

## MEMORANDUM

**TO:** Claire Powell, City Manager

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

**DATE:** March 4, 2024

**SUBJECT:** **Consideration of Four Alternative Standards Related to Building Setbacks, Parking Layout, Driveway Location, and Streetscape for a Proposed Commercial Building on a 3.29-Acre Lot, Legally Described as Blake C. Bowen Addition, Block A, Lots 2; Located on the North Side of Justin Road (FM 407) Approximately 400 Feet West of IH-35E; Zoned Light Industrial (LI) District, as Requested by Larry Cates on Behalf of Lewisville 407 & 35 Partnership, the Property Owner (Case No. 24-02-2-AltStd).**

### **BACKGROUND:**

This proposed development lies in the IH-35E Corridor Overlay Core Sub-District, and as such has enhanced requirements to the design requirements. The overlay district does not impact the uses permitted in the base Light Industrial (LI) Zoning District. The Planning and Zoning Commission may approve alternative standards or recommend approval of alternative standards to the City Council if they find 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 Planning and Zoning Commission recommended unanimous approval (6-0) on February 20, 2024.

### **ANALYSIS:**

Spec's Family Partners, Ltd. (Spec's Wines, Spirits & Finer Food's a.k.a. Spec's) plans to build a retail store of 14,000 square feet on the subject site. The first step proposed is to subdivide the existing lot to create a 1.29-acre lot for Spec's. The site layout is complicated by a 20-foot-wide access easement, a 30-foot-access easement, a 50-foot-wide gas easement, a 60-foot-wide electric easement, a 15-foot-wide water line easement, and a 10-foot-wide utility easement. The 60-foot electric easement cuts through the site at an angle, restricting where the building may be placed.

#### *Framework Plan*

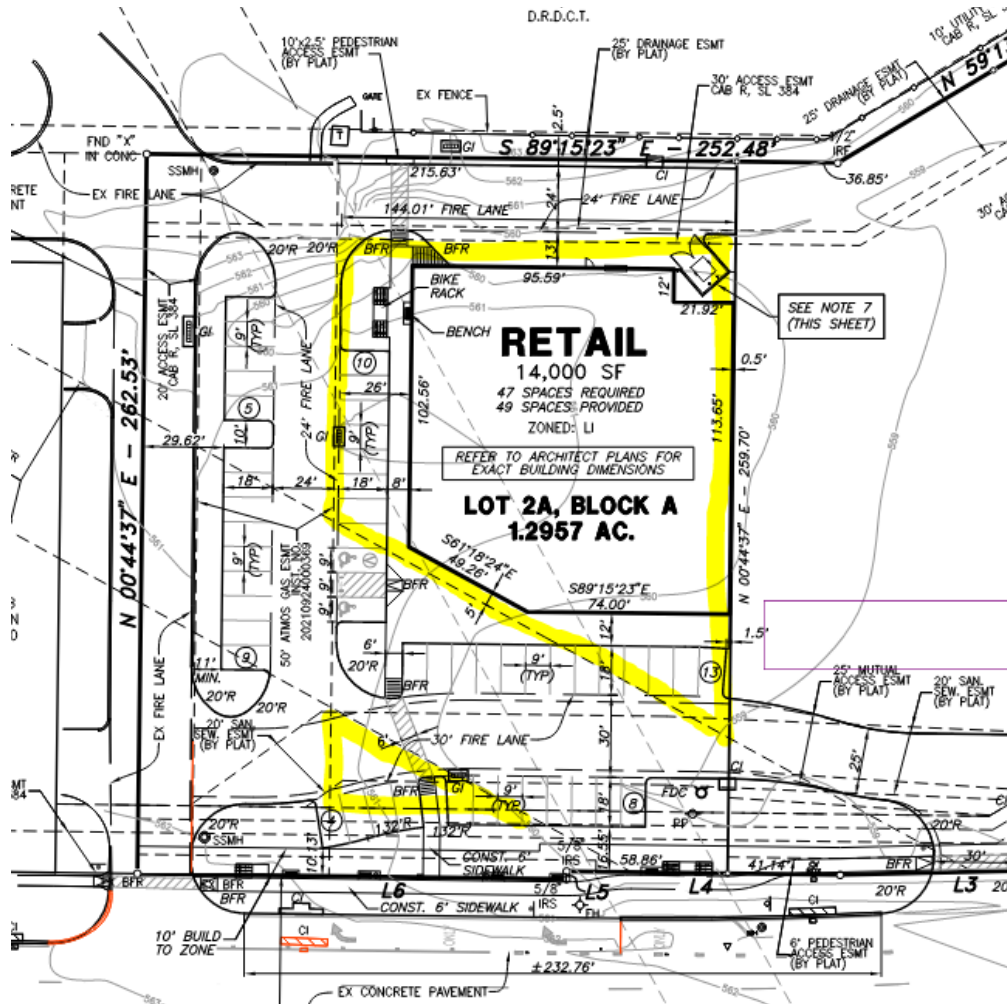
The draft engineering site plan is attached and shows the orientation of the building and proposed parking and access. The current framework plan shows a primary pedestrian street running parallel to IH-35E along the previous location of the gas line easement. The developments to the north, Lakeside Crossing and a future entertainment venue (proposed Jack's Backyard), were approved as planned developments and are not providing a primary pedestrian street at that location but providing a trail along the gas easement and focusing on Summit Avenue as the primary pedestrian street. The gas line easement was rerouted, to be adjacent to an existing shared drive between the subject

property and the existing McDonald's to the west. Spec's will extend an 8-foot-wide sidewalk from the trail on the north side of the site, adjacent to the future entertainment venue along the front of the building and south to Justin Road (FM 407).

The following alternative standards are requested:

- a) to allow a 98-foot setback from the primary pedestrian street in lieu of the maximum 10-foot setback from the primary pedestrian street and a 95-foot setback from Justin Road (FM 407) in lieu of the maximum 80 feet allowed by Exhibit VI.8.1-7 to accommodate the various easements.

The electric, gas and 30-foot cross access easement narrow the building placement on the site. Parking is placed under the overhead powerlines and over the gas line easement and the structure is moved to the northeast. The area unencumbered by easements is outlined below and the building is placed in the only feasible location. The required parking for the retail use is placed in the easements.



- b) to allow parking between the building and street, which is not allowed per VI.8.1.B.2.b

Because of the building placement being restricted by easements and the requirement for off-street parking, the only remaining location for that parking is between the building and the street. One row of parking with a maximum 80-foot setback is otherwise permissible with an administrative modification along Justin Road (FM 407).

- c) to allow driveways onto the primary pedestrian street, which is not allowed per VI.8.1.B.2.e

Under the IH-35E Overlay Framework Plan, the primary pedestrian street was identified in a location adjacent to the gas line easement, which shifted westward to the exiting cross access drive situated between McDonald's and the Spec's site. Driveways on primary pedestrian streets are required to be spaced a minimum of 300 feet. This drive intersects with existing cross access easements on both the north side and south sides of the Spec's site. The southern cross access easement parallel to Justin Road (FM 407) provides fire access, access to the required parking, and access to the vacant property to the east. The northern cross access easement will also serve as a required fire lane and will also provide access to the vacant property to the east. The driveways on the primary pedestrian street cannot be relocated to meet the 300-foot spacing requirement due to the presence of the multitude of easements on the site, which limit building placement and the placement of fire lanes and access drives connecting multiple properties.

- d) to omit the streetscaping and sidewalk along the primary pedestrian street and place the benches and bike racks required per VI.8.1.B.5 along the 8-foot sidewalk along the building.

Due to the proposed development to the north not providing a primary pedestrian street at this location, the applicant plans to extend a walkway from the proposed trail that will connect southward to Justin Road (FM 407) along the face of the building. This walkway will be 8 feet wide adjacent to the building and 6 feet wide in areas where it crosses parking lots and driveways. This will provide a north-south pedestrian route connecting the adjacent property, building entrance and street. The trails master plan calls for a bicycle pedestrian corridor along Summit Avenue, which will allow bicycle and pedestrian users to cross Justin Road (FM 407) at the traffic signal. Summit Avenue is approximately 360 feet west of the proposed walkway. Bike racks and benches will be added within islands adjacent to this walkway. Trees will be added where they do not conflict with overhead lines or underground utilities. The red line on the left in the illustration below marks the Summit Avenue bicycle pedestrian corridor mentioned above while the red line on the right marks the north-south pedestrian walkway along the west side of the Spec's building that will connect the future entertainment venue to the north to the 6-foot wide sidewalk along Justin Road.



**CITY STAFF’S RECOMMENDATION:**

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