

## MEMORANDUM

**TO:** Donna Barron, City Manager  
**FROM:** Richard E Luedke, Director of Planning  
**DATE:** August 6, 2018  
**SUBJECT:** **Consideration of Three Variances to the Code of Ordinances of the City of Lewisville, Chapter 6, Article VI (Landscape Requirements), Sections 6-123 (b) and 6-144 and Chapter 4, Article II Section 4-28 108.5.(a) regarding Landscaping and Outdoor Receptacles for KAI Office Development, Located at 802 North Stemmons Freeway; Legally Described as Lot 2R, Block A, ZUBL Addition; as Requested by Josh Barton of G&A Consultants, on Behalf of Chuck Burkhart, the Owner.**

### BACKGROUND

A new construction company has located in an existing legal non-conforming building at 802 North Stemmons Freeway. The business owner has submitted an Engineering Site Plan proposing improvements to accommodate fire safety, access and outside storage. The property is currently platted. Outside storage will be limited to 10% of the lot per the Light Industrial (LI) zoning designation on the property. FEMA floodway, floodplain, and TxDOT acquisition for the IH-35E expansion create challenges for use of the site. Due to the presence of the floodplain, City staff could not support the use of solid fencing which could become hazardous in flooding conditions. The applicant is requesting three variances.

### ANALYSIS

The following variances are requested:

a.) To allow outside storage to be screened with live screening and opaque fencing.

Section 6-144 of the Land Development Regulations requires that all outside storage be screened from view by a solid opaque fence. A live screen is being proposed in lieu of the opaque fence. This property is partially within the boundaries of a FEMA mapped floodway and 100 year floodplain. Having a solid opaque fence could create rise in the water surface elevation, which would have a negative impact downstream. A live screening wall will allow water to pass through it while still screening the two outside storage areas. Per the Land Development Regulations, the height of the storage materials may not exceed the height of the screening. The shrubs provided will be five to six feet in height at the time of planting and are expected to reach at least ten feet in height at maturity.

b.) To allow the outdoor receptacle to be screened with live screening

Sec. 4-28 108.5.2 (a) of the Buildings and Building Regulations states that the outdoor receptacles shall be screened on three sides with a minimum six-foot masonry screening wall consistent with the building material of the primary building. Live screening is being

proposed for the existing trash receptacle in lieu of the masonry screening wall. This property is partially within the boundaries of a FEMA mapped floodway and 100-year floodplain. Having a solid opaque fence could create rise in the water surface elevation, which would have a negative impact downstream. A live screening wall will allow water to pass through it while still screening the outdoor receptacle.

c.) To allow a variable width landscape buffer.

Section 6-123(b) of the Land Development Regulations (Multi-Family and Non-Residential Landscaping Requirements) requires a ten-foot landscape strip along the frontage of the property from the internal edge of the right-of-way towards the building on the property to include one tree every 50 feet or 500 square feet. Due to the TxDOT right-of-way take, cross access, and fire lane, this cannot be achieved on the I-35E frontage of the site. A proposed variable width buffer from 6.8 feet to 9.3 feet along the frontage will include four trees. Shrubs and an ornamental tree will also be planted at the northern corner of the building. Staff has determined the addition of the four shade trees to the existing landscape buffer is adequate.

### **RECOMMENDATION**

It is City staff's recommendation that the City Council approve the three variances as set forth in the caption above.