



## Legislation Text

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**File #:** 19-604, **Version:** 1

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**To:** Mark Hafner, City Manager

**From:** JP Ducay, Planner I

**Subject:**

Consider a resolution approving a site plan for Greenway Keller Addition, a 12,076 square-foot multi-tenant building, located on a 1.42-acre tract of land, on the north side of Keller Parkway, approximately 400' northeast of the Keller Smithfield Road and Keller Parkway (F.M. 1709) intersection, being Lot 2, Block A, Greenway Keller Addition, at 100 Chandler Road, and zoned TC (Town Center). Greenway-Keller, LP, owner/applicant. (SP-18-0027)

**Action Requested:**

Consider approving a Site Plan for a one story, 12,076 square-foot multi-tenant building requesting 6 variances located in the Town Center zoning district.

**Background:**

- A preliminary plat was approved on November 8, 2016, for the Greenway Keller Addition. The Developer subdivided the site later into two parcels and developed Natural Grocers. (Staff Attachment-1)
- The remaining property is still undeveloped.
- At the December 2018 DRC meeting, the Applicants informed staff that 8 variances would be requested during the site plan phase along with a SUP to construct a one-story building.
- The Applicants submitted a Preliminary Site Evaluation on December 21, 2018, with the objective of again subdividing 1.4228 acres out of the remaining 7.3375 acres contained in the Joseph A. Dunham Survey to develop a 12,076 square-foot, multi-tenant, retail/restaurant building. The Preliminary Site Evaluation was approved by the Planning and Zoning Commission on September 23, 2019. (Staff Attachment-2)
- At the Planning and Zoning Commission meeting held on October 28, 2019, the site plan with two of the seven requested variances was approved by a vote of 5-2. The other 5 variances were denied. The two approved variances follow:
  - Allow a flat roof in lieu of a pitched roof.
  - Allow end tenants to have a second wall sign on the side of the building in addition to the front sign.
- After hearing the Planning and Zoning Commission's concerns, the Applicants subsequently withdrew one of the seven variances related to lighting fixtures.

**Analysis:**

The Town Center (TC) zoning district requires all Site Plans to be submitted for a detailed review and to receive approval through City Council after a recommendation from the Planning and Zoning Commission. The purpose of this Site Plan review is to ensure that development within the district is

in conformance with design guidelines for Town Center and that:

- a. The proposed development is architecturally compatible with other development in the surrounding areas.
- b. The proposed development is within the character of the Town Center concept as a community focal point with quality development having a pedestrian orientation, suitable amenities, and an overall design theme.

A specific use permit (SUP) has been submitted concurrently with this Site Plan application to request the building be one rather than two stories.

**Site Layout:**

The Applicant is proposing a 12,076 square-foot, multi-tenant, retail/restaurant building. The site is located directly east of Natural Grocers and will provide cross access between the developments.

**Architecture:**

**Variance Request:** No windows on the north (rear façade).

The Town Center Zoning district (Section 8.03 P.4.c.7) states If a building sides or backs to a street, public open space, or adjacent developments, the side or rear façade shall be treated in the same architectural style and material as the front facade. This includes but is not limited to the same roof treatment, building material, and window treatment. All buildings shall carry the roof treatment and facade articulation around the entire building, including the rear side.

**Variance Request:** Allow a flat roof in lieu of pitched roof.

The Town Center Zoning district (Section 8.03 P.4.c.8) states sloping roof forms as a complete sloping form (pitched roof) or mansard roof shall be utilized on all buildings in Town Center. Flat roofs are allowed only based on building design as approved during the site plan review.

**Variance Request:** Eliminate the foundation planting requirement on the front and sides of building. Developer will provide a minimum of six planter pots along the front façade.

**Landscaping:**

The Town Center Zoning district (Section 8.03 P.4.g.8) states a minimum five-foot (5') foundation planting shall be provided along the front and sides of all buildings and parking structures.

**Variance Request:** Allow texture coated concrete for a portion of the rear and side facades in lieu of masonry. (See elevation sheet on site plan) (Exhibit A-2)

East Elevation: 11% Texture Coat material in lieu of masonry material for the remaining percentages.

West Elevation: 20% Texture Coat material in lieu of masonry material for the remaining percentages.

North Elevation: 20% Texture Coat material in lieu of masonry material for the remaining percentages.

**Elevations:**

The Town Center Zoning district (Section 8.03 P.4.d.1) states seventy percent (75%) of overall wall surfaces other than glass shall be of brick, stone, or cast stone. The remaining twenty-five percent (25%) may be stucco, fibrous cement, split-face block, or other masonry material. The use of any other wall surface material may be approved by the City Council at the time of site plan review.

**Variance Request:** Allow end tenants to have a second wall sign on the side of the building in addition to the front sign.

**Signage:**

According to UDC Section 8.09 (D.6) there shall be one sign per building elevation or lease space elevation visible from a public street or with a public entrance.

**Variance Request:** Allow 71 parking spaces in lieu of the 73 required parking spaces. The 3 handicapped parking spaces will be provided but are not included in the total parking count.

**Parking:**

Applying UDC Section 8.07 (G) retail and restaurant parking ratios to this development the Applicant is required to provide a minimum of 73 parking spaces plus 3 handicapped stalls.

**Existing Roadway Access:**

Keller Parkway to the south. A six-lane divided arterial.

**Drainage & Utilities:**

Preliminary drainage, grading, water and wastewater plans were submitted and approved by Public Works with the Site Plan request.

**Surrounding Zoning & Land Uses:**

North: Undeveloped land, zoned Town Center.

South: 7-Eleven, Taco Bueno and Keller Crossing Shopping Center, zoned PD-R (Planned Development - retail).

East: Undeveloped land and Cook's Children Medical offices, zoned R (Retail).

West: Natural Grocers, zoned Town Center.

**Variations Requested:**

There are 6 total variations being requested by the Applicant. A separate SUP request will be seen concurrently regarding the proposed one story height of the subject building.

**Summary:**

Section 2.07(A.2) of the UDC, lists criteria for approval of a variance.

- 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.

**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. There has been no response from the public to this application. The public will have an opportunity to speak on this agenda item at the “Persons To Be Heard”.

- Staff received one email of opposition from a resident that was not in support of the building because of vacancy concerns with other strip malls in town.

**Planning and Zoning Commission Recommendation:**

The Planning and Zoning Commission recommended approval by a vote of 5-2 with the recommendation that only the flat roof and signage variance requests be granted. The majority did not feel that there was any basis for any of the other variances and expressed concern about what the development would look like once the remainder of the site was developed.

**Alternatives:**

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

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