



Legislation Details (With Text)

File #:	20-458	Version:	1
Type:	New Business	Status:	Agenda Ready
File created:	10/7/2020	In control:	Planning & Zoning Commission
On agenda:	10/13/2020	Final action:	
Title:	Consider a recommendation for a site plan amendment with four (4) variances for Keller Play and Stay to operate a Pet Grooming Facility in an existing 3,050 square-foot building, located on a 0.90-acre tract of land, on the east side of South Main Street (US 377), approximately 700' south-east of the South Main Street (US 377) and Kroger Drive intersection, being Lot 2A, Block 1, Higgins Fred & Birk Hend Addition, at 1401 S Main, and zoned (C) Commercial. Majid Nejati, owner. Distinguished Custom Homes, developer/applicant. (SP-20-0027)		
Attachments:	1. 101320_KellerPlaySP-20-0027_Maps, 2. 101320_KellerPlaySP-20-0027_Application, 3. 101320_KellerPlaySP-20-0027_SitePlan, 4. 101320_KellerPlaySP-20-0027_PetHollywoodPlans, 5. 101320_KellerPlaySP-20-0027_Resolution3006		

Date	Ver.	Action By	Action	Result
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To: Planning and Zoning Commission

From: JP Ducay, Planner I

Subject:

Consider a recommendation for a site plan amendment with four variances for Keller Play and Stay to operate a Pet Grooming Facility in an existing 3,050 square-foot building, located on a 0.90-acre tract of land, on the east side of South Main Street (US 377), approximately 700' south-east of the South Main Street (US 377) and Kroger Drive intersection, being Lot 2A, Block 1, Higgins Fred & Birk Hend Addition, at 1401 S Main, and zoned (C) Commercial. Majid Nejati, owner. Distinguished Custom Homes, developer/applicant. (SP-20-0027)

Action Requested:

Consider a request for a Site Plan amendment with four variances for an existing 3,050 square-foot Pet Grooming Facility (Keller Play and Stay) located at 1401 S Main in the Commercial Zoning District.

Background:

- The final plat for this property was approved by City Council in 1979, and the original building was built in 1980. It was originally occupied by Plumbing Operations and then was unoccupied for several years.
- In 2010, Pet Hollywood received approval by City Council for a site plan containing six variances related to development standards in order to operate their business on the site. These variances included alternative building materials, waived landscaping, retaining existing chain link fence, waiving the masonry screening wall, allowing existing gravel parking surface, and delaying construction of a five-foot sidewalk. Pet Hollywood occupied the building in 2011

- Pet Hollywood vacated the property in 2018, and it remains unoccupied.
- Keller Play and Stay has agreed to address some of the previous variances on this site while also requesting four additional variances.

Analysis:

Any Site Plan requesting a variance must be submitted for a detailed review and must receive approval through City Council after a recommendation from the Planning and Zoning Commission.

The Applicant has agreed to provide adequate landscaping throughout the site. The gravel drive and exiting concrete will be replaced by a new concrete drive that meets the current design and fire lane standards. The Applicant has also agreed to put in the five-foot sidewalk that was initially supposed to be constructed by Pet Hollywood.

Variance Requests:

Request #1: Allow the existing 3,050 square-foot building to encroach approximately seven feet and six inches into the ten foot north, side-yard landscape buffer.

Site Design:

Per Section 8.08 (F)(1)(d) of the UDC, a minimum ten-foot landscape buffer is required adjacent to side and rear property lines when adjacent to non-residential uses or zoning.

The Building is currently a legal, non-conforming structure, since it was built 2 feet off the property line in 1980.

Request #2: Allow the dumpster to encroach into the rear setback.

Site Design:

Section 8.03 (S)(4)(B)(4) of the UDC, requires a 60' setback to the side or rear of any commercial property if adjacent to a single-family zoning district.

The rear of the subject site abuts up to a piece of property zoned SF-36. After applying the 60' setback, too little room remains to construct a dumpster enclosure without encroaching into the setback, while also providing access to the dumpster and locating out of the view from the street.

Request #3: Allow for 10 parking spaces in lieu of the 16 required parking spaces.

Parking:

Applying Section 8.07 (G)(50) retail parking ratios to this proposal, the Applicant is required to provide a minimum of 16 parking spaces and 1 handicapped space. The Applicant believes that this parking ratio is too intensive for the proposed use and that the additional parking spaces will not be actively utilized. Clients do not arrive at the same time and staff is minimal. The Applicant also notes the need for a dog walking area could be met by using the lawn in lieu of the 5 parking spaces.

Request #4: Waive the required masonry screening wall along the east property line.

Screening:

Section 8.13 (B) of the UDC states that all non-residential uses are required to install screening walls when adjacent to a residential use or zoning district.

The Applicant wants to instead retain the existing hedge row rather than construct the screening wall. They do plan to plant the required row of three-inch (3") caliper canopy trees along the east property line. Only half of the subject properties east border is abutting the SF-36 zoning district and extensive vegetation and trees would need to be removed on this property line in order to construct the screening wall.

Existing Roadway Access:

US 377 (a six-lane, divided arterial).

Drainage & Utilities:

An updated drainage plan was preliminarily approved by Public Works.

Variances Requested:

1. Allow the existing building to encroach approximately seven feet and six inches into the ten-foot, north side-yard, landscape buffer.
2. Allow the dumpster to encroach into the rear setback.
3. Allow for 10 parking spaces in lieu of the 16 required parking spaces.
4. Waive the required masonry screening wall along the east property line.

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 during "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).
- Table the agenda item to a specific date with clarification of intent and purpose.
- Recommend denial.

Supporting Documents:

- Maps
 - o Zoning / Aerial Map
- Exhibit A
 - o Application
 - o Site Plan
- Staff Attachment
 - o Original Site Plan / Resolution