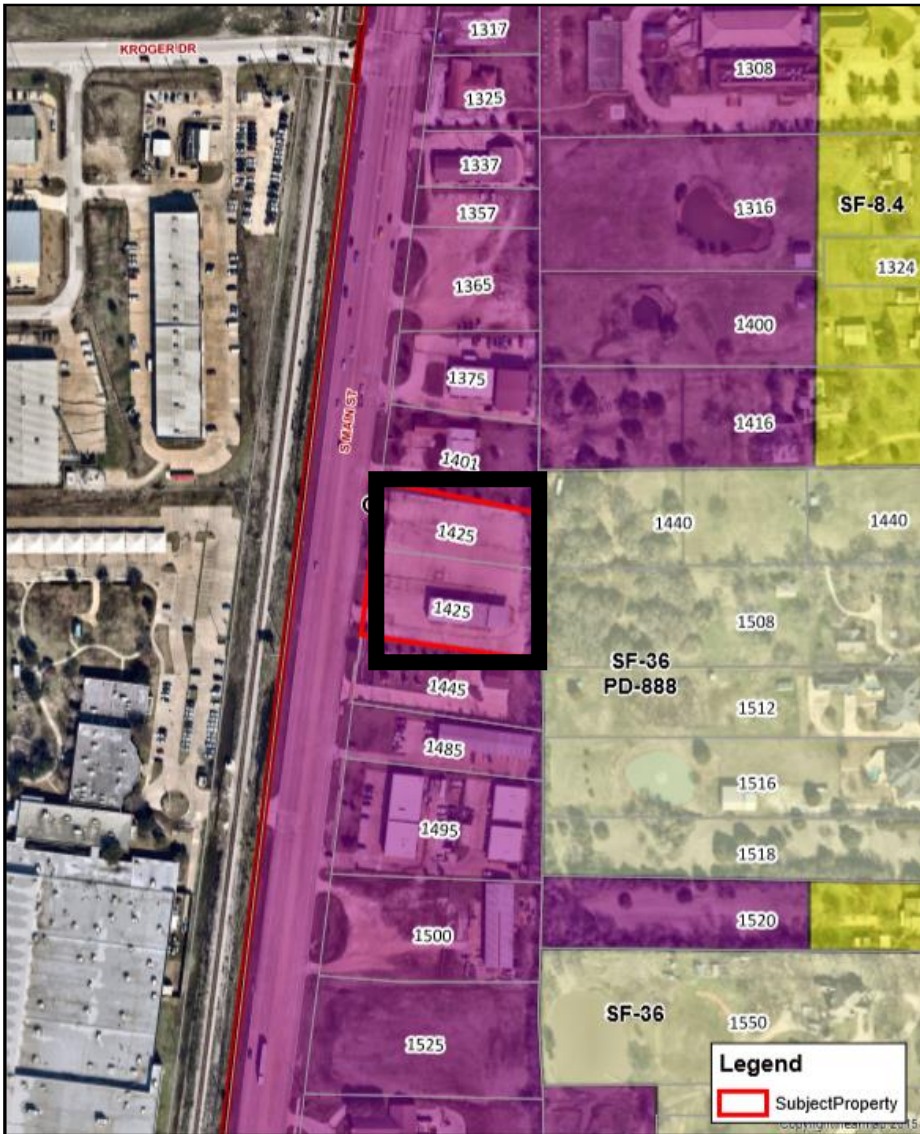


Item F-6

Consider a recommendation by the Planning and Zoning Commission, and approval of a resolution by the City Council, for a site plan with a request for seven variances related to a 5,840 square-foot building, located on approximately 1.73-acre tract of land, on the east side of South Main Street, approximately 400' northeast of the South Main Street and Calverly Place intersection, being Lot 1A, Crisp, AW JR Subdivision, at 1425 South Main Street, and zoned Commercial (C). Woodall Properties, owner/applicant. (SP-20-0010)

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Zoned:
Commercial (C)



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- United Rentals (tenant) left the property in early 2019 to find a new location. The property has since remained vacant.
- City Council approved an SUP for Complete Trailers (for outdoor storage) by a vote of 7-0 on August 6, 2019.
- Because the site was vacant for more than six months and forfeited its grandfathered status, the Unified Development Code requires the entire site and building to be brought up to current city codes.

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- Staff met with the property owners several times throughout 2019 to explain in detail what was required to bring the property up to current code, including constructing the screening wall along the eastern property line adjacent to residential zoning.
- Staff also explained these issues would have to be resolved before a certificate of occupancy could be issued to a tenant.

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- Complete Trailers shared that they were unaware of these site violations before signing the lease. Of the seven violations, Complete Trailers offered to address (at their own expense) all but the subdivision screening wall. Staff understands the property owners have declined that offer.
- Section 2.07(A)(1) of the UDC states the following:
“...Variances will not be granted to relieve a self-created or personal hardship, and they will not be granted based solely on economic gain or loss....”

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Variance Request #1: Eliminate the requirement for a screening wall on the eastern property line.

- Section 8.13 (A) and (B) of the UDC requires construction (by the commercial developer) of a minimum six-foot (6') masonry screening wall between a non-residential development and a residential use or zoning district.
- The property immediately to the east is zoned SF-36.
- Though the property owner thought the grading would make construction difficult, the Public Works department found the topography conducive.

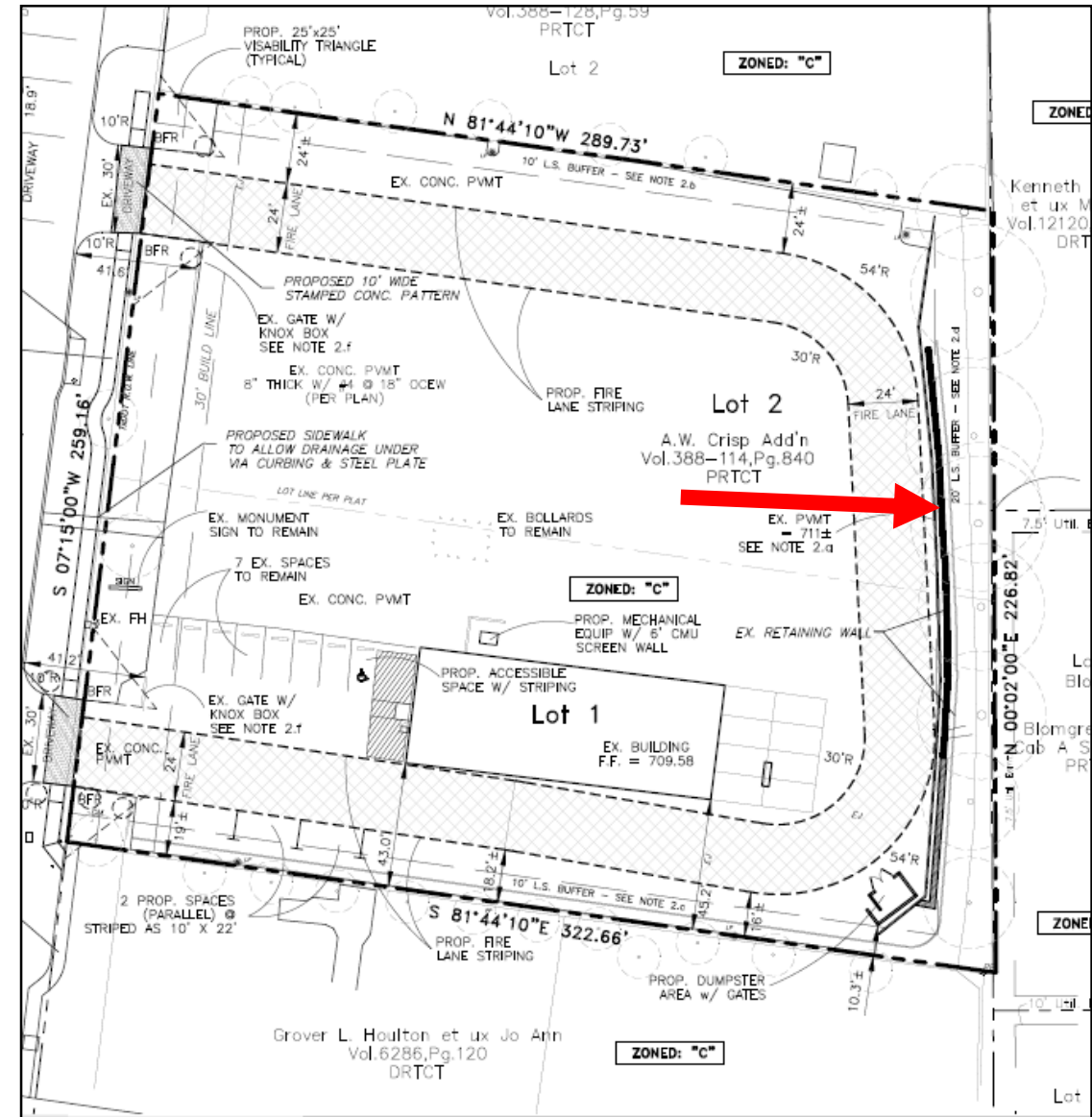
Because the property owners are also requesting a needed variance to reduce the landscape buffer, staff does not believe the remaining 20' would leave enough room to plant an alternative live screening wall (and property owners have not offered to do so). Consequently, in order to accommodate both Variance Request #2 and the intent of the UDC for screening residential uses from commercial uses, staff recommends the applicant construct the screening wall.

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Variance Request #2: Reduce the required landscape buffer between non-residential and residential uses from 30 feet to 20 feet.

- Section 8.08 (F) (1) (c) of the UDC requires a minimum thirty-foot landscape buffer adjacent to all properties with residential uses or zoning.

The property owners submitted a revised Site Plan that indicates a 6' retaining wall running north and south, parallel to the eastern property line, approximately 20' west of that property line. This structure is integral to the parking lot on the east side of the property. Consequently, staff supports this variance, because the retaining wall presumably maintains the structural integrity of the parking lot and cannot be removed.



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Variance Request #3: Eliminate the requirement for a ten-foot (10') landscape buffer to the north (side property line).

Variance Request #4: Eliminate the requirement for a ten-foot (10') landscape buffer to the south (side property line).

- According to Section 8.08 (F) (1) (d) of the UDC, a minimum ten-foot (10') landscape buffer adjacent to side and rear property lines when adjacent to non-residential uses or zoning.

The property owners do not want to remove the existing pavement. The only discernable basis for a variance appears to be economic, and that may not be the sole consideration under the UDC. Consequently, staff cannot support these variance requests.

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Variance Request #5: Eliminate the foundation planting requirement on the front and sides of the building.

- Section 8.08 (F) (3) (j) of the UDC requires a minimum five-foot (5') foundation planting along the front and sides of all buildings and parking structures.
- The property owners do not want to remove existing paving to comply.

Should the Commission and/or Council wish to grant this particular variance, Staff would suggest requiring the owners to install irrigated planters in lieu of removing the concrete as has been done for several newly constructed businesses along Keller Parkway.

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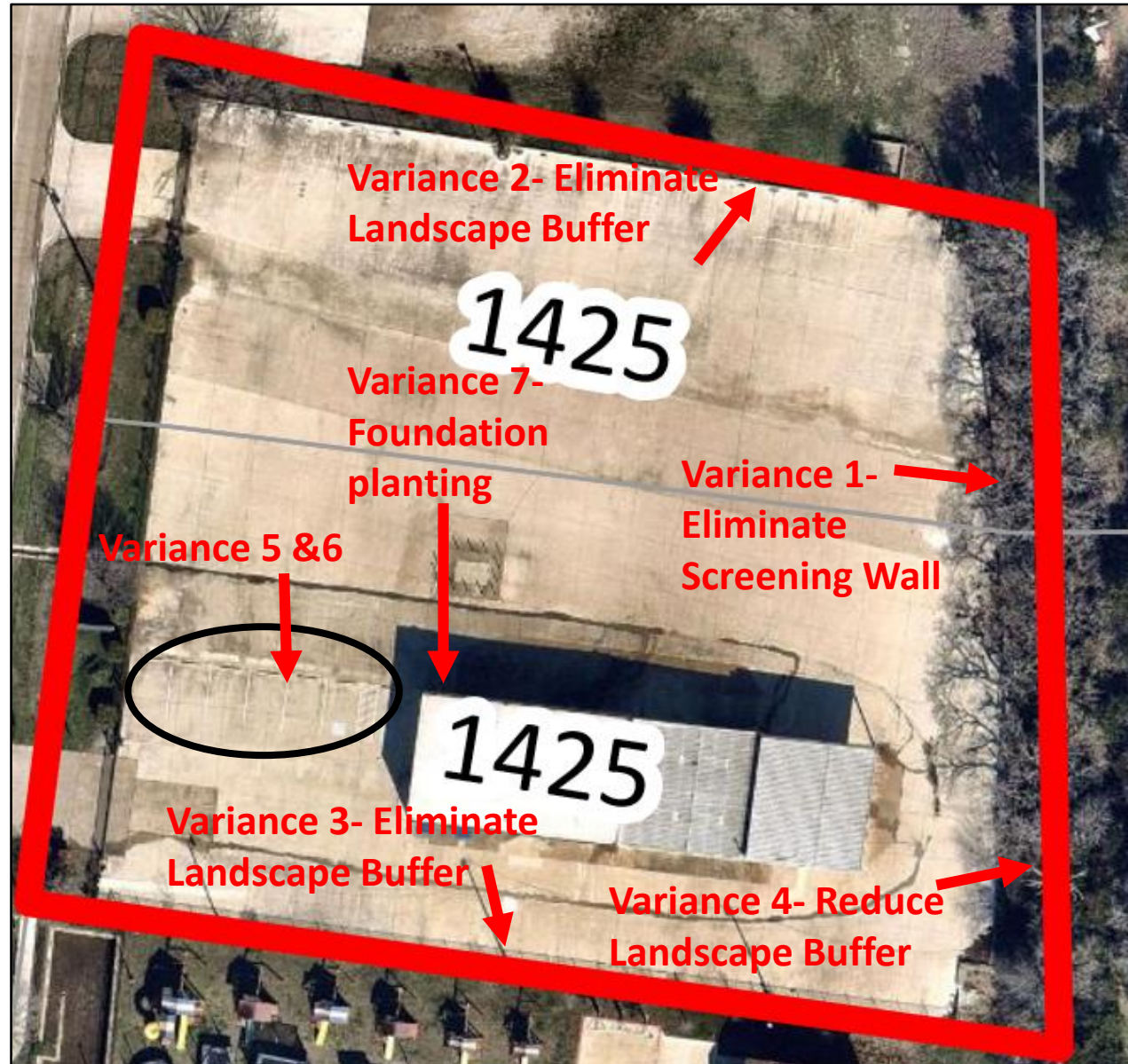
Variance Request #6: Eliminate the requirement for landscape islands at the end of the parking aisles.

Variance Request #7: Eliminate the requirement for one large, three-inch (3”) caliper canopy tree to be planted on a landscape island.

- The landscaping requirements are found in Section 8.08 (F) (3) (e) and (f) of the UDC.
- The property owners do not want to remove existing paving to comply nor do they offer an alternative.

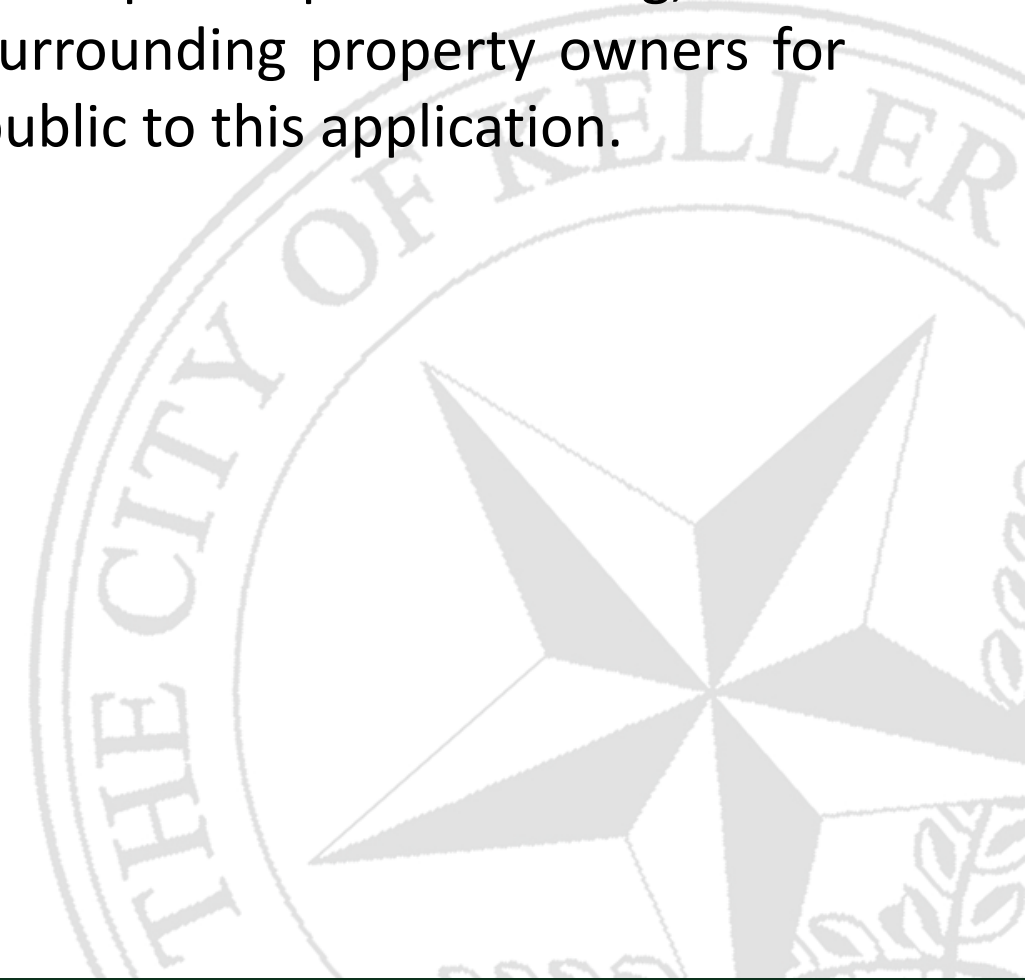
Because there is no discernable basis for this variance other than economic concerns, staff cannot support this request.

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A Site Plan application, even with variances, does not require a public hearing, so no public hearing notifications were sent out to the surrounding property owners for this request. There has been no response from the public to this application.



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Section 2.07 (A.2) of the UDC states that when considering variance requests, the Planning and Zoning Commission and City Council shall consider the following factors:

- a. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Code would deprive the applicant of the reasonable use of his land.
- b. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other properties in the area.
- c. That the granting of the variance will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this Code.
- d. That the granting of the variance will not constitute a violation of any other valid ordinance of the City of Keller.
- e. That strict compliance with the regulations, and/or that the purpose of the regulations will be served to a greater extent by the alternative proposal.

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The **Planning and Zoning Commission** has the following options when considering a variance request:

- Recommend approval as submitted (with requested variances)
- Recommend approval with modified or additional condition(s)
- Table the agenda item to a specific date with clarification of intent and purpose
- Recommend denial

The **City Council** has the following options when considering a Specific Use Permit:

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



Questions?

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