

## ZONING

Case Coordinator: Christopher Barton

### GENERAL PROJECT INFORMATION

**SITE ZONING:** PD-63 for the (LR-2) Local Retail District

|                             | <u>SURROUNDING ZONING</u>                                                                                                                                                                                                | <u>SURROUNDING LAND USES</u>                                    |
|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| NORTH                       | (LR-2) Local Retail District and PD-57 for the (SF-7/14) Single Family Residential District                                                                                                                              | Shopping center and single family homes (across Frankford Road) |
| SOUTH                       | PD-63 for the (SF-PH) Single Family Patio Home District                                                                                                                                                                  | Single family homes                                             |
| EAST                        | PD-63 for the (SF-12/20) Single Family Residential District                                                                                                                                                              | Public elementary school and private child day care             |
| WEST                        | (LR-1) and (LR-2) Local Retail Districts                                                                                                                                                                                 | Retail uses (across Old Denton Road)                            |
| <b>REQUEST:</b>             | Approval of an amendment to PD-63 to allow for outdoor display in excess of what is currently allowed                                                                                                                    |                                                                 |
| <b>PROPOSED USE:</b>        | Outdoor display                                                                                                                                                                                                          |                                                                 |
| <b>ACRES/LOTS:</b>          | Approximately 10.9 acres/3 lots                                                                                                                                                                                          |                                                                 |
| <b>LOCATION:</b>            | Southeast corner of Old Denton Road and Frankford Road                                                                                                                                                                   |                                                                 |
| <b>HISTORY:</b>             | The current zoning was established in October 1980.<br>The subdivision was recorded in 1985, with a replat dividing one lot into two recorded in 2012.<br>The existing shopping center building was constructed in 1985. |                                                                 |
| <b>COMPREHENSIVE PLAN:</b>  | Low Intensity Commercial uses                                                                                                                                                                                            |                                                                 |
| <b>TRANSPORTATION PLAN:</b> | Old Denton Road is designated as an (A8D) Eight Lane Divided Arterial. Frankford Road is designated as an (A6D) Six Lane Divided Arterial.                                                                               |                                                                 |
| <b>OWNERS:</b>              | CNV Investors, LLC                                                                                                                                                                                                       |                                                                 |
| <b>REPRESENTED BY:</b>      | Caleb Hill/Zerby Interests                                                                                                                                                                                               |                                                                 |

## **STAFF ANALYSIS**

### **PROPOSAL**

This is a request to amend PD-63 to allow for additional outdoor display and sales area for garden products and equipment, barbeque grills and other similar items. The specific applicant is a proposed Ace Hardware store which would locate in approximately 15,000 square feet of vacant retail space abutting the north side of the existing Aldi grocery store.

### **ORDINANCE REQUIREMENTS**

Article XXVI Outdoor Storage and Display of the Comprehensive Zoning Ordinance allows for outdoor display under certain conditions, including the following:

- Said outdoor display may only be an accessory use to a use on the lot the display is on.
- Said outdoor display may not block pedestrian access adjacent to the building or vehicular drive aisles (including fire lanes) in the parking lot, nor may such display block visibility triangles.
- Said outdoor display may not occupy landscape islands or areas.
- Said outdoor display is limited to five percent (5%) of the building floor area of the use placing the display.

The current ordinance for the Planned Development applicable to this site (Ord. No. 901) has no additional regulations regarding outdoor display.

According to existing regulations, the Ace Hardware would be allowed up to 750 square feet of outdoor display. They would like about 500 square feet of outdoor display adjacent to the front of their store, and a “remote” outdoor display area in the parking lot of approximately 2,800 square feet. The landlord would remodel the front of the building and install a fenced area in the parking lot for this purpose.

## **ELEMENTS TO CONSIDER**

- For the purposes of this case report, staff will refer to the proposed outdoor display area in the parking lot as the “remote display area.”
- The shopping center is currently undergoing some revitalization, with a new O’Reilly’s Auto Parts store moving into a space adjacent to Old Denton Road (former site of a Blockbuster Video). A new Ace Hardware store would further this revitalization.
- The shopping center is over parked at 708 spaces. Even assuming 100% occupancy, about half of the spaces (374 spaces) would not be required. Thus, it appears allowing a remote display area would not cause any parking problems for the shopping center.
- Properly designed and maintained, a remote display area can be a visually interesting and appealing element attracting attention to the center.
- Other hardware stores (e.g. Lowes, Home Depot) generally have significant outdoor displays of garden materials and similar items.
- Although the applicant is proposing to place the remote display area near the north end of the property, near the rear of the adjacent Taco Bell, staff has no recommendation regarding the precise location of the area. In other words, provided that it is not immediately adjacent to Old Denton Road or Frankford Road, it should not matter exactly where the display area is installed.

**SUPPLEMENTAL INFORMATION**

**RECEIVED AFTER THE COMMISSION MEETING**

The applicant is asking that additional outdoor display area be allowed behind the building in the service area, for stock items for sale which will not fit in the building. The rear display area could contain large quantities (typically on pallets) of items such as bagged mulch and fertilizer, bricks and blocks (concrete masonry units/CMU's colloquially known as "cinder blocks"), etc. for customers wishing to buy larger quantities. This rear area would be placed in a row of unneeded parking spaces in the rear of the shopping center, near the southeast corner of the center (see image on Page 13). The applicant plans to provide a screening fence adjacent to this display area, to help screen the materials for sale from view from the alley serving the homes further south.

The Planned Development district can be amended to allow this. If the Council feels this is appropriate, staff suggests the following additional stipulation:

Outdoor display shall be permitted in the service area behind the building, provided that such outdoor display area not exceeding 3,500 square feet in area and shall comply with the following provisions:

- a. All outside display shall be screened from any adjacent residentially zoned property by an opaque wood or faux wood fence of not less than nine (9) feet in height measured at the highest finished grade.
- b. Materials placed in this display area shall be stacked no higher than one (1) foot below the top of the screening fence.

**CONCLUSION**

With the stipulations found in the Result Sheet, the proposed amendment appears appropriate.