

## MEMORANDUM

**TO:** Planning & Zoning Commission  
**FROM:** Grace Martin-Young, Planner I  
**DATE:** May 7, 2024  
**SUBJECT:** **Regular Hearing: Consideration of one Alternative Standard Associated With Landscaping Standards for a Restaurant on a 4.476 Acre Tract, Legally Described as Lots 3, 4 & 5 Block A, Zoned General Business (GB) District, Located at 724 West Main Street, on the South Side of West Main Street Approximately 600 Feet West of Edmonds Lane, as Requested by Polo Padilla, IDStudio4, on Behalf of Dave's Hot Chicken, the Property Lessee. (24-04-5-ALTSTD)**

### **BACKGROUND:**

Dave's Hot Chicken is a new restaurant opening in an existing suite at 724 W Main Street. The applicant began discussions with staff in the fall of 2023 on application processes and what modifications may be allowed to the building façade. Since, the applicant has worked with staff to modify façade plans to meet the requirements of the I-35 Overlay District.

During staff's review of the building permit application, it was determined that per the Unified Development Code's applicability matrix for the I-35 Overlay, the façade changes would trigger landscaping standards to be met. As the site is already developed, and the applicant is only leasing the space, the property owner engaged in discussions with staff on alternative standards that would prevent a complete redo of the existing landscape area. An application for an alternative standard to landscape requirements was made on April 9, 2024. The details of the deviation and the alternative provided are included in the section that follows.

### **ANALYSIS:**

#### *Requested Alternative Standard:*

- a) To replace the required canopy trees every forty (40) feet on center along the street frontage, and a minimum ten (10) feet by 18 feet landscape island containing shrubs and canopy trees with three live oak trees within existing landscape areas.

In the I-35 overlay district, parking lot landscaping is required at a ratio of one canopy tree and landscape island for every eight parking spaces. As the site is already developed, the addition of the island would require substantial additional cost to the property owner. Additionally, the current landscape buffer is legally non-conforming and does contain a shrub row, though street trees are not present. As this site is only one suite within a larger complex, altering the buffer area along the entire frontage would be an excessive cost for the tenant or property owner. An alternative to add three (3) Live Oak trees was proposed.

This alternative standard places two (2) of the new trees within an existing grassy parking lot landscape island, and the remaining tree within an existing concrete median that will be dug out and made into a landscape area.

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 overall objectives and intent of relevant development regulations and the character of the General Business zoning district. 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:**

Staff recommends that the Planning & Zoning Commission recommend approval of Alternative Standard as presented.