

## Item H-6

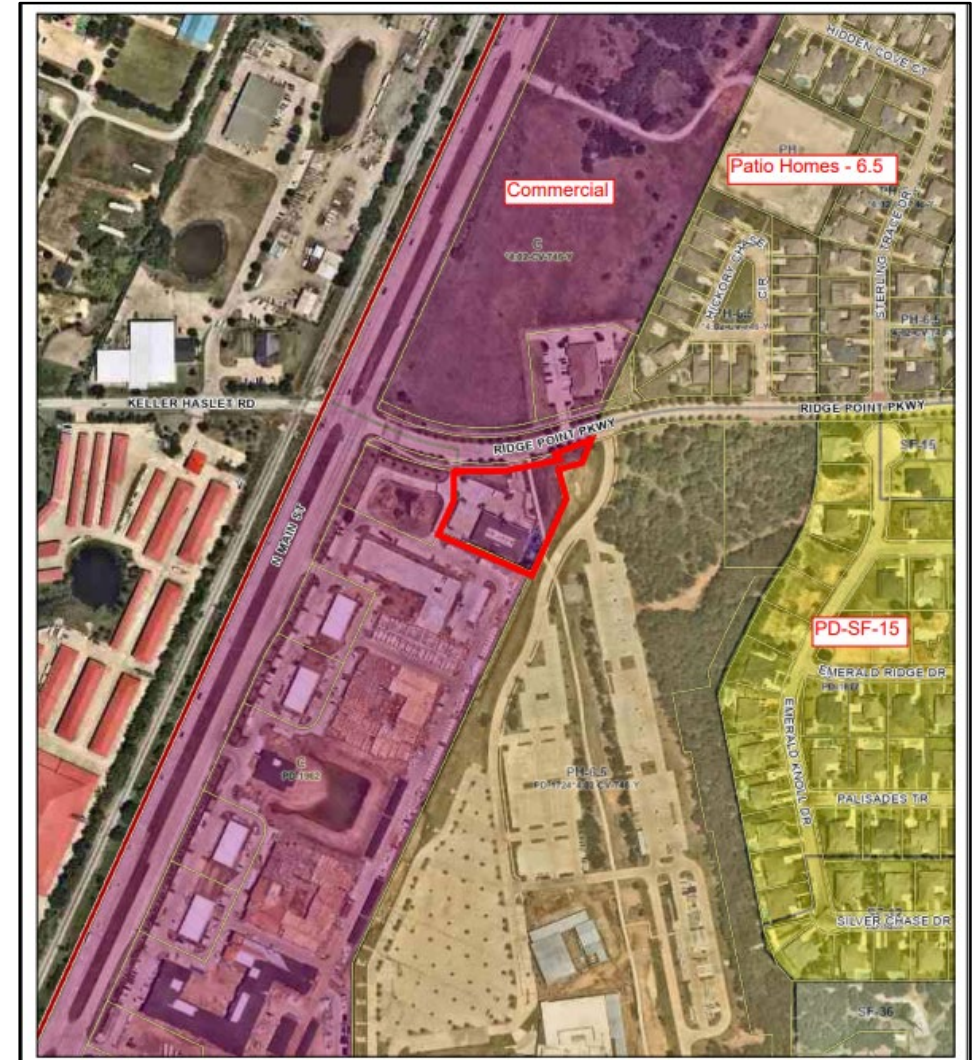
Consider a resolution approving a Site Plan Amendment with a variance for The Learning Experience, in an existing 10,209 square-foot building, situated on 1.54-acre property, located on the south side of Ridge Point Parkway, approximately 350 feet east of the Ridge Point Parkway and North Main Street (HWY 377) intersection, being Lot 1, Block A of the TLE Keller Addition, zoned Commercial (C), and addressed as 150 Ridge Point Parkway. Ramesh Tinnanooru, Applicant; Keller Entrepreneurs Group, LLC., Owner. (SP-22-0019)

# Item H-6 Aerial Map



Zoned:  
C

# Item H-6 Zoning Map



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## Background:

- **November 21, 2017:** City Council approved a resolution with variances related to landscaping and screening wall requirements for The Learning Experience.
- **September 2018:** Civil Plans approved by Staff. However, a third submittal related only to civil engineering was submitted independently to Public Works that did not match the approved site plan. This later civil submittal was approved (for civils only but included the unapproved site plan) so created conflicting site plans.
- **December 2018:** Building permit was issued. The original contractor did not construct to the approved plans - neither the City Council–approved Site Plan nor the staff-approved civil plans. In particular:
  - grading elevations impacting access to the building
  - parking lot lay-out (number of spaces and radii for fire apparatus)
  - trail connections
  - some utilities did not match approved plans
  - drive access off Ridge Point Parkway did not meet the approved plans' slope and was too steep. The Applicant removed and re-poured the access drive as well as portions of the parking lot/fire lane.

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### Background:

The Applicant changed contractors and worked with the City to remedy the problems with as little reconstruction as possible and still meet UDC requirements.

However, the following could not be resolved:

- The required number of parking spaces cannot be met with the current constructed configuration.
- Because of the grade/elevation differences between the building and the parking lot, a wrought iron fence must be added around the entire building.
- A second ADA ramp on the west side of the building could not be constructed due to the grade on the west side of the building. Because the front entrance meets ADA requirements, this second ramp is not necessary per State law. The Applicant is requesting a site plan amendment to reflect these changes and obtain a variance to the number of required parking spaces (48 required; 44 provided).

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### **Variance Requested:**

1. *A variance to allow 44 spaces in lieu of the required 48 spaces.*

### **Citizen Input:**

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. The public had an opportunity to speak on this agenda item during “Persons To Be Heard.”

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### Summary:

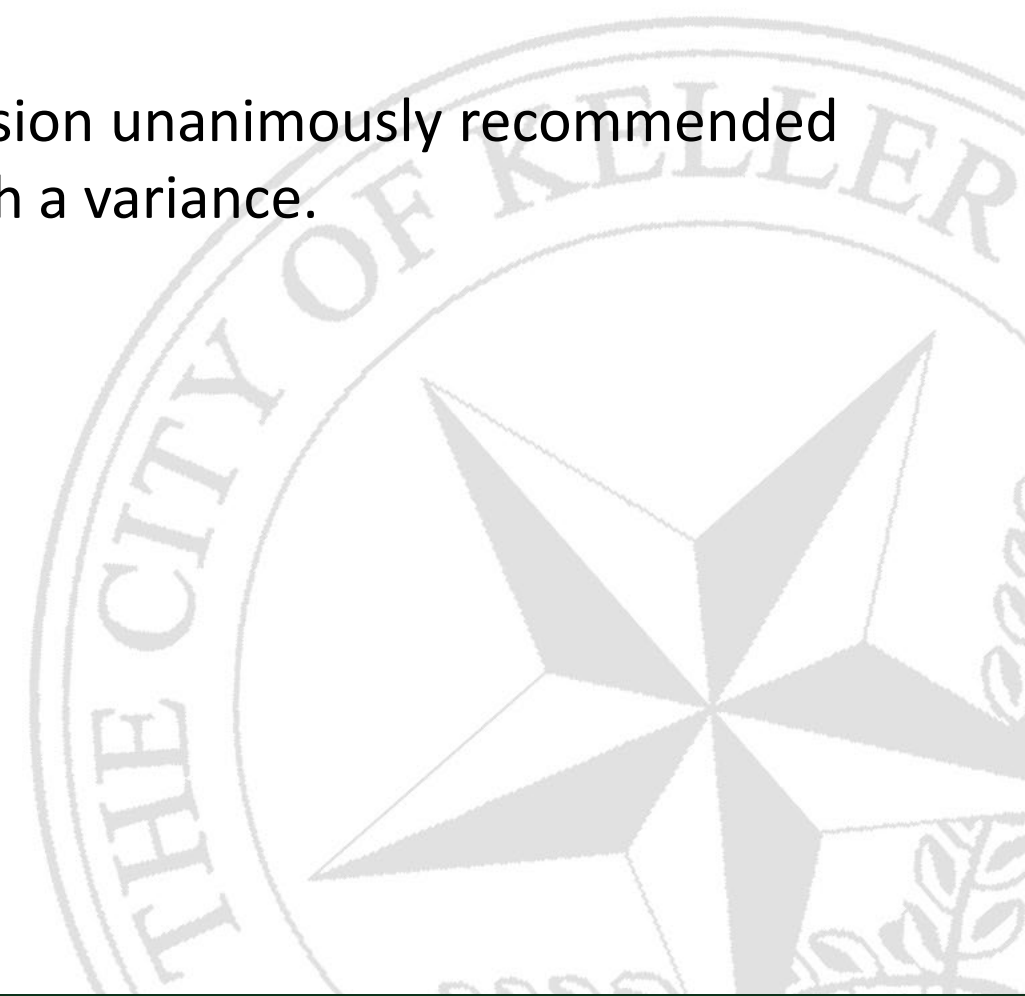
Section 2.07(A)(2) of the UDC lists criteria for approval of a variance, the City Council shall consider the following factors:

- 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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### **Planning & Zoning Commission Recommendation:**

On June 28, 2022, the Planning and Zoning Commission unanimously recommended approval of the requested Site Plan amendment with a variance.



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

- Approve as submitted (Planning and Zoning Commission recommendation)
- 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**

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