



## CITY COUNCIL MEMORANDUM

**FROM:** The Office of the City Manager    **DATE:** November 12, 2019  
**SUBJECT:** ZC 2019-07, Ordinance No. 3621, Public hearing and consideration of a request from Kimley-Horn for a revision to Redevelopment Planned Development No. 77 for a quick service restaurant at 6800 NE Loop 820, being 1.152 acres described Lot 1R2R2, Block 25, Snow Heights Addition.  
**PRESENTER:** Clayton Husband, Principal Planner

### **SUMMARY:**

On behalf of NRH Partners Ltd, Kimley-Horn is requesting a revision to Redevelopment Planned Development No. 77 for a quick service restaurant on 1.152 acres located at 6800 NE Loop 820.

### **GENERAL DESCRIPTION:**

The 50,167-square foot site under consideration is located on the south side of NE Loop 820, west of Vance Road. The property is vacant and located just east of the Babe's and Sweetie Pie's restaurant sites. The developer proposes to construct a Braum's quick service restaurant and market with drive through on the property.

A complete site plan package for the proposed building is attached. Planned improvements to the site include a 5,118-square-foot restaurant and market with dual drive-through service. The zoning ordinance includes specific standards for the design and layout of drive-through lanes, and the proposed project satisfies all but one design standard (described below).

The parking lot contains 52 spaces, including stacking space for six cars in the drive-through lane. Driveway access is available from NE Loop 820, and the driving aisles provide connections to adjacent properties. A common access easement will provide access across this lot from the Babe's and Sweetie Pie's restaurant sites.

The proposed conditions of approval for this NR-PD are attached. Applications for rezoning to the NR -PD district provide an opportunity to address modifications to specific site development and building design standards for the site. These conditions are based on the applicant's proposed development of the property, and include the items described in detail below. All other development standards have been satisfied.

These conditions have been modified by the Planning and Zoning Commission. The conditions as recommended by the Commission are included in the proposed ordinance considered by City Council and outlined below.



### ***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 zoning district or approval as part of a planned development district.

### ***Drive-through standards and requirements***

The zoning ordinance includes design standards for restaurants that provide drive-through service. The proposed construction complies with all drive-through standards except as noted below. The applicant is requesting approval of the following modified standards as part of the planned development district.

- Drive-through speakers and menu boards must be located at least 50 feet from a residential property line. The proposed site layout shows a distance of approximately 39 feet between the speaker and menu board and the property line of the single-family residences to the south. The Planning and Zoning Commission recommended that the speakers and menu boards be located at least 35 feet from the south property line.

### ***Landscaping***

Landscaped areas cover 14.77% of the lot, slightly less than the required 15% landscape coverage. These areas include a landscape setback adjacent to NE Loop 820, parking lot islands, landscaped areas adjacent to the drive-through lane, and landscaped buffers between adjacent commercial lots. The design also complies with the standards of the Freeway Corridor Overlay district and incorporates urban design monuments adjacent to the frontage road.

The applicant is requesting that the landscape plan be approved with the following modified standards as part of the planned development district.

- The buffering standards require a 15-foot landscape buffer yard adjacent to property zoned for residential use on the south side of the property. There is an existing pipeline easement that restricts the width of the buffer and type of materials that may be planted. The buffer provided is generally five feet in width and includes Oakland red holly bushes in a portion of the buffer.
- Landscaped areas must cover at least 15% of the lot area. The proposed plan provides 14.77% landscape coverage. If the full width of the landscape buffer could be installed, the site would provide over 15% landscape coverage.

### ***Refuse container location***

The standards for refuse container enclosures require a minimum setback of 25 feet from all property zoned for residential use. The proposed enclosure location is adjacent to residential property on the south side and provides a 5-foot setback from the common property line. The enclosure location is also located within the pipeline easement, and the developer has received permission from the pipeline company (Explorer Pipeline).

The applicant is requesting approval of the proposed setbacks as part of the planned development request.



### ***Drive aisle connection***

The initial site layout indicated a drive aisle connection with the property to the east on the south side of the lot. The Planning and Zoning Commission recommended that this connection be eliminated. The area on the adjacent lot does not provide adequate driving or maneuvering area, as the area includes parallel parking spaces and an existing refuse container enclosure. The owner of the adjacent property submitted a letter requesting that this connection be eliminated, and the applicant updated the site layout to remove the connection.

### ***Signs***

Section 106-13(b)(1) of the sign regulations permits a structure to have wall signage on a maximum of two building faces, and those building faces must have a street frontage or public entrance.

The applicant proposes wall signs to be located on three faces of the building. The applicant is requesting that the wall sign locations shown in the attached building elevations (Exhibit "C") be approved as part of the planned development request. The Development Review Committee recommends that wall signs be limited to two building faces, as required by the sign regulations.

**COMPREHENSIVE PLAN:** This area is designated on the Comprehensive Land Use Plan as Retail Commercial. This category 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 RD-PD Redevelopment Planned Development. This RD-PD is intended to provide for the development of restaurant, retail service, and office uses in this area of NE Loop 820.

**PROPOSED ZONING:** The proposed zoning is a revision to Redevelopment Planned Development No. 77 to authorize the quick service restaurant use and allow for the modifications to the site development standards for the property.

### **SURROUNDING ZONING | LAND USE:**

DIRECTION	ZONING	LAND USE PLAN	EXISTING LAND USE
NORTH	C-1 Commercial	Retail Commercial	Offices and restaurant
WEST	PD Planned Development	Retail Commercial	Vacant
SOUTH	R-2 Single-Family Residential	Low Density Residential	Single-family residences (Snow Heights Addition)
EAST	PD Planned Development	Office Commercial	Offices (under construction)

**PLAT STATUS:** The property is currently platted as Lot 1R2R2, Block 25, Snow Heights Addition. The plat of the property was approved by City Council on October 14, 2019.

**PLANNING AND ZONING COMMISSION:** The Planning and Zoning Commission conducted a public hearing and considered this item at the October 17, 2019, meeting



and voted 6-0 to recommend approval subject to wall signs being limited to two building faces, the southern drive aisle connection to the property to the east be eliminated, and the drive-through speaker and menu board be located at least 35 feet from the south property line.

**RECOMMENDATION:**

Approve Ordinance No. 3621, subject to wall signs being limited to two building faces, the southern drive aisle connection to the property to the east be eliminated, and the drive-through speaker and menu board be located at least 35 feet from the south property line.