



CITY COUNCIL MEMORANDUM

FROM: The Office of the City Manager **DATE:** December 14, 2020
SUBJECT: SUP 2020-04, Ordinance No. 3674, Public hearing and consideration of a request from Mark Barakat for a revised special use permit for a quick service restaurant at 7100 Rufe Snow Drive, being 0.98 acres described as Lot 2, Block A, Rufe Snow Village Addition.
PRESENTER: Clayton Comstock, Planning Director

SUMMARY:

On behalf of SE Legacy Drive Investments LLC, Mark Barakat is requesting a special use permit for a quick service restaurant on 0.98 acres located at 7100 Rufe Snow Drive.

GENERAL DESCRIPTION:

The site is located at the northeast corner of Rufe Snow Drive and Hightower Drive. The property is currently developed as a convenience store with fuel sales. The applicant proposes to renovate and remodel a portion of the store for a new quick service restaurant tenant, [Golden Chick](#). The property owner also owns and operates a convenience store with fuel sales and Golden Chick restaurant at the northeast corner of Mid-Cities Boulevard and Holiday Lane.

A site plan for the proposed development is attached. Planned improvements to the site include the remodel and finish out of the interior space; construction of a drive through lane with menu boards and canopy; the installation of new landscaping; and minor modifications to the building exterior. The zoning ordinance includes specific standards for the design and layout of drive-through lanes, and the proposed project satisfies these design standards.

The proposed conditions of approval for this special use permit are attached. The zoning ordinance provides that special use permits may establish reasonable conditions of approval on the operation and location of the use to reduce its effect on adjacent or surrounding properties. These conditions are based on the applicant's proposed development of the property, and include the items described in detail below. These conditions may be modified by City Council.

Land use

In 2015, the zoning ordinance was amended to create new land use types for restaurants. One of the land use types is "quick service restaurant," commonly referred to as a fast food restaurant. This land use requires approval of a special use permit in the C-1 (Commercial) zoning district.



Landscaping

During the application review, it was noted that the existing landscaping on the site was not in compliance with the approved landscape plans for the property. There are numerous trees and shrubs missing from the site that must be reestablished on the property. The applicant provided a landscape plan that indicates trees and shrubs will be reestablished on the site to replace the missing plant materials. The site provides a landscaped area covering 19% of the lot. The proposed improvements are shown on the site plan exhibit and include the following elements:

1. Cedar elm trees, shrubs, and ornamental grasses would be installed in the landscape setback adjacent to Rufe Snow Drive
2. Shrubs and ornamental grasses would be installed in the landscape setback adjacent to Hightower Drive.
3. A Cedar elm tree and shrubs would be installed in the area north of the drive through lane and pickup window on the north side of the building.
4. Existing non-conforming landscape setback depths would be approved to continue.

LAND USE PLAN: This area is designated on the Land Use Plan as Retail Commercial. This designation provides sites for community and regional shopping centers, commercial establishments, and employment centers. These sites are typically located on highways and major thoroughfares at key intersections.

CURRENT ZONING: The property is currently zoned C-1 Commercial. This district is intended to provide for development of retail service and office uses principally serving community and regional needs. The district should be located on the periphery of residential neighborhoods and be confined to intersections of major arterial streets. It is also appropriate for major retail corridors as shown on the comprehensive plan.

SURROUNDING ZONING | LAND USE:

DIRECTION	ZONING	LAND USE PLAN	EXISTING LAND USE
NORTH	C-1 (Commercial)	Retail Commercial	Retail and service uses
WEST	City of Watauga	Retail/Commercial (<i>per Watauga land use map</i>)	Convenience store with fuel sales
SOUTH	C-1 (Commercial)	Retail Commercial	Retail uses
EAST	C-1 (Commercial)	Retail Commercial	Retail and service uses

PLAT STATUS: The property is platted as Lot 2, Block A, Rufe Snow Village Addition.

PLANNING AND ZONING COMMISSION: The Planning and Zoning Commission conducted a public hearing and considered this item at the December 5, 2020, meeting and voted 6-0 to recommend approval subject to Development Review Committee recommendations. The recommendations are included in the standards in the attached Exhibit "B."



RECOMMENDATION:

Approve Ordinance No. 3674.