



Agenda Item Report

Legislative Board: Planning and Zoning Commission
Date: March 26, 2024
Contact: Tyler Frost, Planner I
Agenda Item ID / Number: 2024-237- / G.1

ITEM TITLE: Consideration and possible action regarding a request for Alternative Compliance to allow the grouping of required Perimeter Landscaping trees in accordance with UDC subsection 2.09.01.E.2 for the property known as Carpenter Hill Section 1A, Block B, Lot 1A, located at the northwest corner of FM 967 and Carpenter Hill Drive (AC 24-01) (Planner Tyler Frost).

1. EXECUTIVE SUMMARY

This is the action item regarding an Alternative Compliance request to the perimeter landscaping requirements of UDC subsection 2.09.01.A.1. In accordance with UDC subsection 2.09.01.E.2, an applicant may request Alternative Compliance, subject to approval by the Planning and Zoning Commission, to the perimeter landscaping requirements by grouping the required landscaping into one or two areas.

Exhibits showing the landscaping plan from the approved Site Plan (Exhibit 1) and the proposed Alternative Compliance approach (Exhibit 2) have been included following this staff report.

2. BACKGROUND/HISTORY

This project dates back to 2021 when staff received a Site Plan application (Project #2021-122) for the development of a commercial office building for the property located at the northwest corner of FM 967 and Carpenter Hill Drive, platted as Carpenter Hill Section 1A, Block B, Lot 1A. Staff review of the Site Plan was completed in November 2021 and the permit was issued on April 25, 2022 with construction beginning shortly after.

Planning and Engineering staff inspected the site for completion and conformance to the approved Site Plan on February 8, 2024. During the site inspection, it was determined that the row of trees along FM 967 that was approved with the Site Plan were clustered toward the southwest corner of the site and not in line as required by the UDC. Additionally, the majority of the trees throughout the entire site were planted at a caliper size of less than 2 inches, which is smaller than the 4 inch trees that were proposed with the approved Site Plan, with some of them appearing to be a different species as well.

Following discussions between staff and the owner and contractors, staff directed them toward a request for Alternative Compliance to potentially allow for the grouping of the trees along FM 967. It was stated by the owner that the desire to group the trees along FM 967 is to provide for visibility of the monument sign (shown in Exhibit 2), located between the building and FM 967, which was permitted and constructed with this development.

3. ANALYSIS

UDC subsection 2.09.01.A.1 outlines the requirements for perimeter landscaping for all nonresidential developments. For this project, the UDC requires a 10 foot wide perimeter landscaping strip along the portion of the site that fronts to FM 967 and a 5 foot strip for the portion along Carpenter Hill Drive. Plantings within the perimeter landscaping area are required to include at least one shade tree for every 40 feet of frontage, as well as complete coverage of natural landscape

materials provided with shrubs, groundcover, or ornamental grasses with a rock or mulch base. The landscaping plan from the approved Site Plan (Exhibit 1) meets the requirements of the UDC.

UDC subsection 2.09.01.E details the Alternative Compliance Option specifically regarding landscaping. This section outlines two options for requesting Alternative Compliance: 1) Minor reductions of the Perimeter Landscaping and Buffers, and 2) Grouping of All Required Landscaping within One or Two areas; the applicant has chosen to pursue the latter.

The UDC further describes requirements in requesting Grouping of All Required Landscaping within One or Two Areas; these are:

- a) In order to provide flexibility in site design, an Applicant may request Alternative Compliance to group all required landscaping (e.g. the landscape buffer and parking lot landscaping) into one or two areas.
- b) In order to offset the movement of landscaping from its original required location, an additional twenty-five (25) percent of the total landscaped area will be required. For example, if 1,000 square feet of total landscaping was required, then 1,250 square feet would be required to meet the grouping option.
- c) In addition to the twenty-five (25) percent increase in total landscape area, the grouped landscaping shall be located either in the front yard or area visible from the street.

In this case, the applicant is not requesting to group all of the required landscaping throughout the entire site, but specifically the shade trees planted along FM 967. Additionally, the applicant is wanting to shift the location of the trees along Carpenter Hill Drive slightly west, due to the fact that the original landscaping plans were approved in a location that conflicts with underground utility lines.

In regard to requirement **b)** above, the Perimeter Landscaping regulations of the UDC do not require a specific square footage of landscaping along the perimeter. However, Internal Landscaping (meaning landscaping required within the paved boundaries of the parking lot) requires 20 square feet of landscaping for every parking space. This development has 51 parking spaces and proposed 2,115 square feet of internal landscaping through a combination of trees, shrubs, and groundcover, which is beyond the 1,020 square feet required based on the number of parking spaces. As such, staff feels that the additional 25 percent landscaping outlined in the Alternative Compliance requirements has been provided.

UDC subsection 2.11.01.B outlines three criteria for evaluating Alternative Compliance requests. Below are the criteria and staff's evaluation.

1) Be in agreement with and promote the recommendations and policies within the Comprehensive Plan;

Staff finds that this request does not conflict with the goals of the City's Comprehensive Plan.

2) Does not reduce a standard unless it is, to the greatest extent practical, equally mitigated or improved by increasing standards of other requirements; and

Staff feels that by grouping the shade trees where proposed, the intent of the Alternative Compliance option is met while also preserving much of the base code requirements regarding perimeter landscaping.

3) Does not modify the land uses allowed in the zoning district in which the subject property is located.

By approving this request, the land use for the site or the encompassing zoning district is not being modified.

As such, staff recommends approval of the request for Alternative Compliance with the following conditions:

- 1) The trees planted between Building 1 and FM 967 and Carpenter Hill Drive are replaced with the correct caliper size and species as shown in the approved Site Plan.
- 2) For the remaining trees on site, a fee-in-lieu of tree replacement is paid to make up the difference in number of inches planted and the total number of inches proposed in the approved Site Plan.

4. FINANCIAL IMPACT

This request does not have a financial impact to the City.

5. STRATEGIC PLAN/GOALS

BALANCED AND INTENTIONAL GROWTH

6. STRATEGIC PLAN OBJECTIVES

Other

7. PROS AND CONS

8. ALTERNATIVES

The Commission may approve the request as presented by the applicant, approve the request with conditions, deny the request, or table for future consideration.

9. REQUESTED ACTION / SUGGESTED MOTION / RECOMMENDATION

Staff recommends approval of the request with the following conditions: 1) The trees planted between Building 1 and FM 967 and Carpenter Hill Drive are replaced with the correct caliper size and species as shown in the approved Site Plan. 2) For the remaining trees on site, a fee-in-lieu of tree replacement is paid to make up the difference in number of inches planted and the total number of inches proposed in the approved Site Plan.

Attachments:

[Applicant's Request for Alternative Compliance.pdf](#)

[Exhibit 1 - Approved Landscaping Plan.pdf](#)

[Exhibit 2 - Proposed Landscaping Plan.pdf](#)