

MEMORANDUM

TO: Claire Powell, City Manager

FROM: Richard E. Luedke, AICP, Planning Director

DATE: November 6, 2023

SUBJECT: **Consideration of Two Alternative Standards Associated With Outdoor Storage and Screening for Walmart; on Approximately 18.163 Acres, Located at 801 West Main Street, Legally Described as Valley Ridge Business Park West Addition, Lot 3-R1-A, Block C; Zoned General Business (GB) District, as Requested by Kendal Prosack, of Wing, on Behalf of Wal-Mart Real Estate Business Trust, the Property Owner. (23-10-06-ALTSTD)**

BACKGROUND:

Wing Aviation LLC (Wing) is a drone delivery service that is partnering with Walmart to temporarily provide drone deliveries from the 801 West Main Street location. Drone delivery is proposed as a twelve-month pilot project to determine if the service is successful. Drones are expected to deliver items in 30 minutes or less within a 6-mile delivery range. Attached is the Environmental Assessment (EA) that was published on September 30th. The public comment period for the draft EA begins with the issuance of the Notice of Availability and lasts 30 days. The Federal Aviation Administration (FAA) encourages all interested parties to provide comments concerning the scope and content of the draft EA. The final report with the public comments will be published mid-month. A similar pilot program launched in Frisco in September. Lewisville would be the second location offering the service. The desired launch date is late November.

The proposed delivery launch site is located within the Core Subdistrict of the IH-35E Overlay District, and due to its temporary nature, will need the approval of alternative standards to the Overlay requirements. The City Council may approve alternative standards after a recommendation from the Overlay Board if it is determined that hardship or practical difficulties may result from strict compliance with the Overlay District regulations, provided that such exception shall not have the effect of nullifying the intent and purpose of the regulations. The Overlay Board recommended unanimous approval (6-0) on October 17, 2023.

ANALYSIS:

Wing's drone launch site is proposed in front of the Walmart store, near the existing curb-side-delivery parking stalls. A black open-style fence will surround a 30-foot by 126.5-foot area over 28 parking stalls. No drive aisles will be blocked. A generator and temporary storage container will be placed inside the fenced area. The following two alternative standards are requested for this project:

Requested Alternative Standards:

- a) to allow outside storage in front of the principal building for a period not to exceed twelve months.

The Unified Development Code Section VI.8.1.B.6.d. - Outside Storage, stipulates that outside storage shall be located behind the principal building. The drone launch area is considered outside storage per the Unified Development Code. Staff has no objection to this request due to the temporary and unique nature of this use.

- b) *to allow a black galvanized metal panel fence in lieu of the required masonry wall or tubular steel fence for a period not to exceed twelve months.*

The Unified Development Code Section VI.8.1.B.6.d. - Outside Storage, requires that any outside storage be screened either with a masonry wall or a tubular steel fence with live screening. The applicant is proposing a black galvanized metal panel fence to secure the drone delivery area. This screening wall is not opaque for security purposes. Staff has no objection to this request due to the temporary and unique nature of the use.

If the trial is successful, the applicant will make this a permanent fixture with modifications as needed. Staff has requested relocating the drone station to the rear of the building per IH-35E Overlay requirements. In the project is unsuccessful the launch site will be removed.

CITY STAFF'S RECOMMENDATION:

That the City Council approve the alternative standards as set forth in the caption above.