



City of Keller

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Legislation Text

File #: 16-413, **Version:** 1

To: Mark Hafner, City Manager

From: David Hawkins, Planning Manager

Subject:

Consider an ordinance approving a Planned Development Amendment for an undeveloped portion of Highland Oaks Crossing, for a proposed 11,900 square-foot non-residential development, located on a 1.894-acre tract of land out of the John Edmonds Survey, Abstract No. 457, Tract 3H, on the north side of North Tarrant Parkway, approximately 980 feet north of Rufe Snow Drive, at 1801 Rufe Snow Drive, and zoned PD-NS (Planned Development-Neighborhood Service). Frank Roszell, owner. Michael J. Wright, M. J. Wright & Associates, Inc., applicant/developer. (Z-17-0004)

Action Requested:

City Council tabled this item from the August 1, 2017 meeting to allow the developer to consider revising the concept plan based on input from City Council members and concerned citizens. The public hearing was closed at the previous meeting but any persons wanting to speak on this agenda item may do so during the "Persons To Be Heard" portion of the meeting.

The applicant has made some revisions to the concept plan to relocate the private garage and dumpster to remove some variances from City Council consideration. Updated details and concept plan are provided below in the memo.

Consider a Planned Development Amendment for an undeveloped portion of Highland Oaks Crossing, for a proposed 11,900 square-foot non-residential development.

Current Zoning:

PD-NS (Planned Development-Neighborhood Service)

Proposed Zoning:

PD-NS (Planned Development-Neighborhood Service)

Future Land Use Plan:

R-Retail

Background:

August 5, 1997 - City Council approved the original concept plan for Highland Oaks Crossing (Ordinance No. 868) with the zoning as PD-NS (Planned Development-Neighborhood Services). A 9,600 square-foot building was planned for this subject property.

October 2, 2001 - A Planned Development Amendment was approved by City Council (Ordinance

No. 1066) to allow a CVS Pharmacy and other site modifications. This included a building footprint of 6,000 square feet for this parcel.

This subject property still has the PD-NS designation under Ordinance No. 1066 and has yet to be platted or developed.

There have been several PD Amendments, Final Plats and Site Plans for the remainder of the Highland Oaks Crossing development through the years. A copy of Ordinance No. 868 and Ordinance No. 1066 are enclosed under "Staff Attachment".

Analysis:

The purpose of this Planned Development Amendment is to:

- Revise the concept plan to allow an 11,900 square-foot building (currently 6,000 square feet)
- Change the use restrictions for the subject property to allow all uses listed within the NS District, either Permitted by-right or by Specific Use Permit (SUP).
- Address site redesign and variances associated with them

Proposed Uses:

The current approved concept plan restricts the subject property to allow only "Professional Offices; Banks or Financial Institution, or a Child Care Center" uses. The applicant is proposing to change the use restriction to allow any uses that are listed within the NS District, either Permitted by-right or by Specific Use Permit (SUP). A copy of the NS zoning district use chart is provided under "Staff Attachment".

Building Size:

The applicant elected to maintain the existing base zoning district of NS to allow additional uses that would be compatible to the adjacent residential properties to the east in lieu of changing it to Retail.

The applicant has relocated the private garage and attached it to the south side of the main building. This will increase the overall building footprint from 11,900 sq. ft. to 13,200 sq. ft. The amount of retail/office space is not increasing for this building, only the overall square footage.

Variance Request:

1. However, with staying with the existing NS district, the applicant is requesting a variance to allow the building to exceed the maximum threshold of six thousand (6,000) square feet specific to this zoning district. The proposed building is to be thirteen thousand two hundred (13,200) square feet overall, 11,900 for retail/office use and 1,300 for private garage. The private garage cannot be converted to retail/office space as this would trigger additional parking and building code requirements.

Building Setbacks:

The Neighborhood Service zoning district requires a thirty-foot (30') front building setback along Rufe Snow Drive per the current UDC. The current concept plan approved back in 2001 has a twenty-five foot building setback line as required by the Zoning Ordinance at that time.

The building setback line along the east property which is adjacent to single-family residences is required to be a minimum of thirty-feet (30'). There is an existing utility and gas line easement that is forty feet (40') in width that will separate the new building from the east property line. The south

property line is adjacent to an existing drainage channel owned by the City of Keller. No building setback line is required along this property line.

Elevations:

Section 8.06 (A.2.b & c) of the UDC requires seventy-five percent (75%) masonry for the entire exterior of the building. The use of three-quarter inch (3/4") Portland cement stucco with a minimum fire rating of one (1) hour shall be permitted provided the area does not exceed fifty percent (50%) of the total façade area excluding doors, windows and glass wall construction. The applicant is proposing a one (1) story building that is residential-style and intends to meet this requirement at time of Site Plan review. No building elevations were submitted for this PD Amendment as the applicant intends to meet the design requirements of the UDC at time of Site Plan application.

Building Roof:

Section 8.03 (M.3.b) of the UDC states the design of roof structures shall have pitched or mansard roofs. The proposed building will have a pitched and/or sloping roof at time of Site Plan application.

Building Height:

The Neighborhood Service zoning district (Section 8.03.M.3) states that the maximum height for all buildings shall be two (2) stories, not to exceed thirty-five feet (35') in height. If additional height over thirty-five feet (35') is desired, then an additional setback is required. It also states that a maximum one (1) story height up to twenty-five feet (25') is required if a building is located within one hundred feet (100') of a developed SF zoning district. Architectural features may exceed twenty-five feet (25'). Single-family residences are adjacent to the east of this property. The proposed building fronting on Rufe Snow Drive will be approximately forty feet (40') from the single-family homes to the east. The proposed building will meet the one-story height requirement at time of Site Plan application.

Landscaping:

A thirty-foot (30') landscape buffer is required along Rufe Snow Drive in accordance with the current UDC. The current PD concept plan for this subject property was approved with a twenty-five foot (25') landscape buffer that matches the building setback line.

Variance Request:

2. The applicant is requesting a variance to allow the twenty-five foot (25') landscape buffer along Rufe Snow Drive to remain and match the previously approved concept plan. The required buffer trees are planned to be installed in accordance with the UDC at time of Site Plan application.

There is a required thirty-foot (30') landscape buffer required along the east property line when adjacent to single-family residential properties. With the gas line easement, this buffer will be forty feet (40') in width. There is also a requirement to plant three-inch (3") caliper trees within this landscape buffer.

Variance Request:

3. The applicant is requesting a variance to waive the buffer trees within the east landscape buffer. Atmos Energy controls this gas easement and has communicated to the applicant that no landscaping or other permanent improvements are to be allowed within the easement as it must remain clear. Communication with Atmos is included under Exhibit "A".

There is a required ten-foot (10') landscape buffer along the south property line next to the City of

Keller drainage channel. Section 8.08 (F.2.a and c) of the UDC states that large canopy trees (3" caliper) are required to be planted within all landscape buffers, spaced based on mature growth of the tree type provided.

Variance Request:

4. The applicant is requesting a variance to waive to the ten-foot (10') landscape buffer and buffer tree requirements along the south property line. Since the 2001 approved concept plan, the City of Keller has acquired some land from this subject property along this south boundary line where the landscape buffer was planned for purposes of improvements to the drainage channel.

Tree Preservation:

The applicant has provided a letter from an arborist that has visited the site and confirmed that there are no protected trees on this property. The letter from the arborist as well as site photos is included under "Staff Attachment".

Screening:

Section 8.13 (B) of the UDC states that minimum six-foot (6') screening walls are required when a non-residential development is constructed adjacent to a single-family residential use or zoning district. City Council may require an eight-foot (8') wall height on a case-by-case basis. In this case, the single-family residential zoned properties are located to the east of the subject property within the Lakes of Highland Oaks.

Variance Request:

5. Due to access restrictions communicated by Atmos Energy who oversees this gas line easement, the applicant is requesting a variance to waive the six-foot (6') screening wall along the east property line. There will be a forty-foot (40') separation between the proposed building and the east property line.

The applicant has provided an email and site photos speaking on this variance request that are included under "Staff Attachment".

Hike/Bike Trail:

No hike and bike trail is shown on the Trails Master Plan adjacent to the subject property.

Sidewalk:

A five-foot (5') wide concrete sidewalk along Rufe Snow Drive is required to be installed.

Site Access:

This facility will be served by two (2) driveways from Rufe Snow Drive to the west.

Trip Generation:

A Trip Generation Form (TGF) has not been received at time of publication of this memo. Section 5.03(E.1) UDC requires a Traffic Impact Analysis (TIA) to be completed and submitted to the City whenever there are more than five hundred (500) trips per day generated by a residential use or more than two thousand (2,000) trips per day generated by non-residential uses. The applicant submitted a Trip Generation Form at the last P & Z Commission meeting and is included under "Staff Attachment". The TGF indicated that the number of trips per day for this location is 1,702 trips so no TIA is required.

Parking:

Section 8.07 of the UDC requires a minimum parking ratio of one (1) space for every two hundred (200) square foot of retail or medical office use. For a building of this size, sixty (60) parking spaces are required which is being provided by the applicant to meet UDC requirements. The applicant is also providing an enclosed private garage for the use by the property owner. Garages/carports have been provided on past non-residential projects and these garage spaces are not considered as part of the parking space calculations.

The applicant has relocated the private garage and attached it to the south side of the main building. The garage doors will be orientated to the south and not facing a street. The variance request to allow the garage doors to face the street has been removed from City Council consideration.

With the relocation of the private garage and dumpster, the applicant was able to reconfigure the parking areas to maintain the minimum required sixty (60) parking spaces and provide the required two (2) landscaped islands with trees. The variance request to waive the two (2) landscaped islands has been removed from City Council consideration.

Dumpster Enclosure:

Section 8.06 (D.2) of the UDC states that all trash receptacles shall be located at the rear of the property and shall not face a street and be screened with a six-foot (6') masonry wall with solid metal doors. There is (1) proposed dumpster to be located to the south of the building.

The applicant has relocated the dumpster to the south side of the property and re-orientated the dumpster doors to face the main building to the north. The applicant also intends to provide the minimum required six-foot (6') solid masonry wall around the dumpster enclosure. A pedestrian access door is also provided on the side of the dumpster. The variance request to waive the dumpster wall enclosure and doors facing a street has been removed from City Council consideration.

Fire Protection:

Fire lanes and fire hydrants have been provided and meet the fire protection requirements of the UDC. With the recent changes to the private garage and dumpster locations, the concept plan still meets the fire protection requirements.

Lighting:

There are single-family residential properties located to the east of this subject property so a Lighting and Photometric Plan will be required at time of Site Plan application to meet the glare and design requirements as stated within Section 8.16 - Lighting and Glare Standards of the UDC.

Signage:

All new signs will meet signage requirements as stated in Section 8.09 of the UDC at time of sign permit review.

Drainage and Utilities:

Water and sanitary sewer services are already in place to serve this property. Detailed grading, drainage and utility plans will be reviewed by the Public Works Department at time of Site Plan application and will meet all requirements of the UDC

Existing Roadway Access:

Rufe Snow Drive, a four (4) lane divided arterial street to the west.

Surrounding Zoning & Land Uses:

North: The Lakes of Highland Oaks zoned PD-SF-8.4

South: Drainage Channel owned by City of Keller; Children's Learning Adventure, zoned PD-R (Planned Development-Retail)

East: The Lakes of Highland Oaks zoned PD-SF-8.4

West: Wyndham Village Office Park, zoned PD-R

Request:

There are several conditions being requested with this Planned Development Amendment application.

1. Allow the building to exceed the maximum threshold of six thousand (6,000) square feet specific to this zoning district.
2. Allow the twenty-five foot (25') landscape buffer along Rufe Snow Drive.
3. Waive the buffer trees within the east landscape buffer.
4. Waive the ten-foot (10') landscape buffer and buffer tree requirements along the south property line.
5. Waive the six-foot (6') screening wall along the east property line.
- ~~6. Allow the garage doors to face a street.~~
- ~~7. Allow more than twelve (12) consecutive parking spaces without a landscaped island.~~
- ~~8. Waive the required solid masonry wall for the dumpster enclosure and to allow the dumpster doors to face the street.~~

Variances No. 6-8 have been removed from City Council consideration.

Summary:

Section 8.02 (D.1.e) of the UDC states that when considering a zoning change request, the Planning and Zoning Commission and City Council shall consider the following factors:

- 1) Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole, and in compliance with the Future Land Use Plan.

This property has been zoned for an office-type use for since 1997 but has remained undeveloped. The purpose of the PD Amendment is to modify the site layout and allowed uses on the property.

- 2) Whether the proposed change is in accord with any existing or proposed plans for providing streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings.

Utility services are available to serve this development.

- 3) The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.

There is one parcel remaining within the Highland Oaks Crossing development located on North Tarrant Parkway.

- 4) The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

There are four (4) areas in Keller that have the same zoning designation as Neighborhood Service (NS) and are mostly developed (See details below of these NS zoned properties in Keller):

- ***NE corner of North Tarrant Parkway and Rufe Snow Drive (Highland Oaks Crossing development and CVS Pharmacy; 1 undeveloped parcel remains)***
- ***NE corner of Rufe Snow Drive & Rapp Road (Children's Courtyard daycare)***
- ***NW Corner of N. Tarrant Parkway & Smithfield Road (Children's Lighthouse daycare with variance to exceed 6,000 sq. ft.)***
- ***SE corner of W. Bear Creek Parkway and Chisholm Trail (undeveloped; recently approved by City Council).***

- 5) How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved.

This is the last parcel remaining on Rufe Snow Drive that is planned for office uses. The properties to the west and south are developed for non-residential uses.

- 6) Any other factors which will substantially affect the health, safety, morals, or general welfare.

Staff does not feel that this development will substantially affect the health, safety, morals, or general welfare as this property has always been planned for an office-type development

Supporting Documents:

Proposed Draft Ordinance - Updated to reflect new concept plan and variances

P & Z Commission Meeting Minutes - May 8, 2017

P & Z Commission Meeting Minutes - June 12, 2017

Exhibit A

- Letter from Applicant
- **Updated Concept Plan for City Council meeting on August 15, 2017**
- Proposed Concept Plan - from City Council meeting on August 1, 2017

- Concept Plan with Aerial
- Letter for Dumpster Enclosure Variance
- Photos of Dumpsters
- 2012 Keller Traffic Count Locations
- Trip Generation Form
- Correspondence with Atmos Energy
- Certified Letters to Neighbors (Prior to P & Z Commission meeting on May 8, 2017)
- Emails with Residents 5-11-17
- Emails with Residents 5-13-17
- Email Correspondence with Commissioner Stansell
- Fencing Site Photos
- Tree Site Photos
- Letter from Arborist

Staff Attachment

- Public Response Letters and Map
- **Additional Public Responses - August 9, 2017**
- Ordinance No. 868 (Approved August 5, 1997)
- Original Highland Oaks Crossing Approved Concept Plan
- Ordinance No. 1066 (Approved October 2, 2001)
- Current Highland Oaks Crossing Approved Concept Plan
- Neighborhood Service Use Chart from Section 8.03 of the Unified Development Code

Maps

- Zoning Map
- Aerial Map

Citizen Input:

On April 24, 2017, as required by State law, the City mailed out thirty-one (31) letters of Notifications for a Public Hearing to all property owners within two hundred feet (300') of the subject site. A public hearing notice sign was also posted on the site.

As of August 9, 2017, City staff received five (5) letters from the public for this Planned Development Amendment request. The applicant has also provided copies of Certified Letters that were sent to adjacent residents prior to the P & Z Commission meeting on May 8, 2017. Also included are email correspondences between the applicant and residents since the P & Z Commission meeting on May 8, 2017.

Written Opposition:

State laws and the UDC both state that if written objections are received from twenty percent (20%) of the area of the adjacent property owners extending two-hundred feet (200') from the subject property, then a three-fourth ($\frac{3}{4}$) vote (super majority is 6 out of 7) is required by City Council for approval of this rezoning request. **With the three (3) letters received in opposition equaling to approximately 7.47%, this request will not require a three-fourth ($\frac{3}{4}$) super majority vote by City Council for approval.**

Please note that Section 8.02 (D.6) of the UDC states that the cut-off date and time for receiving any written opposition is noon the day of the scheduled public hearing for City Council which was August

1, 2017. (July 18, 2017 meeting date was incorrectly posted as applicant was not available to be present at this meeting date).

Professional Opinion:

Staff's professional opinion is to **support** this Planned Development Amendment application for City Council consideration with the concept plan and development standards provided in Exhibit "A" and some of the variances requested:

1. The variance request to allow the building to exceed the maximum threshold of six thousand (6,000) square feet specific to this zoning district.
2. The variance request to allow the twenty-five foot (25') landscape buffer along Rufe Snow Drive.
3. The variance request to waive the buffer trees within the east landscape buffer.
5. The variance request to waive the six-foot (6') screening wall along the east property line.

Staff does **not support** the following conditions:

4. The variance request to waive the ten-foot (10') landscape buffer and buffer tree requirements along the south property line.
- ~~6. The variance request to allow the garage doors to face a street.~~
- ~~7. The variance to allow more than twelve (12) consecutive parking spaces without a landscaped island along the west and south property line.~~
- ~~8. The variance request to waive the required solid masonry wall for the dumpster enclosure and to allow the dumpster doors to face the street.~~

Variances No. 6-8 have been removed from consideration.

Board Review:

At their June 12, 2017 meeting the Planning and Zoning Commission voted 4-3 to recommend approval with the following variances and conditions:

1. The variance request to allow the building to exceed the maximum threshold of six thousand (6,000) square feet specific to this zoning district shall be allowed.
2. The variance request to allow the twenty-five foot (25') landscape buffer along Rufe Snow Drive shall be allowed.
3. The variance request to waive the buffer trees within the east landscape buffer shall be allowed.
4. The variance request to waive the ten-foot (10') landscape buffer and buffer tree requirements along the south property line shall be allowed. The applicant will work with the City to plant the

landscape buffer trees on City property to the south if not located within the floodway. Any landscaping planted in this area shall be maintained by the applicant.

5. The variance request to waive the six-foot (6') screening wall along the east property line shall be allowed.
6. The variance request to allow the garage doors to face a street shall be allowed.
7. The variance request to allow more than twelve (12) consecutive parking spaces without a landscaped island along the west and south property line shall be allowed.
8. The variance request to waive the required solid masonry wall for the dumpster enclosure and to allow the dumpster doors to face the street shall be allowed.

Alternatives:

City Council has the following options when considering a Planned Development Amendment application:

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

The requested variances for consideration by City Council are as follows:

1. The variance request to allow the building to exceed the maximum threshold of six thousand (6,000) square feet specific to this zoning district shall be allowed.
2. The variance request to allow the twenty-five foot (25') landscape buffer along Rufe Snow Drive shall be allowed.
3. The variance request to waive the buffer trees within the east landscape buffer shall be allowed.
4. The variance request to waive the ten-foot (10') landscape buffer and buffer tree requirements along the south property line shall be allowed.
5. The variance request to waive the six-foot (6') screening wall along the east property line shall be allowed.