



City of Keller

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Legislation Text

File #: 16-425, **Version:** 1

To: Mark Hafner, City Manager

From: David Hawkins, Planning Manager

Subject:

Consider a resolution approving a variance to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, Tree Preservation, Section 8.08 Landscape Requirements, for Keller ISD New Career and Technology Center, located on approximately 50.60 acres of land bounded on the north by North Tarrant Parkway, bounded on the east by Willis Lane, bounded on the south by Bursey Road and bounded on the west by Whitley Road, at 305 North Tarrant Parkway, being Lot 1, Block A of the K.I.S.D. Bursey Road Addition, and zoned PD-SF-8.4 (Planned Development-Single Family Residential-8,400 square foot lots). Keller Independent School District, property owner. Sangeetha Karthik, Corgan & Associates., architect/applicant. (UDC-17-0015)

Action Requested:

Consider a resolution approving a variance to Section 8.08, Landscaping Requirements, for required buffer plantings along Whitley Road for the Keller ISD New Career and Technology Center.

Background:

A Planned Development Zoning Change for the Keller ISD Center for Advanced Learning, previously called the Career and Technology Education Center, was approved by City Council Ordinance No. 1737 on April 7, 2015. A site plan with variances was also approved on April 7, 2015.

The school has been operating under a temporary Certificate of Occupancy while renovations were completed. The school called for a site final inspection on July 10, 2017. At that site final, it was noted that there were no trees planted in that buffer. A permanent Certificate of Occupancy could not be issued. The applicant is applying for this variance to not plant trees in the landscape area along Whitley Road.

Analysis:

At the time of site plan approval, Section 9.03 of the Unified Development Code (UDC) required a fifteen-foot (15') buffer with three inch (3") diameter canopy trees planted thirty feet (30') on center. The UDC has since been amended, and the current requirement in Section 8.08 of the UDC requires a fifteen-foot (15') buffer with three-inch (3") diameter canopy trees planted based on mature canopy width.

The original site plan submittal contained the fifteen-foot (15') buffer but not the required tree spacing. The resubmittal had the required trees but reduced the buffer to ten feet (10'). The buffer width reduction was missed in the second review.

At the site currently is a ten-foot (10') buffer with a retaining wall to the east and overhead power

lines to the west. There is not adequate space to plant large canopy trees. Mature canopy widths are between thirty and forty feet (30'-40') for most canopy trees. With the constraints of the power lines and retaining wall, even the required fifteen-foot (15') buffer would not be adequate for tree canopy growth. Oncor's tree planting guide recommends no trees within twenty feet (20') of power lines but also gives a list of low-growing ornamental trees if trees are used within twenty feet (20'). This guide is included in the "Staff Attachment".

The applicant is proposing to plant the required thirteen (13) trees elsewhere on site.

Variance

1. A variance is requested to allow for the thirteen (13) trees that would have been required in this buffer to be planted elsewhere on site.

Existing Roadway Access:

Whitley Road, a two-lane undivided collector to the west.

Bursey Road, a two-lane undivided street to the south.

North Tarrant Parkway, a six-lane divided arterial to the north.

Surrounding Zoning & Land Uses:

North: West Bursey Ranch subdivision zoned SF-8.4 and Saint Elizabeth Ann Seton Church zoned SF-15 (Single Family Residential-15,000 square foot minimum).

South: City of Watauga, undeveloped, zoned SF-6 (Single Family) according to the City of Watauga website

East: Bursey Ranch Addition zoned PD-SF-8.4 and New Hope Lutheran Church, zoned SF-8.4

West: City of Watauga, office development, zoned C (Commercial) according to the City of Watauga website

Variance Requested:

In the application the applicant requested to omit the thirteen (13) required trees. The applicant then e-mailed asking if they could plant the canopy trees elsewhere on site. At the Planning and Zoning Commission meeting on August 14, 2017, they stated they were somewhat flexible alternatives. The applicant is requesting one (1) variance to the UDC with this application:

1. A variance is requested to allow the thirteen (13) trees that would have been required in this buffer to be planted elsewhere on site.

Summary:

Section 2.07(A.2) of the UDC, lists criteria for approval of a variance. Staff's comments are added in bold italics.

- 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.

The area for plantings is constrained by the overhead utility lines and the retaining wall constructed with the expansion of the building. This circumstance creates too narrow an area for mature canopy trees.

- 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.

Staff finds the granting of this 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.

Staff finds the granting of this variance should have no effect on the orderly subdivision of land in the area. The properties surrounding this lot are all developed.

- d. That the granting of the variance will not constitute a violation of any other valid ordinance of the City of Keller.

This variance is granted solely to Section 8.08 of the UDC and does not constitute a violation of any other valid ordinances.

- 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.

Planting canopy trees at this location would be detrimental to the long-term health of the trees. However, the intent and purpose of street trees is for beautification. Staff believes ornamental trees and shrubs at this location would help soften the retaining wall and serve the purpose of landscaping more than planting the required canopy trees in a different location.

Citizen Input:

A UDC variance application 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 at the "Persons To Be Heard".

Professional Opinion:

It is staff's professional opinion to **support** this variance request with the following variance and condition:

1. The variance request to allow for the thirteen (13) canopy trees that would have been required in the buffer along Whitley Road to be replaced with thirteen (13) ornamental trees to be considered.
2. A condition that the row of Dwarf Abelias shall be extended the length of the retaining wall along Whitley Road.

Board Recommendation:

At their August 14, 2017 meeting the Planning and Zoning Commission voted 7-0 to support the request with the following conditions:

1. The variance request to the thirteen (13) trees that would have been required in this buffer to be planted elsewhere on site shall be allowed.

2. A condition that the existing Dwarf Abelias shall remain in the buffer.
3. A condition that evenly spaced understory trees shall be planted along the landscape buffer.

Alternatives:

The City Council has the following options when considering a UDC Variance request application:

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