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Title: Consider a resolution approving a Site Plan with variances for Lidl, a 35,962 square-foot, single-story grocery store, located on a 4.95-acre tract, on the north side of Keller Parkway (FM 1709), approximately 1,200 feet west of Keller Smithfield Road, at 1221 and 1301 Keller Parkway, being tract 2E and 3 in the Pamela Allen Survey, Abstract No. 28, and zoned TC (Town Center). Greenway-Keller, L.P., owner. Kimley-Horn and associates, applicant/engineer. (SP-17-0016 and UDC-17-0016)

Attachments: 1. 03062018_Lidl_SitePlan_Draft_Resolution, 2. 03062018_Lidl_SitePlan_P&Z_Minutes, 3. 03062018_Lidl_SitePlan_ExhibitA_Landscape_Plan, 4. 03062018_Lidl_SitePlan_ExhibitA_Photometrics_Plan, 5. 03062018_Lidl_SitePlan_ExhibitA_Siteplan_and_Elevations, 6. 03062018_Lidl_Grocery_Maps, 7. Presentation - Lidl Grocery Item 3 & 4

Date	Ver.	Action By	Action	Result
3/6/2018	1	City Council		
3/6/2018	1	City Council		

To: Mark Hafner, City Manager

From: Trina Zais, Director of Public Services and Economic Development

Subject:

Consider a resolution approving a Site Plan with variances for Lidl, a 35,962 square-foot, single-story grocery store, located on a 4.95-acre tract, on the north side of Keller Parkway (FM 1709), approximately 1,200 feet west of Keller Smithfield Road, at 1221 and 1301 Keller Parkway, being tract 2E and 3 in the Pamela Allen Survey, Abstract No. 28, and zoned TC (Town Center). Greenway-Keller, L.P., owner. Kimley-Horn and associates, applicant/engineer. (SP-17-0016 and UDC-17-0016)

Action Requested:

Consider a resolution approving a Site Plan with variances for Lidl, a proposed grocery. A Specific Use Permit (SUP) for a single-story building and a grocery store use is also on this agenda as Item H -3.

Zoning:

TC (Town Center)

Background:

Please see the background presented with the associated Specific Use Permit (SUP), Item H-3 on this agenda. As a note, if the SUP has been approved, it covers the one-story building and grocery store use. All other design criteria are included as variances to the Site Plan in this report.

Site Layout:

The site plan received on February 20, 2018 relocated the loading bays/service areas to the rear of the building.

The building square footage has been reduced from 35,962 square feet to 25,400 square feet. The rear of the building is now approximately one hundred forty-five feet (145') from the north property line. This allowed the proposed underground detention to be relocated to the rear of the site and eliminated a single row of parking from the front of the site.

Architecture:

Lidl is requesting variances from the TC (Town Center) development standards concerning articulation and design.

Articulation

Section 8.03 (P.4.c) requires articulation through “the use of varying façade setbacks, arcades, awnings, canopies, architectural features such as plazas, columns, or other means” every fifty feet (50'). Articulation is provided at the required fifty-feet (50') by use of colonnade features, clerestory windows and awnings. The colonnades use a different color brick and have an eight-inch (8") offset from the main wall. **The west elevation does not meet the articulation requirements.**

Windows

Section 8.03 (P.4.c.6) states:

“Windows along streets shall be equally spaced with a specific rhythm and not create long areas of flat, solid spaces along streets. Varying window size and height based on interior function is discouraged. Windows shall be designed to reinforce a vertical appearance, not a horizontal appearance.”

Lidl is providing vertical windows along the east and north elevations. No windows are proposed along the west building elevation. Most of the window treatment on the south elevation has been removed.

Section 8.03 (P.4.c.7), also 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 façade. This includes but is not limited to the roof treatment, building material, and window treatment.”

A variance is requested based on window treatments.

Building Materials

The building façade is proposed to be constructed out of brick with less than twenty five percent (25%) stucco and metal accent elements, including metal screens of the mechanical units on the west and north side of the building. Masonry screening will be used above the service bays to screen the rooftop mechanical equipment.

Per Section 8.03 (P.4.d),

“The wall surface for all buildings other than glass shall be of one hundred percent (100%) masonry material compatible with the Town Center district. 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.”

A variance is requested for the metal accents and metal screening of the mechanical equipment.

Roof

A curved TPO roof is requested for the Lidl building and parapet walls will screen rooftop equipment. Per Section 8.03 (P.4.c),

“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 by the Development Review Committee. Roof pitch shall not be less than 4:12, but if the pitch is less than 6:12 but more than 4:12, the roof must have a projecting eave of no less than two feet (2’) horizontally from the vertical wall plane. Mansard roofs shall have a pitch of not less than 1:1.”

A curved thermoplastic polyolefin (TPO) roof is proposed. These roofs have a more modern aesthetic. Because a flat roof does not comply with the UDC requirements, staff is including it as a variance with this request.

Variances requested:

1. A variance is requested to waive the articulation requirements on the west elevation.
2. A variance is requested to Section 8.03 (P.4.c.7) for limited use of windows along the south elevation.
3. A variance is requested to allow metal faced accent materials and metal screening of mechanical equipment on the north and west elevations, as shown in Exhibit A.
4. A variance to Section 8.03 (P.4.c.8) is requested to allow a curved TPO roof.

Lighting:

The applicant has provided a photometric plan and specifications of all light fixtures to show compliance with lighting regulation of the UDC and Town Center zoning district. Per Section 8.15 no more than 0.2 foot-candles may shine onto a residential property. The applicant has shown compliance with standard. Per the Town center zoning district only gooseneck exterior lights are permitted. The applicant has shown these on the plans and provided specification on the fixtures.

Electric Utilities:

Section 5.22 (B) of the UDC states:

“From and after the effective date of this Code, all subdivision plats, site plans and construction plans filed and submitted to the City for approval shall provide for utility services such as electrical, gas, telephone, and cable TV utility (lateral and/or service distribution) lines and wires including, but not limited to, street lighting, to be placed underground. Existing feeder and other major transmission lines that could not practically be placed underground may remain overhead. However, a subdivider shall endeavor, and whenever practical (as determined by the Development Review Committee), the City may require that feeder lines are placed away from traffic arteries (Thoroughfare Types A6D, A4D, C4U, C2U, and C3) and/or be placed underground. Overhead feeder lines shall not be placed along both sides of the street rights-of-way. The developer shall be responsible for obtaining verification from the utility companies for easement locations and widths prior to the final approval of construction plans by the City. Any changes during construction shall be approved by the utility companies and the City of Keller.”

There are existing overhead power lines at this location that are not required to be moved underground. There is the caveat in Section 5.22 (B) that “Existing feeder and other major transmission lines that could not practically be placed underground may remain overhead”.

Landscaping:

Keller Parkway Landscape Buffer

Section 8.03 (P.4.f.1) states:

“FM 1709/Keller Parkway shall have a single row of matched Texas Red Oaks, minimum four-inch (4”) caliper, thirty feet (30’) on center, planted within the landscaping easement on each side, in accordance with specifications provided by the City (see Figure 5 within this section). A single row of tree form Yaupon Hollies shall be planted adjacent to the street in addition to the single row of Oaks. A five-foot (5’) concrete sidewalk shall be constructed centered between Oaks and Hollies. Pedestrian scaled light fixtures, consistent in color and design with the City approved specifications, shall be provided at a one-hundred twenty-foot (120’) spacing on center.”

This landscaping is provided, except where there is a break to allow for drainage infrastructure. Two (2) pairs of trees are missing due to this break and the sidewalk meanders north of the shrub row to avoid the drainage area. This is very similar to the drainage structure at Natural Grocers.

Variances requested:

5. A variance is requested to allow a break in the landscaping along Keller Parkway to allow for the drainage facility.

Residential Adjacent Landscape Buffer

The Town Center district requires a thirty foot (30’) landscape buffer with canopy trees planted based on mature canopy width, and eight foot (8’) screening wall, and five gallon dwarf yaupon hollies every five feet (5’) on center. These are provided.

Parking lot Landscaping

Parking lot landscaping in the Town Center district requires twenty-five (25) square feet of landscaping for each parking space within the development and landscaped islands are required every twelve (12) spaces. The applicant is meeting both of these requirements for this development.

Foundation Planting

Section 8.03 (P.4.g.8) requires a five-foot (5’) foundation planting along the front and sides of all buildings. This is provided.

Tree Mitigation

The tree preservation plan shows nineteen inches of mitigation are required. Twenty-one inches (21”) of mitigation are provided on the landscape plan.

Existing Roadway Access:

Keller Parkway (FM 1709), a six-lane divided arterial street to the south.

Sidewalks:

A five-foot (5’) wide concrete sidewalk along Keller Parkway is proposed to be installed in accordance with the Town Center zoning district.

Signs:

The applicant has acknowledged that all signs will meet UDC sign requirements at the time of sign permit.

Surrounding Zoning & Land Uses:

North: Saddlebrook Estates, Single Family dwellings, Zoned SF-8.4

South: Dominion Apartments and Commercial Developments, zoned TC

West: Proposed Braum's site, zoned TC

East: Keller Marketplace Phase II retail development, zoned TC

Variances Requested:

The applicant is requesting five (5) variances with this Site Plan application:

1. A variance is requested to waive the building articulation requirements for the west building elevation.
2. A variance is requested to Section 8.03 (P.4.c.7) for limited window treatment on the south elevation.
3. A variance is requested to allow metal faced accent materials and metal screening of mechanical equipment on the north and west elevations, as shown in Exhibit A.
4. A variance to Section 8.03 (P.4.c.8) is requested to allow a curved TPO roof.
5. A variance is requested to allow a break in the landscaping along Keller Parkway to allow for the drainage facility.

Summary:

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

- 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, however the related SUP case, on this agenda, resulted in a significant opposing response from the property owners within 200' of the subject site. The public will have an opportunity to speak on this agenda item at the "Persons To Be Heard".

Professional Opinion:

Should the SUP be approved, staff **does not** support the following variances:

1. A variance is requested to waive the building articulation on the west building elevation.
2. A variance is requested to Section 8.03 (P.4.c.7) for limited window treatment on the south elevation as shown in "Exhibit A."

Based on site conditions, architecture and past developments in Town Center, staff supports the following variances:

3. A variance is requested to allow metal faced accent materials on the north and west elevations, as shown in Exhibit A.
4. A variance to Section 8.03 (P.4.c.8) is requested to allow a curved TPO roof.
5. A variance is requested to allow a break in the landscaping along Keller Parkway to allow for the drainage facility.

The requested variances to the building elevations would be unique to this development in Town Center and do not serve the purpose of the building design standards of the Town Center zoning district. It is the professional opinion of staff to **not support** the site plan as proposed.

Board Review:

The Planning and Zoning Commission considered this site plan application on November 13, 2017 and tabled this item per the applicant's request. The Commission considered this item again on January 22, 2018 and recommended to deny by a vote of 7-0.

A revised site plan was submitted on February 20, 2018, which showed the relocation of the loading bays/service areas to the rear of the building.

City Council Action:

The City Council has the following options when considering a Site Plan with variances (provided the companion SUP is approved):

- 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