
City Council Regular Meeting

DEPARTMENT: Development Services

FROM: Tony McIlwain, Development Services Director

MEETING: October 16, 2023

SUBJECT:

KIA Dealership at 1233 Tarver Rd (Case 23-074): Hold a public hearing and consider approval of an ordinance for a commercial site plan with waivers, and a zoning change request from "A", Agricultural, to "C" Commercial with a SUP, Specific Use Permit, allowing "Automobile sales" in specific plan area 3, "Hidden Creek Development Center" of the IH-35 Overlay district. (*Staff Presenter: Tony D. McIlwain, Development Services Director*) (*The Planning and Zoning Commission recommended approval by a vote of 7-0*) (*First and Final Reading*)

SUMMARY:

On June 12, 2023, an application was submitted by John Hamilton with Manhard Consulting, on behalf of International Autos KIA for a zoning change request of approximately 11.999 acres, with a SUP for automobile sales, for a KIA dealership. Subsequently the commercial site plan, which is required to be part of the adopted ordinance for an SUP, was submitted on July 10, 2023. On August 21, 2023, the applicant submitted a request for three waivers to the IH-35 Design Standards as a result of staff comments related to the site plan review.

Article V Supplemental Regulations, Section 130-105 (b): Application for a specific use permit may be made by any property owner or other person having a proprietary interest in the property for which a specific use permit is requested by filing an application on the forms provided by the city and paying the established fee. The application shall be accompanied by a site plan drawn to scale and showing the elements indicated in section 131, site plan requirements, when required by conditions of the specific use permit. The site plan shall be considered and filed as part of the ordinance, and if approved, filed prior to the issuance of a building permit.

Development Overview:

The property is located within IH-35 specific plan area 3, which requires an SUP for automobile sales. The uses and site development will occur in accordance with City of Burleson Code of Ordinances, "C", Commercial district zoning, and IH-35 design standards. The applicant has concurrently submitted a commercial site plan (attached as Exhibit 4), which is required to be part of an adopted ordinance for SUP zoning requests. Additionally, the applicant has requested two waivers to the IH-35 Design Standards, and one waiver to the general Landscaping requirements. The applicant's justification for the requested waivers is attached as Exhibit 5.

Site Plan Overview

Site Conformance Table

Required	Staff's Findings
<u>Lot Size, Coverage and Setbacks</u> Specific lot information as shown on site plan	Site plan is in compliance with all development regulations with the exception of the requested waiver to the IH-35 design standards for parking in the front yard setback.
<u>Landscaping –</u> 20% of Total Site shall be landscaped: 104,788 SF 40% of Total required in front yard: 41,915 SF Minimum 1 acre green space (IH35 area 3)	Landscaping proposed: 26.73% (140,055 SF) Waiver requested: 18,245 SF provided Waiver requested
<u>Parking Requirement –</u> 1 space per 200 SF (retail): 156 spaces 1 space per 500 SF (service): 32 spaces 9 ADA spaces	Complies. Parking provided: 156 spaces Parking provided: 32 spaces ADA spaces: 9 spaces

Site plan and landscaping exhibits are attached as Exhibit 4.

Waivers requested:

Appendix C Urban Design Standards, Article V section 5-52(o)(2): There shall be no off street parking between the principal address of the building and the street unless the city manager or his or her designee approves an alternative design. *(note: this requires City Council action only)*

- *Staff supports the waiver to the off street parking based on the nature of the proposed use, automobile sales.*

Appendix C Urban Design Standards, Article V Section 5-51(h)(2): For specific plan area 3, developments shall provide at least five percent net site area to one or a combination of the following: green; square, plaza; playground. The land area provided as public open space may be credited against the overall landscaping requirement on a square foot-for-square foot basis, for up to 50 percent of the total landscaping requirement. *(note: this requires City Council action only)*

- *Staff supports the waiver to the specific plan area 3 landscaping requirement based on the applicant providing additional landscaping for the overall site. Provided 26.73 %*

Article III Section 86-105(a): Not less than 40 percent of the total landscaping shall be located in the designated front yard. *(note: this requires P&Z and City Council action)*

- *Staff supports the waiver to the front yard landscaping requirement based on the applicant providing additional landscaping for the overall site. Provided 26.73 %*

This site is designated in the Comprehensive Plan as Regional Office/Commercial.

This land use category is intended for uses with regional emphasis due to the area's high visibility. Uses such as large retail centers, hotels, restaurants, and corporate or professional offices are encouraged. Corresponding zoning districts include "GR", General Retail and "C", Commercial.

Staff supports a zoning change request to "C", Commercial district based on the adjacent land uses, proximity to IH-35, and conformance with the Comprehensive Plan.

Engineering:

Prior to development of the site, platting and engineering reviews will be required, in addition to TxDOT review.

OPTIONS:

- 1) Approve an ordinance for a zoning change request from "A", Agricultural to "C", Commercial, and a specific use permit for automobile sales, with the associated commercial site plan and waivers as requested by the applicant; or
- 2) Approve an ordinance for a zoning change request from "A", Agricultural to "C", Commercial, and a specific use permit for automobile sales, with the associated commercial site plan and a none or a combination of the requested waivers with additional conditions;
- 3) Deny the ordinance for the requested zoning change, SUP, and associated commercial site plan.

RECOMMENDATION:

Approve an ordinance for a zoning change request from "A", Agricultural to "C", Commercial, and a specific use permit for automobile sales, with the associated commercial site plan and requested waivers to Code section 86-105(a); and Appendix C Urban Design Standards, Article V Section 5-51(h)(2) and Section 5-52(o)(2). (Case 23-074)

Pending the approval or disapproval of the commercial site plan and requested waivers, staff will update the attached site plan exhibit within the approved ordinance prior to the signing of the ordinance. The updated site plan exhibit will conform to all conditions and/or waivers as granted and approved by City Council.

Fiscal IMPACT:

None.

STAFF CONTACT:

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