



LANDSCAPE REVIEW BOARD MEMORANDUM

From: The Office of the City Manager **Date:** January 9, 2017
Subject: LRB 2016-04 Consideration of a request from Richard Allen for a Permit for Nonconformity to Chapter 114 – Vegetation of the North Richland Hills Code of Ordinances at 8250 Bedford Euless Road.
Presenter: Clayton Husband, Principal Planner

Summary:

On behalf of Nhon Nguyen, Richard Allen is requesting a permit for nonconformity that would allow for substantial renovation of a structure without conformance to the current landscaping and buffering standards. The owner of the property proposes to renovate a building located at the northwest corner of Bedford Euless Road and State Highway 121, which was formerly occupied by a Bennigan's restaurant. Since the value of construction for the renovation exceeds 75% of the current appraised value of the property improvements, full compliance with the landscaping standards is required.

General Description:

The general standards of the Vegetation Chapter 114, Article III, Section 114-71 (Landscaping Regulations) apply to this property. The improvements required by the code include a minimum landscaped area on the site, landscape setbacks on all street frontages, and parking lot landscaping and screening.

The existing property is non-conforming to the standards, and the applicant proposes an alternative landscape plan for consideration by the Landscape Review Board. The site has been developed with a restaurant building since 1979, which predates the adoption of the landscaping and buffering standards. The site has limited existing landscaped areas.

The applicant's proposed plan is attached, which satisfies most of the landscaping standards. The plan does not meet the standards for 1) the width of and tree planting requirements in the landscape setback on Bedford Euless Road, and 2) the hardscaping elements required by the Freeway Corridor Overlay district. The proposed plan includes new landscaped areas on the Bedford Euless Road street frontage and in the parking lot. The design calls for pavement removal in several areas to enlarge the landscape areas along Bedford Euless Road around the two driveway entrances. Additional landscape screening is provided along the highway entrance ramp on the south side of the property. Due to right-of-way acquisitions in the past, approximately 250 feet (60%) of the landscape setback's length is located in the right-of-way of Bedford Euless Road.

The table below summarizes the applicable standards and describes the applicant's proposal to mitigate the deficiency.

Standard	Required	Proposed
Sec. 114-71(g) Landscape setback	<ul style="list-style-type: none"> • 15-foot landscape setback adjacent to all public streets • 1 large tree per 50 feet of street frontage (9 trees required) • 10 small shrubs per 50 feet of street frontage (94 shrubs required) 	<ul style="list-style-type: none"> • Landscape setback complies for 16.5% of frontage • 471 feet of street frontage with zero (0) trees and 94 shrubs
Sec. 114-71(k) Landscape setback for properties within the Freeway Corridor Overlay	<ul style="list-style-type: none"> • 10-foot landscape setback adjacent to highway right-of-way • 1 large tree per 50 feet of street frontage (9 trees required) • Hardscape: low wall or urban design monuments 	<ul style="list-style-type: none"> • Landscape setback complies for 16.5% of frontage • 471 feet of street frontage with zero (0) trees • Waiver of hardscape requested due to limited area for tree planting and width of setback

The request is being processed as a permit for nonconformity. Approval would be associated with the building permit for the renovation of the building, and approval does not run with the property in the same manner as a variance. If future improvements were proposed on the site, compliance with the standards would be evaluated again at that time.

A public hearing is not required for consideration of a permit for nonconformity.

Recommendation:

Approve LRB 2016-04.