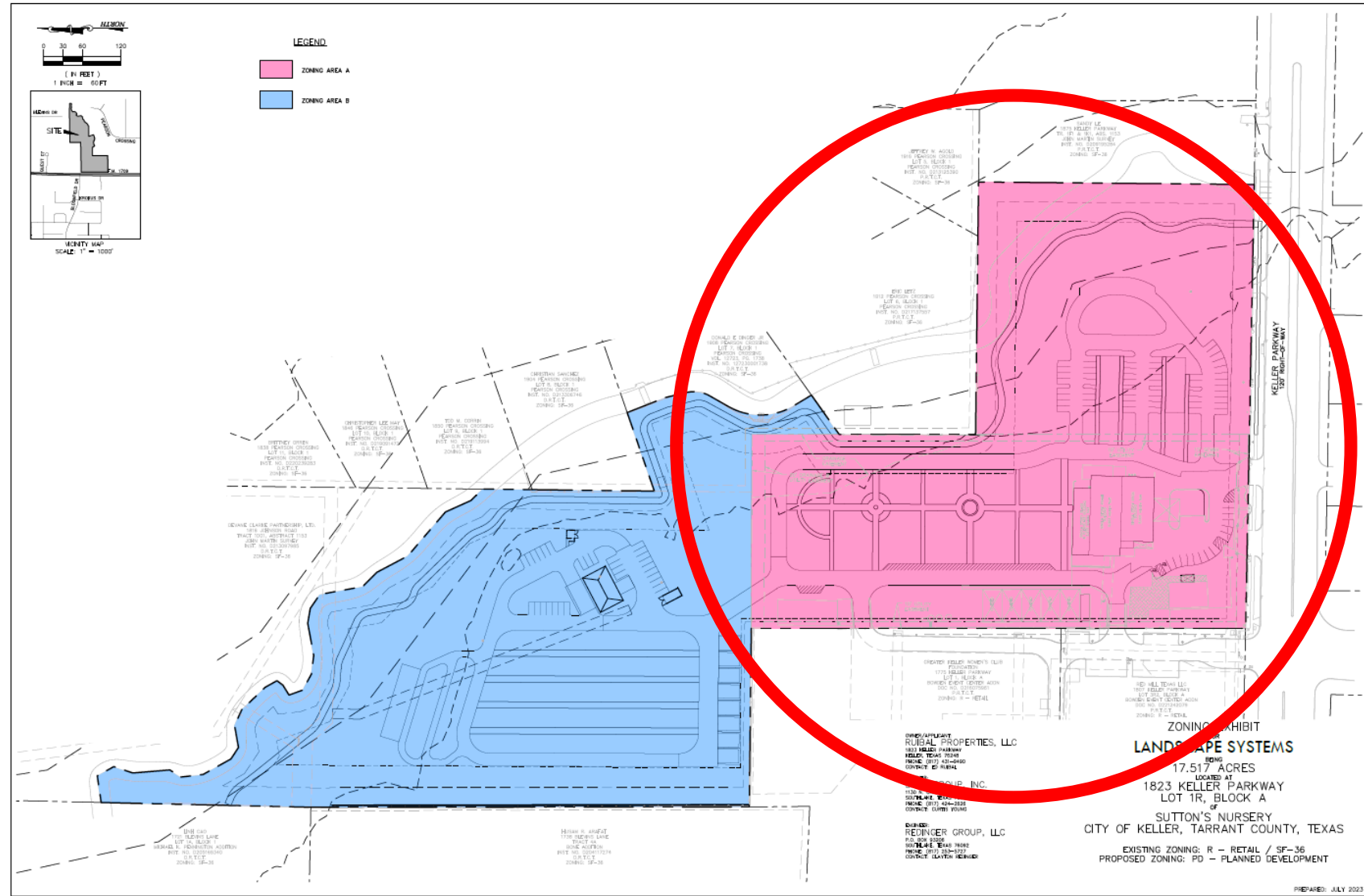
Proposed Zoning:

Planned Development – Retail with two separate zoning areas

Zoning Area A will include:

- Retail sales
- Garden center
- Greenhouses
- Outdoor plant display and storage
- Sport court
- Single-family residence*
- Maximum of three (3) elevated fuel tanks within an enclosure
- All other uses allowed within the Retail Zoning District

*Existing home on 1863 Keller Pkwy. to be allowed to be used for residential purposes for no longer than nine months from PD approval date.



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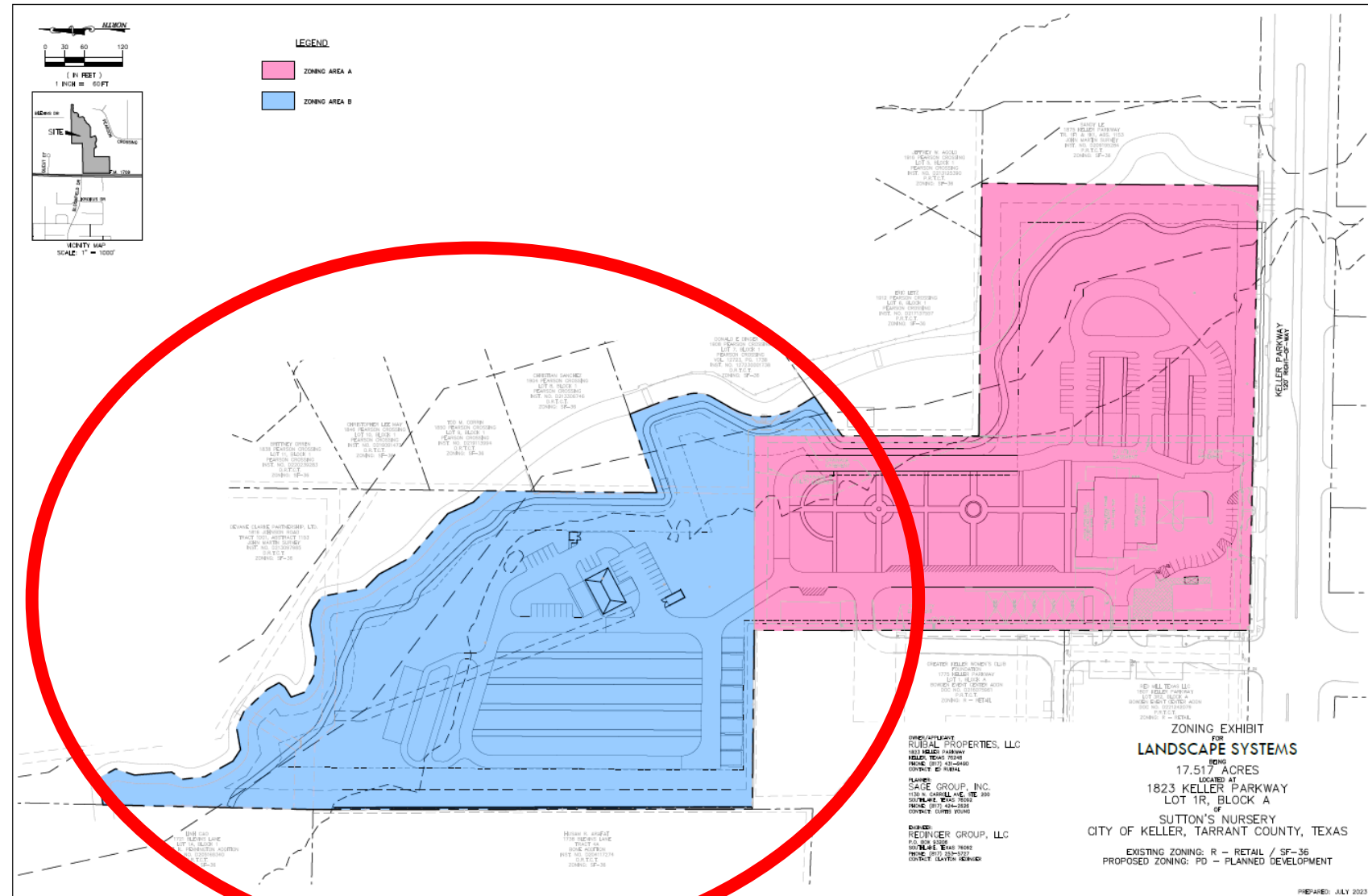
Proposed Zoning:

Planned Development – Retail
with two separate zoning areas

Zoning Area B will include:

- Landscape contractor yard and wholesale plant material maintenance
- Staging
- Shop
- Storage
- Loading area

The proposed development standards state that no Retail uses shall be located in Zoning Area B.



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Future Land Use Plan (FLUP):

Current Future Land Use Plan (FLUP) Designation: Low-Density Single Family - 36,000 S.F. lots and above (LD-SF) and Retail/Commercial (RTC)

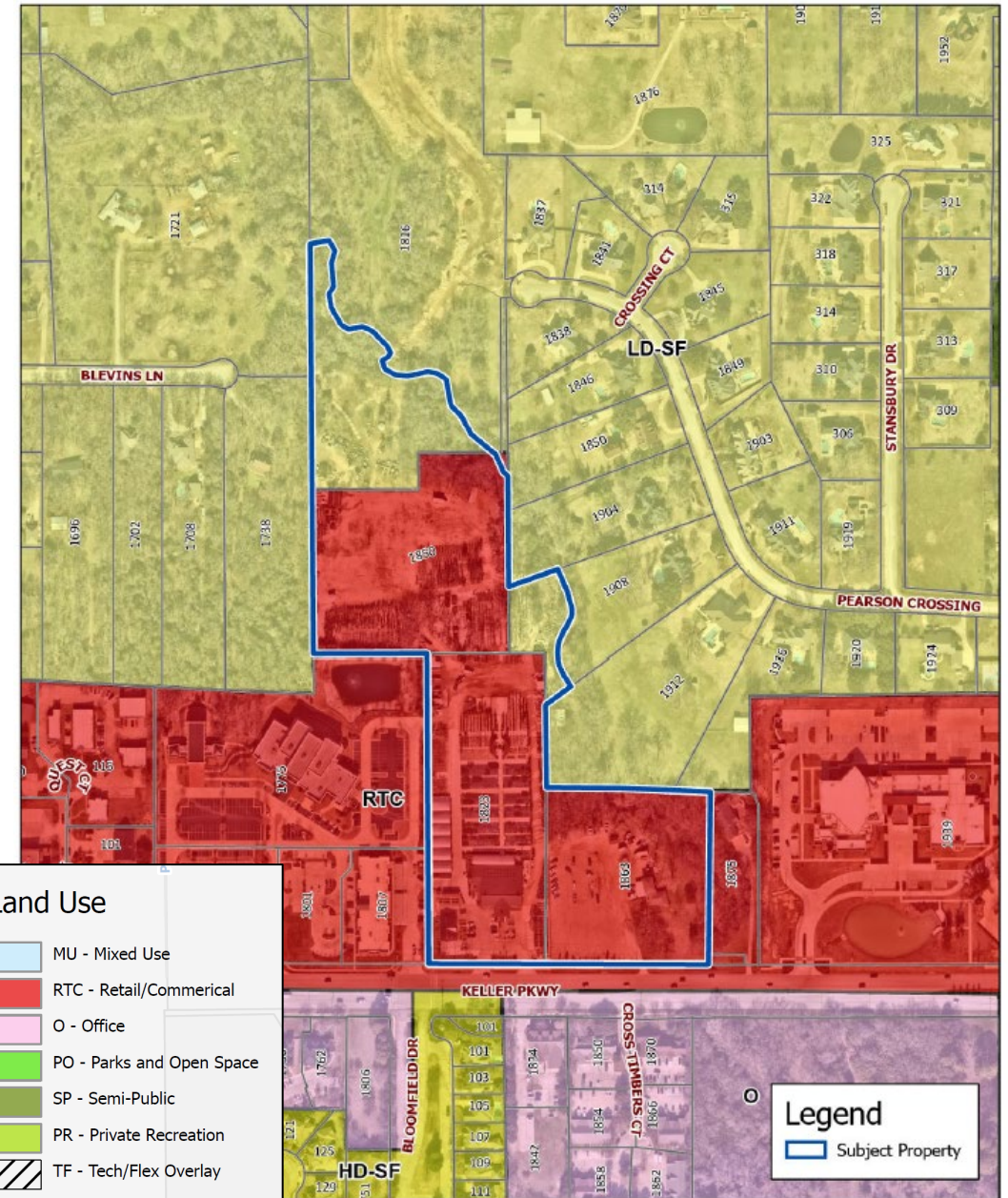
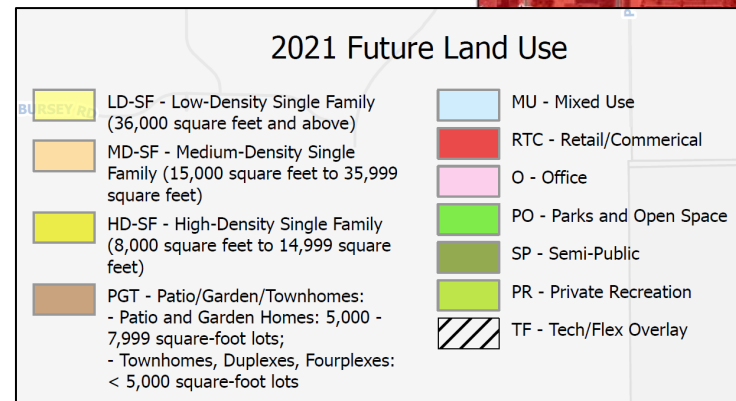
Surrounding Land Uses:

North: LD-SF

South: Office and High-Density Single-Family - 8,000 to 14,999 square-foot lots (HD-SF)

East: LD-SF and Retail/Commercial (RTC)

West: LD-SF and RTC



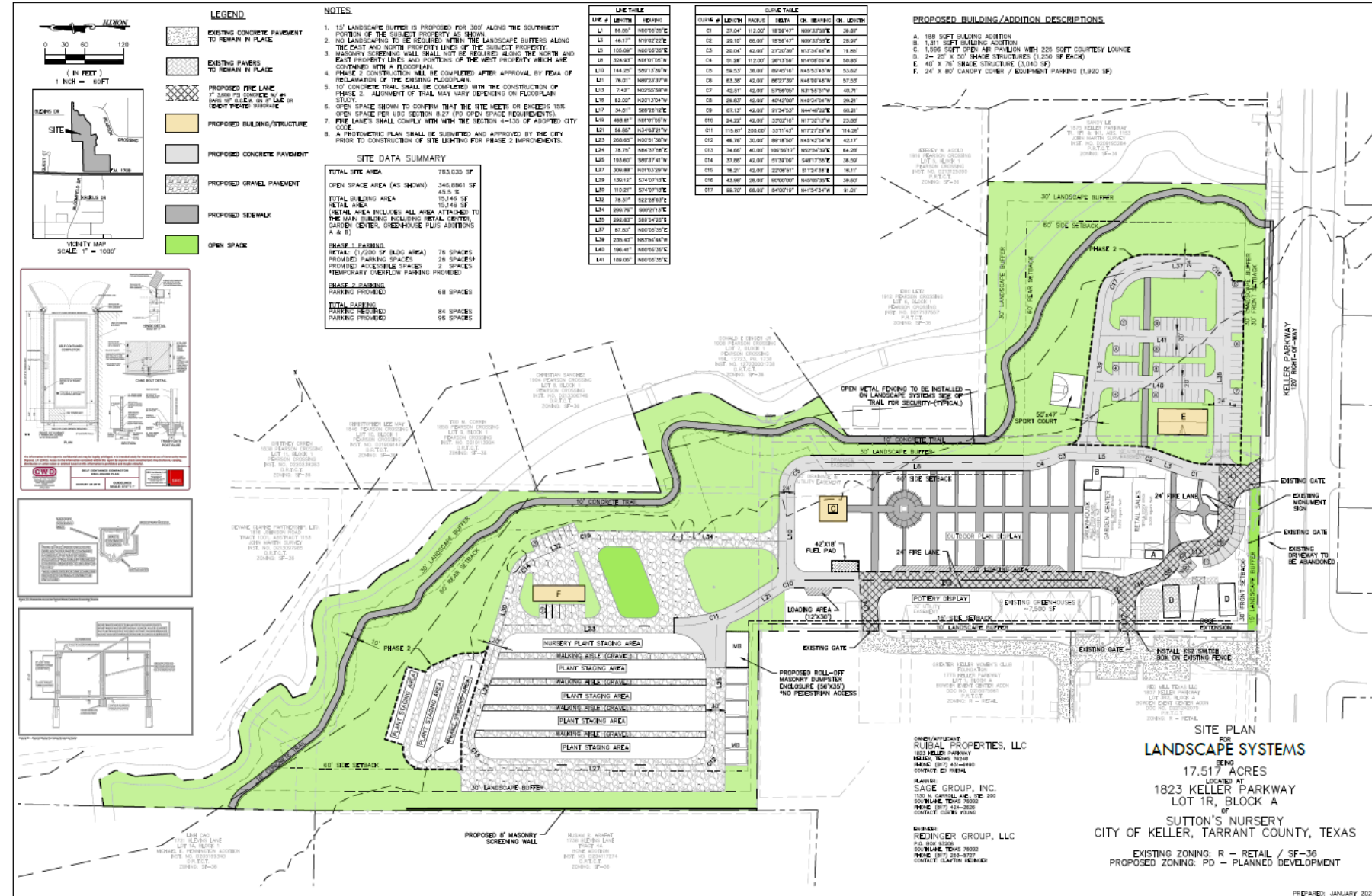
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Setbacks:

Front yard: 30' (along Keller Parkway)

Side yard: 15' along west property line of Zoning Area A (shared property line with Altus/The Bowden); 60' for all other side setbacks

Rear yard: 60'

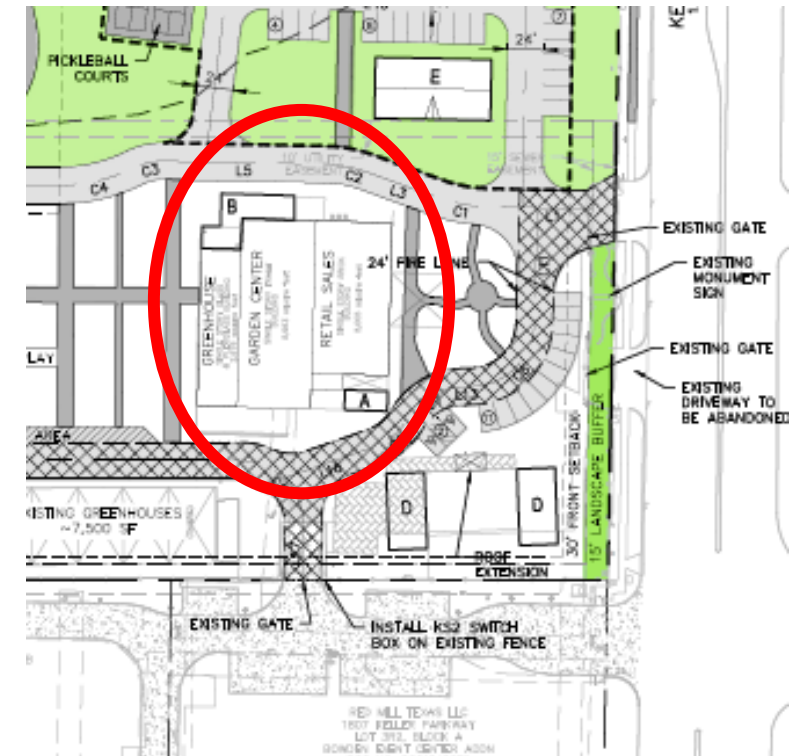


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Structures:

The guidelines for the Retail Zoning District (UDC Section 8.16) have no minimum structure size or maximum number of structures per lot.

The Applicant proposes one fully enclosed building with a maximum size of 20,000 square feet that will include the existing Retail Sales/Garden Center/Greenhouse building, which is 13,647 square feet. Proposed additions to the structure (A) 188 SF and (B) 1,311 SF (as shown on Exhibit B) bring the building total to 15,146.



Item H-7

Structures:

All other structures will be open-air/greenhouse structures and will not be fully enclosed:

(C) Open-air pavilion (1,596 SF) with courtesy lounge (225 SF)

(D) Shade structures located at the southwest corner of the property (two at 1,250 SF each)

(E) Phase II shade structure (3,040 SF)

(F) Canopy cover/equipment cover located in Zoning Area B (1,920 SF)

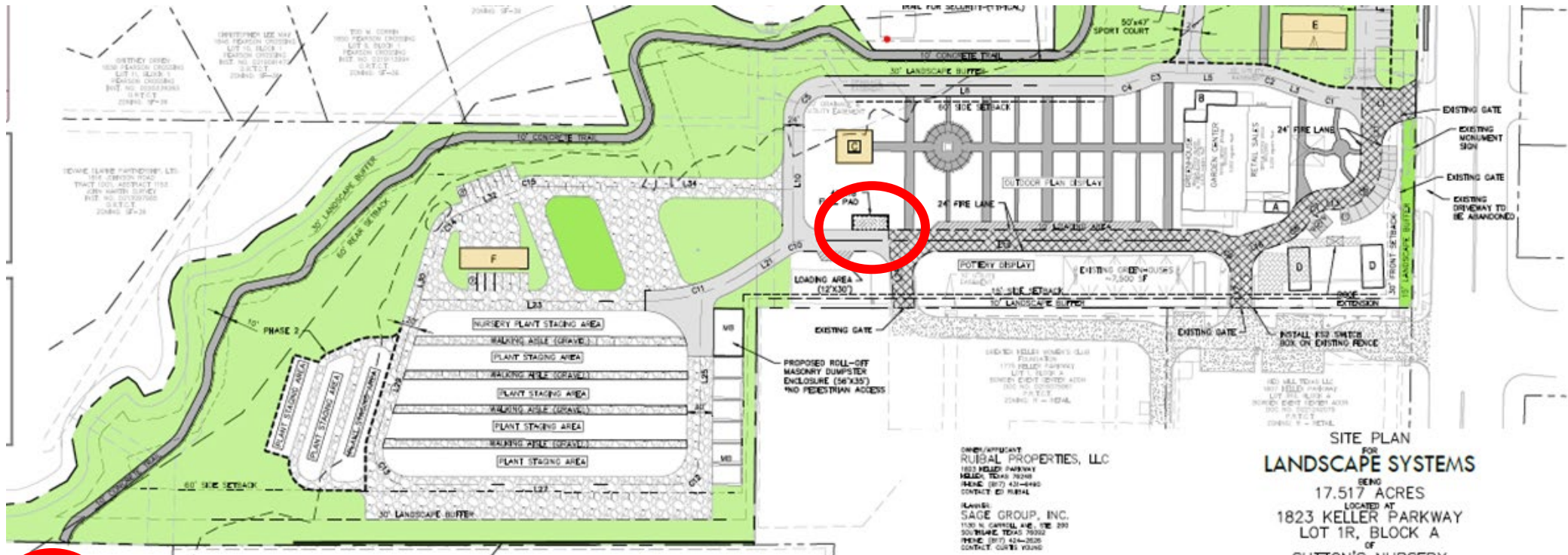
The Applicant also proposes to construct a Sport Court within Zoning Area A as part of Phase II.



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Fuel Tanks:

- The Applicant requests a maximum of 3 elevated fuel tanks, to be located within an enclosure on a 42' x 18' concrete pad.
- Above-ground tanks typically require a Specific Use Permit (SUP).
- Even if approved as part of the PD, the Applicant will have to go through a separate permitting and inspection process with the Fire Department for tank installation.



Proposed fuel tank location

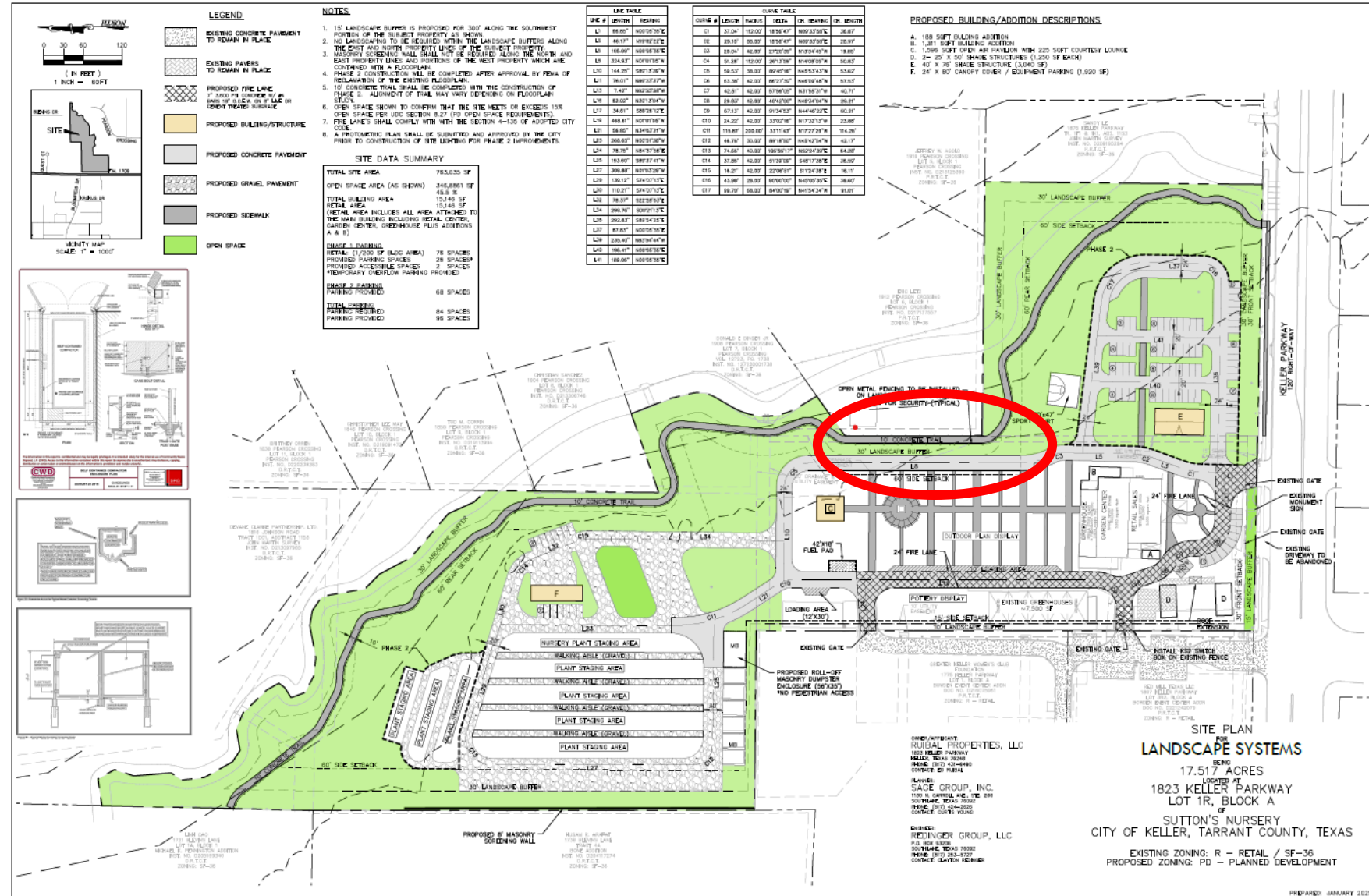
Fuel Tank example
images provided by
Applicant



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Open Space and Trail:

- UDC Section 8.27(I) requires all PDs to have a minimum of 15% open space.
- The proposed site plan includes 45.2% of the total site area in open space.
- UDC Section 7.01(5) gives City Council the authority to require trail construction in accordance with the Citywide Trail System Master Plan standards.
- The Applicant's site plan shows a 10-foot-wide trail with varying alignment along the eastern side of the property, to be constructed as part of Phase II.



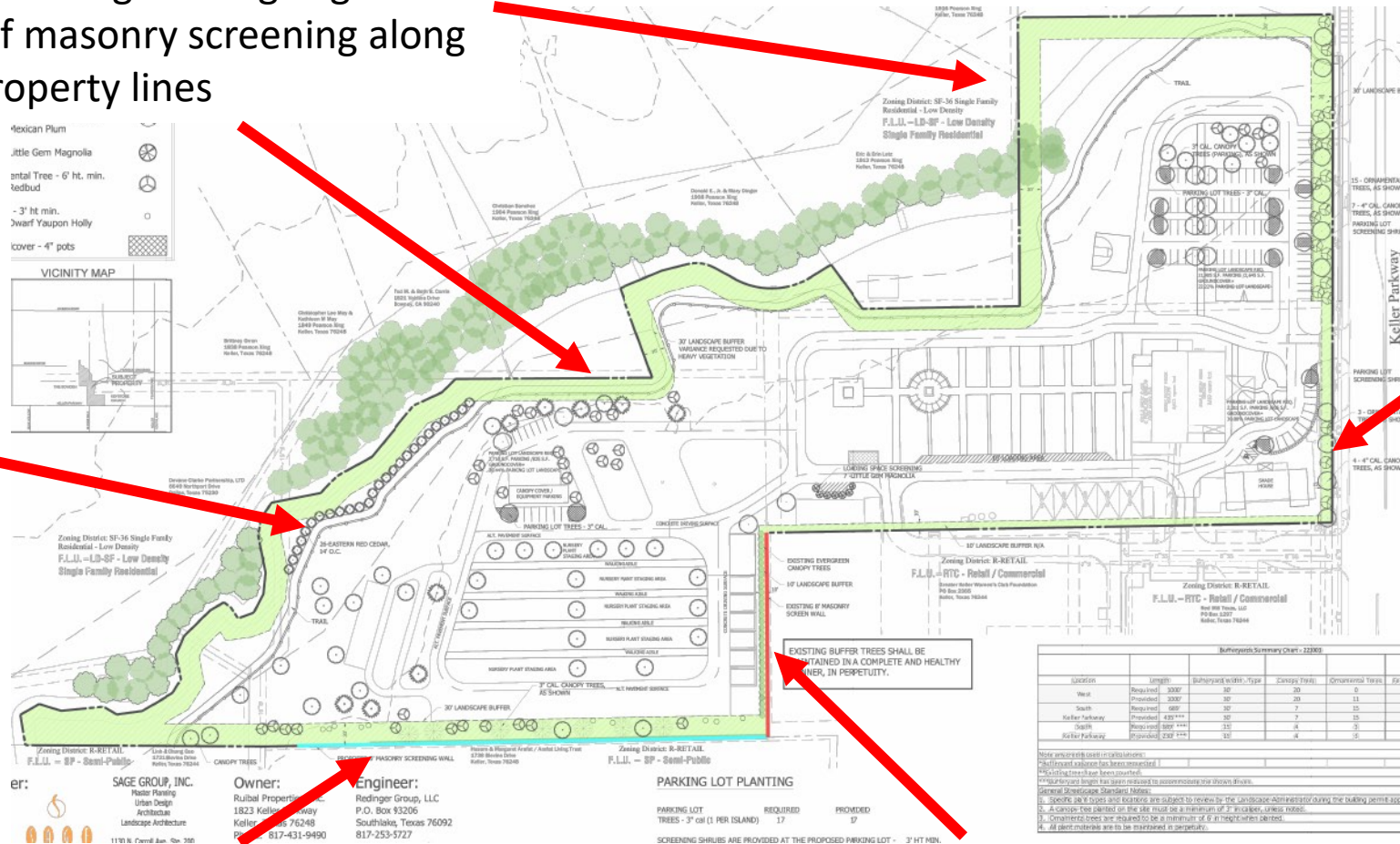
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Landscaping, Buffers, Screening and Fencing: Exceptions to Base Zoning of Retail

Applicant proposes utilizing existing vegetation along creek in lieu of masonry screening along all north and east property lines

Proposed 15' landscape buffer along Keller Pkwy. only for the section west of the main entry.

26 cedar trees to be planted (added since P&Z)



Masonry Screening – Recently Completed

Existing Masonry Screening and Evergreen Trees

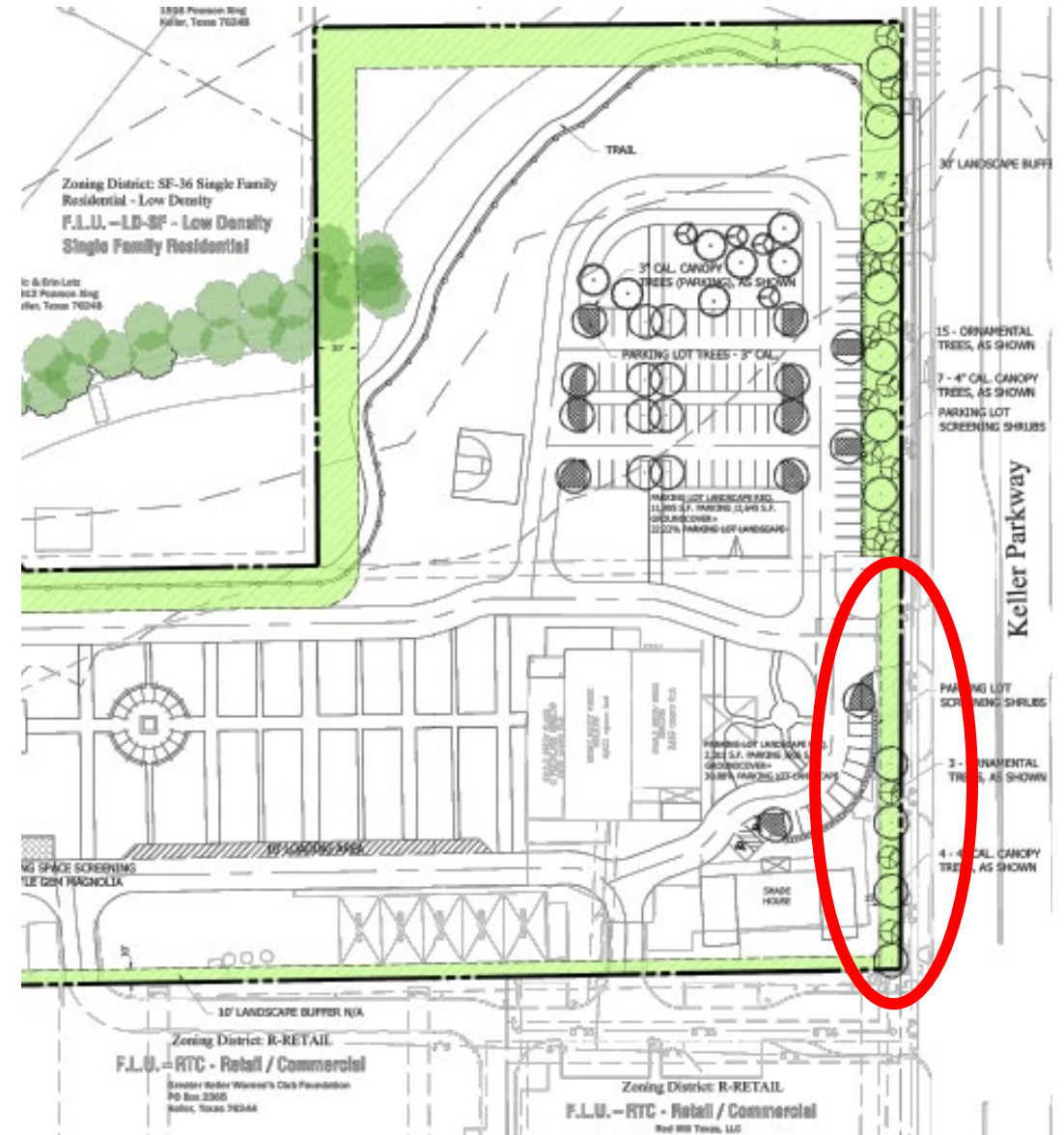
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Landscaping, Buffers, Screening and Fencing: Exceptions to Base Zoning of Retail

UDC Requirement: Section 9.03(F)(1)(a) requires a minimum 30' landscape buffer adjacent to all thoroughfares with four or more lanes as classified on the city's Thoroughfare Plan.

Proposed 15' landscape buffer along Keller Parkway, only for the section generally west of the main entry

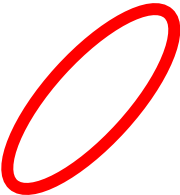
All other landscape buffer widths meet the Retail Zoning District standards.



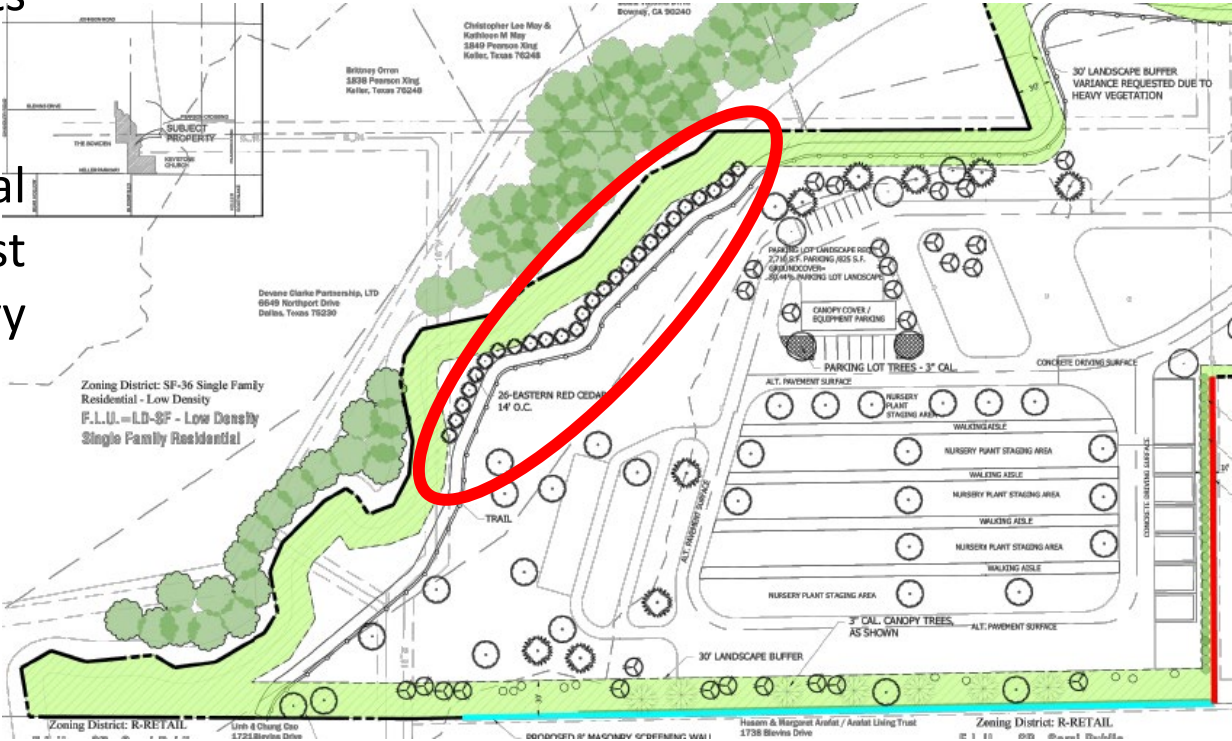
Landscaping, Buffers, Screening and Fencing: Exceptions to Base Zoning of Retail

UDC Requirement: Section 9.09(B) requires masonry screening walls between non-residential developments and single-family zoning districts.

The Applicant proposes no masonry wall or additional landscaping to be required along the north and east property lines (creek boundary) due to existing heavy vegetation.

 Row of 26 cedar trees to be planted

Images provided by Applicant:



Landscaping, Buffers, Screening and Fencing: Exceptions to Base Zoning of Retail

UDC Requirement: Section 9.09(B) requires masonry screening walls between non-residential developments and single-family zoning districts.

An eight-foot-tall masonry screening wall shall be required along the western boundary of Zoning Area B that the Applicant has already constructed.



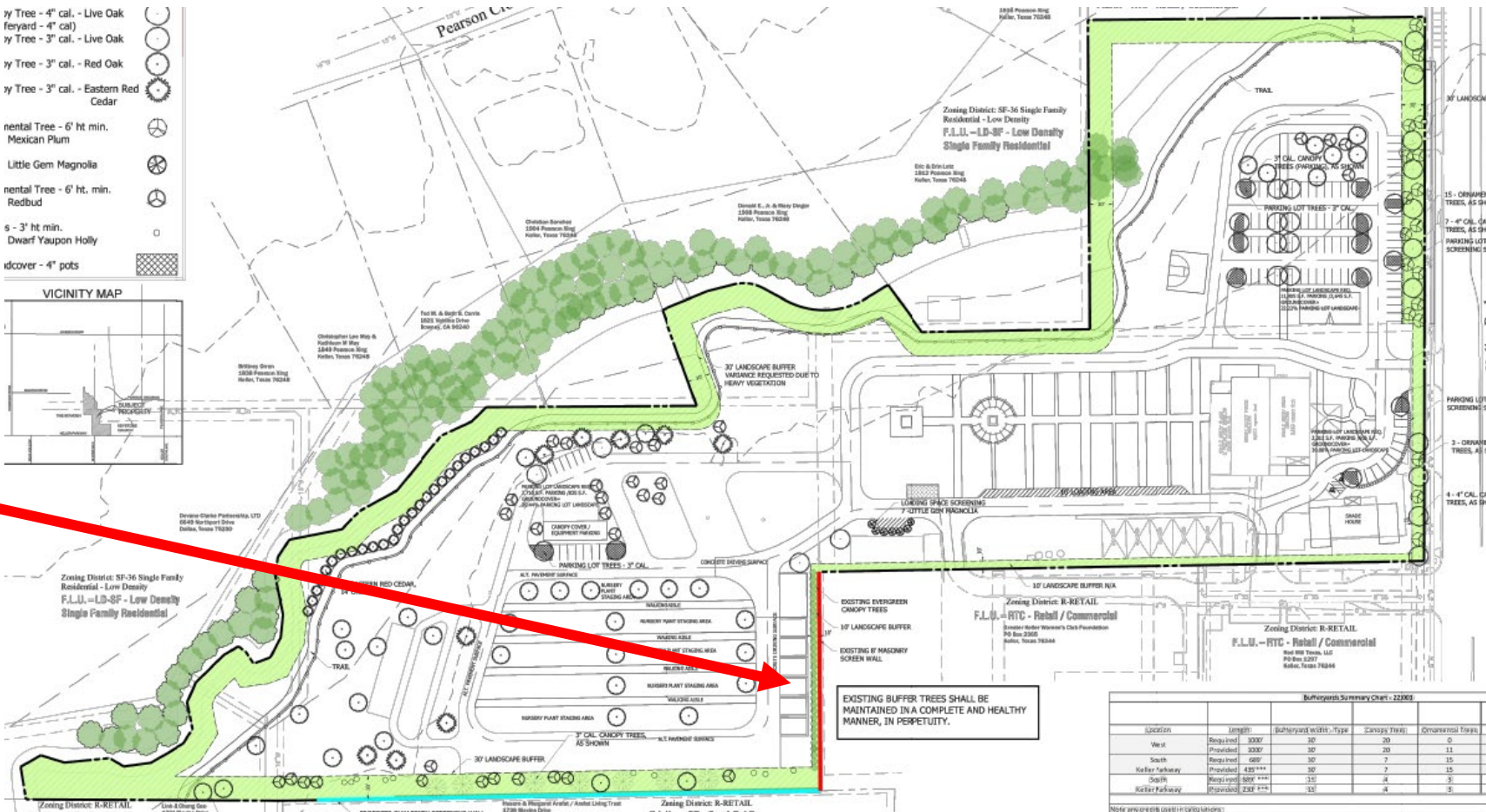
An eight-foot-tall masonry screening wall is already in place between Zoning Area B and The Bowden (constructed by The Bowden).



Landscaping, Buffers, Screening and Fencing: Exceptions to Base Zoning of Retail

UDC Requirement: Section 9.03(F)(2)(c) requires a minimum of three-inch caliper trees in all buffers not adjacent to thoroughfares.

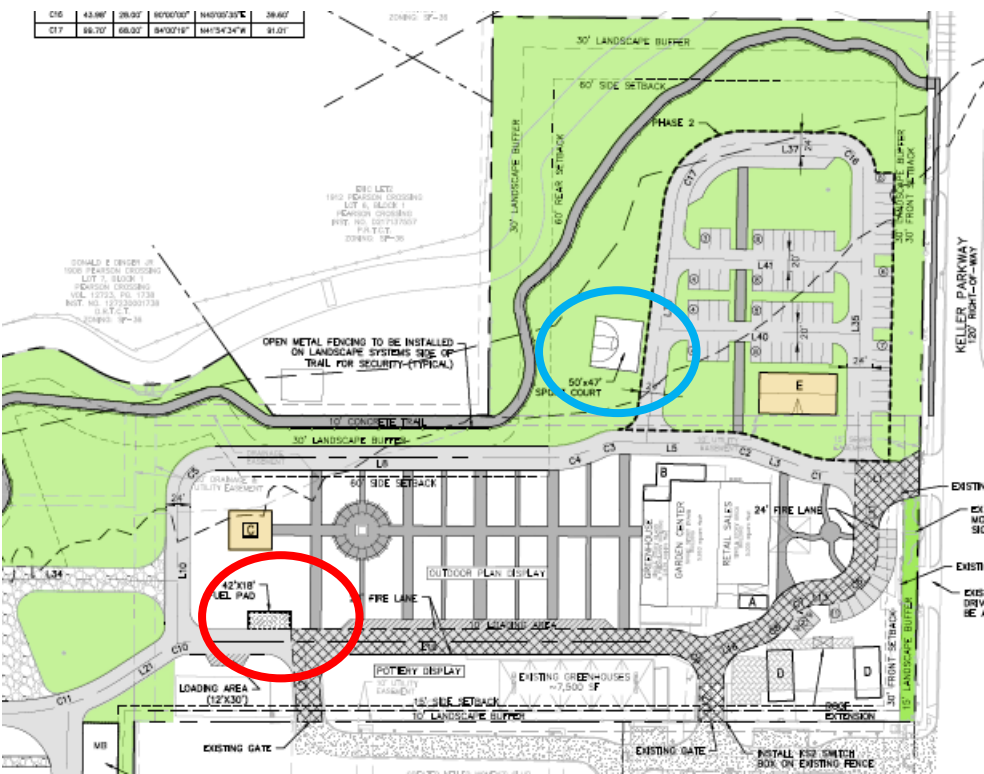
The Applicant proposes no new planting within the 10-foot buffer along the south and west property lines adjacent to PD-Retail and Retail zoning but has agreed to maintain the cedar trees installed along the southern boundary of Zoning Area B in perpetuity.



Landscaping, Buffers, Screening and Fencing: Exceptions to Base Zoning of Retail

UDC Requirement: Section 9.08(F) prohibits wooden or chain link fencing unless specifically requested on a site plan and approved by City Council

The Applicant proposes a 6-foot cedar fence to screen the elevated fuel tanks and possible chain-link fencing with mesh screening for the sport court.



 Fuel tanks  Sport court



Example sport court fencing

Landscaping, Buffers, Screening and Fencing: Exceptions to Base Zoning of Retail

UDC Requirement: Section 9.08(F) prohibits wooden or chain-link fencing unless specifically requested on a site plan and approved by City Council

The Applicant proposes to allow the existing wooden fencing along Keller Parkway to remain.



The Applicant intends to install open-style metal perimeter fencing along the trail (on the business side) for security purposes (added since P&Z).



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Parking

- The parking ratio for retail is 1 space per 200 square feet of gross floor area (UDC Section 9.02), bringing the total parking requirement to 76 spaces plus accessible spaces.
- The Applicant intends to provide 26 spaces plus temporary overflow parking on the eastern-most lot during Phase I.
- In Phase II, 68 spaces will be constructed, which will include eight spaces required by the sport court.
- Full total required spaces (both phases combined): **84 spaces**
- Total spaces provided (after Phase II construction): **96 spaces**



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Roadway Access:

The Applicant will remove one drive off Keller Parkway and continue to utilize the existing access point along the western property line. No other access points or roadway improvements are proposed.



Existing Drives off Keller Pkwy.



Proposed Single Drive off Keller Pkwy.

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Lighting:

The Applicant submitted a photometric plan and intends to meet all UDC requirements for site and building-mounted lighting, which shall be illuminated dusk – dawn.

An updated photometric plan will be required before the start of construction of Phase II.

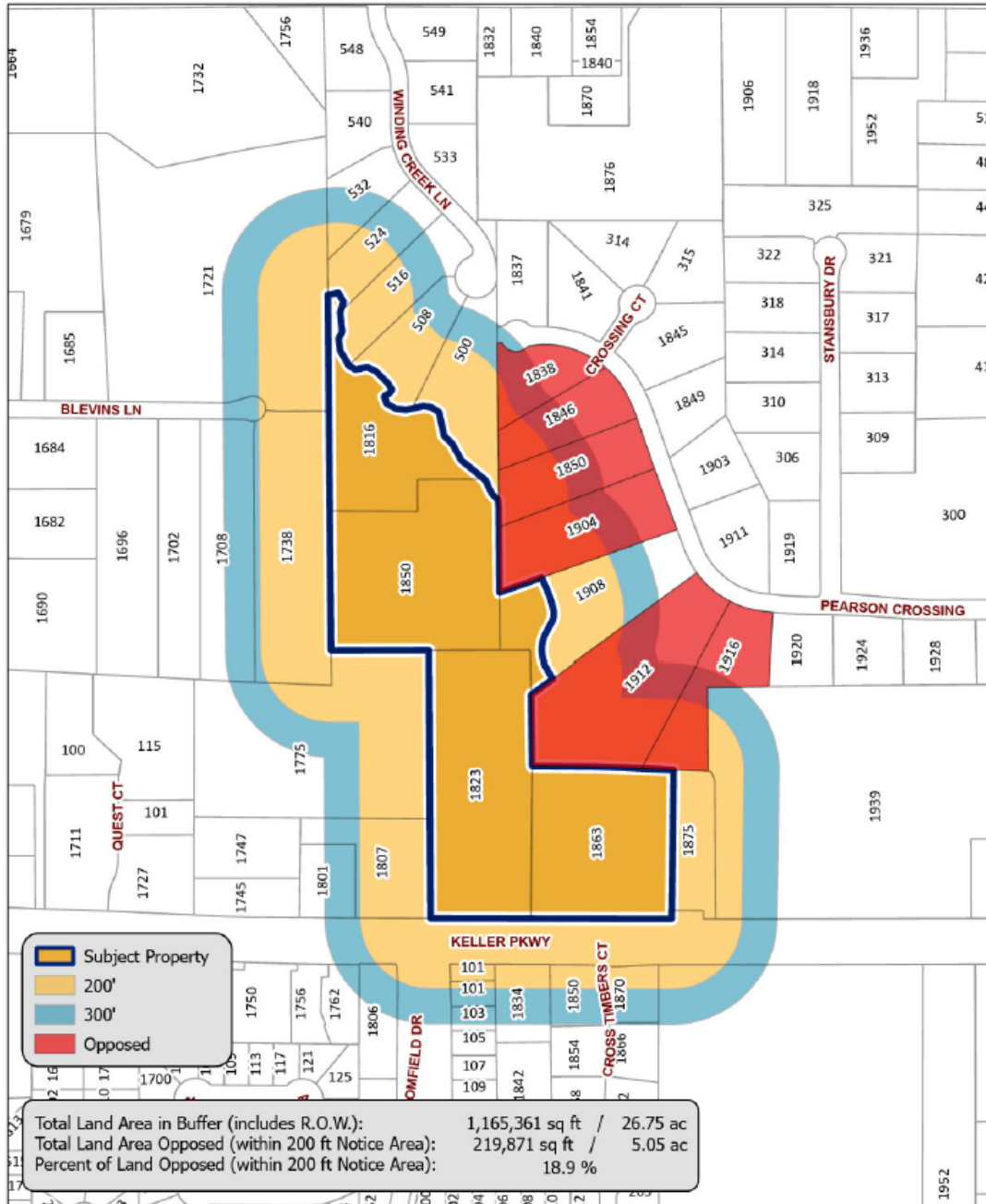
Hours of Operation:

The facility will operate between the hours of 7 a.m. and 7 p.m. (updated since P&Z). These hours include staff operations, hours the business is open to the public and delivery hours.



Lighting example provided by
Applicant

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- On May 15, 2025, the City mailed 36 letters of notification for this Public Hearing to all property owners within 300' of the site. A public hearing notice sign was also posted.
- Staff has received written letters of opposition from 6 properties within the 200' buffer, along with several other letters and emails with comments about the project. All public feedback is included in the agenda packet.
- Opposition within the 200' buffer is 18.9%, so the supermajority vote has not been triggered.

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Planning and Zoning Commission Recommendation:

At the May 27, 2025, Planning and Zoning Commission meeting, Commissioners recommended approval of the proposed Planned Development by a vote of 6-1, with the following conditions:

1. Change in hours of operation to 7 a.m. – 7 p.m.
2. Relocation of the dumpster enclosure so that it does not encroach on any setbacks
3. Removal of pickleball courts

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Section 4.03 (A) of the UDC states that when considering an amendment to the zoning regulations or zoning change request, the Planning and Zoning Commission and City Council shall consider the following factors:

1. Appropriateness of all the uses permitted by the proposed change for the immediate area concerned, and the relationship of the proposed uses to the general area and to the City as a whole.
2. Agreement of the proposed change with any existing or proposed plans for providing streets, water supply, sanitary sewers, and other utilities to the area.
3. The amount of vacant land currently classified for similar development in the City, and any special circumstances that may make a substantial part of such vacant land unavailable for development.
4. The rate at which land in the same zoning classification has recently been developed, particularly in the vicinity of the proposed change.
5. Effect on other areas designated for similar development if the proposed amendment is approved.
6. Conformity with the goals and objectives for future developments within the Future Land Use Plan for the City of Keller.
7. Any other factors which will substantially affect the health, safety, morals or general welfare of the citizens of the City of Keller.

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The City Council has the following options when considering a Planned Development Zoning Change application:

- Approve as presented (with P&Z conditions addressed)
- Approve with modifications or conditions
- Table the agenda item to a specific date with clarification of intent and purpose
- Deny



**Questions?
Sarah Hensley
817-743-4130**