

## MEMORANDUM

**TO:** Claire Powell, City Manager

**FROM:** Richard E. Luedke, AICP, Planning Director

**DATE:** February 5, 2024

**SUBJECT:** **Consideration of an Alternative Standard Associated With Screening Requirements for a Commercial Amusement Facility (Outdoor) on Approximately 3.175-Acres, out of the S.M. Hayden Survey, Abstract Number 537, Zoned Light Industrial (LI) District, Located on the East Side of Barfknecht Lane, approximately 1,540 Feet South of Midway Road, as Requested by Ronald Wygal, Endurance Development, on Behalf of Pathfinder Sports LLC, the Property Owner. (23-07-9-ALTSTD)**

### **BACKGROUND:**

A special use permit for a cricket sports facility was granted by the City Council on September 18, 2023. The owner of the facility proposes to provide an eight-foot (8') board-on-board fence along the northern portions of the western property boundary, adjacent to a single-family home. Per the Unified Development Code (UDC), Article VII, Chapter 5, a type one buffer consisting of a six-foot (6') masonry screening wall, a ten-foot (10') landscape strip, and shade trees placed fifty feet (50') apart on center are required between single family residential and service uses. The Planning and Zoning Commission recommended unanimous (5-0) approval on January 16, 2024.

### **ANALYSIS:**

To proceed with the engineering site plan and permitting process, the property must comply with all standards specified by the UDC, including section VII.5 referenced above which requires screening walls between residential and commercial uses to be six feet (6') in height and made of masonry. In response to the adjacent property owner's request, the applicant proposes to replace the required screening with an eight-foot (8') board-on-board fence on all sections of the western boundary, which will exceed the height required by code. The additional height was desired by the single-family property owner.

As approved with the special use permit, the applicant will also exceed the landscape requirements required by providing a thirty-foot (30') landscape buffer and additional shade trees along the southern portion of the boundary, which makes up over seventy percent (70%) of the shared boundary. For the remaining northern portion of the boundary, the applicant requests to reduce the required landscape buffer width from ten feet (10') to five feet (5') and eliminate the provision of shade trees. While the UDC requires type one screening between the two uses, there are no commercial buildings, only a driveway into the property bordering the single-family home, which negates the necessity for enhanced landscaping. At the January 16, 2024, meeting of the Planning & Zoning Commission, the alternative standard was recommended for approval with three conditions as follows: use

steel fence posts that face toward the cricket property, ensure the boards overlap and have a cap on top of the fence, and to ensure the gate, if provided, is an open style.

The applicant has no objections to these conditions and submitted an updated request letter and requested the alternative standard below.

*Requested Alternative Standard:*

To replace the required six-foot (6') masonry screening wall with an eight-foot (8') board-on-board capped fence with steel fence posts facing the indoor cricket facility, to reduce the required landscape buffer adjacent to the entry drive by 50%, and to eliminate the required street trees along the northern portion of the property, as shown in the exhibit.

The alternative standards being requested align with the purposes and intentions of the UDC, and they are consistent with the comprehensive plan. Moreover, it maintains harmony with the character of the development. Additionally, it adheres to all other applicable standards and requirements specified in the UDC. The modification being sought is kept to the minimum necessary to address the unique condition related to the proposed development. The requested alternative standard will not have any adverse effects on adjacent properties and uses. Staff finds this request to be consistent with the criteria for approval within Section IV.4.9 of the UDC.

**CITY STAFF'S RECOMMENDATION:**

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