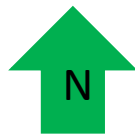
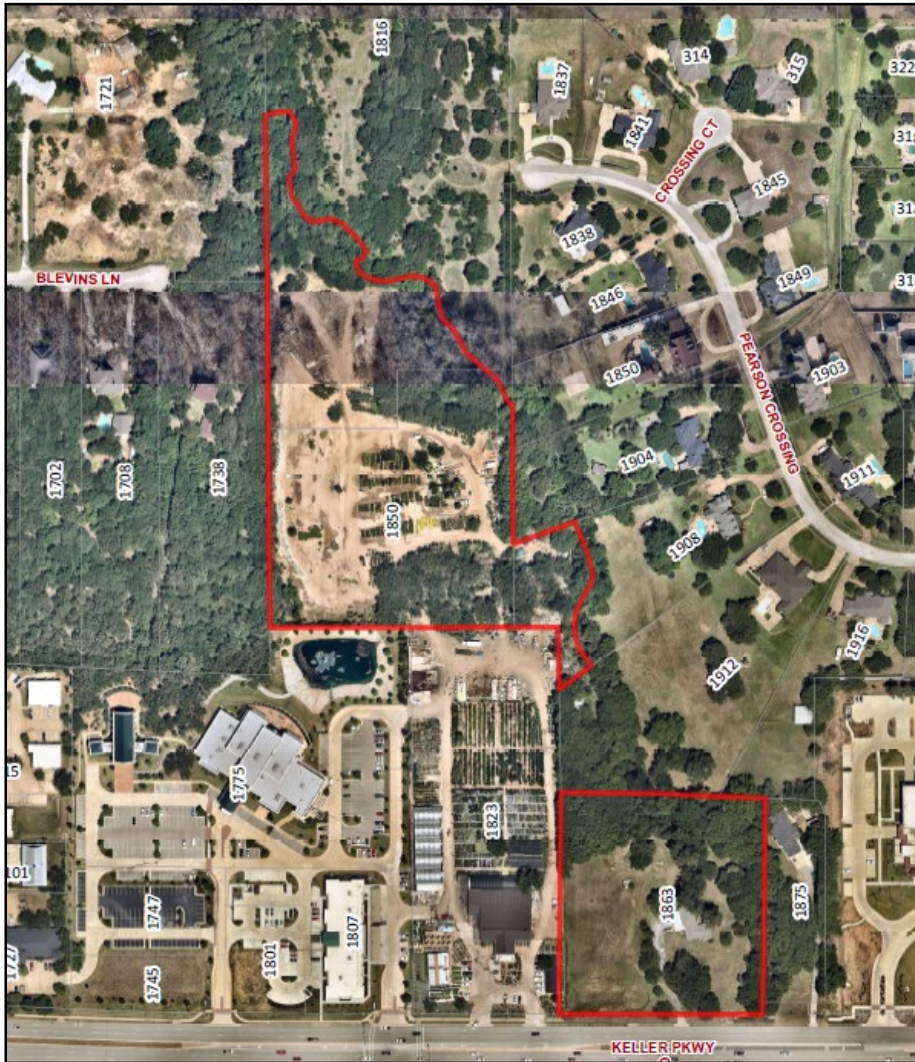


Item H-3

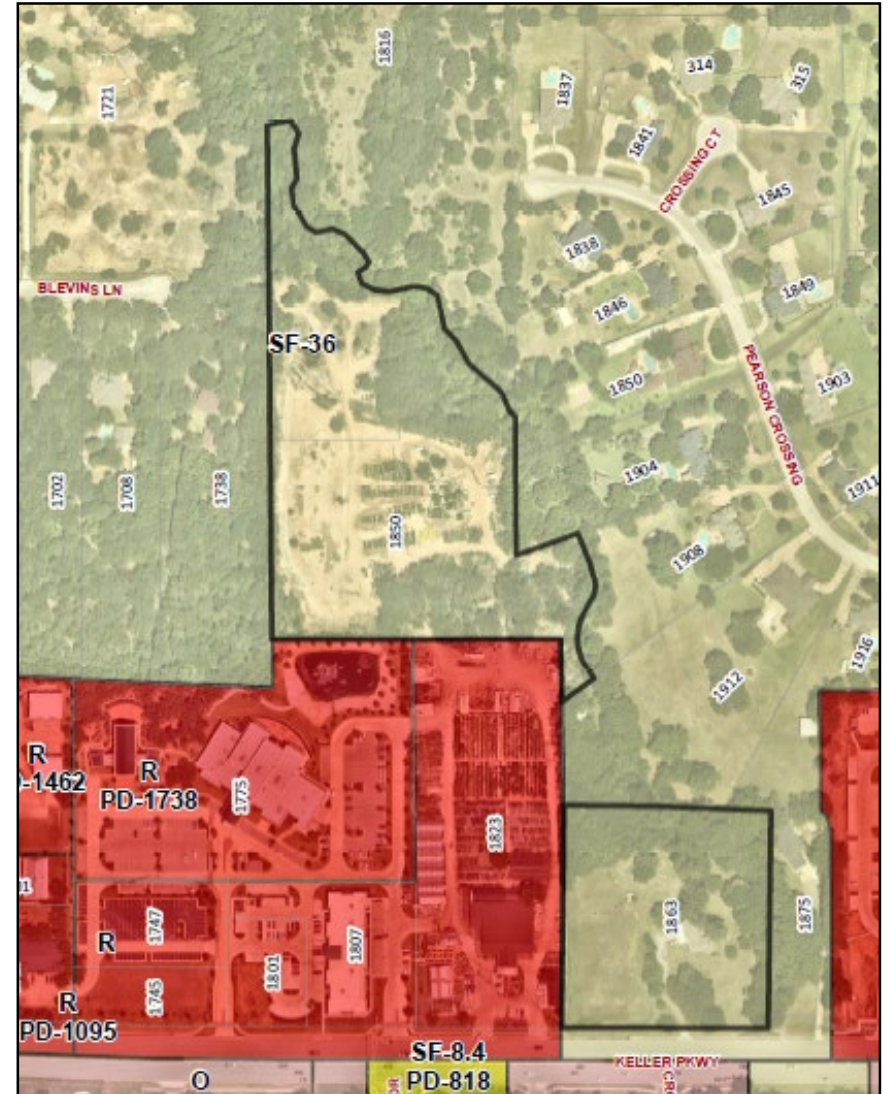
PUBLIC HEARING: Consider an ordinance approving a rezone from Single Family - 36,000 square-foot minimum lot size (SF-36) to Retail (R), for approximately 16.62 acres, legally described as Tract 1D01B and Tract 1D01A1 of the John Martin Survey, Abstract 1153 (account # 42818999 and 42819014), a portion of Lot 7, Block 1, Pearson Crossing, and Tract 1F, Abstract 1153 (account #: 04069838) of the John Martin Survey, and addressed as 1816 Johnson Road, 1850 Pearson Crossing, 1908 Pearson Crossing, and 1863 Keller Parkway. Ed Ruibal, Landscape Systems, Applicant/Owner; Don Dinger, Owner. James Neill, Owner (Z-22-0001)

Item H-3 Aerial Map

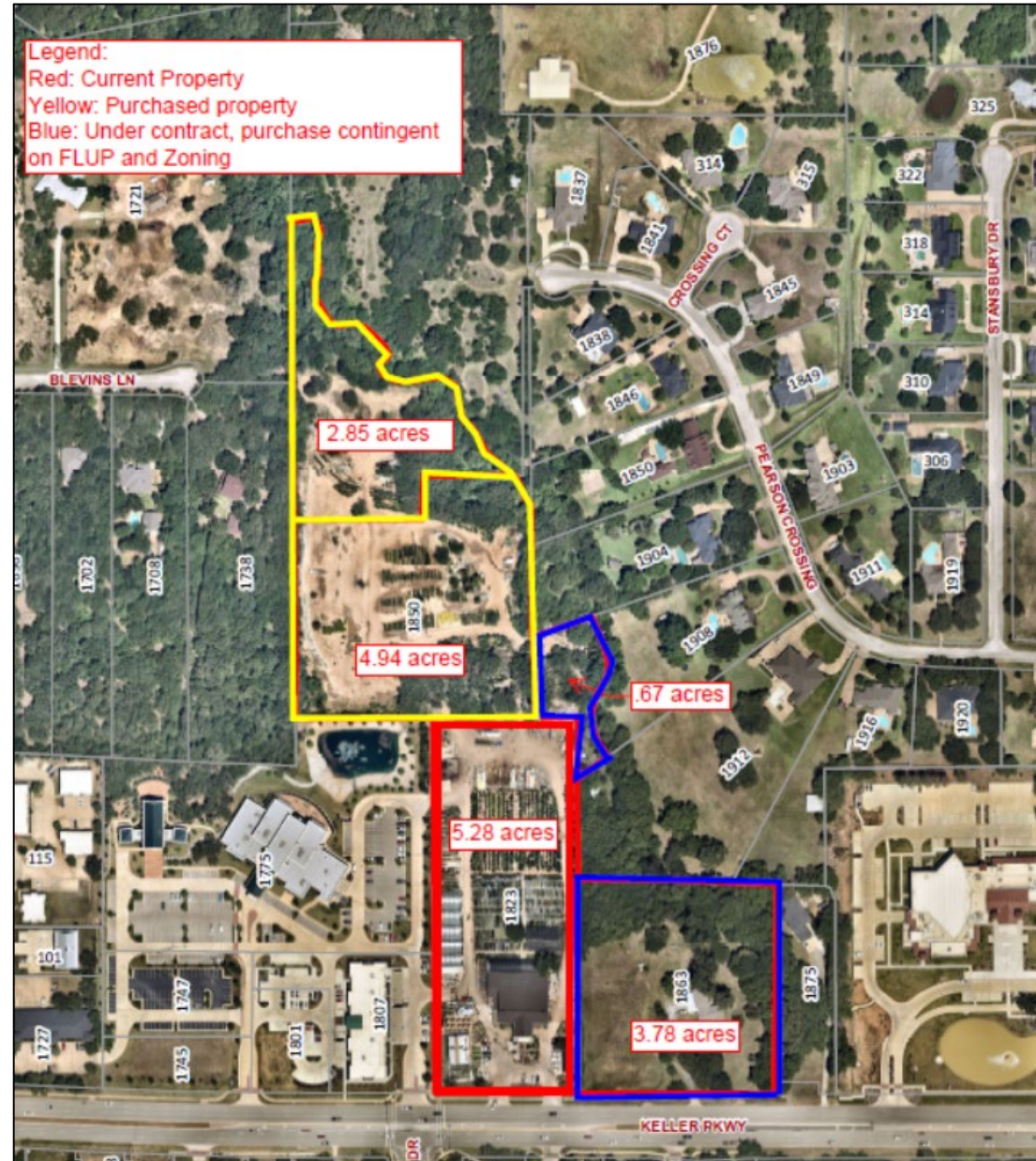


Zoned:
R

Item H-3 Zoning Map



Item H-3



Item H-3

Surrounding Zoning Designation and Uses:

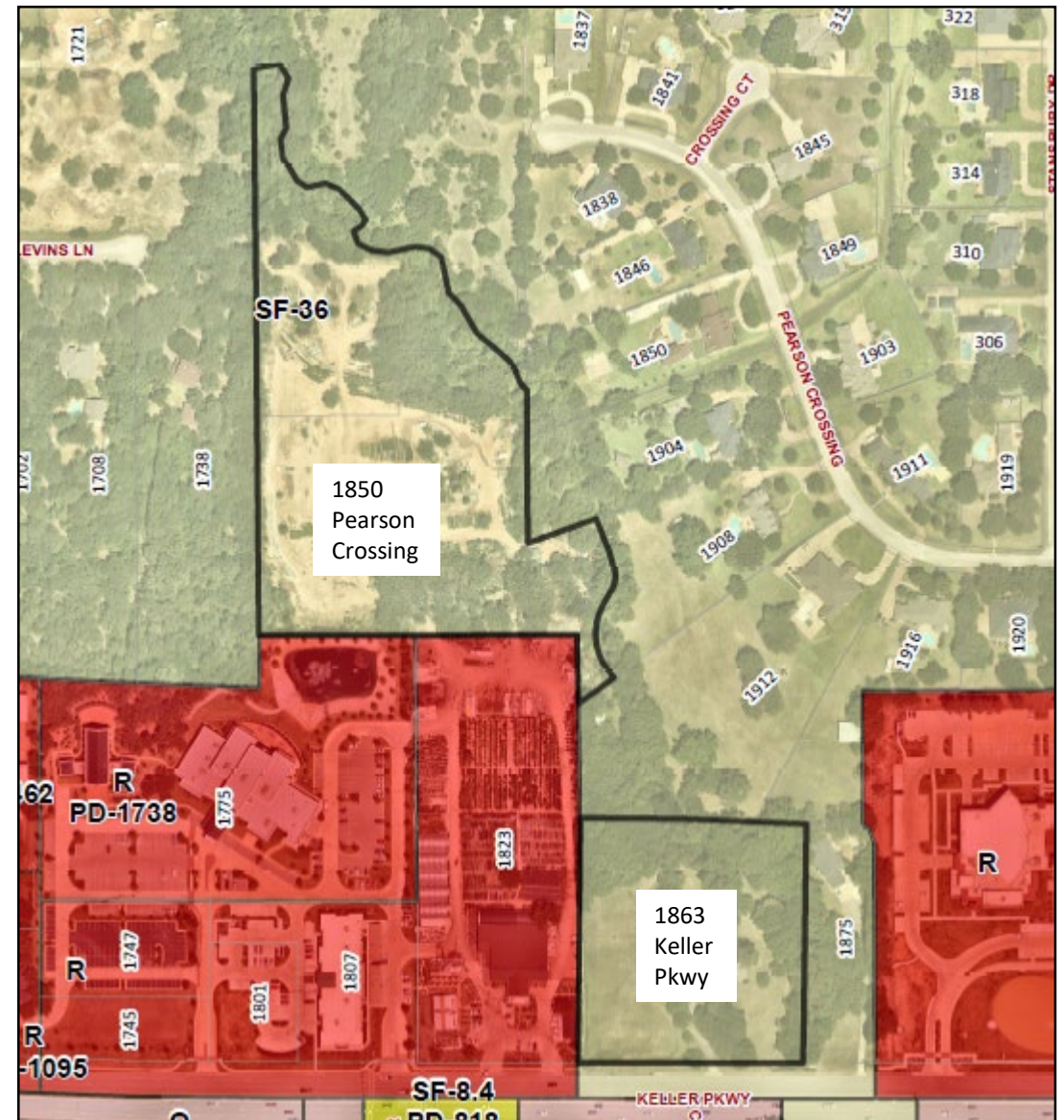
North: Single-Family 36,000 square-foot lot or greater (SF-36)

South: Planned Development - Retail (PD-R): Bowden Event Center and Altus Retail (R); and Office (O): several medical offices; Planned Development #1463: SF-36

East: Single Family - 36,000 square-foot lot or greater (SF-36)

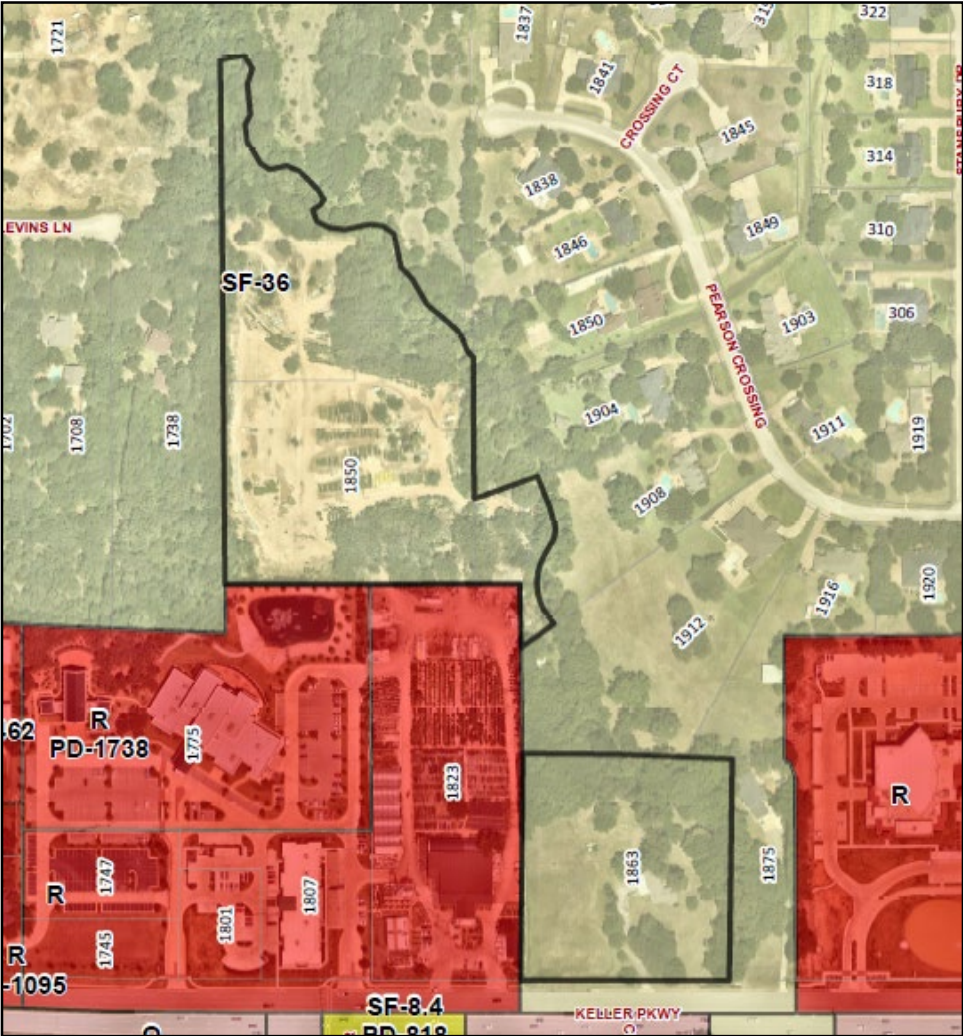
West of 1850 Pearson Crossing: Single-Family 36,000 square-foot lot or greater (SF-36)

West of 1863 Keller Pkwy: Retail

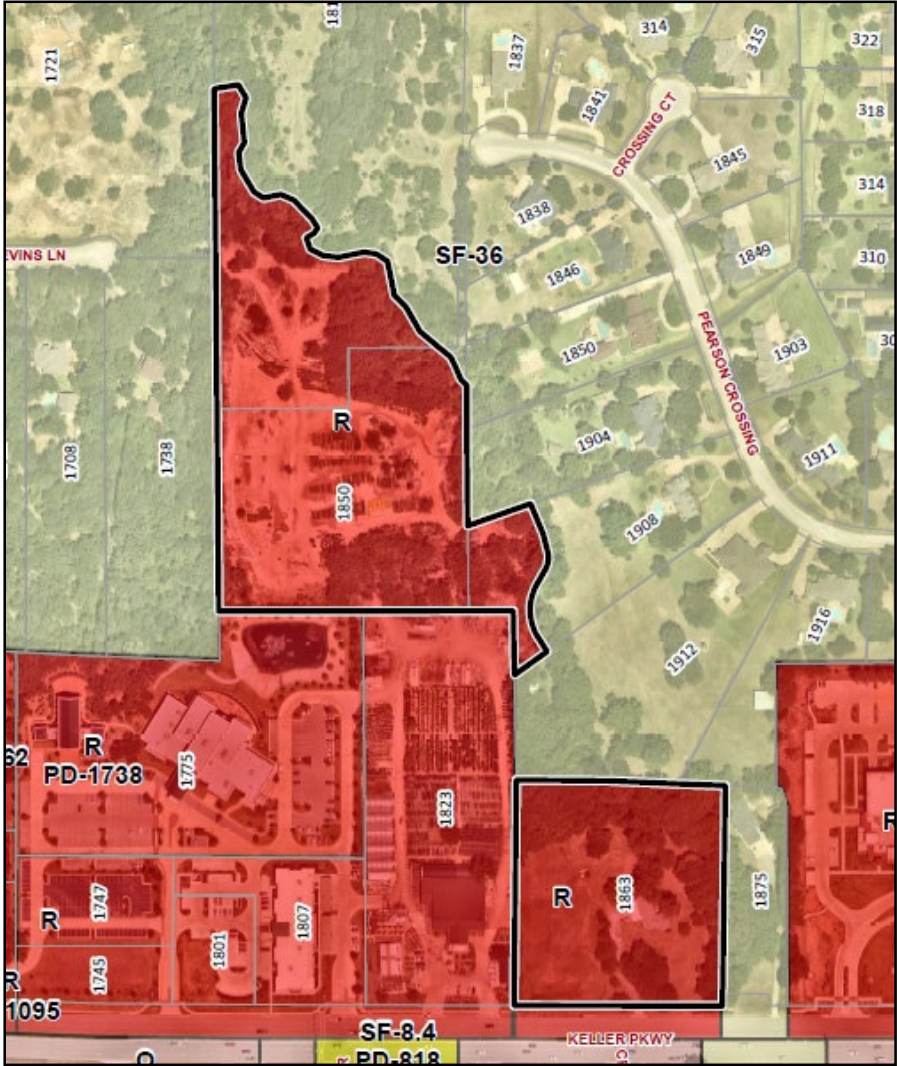


Item H-3

Current Zoning Designation:
SF-36 (36,000 square-foot lots or greater)

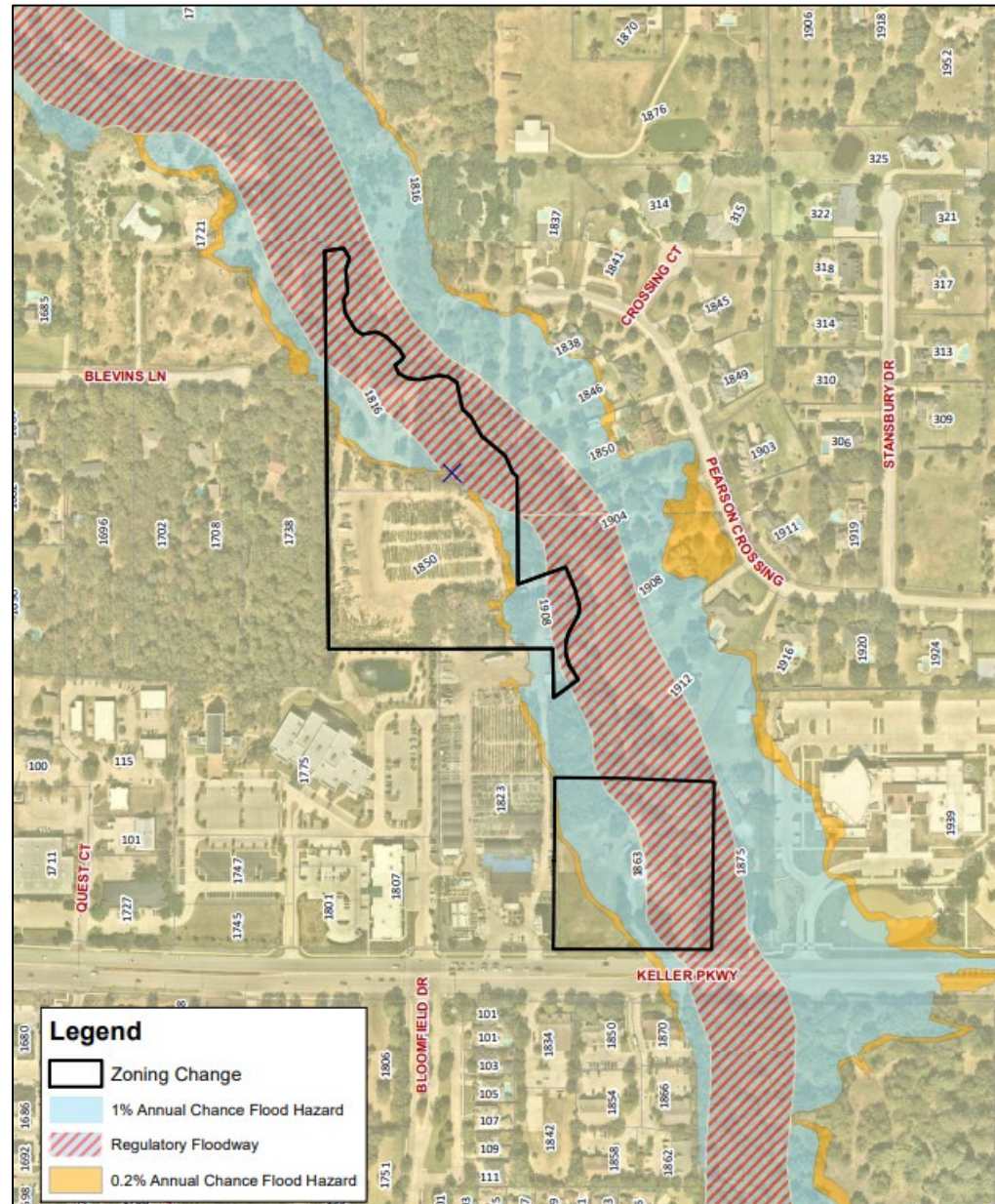


Proposed Land Use Designation:
Retail



Item H-3

Extent of Floodplain



Item H-3

The Applicant is requesting to rezone from SF-36 to Retail to accommodate the expansion of his landscape businesses. Nurseries, greenhouses, and outside storage/display are allowed in the Retail Zoning District with SUPs. The SUPs will be considered as a separate item on this agenda.



Item H-3

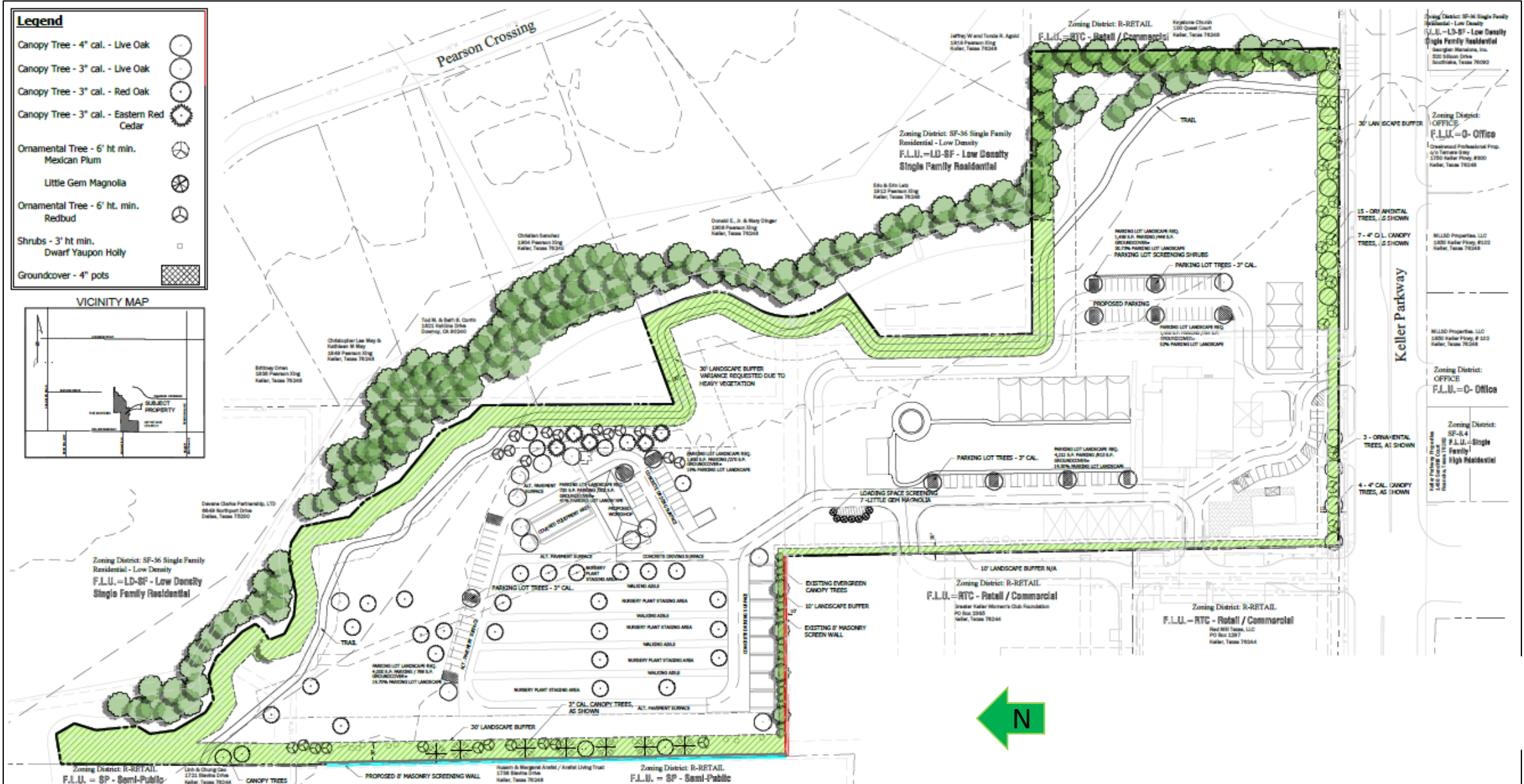
The Planning and Zoning Commission conducted the public hearing for the rezone request on June 28, 2022 and heard concerns from the surrounding neighbors regarding noise, dust, parking, and what uses are permitted in the Retail Zoning District. The Commission tabled the request so the Applicant could work through the neighbors' concerns and also requested the Applicant submit his Specific Use Permit (SUP) and Site Plan so they could be considered on the same agenda as the rezoning request.

Item H-3

If the rezoning request, SUPs, and Site Plan amendment are approved, the Applicant plans to add:

- Parking (customer, employee, and equipment)
- Plant and landscaping material storage
- Expansion of outdoor displays
- Two greenhouses
- An outdoor help desk
- Eight mulch bins
- A 3,600 SF metal workshop facility (1,200 SF to be utilized for furniture manufacturing and the remainder for equipment maintenance)
- A 2,700 SF covered equipment parking area

Item H-3



Excellence • Integrity • Service • Creativity • Communication

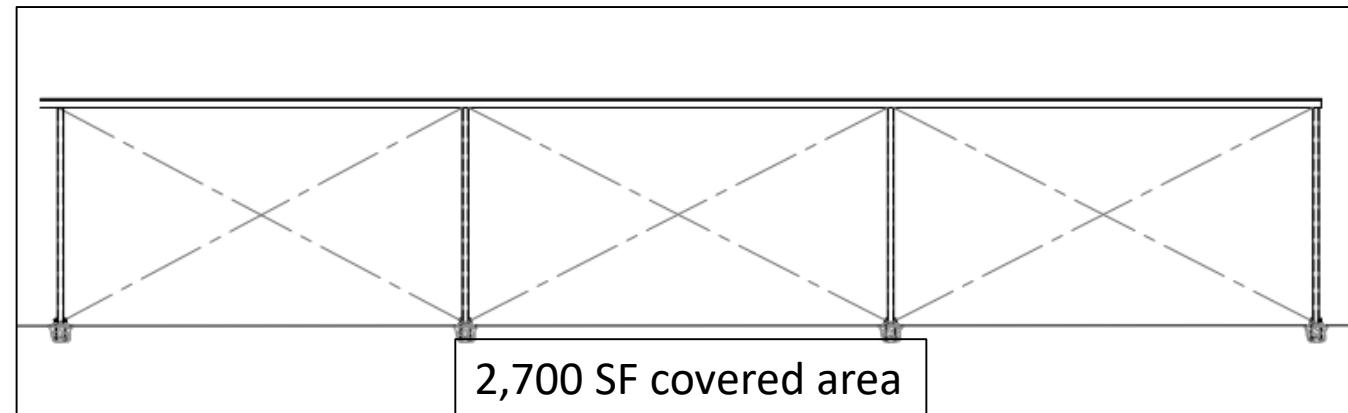
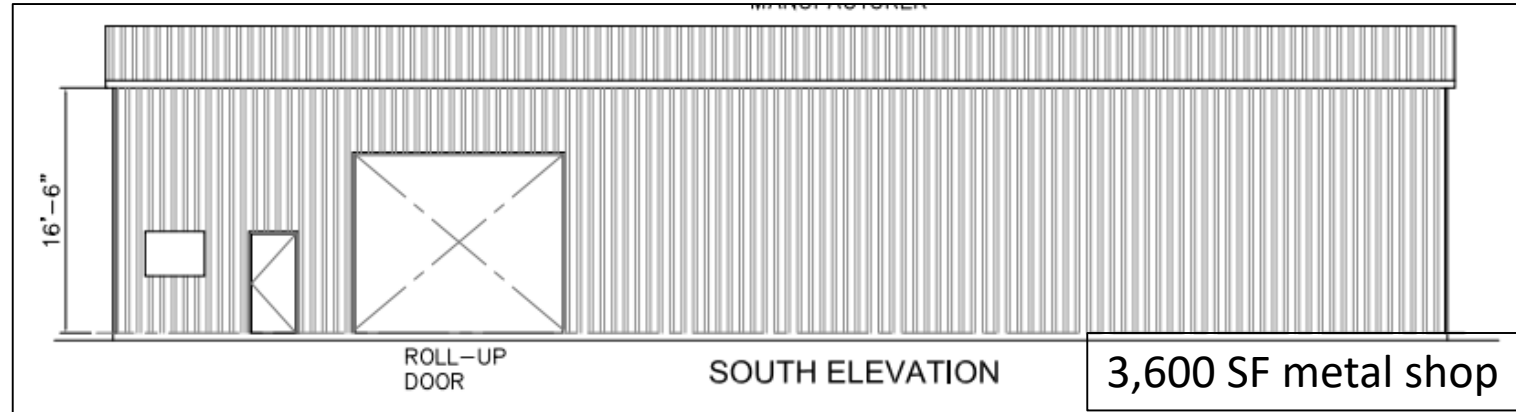
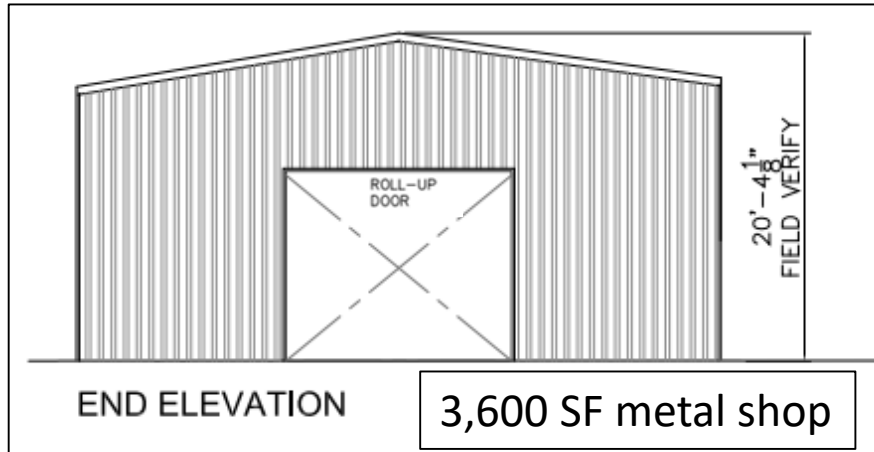
Item H-3

Elevations of the greenhouses proposed located behind the retail/office design center and Keller Parkway:



Item H-3

Metal building and metal covered parking area elevations:



Item H-3

Administrative, professional or corporate office	P
Antenna: radio, TV, relay, microwave, or telecommunications (over 50 ft.)	SUP
Appliance Rental	SUP
Athletic stadium or field operated by the city or school district	P
Automobile electric charging station	P
Automobile parts retail sales wholly enclosed in a building	SUP
Automobile sales	SUP

Brewery with retail sales on and off premise	P
Brewery with entertainment inside or outside	SUP
Building material and hardware	P
Child Care (Center)	P
College, university or private boarding school	P
Community center	P
Copy shop or printing shop	P
Dance studio or aerobics center	P
Distillery	SUP
Distillery with 1,500 square-foot tasting room	P
Driving School	SUP
Dry cleaning (small shop) in a multi-use building	P
Dry cleaning free-standing building	SUP
Entertainment Facility (Indoor)	SUP
Fitness Center/Health Club	P
Fraternal clubs, lodges, sororities, and fraternities, etc.	P
Greenhouses and nurseries (commercial retail)	SUP
Grocery store or food market	SUP

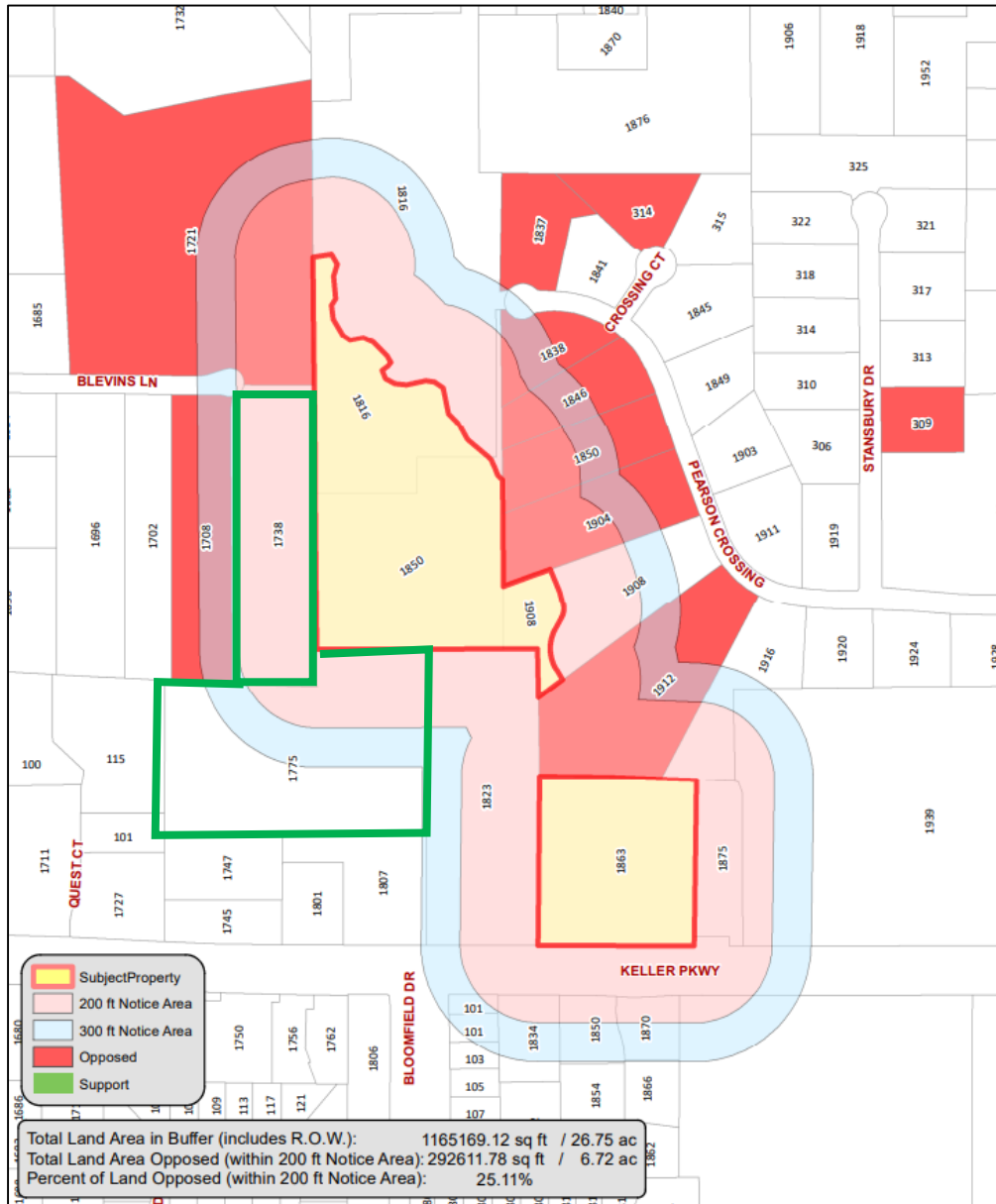
Public Parking Garage associated with a building	SUP
Radio broadcasting without tower	SUP
Religious institution	P
Restaurant, café, cafeteria	P
Restaurant with Drive-thru/Drive-in	SUP
Retail sales of CHP, tobacco, e-cigarettes or non-traditional smoking-related products	SUP
Retail uses and services wholly enclosed within a building	P
Sales of used goods and merchandise	SUP
School, Private	P

Tool and machinery rental shop	SUP
Utility structures (Private or Franchised)	SUP
Utility structures (public)	P
Vehicle or car wash	SUP
Veterinarian Clinic	P

Retail Zoning District Uses*

*Partial list

Item H-3



- On June 16, 2022, the City mailed 28 Letters of Notification for this Public Hearing to all property owners within three-hundred feet (300') of the subject site. A public hearing notice sign was posted on the site.
- As of Dec. 6, 2022, staff has received 10 opposition letters/emails regarding the Zoning change request at 25.11%, triggering the supermajority voting requirement to pass a motion (6 of 7 City Council Member votes).

Item H-3

Planning and Zoning Commission Recommendation:

During the Persons to be Heard portion of the Nov. 8, 2022 Planning and Zoning Commission meeting, the residents at 1738 Blevins and the President of the Bowden, Inc. spoke and withdrew their opposition based on the Applicant's proposed site plan and willingness to address their concerns. Four residents from Pearson Crossing spoke in opposition and expressed concern with the noise and continuous work on the site (north of 1823 Keller Pkwy.).

The Planning and Zoning Commission recommended approval of the zoning change request as submitted by a vote of 6-1 (Alvarado). In addition to noting the Applicant's willingness to work with their neighbors, including adding evergreen trees between the shop building and Pearson Crossing, the Commission noted that the tract was essentially landlocked and would be difficult to develop as a single-family subdivision.

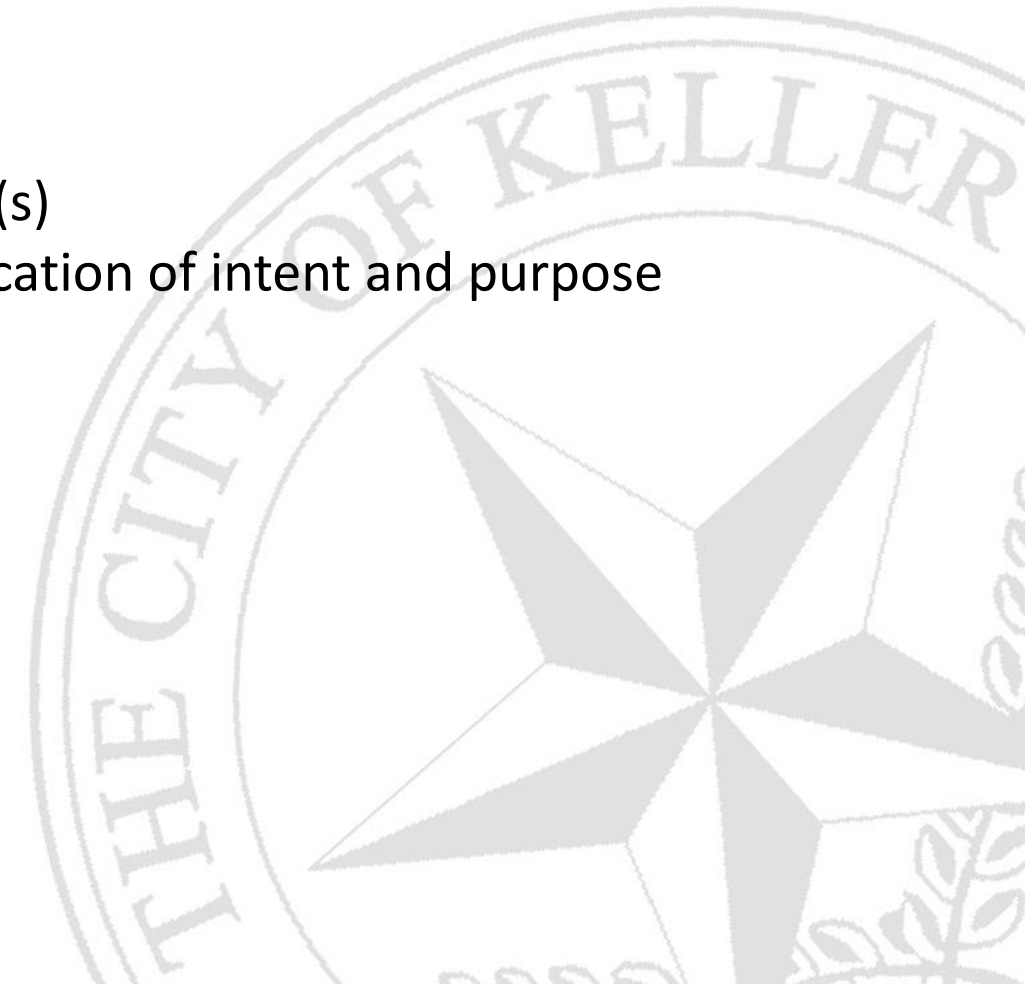
Section 8.02 (D)(1)(e) of the UDC states that when considering a zoning change request, the City Council shall consider the following factors:

- 1) Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole, and in compliance with the Future Land Use Plan.
- 2) Whether the proposed change is in accord with any existing or proposed plans for providing streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings.
- 3) The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.
- 4) The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.
- 5) How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved.
- 6) Any other factors which will substantially affect the health, safety, morals, or general welfare.

Item H-3

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

- Approve as submitted
- Approve with modifications or additional condition(s)
- Table the agenda item to a specific date with clarification of intent and purpose
- Deny





Questions?
Julie Smith
817-743-4130