



## Legislation Details (With Text)

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<b>Type:</b>	New Business	<b>Status:</b>	Approved
<b>File created:</b>	5/27/2020	<b>In control:</b>	City Council
<b>On agenda:</b>	6/16/2020	<b>Final action:</b>	6/16/2020
<b>Title:</b>	Consider a resolution approving a Site Plan with two variances for Specs, located on a 1.712-acre property, located on the east side of Keller Smithfield Road, approximately 425-feet northeast of the intersection of Keller Parkway and Keller Smithfield Road, being a portion of Tract 3A12, Abstract 424, Dunham, J A Survey, zoned Town Center (TC), and addressed as 100 Chandler Road (Account#:03853381). John McClure, McClure Partners, Applicant; Greenway-Keller, L.P., Owner. (SP -20-0015)		
<b>Attachments:</b>	1. 061620_Specs SP_ProposedResolution, 2. 061620_Specs SP_Maps.pdf, 3. 061620_Specs SP_Exhibit A-SitePlan, 4. H-2 Specs Presentation		

Date	Ver.	Action By	Action	Result
6/16/2020	1	City Council	approve	

**To:** Mark Hafner, City Manager

**From:** Julie Smith, Community Development Director

**Subject:**

### Background:

On April 14, 2020, City Council approved McClure Partners' Specific Use Permit (SUP) request to construct a 12,180 square-foot, single-story liquor retail store in the Town Center zoning district per Ordinance 1968. During this meeting, the City Council requested the Applicant utilize both a masonry wall and live screening adjacent to the residential subdivision along the north property line. The Applicant's proposed site plan reflects both a wall and live-screening.

In the Town Center zoning district, all site plans are required to be brought forward to the Planning and Zoning Commission for recommendation and to City Council for approval.

The Applicant is bringing forward the Site Plan with two variances.

### Site Layout:

The Site Plan complies with all setbacks and building and fire codes.

### Architecture:

Elevations are primarily brick and stone. The Applicant added windows with canopies on the north, south, and west elevations. The windows located on the east side do not have canopies because this is the same side as the loading area.

The elevations meet the requirements of the UDC.

### Lighting:

Per the photometric plan, the light levels at the residential property line meet UDC requirements. The Applicant also meets all other lighting standards within Town Center zoning district.

**Screening Wall:**

The purpose of a screening wall between uses is to shield light and noise. The Applicant is proposing to erect an eight-foot masonry screening wall on the property line.

The screening wall meets the requirements of the UDC.

**Tree Preservation:**

The Applicant proposes to remove all the hackberry trees located on the northern property line, adjacent to the residences, to construct an eight-foot masonry screening wall. Per UDC 8.20, hackberry trees are not considered protected trees and can be removed without mitigation. The proposed Site Plan meets the requirements of the Tree Preservation Ordinance.

**Landscaping:**

The Applicant meets all landscaping requirements within the buffer areas adjacent to Keller Smithfield Road and to the residences.

In response to the City Council request, the 30-foot buffer adjacent to the residences contains both the screening wall and live-screening: nine Live Oak trees on 30-foot centers, four Yaupon Holly trees, 97 Dwarf Yaupon Hollies, and 63 Dwarf Burford Hollies.

Also, the Applicant is providing 5-foot foundation plantings, trees, and bushes within the parking site.

The Applicant meets (and with respect to the buffer, exceeds) all landscape requirements per the UDC.

**Sidewalks:**

A five-foot sidewalk is being provided along Keller Smithfield Road along with four-foot sidewalks throughout the site.

**Parking:**

The parking ratio for retail use is one space per 200 square-feet. The proposed building is 12,180 square-feet and requires 61 regular spaces. The Applicant proposes 64 regular spaces and 3 handicap spaces, so parking exceeds UDC requirements.

**Drainage & Utilities:**

Preliminary drainage and utility plans have been reviewed by City Staff and approved for Site Plan consideration.

**Variance requests:**

Per UDC Section 8.13 (H) states, "Alternate screening methods may be requested as part of the site plan review process and may be approved by the City Council."

1. UDC Section 8.13 (E) states, "Screening walls are required around refuse storage, trash compactor, and loading areas."

The Applicant requests a variance related to screening the loading area. It is located on the

east side of the building and does not face right-of-way or the adjacent single-family development. The applicant proposes to utilize live-screening in lieu of the masonry screening wall because of space constraints.

2. UDC Section 8.13 (G) states, "Screening walls are required for ground-mounted utilities and heating/cooling units."

The Applicant requests a variance to utilize live-screening in lieu of masonry screening, because the location of the electrical transformer box is near the loading area and does not have adequate space given the separation distance requirements designated by the electric company.

### **Summary:**

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

### **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 will have an opportunity to speak on this agenda item during the "Persons To Be Heard".

### **Planning and Zoning Recommendation:**

On May 26, 2020, the Planning and Zoning Commission unanimously approved the Site Plan as presented with the two variance requests. The Commission expressed that the variances requested were reasonable and that the landscaped area will aesthetically better serve than a masonry screening wall at this location.

### **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).
- Table the agenda item to a specific date with clarification of intent and purpose.

- Deny.