



## Legislation Details (With Text)

<b>File #:</b>	20-207	<b>Version:</b>	1
<b>Type:</b>	Old Business	<b>Status:</b>	Agenda Ready
<b>File created:</b>	4/20/2020	<b>In control:</b>	Planning & Zoning Commission
<b>On agenda:</b>	5/12/2020	<b>Final action:</b>	
<b>Title:</b>	Consider a recommendation by the Planning and Zoning Commission for a Site Plan with two variances requested by the property owners related to Complete Trailers (Tenant's) use of the 1.73-acre tract of land including a 5,840 square-foot building, on the east side of South Main Street, approximately 400' northeast of the South Main Street and Calverly Place intersection, being Lots 1 and 2, A.W. Crisp Jr Subdivision, addressed as 1425 South Main Street, and zoned Commercial (C). Woodall Properties, owner/applicant. (SP-20-0013)		
<b>Attachments:</b>	1. 041420_CompleteTrailersSP-20-0013_Maps, 2. 041420_CompleteTrailersSP-20-0013_ExhibitA(1), 3. 041420_CompleteTrailersSP-20-0013_ExhibitA(2)		

Date	Ver.	Action By	Action	Result
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**To:** Planning & Zoning Commission

**From:** Matthew Cyr, Planner I

### Subject:

Consider a recommendation by the Planning and Zoning Commission for a Site Plan with two variances requested by the property owners related to Complete Trailers (Tenant's) use of the 1.73-acre tract of land including a 5,840 square-foot building, on the east side of South Main Street, approximately 400' northeast of the South Main Street and Calverly Place intersection, being Lots 1 and 2, A.W. Crisp Jr Subdivision, addressed as 1425 South Main Street, and zoned Commercial (C). Woodall Properties, owner/applicant. (SP-20-0013)

### Action Requested:

Consider a request for approval of a Site Plan with two variances related to the property at 1425 South Main Street (commercial zoning district).

### Background:

- United Rentals (tenant) left the property in early 2019. It has remained vacant in the interim and thus lost its grandfathered status. Due to the site being vacant for over six-months, the Unified Development Code requires the entire site and building to be brought up to Code.
- The property owners met with staff several times throughout 2019 and at least once with a potential tenant prior to Complete Trailers. Staff spent significant time explaining in detail to the owners what they would need to do to bring the property up to current code - including constructing the screening wall along the eastern property line adjacent to residential zoning and use - before a certificate of occupancy could be issued to a tenant.
- City Council approved an SUP (for outdoor storage) by a vote of 7-0 on August 6, 2019, for a new tenant, Complete Trailers. However, at that time, the owners still had not addressed the seven Code violations on the site despite staff's repeated communications to the property owners that these had to be addressed PRIOR to a tenant using the site.

- On April 14, 2020, this application was tabled by the Planning and Zoning Commission with direction to the property owner and the tenant to address the majority of the variances and bring the site up to Code.
- The property owner and tenant have worked together and with a landscape architect and engineer to address five of the seven code violations. Of the two remaining variance requests, one has extenuating circumstances related to the retaining wall and the other request (to utilize irrigated potted plants rather than foundation plantings) is reflective of similar requests for other commercial property in the City.

### **Landscaping Variances:**

**Variance Request #1:** Reduce the required 30-foot landscape buffer to 20 feet to accommodate the existing retaining wall.

According to Section 8.08 (F) (1) (c) of the UDC, a minimum thirty-foot (30') landscape buffer adjacent to all properties with residential uses or zoning is required.

The revised Site Plan indicates a 6' retaining wall running north and south, parallel to the eastern property line, approximately 20' west from the property line. Consequently, staff supports this variance because the retaining wall is integral to the property and would be very difficult to move.

**Variance Request #2:** Incorporate irrigated pots and planters in lieu of the foundation planting requirement on the front and sides of the existing building.

According to Section 8.08 (F) (3) (j) of the UDC, a minimum five-foot (5') foundation planting shall be provided along the front and sides of all buildings and parking structures.

### **Surrounding Zoning:**

North: Commercial

South: Commercial

East: Single- Family 36,000 square-foot lots or greater (SF-36)

West: Outside of City Limits

### **Staff Analysis:**

Staff appreciates the efforts made by the owner and the tenant to address as many variances as practical. Because the retaining wall is integral to the property and poses a special condition, staff is not opposed to reducing the landscape buffer from thirty (30) to twenty (20) feet in order to leave the retaining wall in place. Staff takes no position related to the request to use irrigated potted plants rather than foundation plantings.

### **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 under "Persons To Be Heard".

**Alternatives:**

The Planning and Zoning Commission has the following options when considering a Site Plan with variances:

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

**City Council Action:**

If action is taken by the Commission, this application will be forwarded to City Council on May 19, 2020.

**Supporting Documents:**

- Aerial and Zoning Maps
- Exhibit A (1)- Application
- Exhibit A (2)- Site Plan