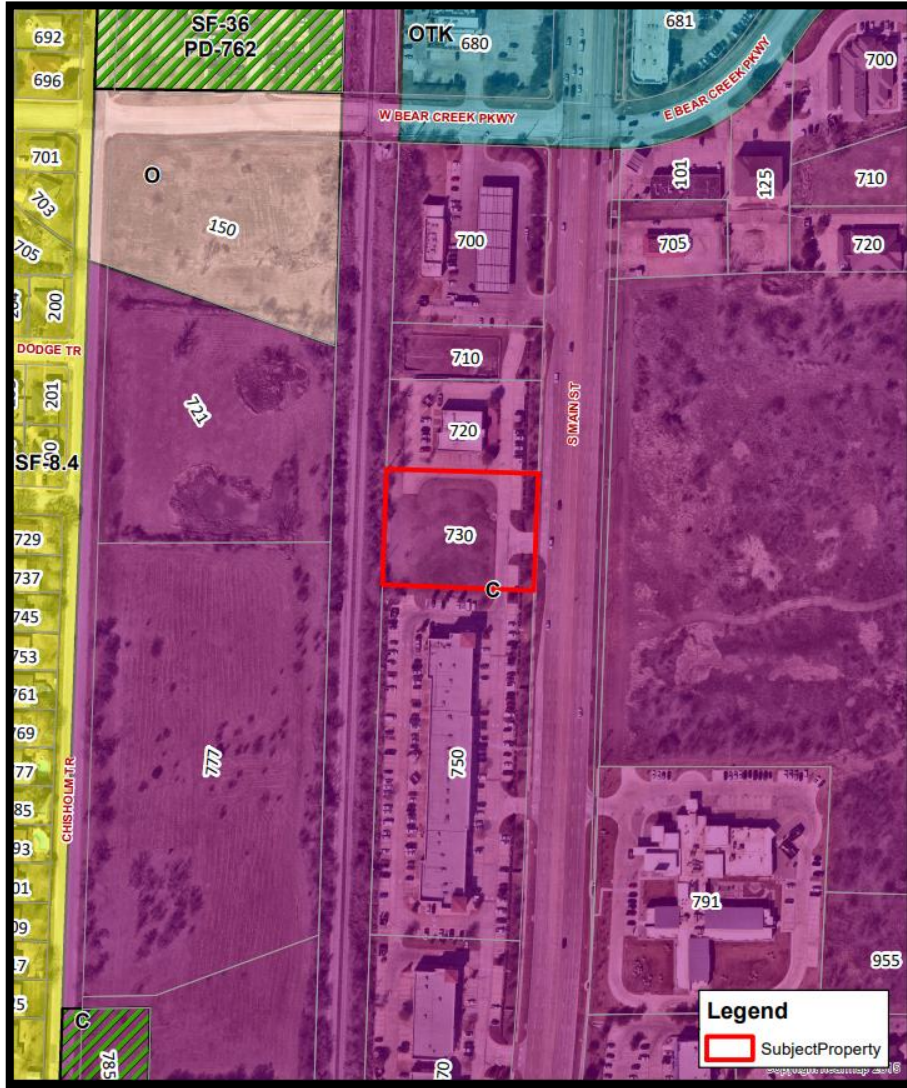


Item H-5

Consider a resolution approving a Site Plan with three variances to Section 8.07, 8.08, and 8.13 of the Unified Development Code for Goody Goody Liquor Store, in an approximately 15,742 square-foot building, on 1.41-acres, located on the west side of South Main Street, approximately 750 feet south of the Bear Creek Parkway and South Main Street intersection, located at 730 South Main Street, legally described as Lot 6R, Block A, Bear Creek Plaza and zoned C (Commercial). Garland All Storage Associates, Owner. R.L. Johnson Construction INC., Applicant. (SP-21-0010)

Item H-5 Zoning Map



Zoned: Commercial

Item H-5 Aerial View



Item H-5

The SUP for Goody Goody was approved with conditions on May 4, 2021, by City Council to permit the use of a liquor store (over 10,000 square-feet) at 730 South Main Street. The SUP was approved with the following conditions:

1. The western elevation of the structure shall be 100% masonry (no CMU).
2. The “Beer Wine Liquor” sign is to be removed from the structure.
3. The “Goody Goody” sign is the only sign to be permitted on the structure and must be located above the doors of the structure.

There was a suggestion from Council to incorporate a green sign in lieu of a red “Goody Goody” sign. The Applicant has incorporated this suggestion into their proposed Site Plan.

Item H-5

Request:

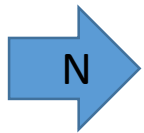
The Applicant applied for a Site Plan application on June 25, 2021. The Applicant is requesting three variances to the Site Plan for the Goody Goody Liquor Store at 730 South Main Street due to site constraints.

Why Action is Required:

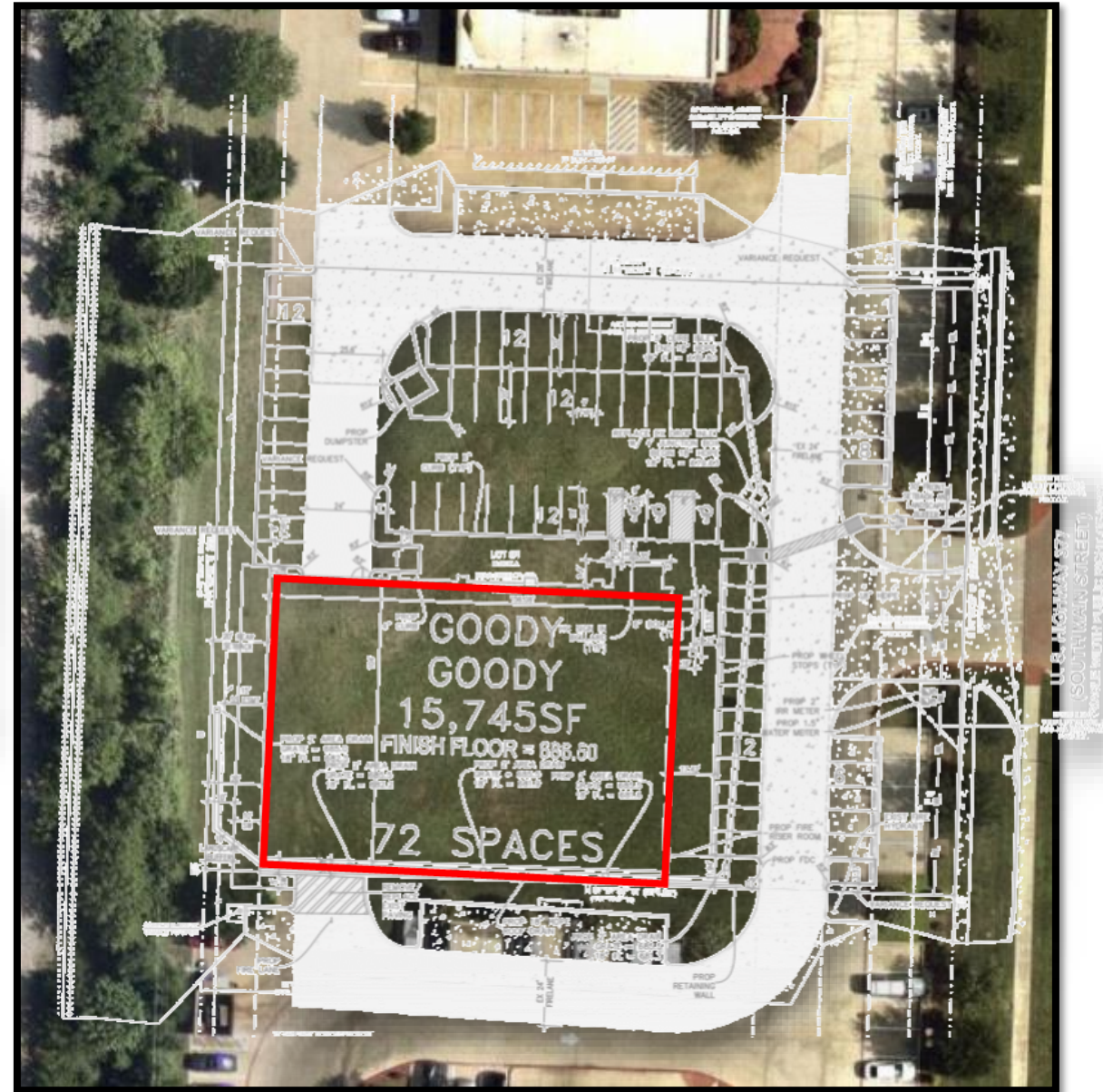
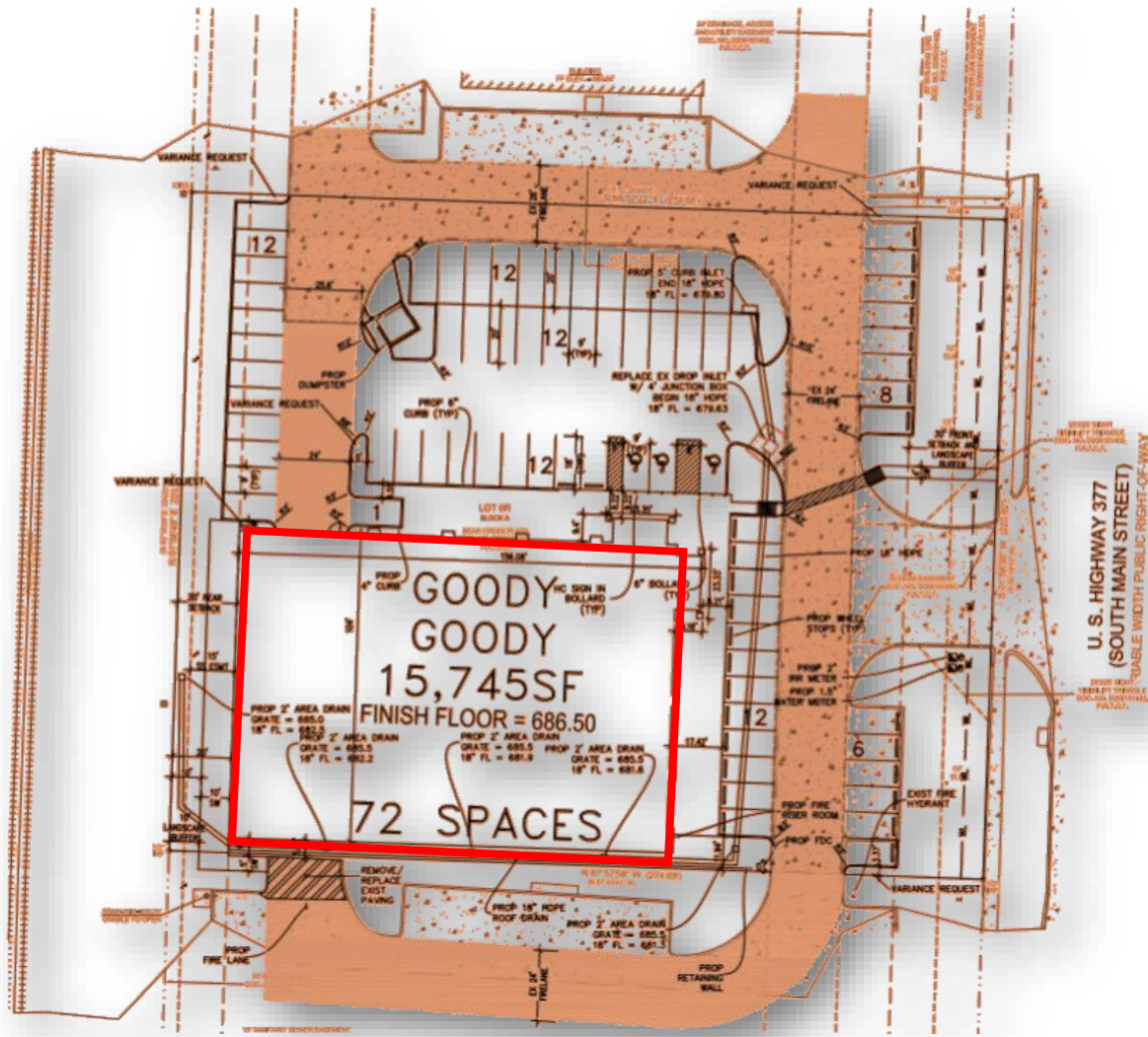
Per Section 2.07 of the UDC, a variance or deviation may be granted when special conditions exist that prevent the strict compliance of the Code.

Item H-5

Existing Fire Lane on
Adjacent Properties

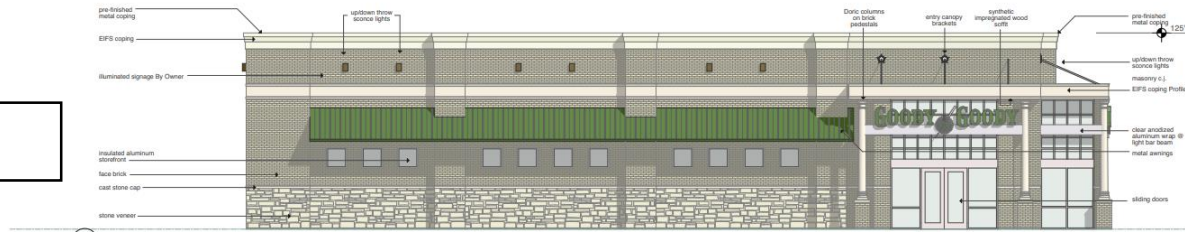


Item H-5

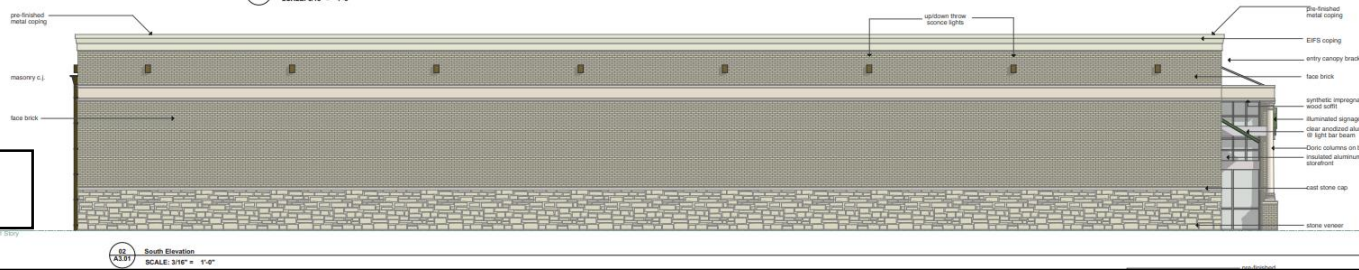


Item H-5

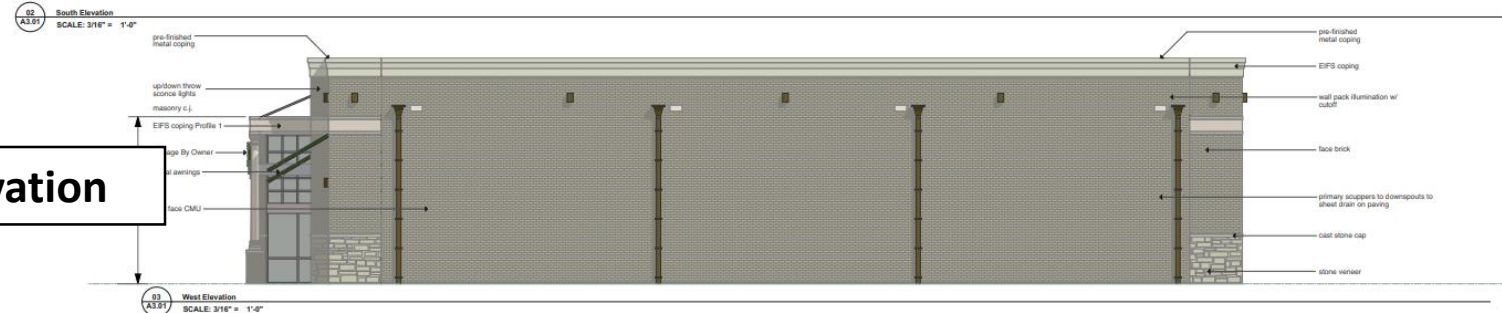
East Elevation



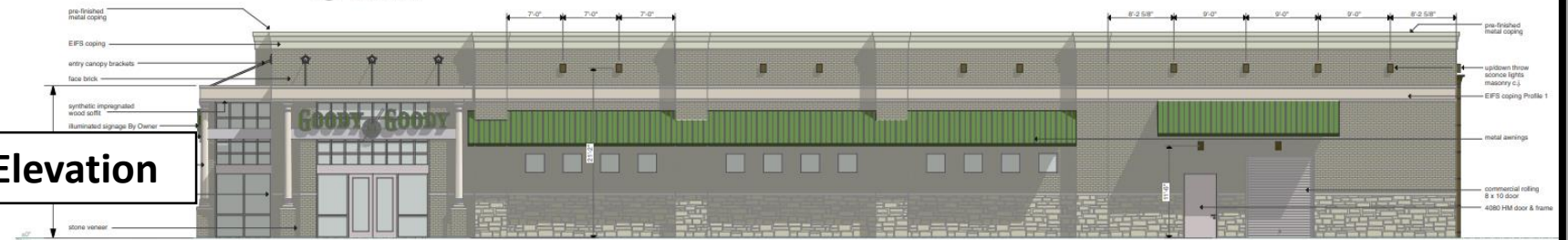
South Elevation



West Elevation



North Elevation



Item H-5

East



West



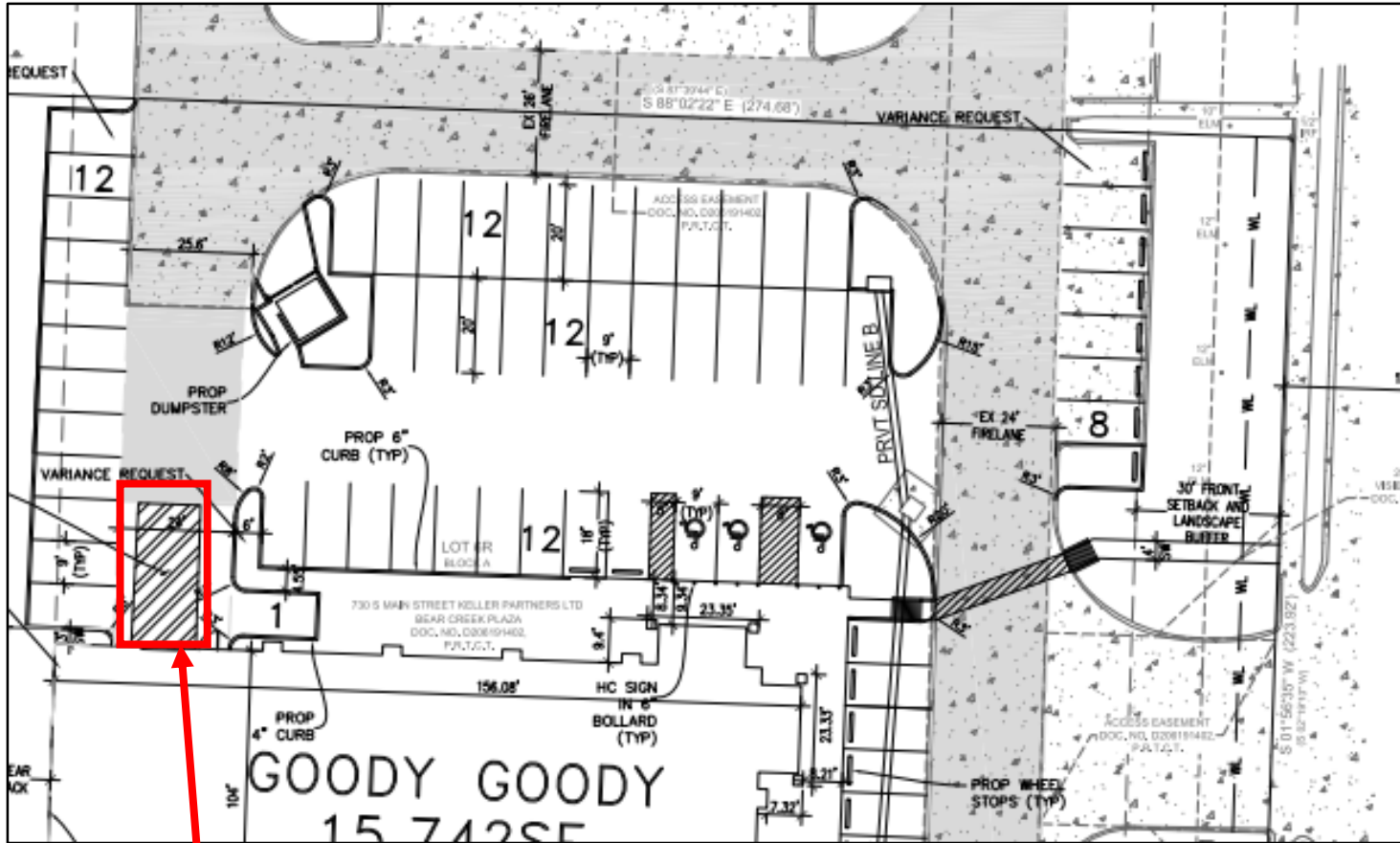
Excellence • Integrity • Service • Creativity • Communication

Item H-5

Variance Requests:

1. A variance to Section 8.07 of the Unified Development Code to provide 72 parking spaces (plus three handicapped parking spaces) in lieu of the required 79 parking spaces.
1. A variance to Section 8.08 of the Unified Development Code for five landscape islands not meeting the standard 9 foot x 20 foot landscape island size and to waive one landscape island altogether.
2. A variance to Section 8.13 of the Unified Development Code to waive the requirement to screen the loading area.

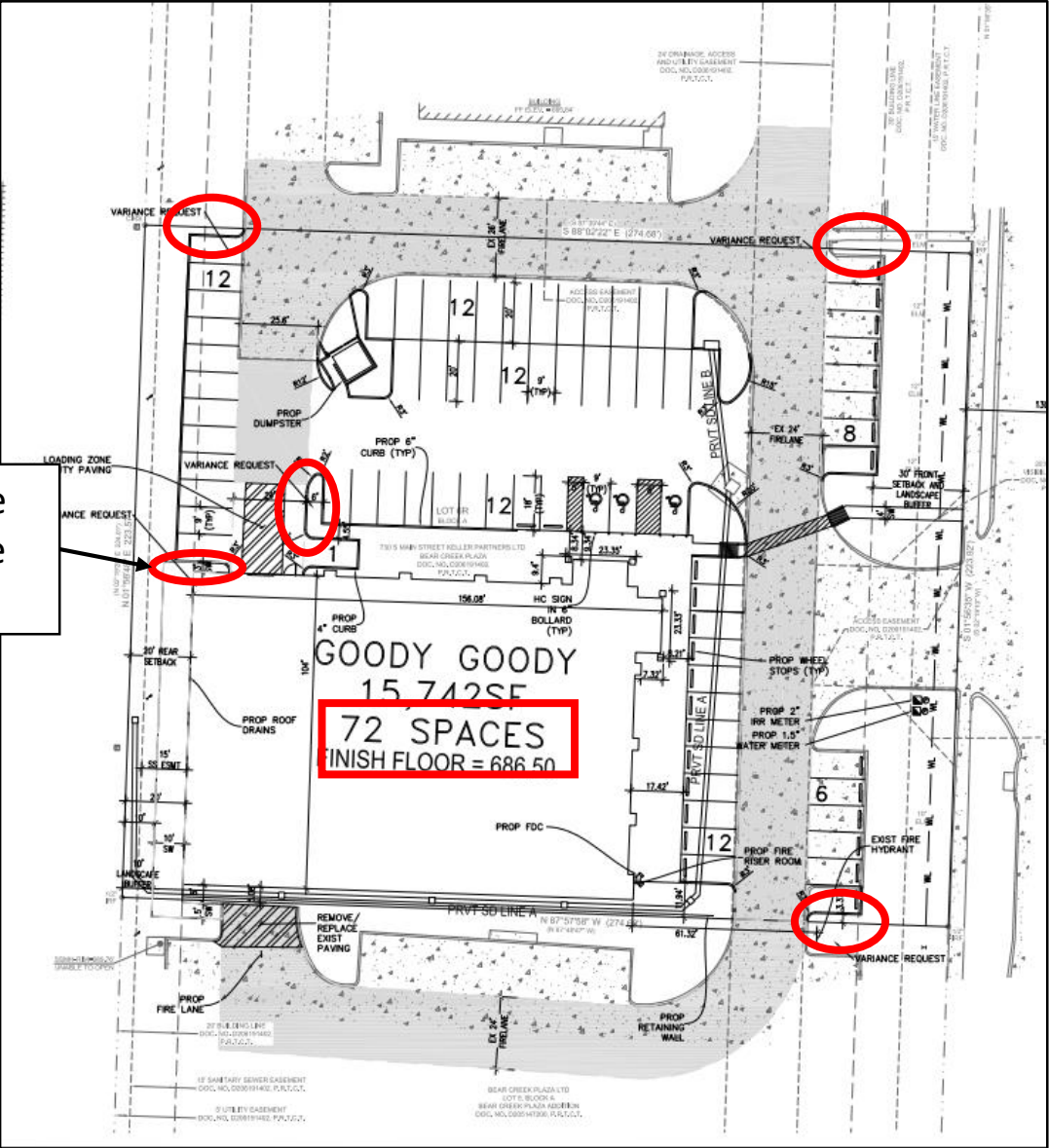
Item H-5



A variance to Section 8.13 of the Unified Development Code to waive the requirement to screen the loading area.

Loading Area

Item H-5



A variance to Section 8.08 of the Unified Development Code for five landscape islands not meeting the standard 9 foot x 20 foot landscape island size and to waive one landscape island altogether.

A variance to Section 8.07 of the Unified Development Code to provide 72 parking spaces (plus three handicapped parking spaces) in lieu of the required 79 parking spaces.

Item H-5

A Site Plan with variances does not require a public hearing, so no public hearing notifications were sent out to the surrounding property owners for this request. The public will have an opportunity to speak on this agenda item during the “Persons To Be Heard.”

Item H-5

On August 10, 2021, the Planning and Zoning Commission unanimously recommended approval of the site plan and variances. The Commission expressed concern with the lack of a fire lane on the western side of the property and the deficiency in required parking. However, they noted that there were opportunities for shared parking and the uses to the north and south would hopefully not conflict with high volume times for Goody Goody and DeVivo Brothers Eatery. Applicant was present. No person spoke in favor or opposition.

Item H-5

Section 2.07 (A) (2) of the UDC states the Planning and Zoning Commission and City Council shall take into account the nature of the proposed use of land involved and existing uses of the land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity. No variance shall be granted unless the Planning and Zoning Commission and City Council finds:

- 1) 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.
- 2) 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.
- 3) 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.
- 4) That the granting of the variance will not constitute a violation of any other valid ordinance of the City of Keller.
- 5) 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.

Item H-5

The City Council has the following options when considering a Site Plan with variances:

- 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?

Trish Sinel

817-743-4129