



## Legislation Details (With Text)

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**Title:** Consider a resolution approving a Site Plan for a single story 10,209 square-foot child daycare facility with variances, located on a 1.53-acre lot, on the south side of Ridge Point Parkway, approximately 225 feet east of the Ridge Point Parkway and North Main Street (HW377) intersection, being a portion of Tract 1A1, Abstract No. 1305, out of the J J Roberts Survey, at 1400 N Main Street, and zoned C-N377 (Commercial-U.S. Highway 377 North Corridor Overlay District). Engler Acquisition Partners, owner. Chasdin Builders, applicant. (SP-17-0010)

**Attachments:** 1. 112117\_Learning\_Experience\_Site\_Plan\_Draft\_Resolution, 2. 112117\_Learning\_Experience\_Site\_Plan\_P&Z\_Draft\_Minutes, 3. 112117\_Learning\_Experience\_Site\_Plan\_ExhibitA\_Building\_Elevations, 4. 112117\_Learning\_Experience\_Site\_Plan\_ExhibitA\_Landscaping\_Plan, 5. 112117\_Learning\_Experience\_Site\_Plan\_ExhibitA\_Site\_Plan, 6. 112117\_Learning\_Experience\_Site\_Plan\_Maps, 7. Staff Presentation, 8. Applicant Presentation

Date	Ver.	Action By	Action	Result
11/21/2017	1	City Council		

**To:** Mark Hafner, City Manager

**From:** Michele Berry, Senior Planner

### Subject:

**Consider a resolution approving a Site Plan for a single story 10,209 square-foot child daycare facility with variances, located on a 1.53-acre lot, on the south side of Ridge Point Parkway, approximately 225 feet east of the Ridge Point Parkway and North Main Street (HW377) intersection, being a portion of Tract 1A1, Abstract No. 1305, out of the J J Roberts Survey, at 1400 N Main Street, and zoned C-N377 (Commercial-U.S. Highway 377 North Corridor Overlay District). Engler Acquisition Partners, owner. Chasdin Builders, applicant. (SP-17-0010)**

### Action Requested:

Consider a resolution approving a Site Plan for a single story 10,209 square-foot child daycare facility with variances.

### Zoning:

C-N377 (Commercial-U.S. Highway 377 North Corridor Overlay District)

### Background:

The Commercial zoning for this parcel was created by a lawsuit Settlement Agreement and Release (Civil Action No. 4:02-CV-746-Y) named the "Engler Lawsuit Settlement" back in December 2003. Many of the development standards such as minimum lot size, setbacks, building height as well as land uses were established by the Engler Lawsuit Settlement.

A U.S. Hwy 377 North Overlay District was later created and approved by City Council (Ordinance No. 1504) on May 18, 2010 that includes these properties. The purpose of the Overlay District was to establish Prairie-style architectural standards and development standards (landscaping and parking) specific to this undeveloped section of North Main Street. Only one development has occurred under this Overlay District (151 Ridge Point Parkway Office Building completed in 2015).

The portion of Tract 1A1 identified for the proposed development has not been platted.

### **Analysis:**

The purpose of this site plan review is to approve variances requested for a single story 10,209 square-foot child daycare facility. The proposed location is located in Marshall Ridge Subdistrict, within the North 377 Overlay District, which has specific development standards. Variances to the development standards in the North 377 Overlay District must be approved by City Council with a recommendation from the Planning and Zoning Commission.

### **Site Layout:**

The site plan shows the footprint of the 10,209 square-foot building towards the rear of the property. The building will be located on a new 1.53-acre parcel created from the approximately 36-acre tract that extends from Ridge Point Parkway to Mount Gilead Road.

- Parking is located on the north and west side of the lot.
- The driveways connect to existing approaches onto Ridge Point Parkway.
- The site layout includes a 4,950 square-foot play area at the east side of the building.
- An access easement will be located along the west side of the property and will contain a fire lane.
- A seventy-five foot gas easement is located along the east side of the subject property.

### **Architecture:**

UDC Section 8.03 (S.3) specifies the maximum building height of thirty-five feet (35') and two (2) stories.

The proposed building is a single story building with the peak of the roof being approximately twenty-one feet (21') in height. Some architectural elements will have a maximum height of twenty-four feet (24').

UDC Section 8.05 - U.S. Highway 377 North Overlay District contains one subdistrict, The Marshall Ridge Subdistrict. The Marshall Ridge Subdistrict enumerates development standards which match the "Prairie Style" architectural style.

The architectural character of the proposed building meets the design standards outlined in the Marshall Ridge Subdistrict.

1. The building has long horizontal lines. The bottom roof line runs continuously across the building and is only broken up by the tower elements. The use of a hipped roof also complements the style.

2. The building elevations feature several design elements of the style including:

1. Stone and stucco on the façade.

2. Tower elements
3. Overhanging eaves.
4. Portico of the main entrance.

3. The tower elements and use of stone provide horizontal and vertical articulation across the façade.

The subdistrict requires each side of the building to consist of ninety percent (90%) natural clay brick, integrally-colored split face concreted masonry units, glass block, native or manufactured stone, rough-sawn or hewn wood, wood logs, fiber-cement materials, or cement or stucco.

The proposed building utilizes one hundred percent (100%) stone and brick on all sides.

A metal portico will be featured at the main entrance and will utilize decorative columns made to resemble classic ABC/123 blocks.

Mechanical equipment will be roof mounted and screened behind the hipped roof.

#### **Landscape Buffers:**

UDC Section 8.08 (F) requires a minimum fifteen-foot (15') landscape buffer adjacent to a public street, a minimum thirty-foot (30') buffer adjacent to residential uses or zoning, and a minimum ten-foot (10') landscape buffer adjacent to side or rear property lines when adjacent to non-residential uses or zoning.

There is a twenty-five foot (25') wide lot, Lot 1, Block OO, Ridge Point Parkway, between the subject lot and the Ridge Point Parkway ROW. Reducing the front landscape buffer to five feet (5') will still leave approximately thirty feet (30') of landscaped area between the street and parking lot.

#### **Variance Request:**

1. The applicant is requesting to reduce the front landscaping buffer to five feet (5') from the required fifteen feet (15').

The applicant intends to utilize the area west of the building as a play area. It is possible that playground equipment or paved areas would encroach into the thirty (30') buffer. The required buffer trees would still be located in this east buffer inside the play area.

#### **Variance Request:**

2. Allow the play area to encroach within the thirty-foot (30') landscape buffer on the east side of the property.

UDC Section 8.05 (C.3), U.S. Highway 377 North Overlay District requires canopy trees in the buffers adjacent to a thoroughfare to be placed in a random, free form, and/or cluster arrangement. Ridge Point Parkway is designated as a three (3) lane collector on the City Master Thoroughfare Plan. The applicant will meet this requirement in the landscaping buffer adjacent to Ridge Point Parkway.

UDC Section 8.08 (F.2) will apply to the side and rear buffer trees. Minimum three inch (3") caliper trees are required in all other buffers, in a linear arrangement, and spaced on the projected mature canopy width. The applicant is proposing to plant ornamental trees in this section of the reduced buffer.

**Variance Request:**

3. The applicant is requesting that the buffer tree requirement be waived in the area occupied by the seventy-five foot (75') wide gas easement along the east side of the property.

Based on feedback provided by the Planning and Zoning Commission, the applicant has revised the site plan and will meet all landscaping buffer requirements in the area adjacent to the dumpster enclosure.

**Landscaping:**

UDC Section 8.08 (F.3.e) requires all parking aisle to be terminated with a landscaped island. Each island shall contain one (1) large canopy tree (minimum 3 caliper inches). The applicant will meet the landscaping requirements.

**Screening Wall:**

UDC Section 8.13 requires a masonry screening wall between non-residential development and a residential use or zoning district. The adjacent property to the east is zoned residential, but is the location of Milestone Church and does not contain any single-family residential homes.

**Variance Request:**

4. The applicant is requesting to waive the screening wall requirement.

**Fence Material:**

UDC Section 8.12 states that fencing shall be constructed of wrought iron, tubular steel, masonry, live screening, or a combination. The proposed fence enclosing the play area will be a six foot (6') masonry fence. The fence enclosing a portion of the building perimeter will be wrought iron or tubular steel. No variances are being requested.

**Dumpster Enclosure:**

At the request of Community Waste Disposal, the applicant has relocated the dumpster enclosure to be adjacent to the building facing west. A drive way from the proposed access easement was added to allow dump trucks direct access to the enclosure. No variances are being requested.

**Sidewalks and Trails:**

The applicant will extend the hike and bike trail, as required by the 2015 Parks Trail Master Plan. The trail section will be located within the gas easement. Milestone Church installed a portion of the trail up to their property line and the proposed portion of the trail will connect it to Ridge Point Parkway.

**Parking:**

The Unified Development Code requires one (1) space per four (4) students for child care facilities. The capacity for the proposed building will be one hundred ninety (190) students and will require forty-eight (48) parking spaces. The applicant is providing the required parking.

**Drainage & Utilities:**

The applicant has met the UDC requirements to show how the site will handle drainage. A more detailed plan will be reviewed with the Civil Plans to ensure the adequate size of the detention area and other drainages infrastructure.

Water and sewer are available from Ridge Point Parkway. The applicant will extend the sewer line to the southwest corner of the property to be used by future development.

**Existing Roadway Access:**

Ridge Point Parkway, to the north.

**Surrounding Zoning & Land Uses:**

North: The Shops at Marshall Ridge, zoned C

South: Undeveloped, zoned C

West: Undeveloped, zoned C

East: Milestone Church, zoned PH

**Variances Requested:**

The applicant is requesting eight (8) variances with this Site Plan application:

1. A variance to reduce the front landscaping buffer along Ridge Point Parkway to five feet (5') from the required fifteen feet (15').
2. A variance for the play area to encroach within the thirty-foot (30') landscape buffer. The required buffer trees will still be installed.
3. A variance to waive the buffer tree requirement within the seventy-five foot (75') wide gas easement along the east side of the property.
4. A variance to waive the screening wall requirement.

**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".

**Professional Opinion:**

Staff is supporting the variances requested due to existing conditions (open space lot along Ridge Point Parkway and the 75' wide gas easement) that create a unique practical difficulty in the development of this site

**Board Review:**

The Planning and Zoning Commission considered this application on November 13, 2017 and recommended to deny the application with a vote of 7 to 0.

**City Council Action:**

The City Council has the following options when considering a site plan with variances:

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