



## CITY COUNCIL MEMORANDUM

**FROM:** The Office of the City Manager    **DATE:** August 14, 2017

**SUBJECT:** SUP 2017-04, Ordinance No. 3469, Public hearing and consideration of a request from Jacobs Engineering for a special use permit for a quick service restaurant on 1.279 acres located at 5121 Rufe Snow Drive and 6665 NE Loop 820.

**PRESENTER:** Clayton Comstock, Planning Manager

### **SUMMARY:**

On behalf of North Richland Hills Pads LLC, Jacobs Engineering is requesting a special use permit for a quick service restaurant on 1.279 acres located at the northwest corner of Rufe Snow Drive and NE Loop 820. The applicant proposes to construct a Whataburger restaurant on the property.

### **GENERAL DESCRIPTION:**

The site under consideration is located at the northwest corner of Rufe Snow Drive and NE Loop 820. The property includes two individual lots that are separated by a power line right-of-way. The northern lot (5121 Rufe Snow Drive) is 1.3 acres in size and is presently developed as a Don Pablo's restaurant, which was built in 1993. The southern lot (6665 NE Loop 820) is 5,649 square feet in size and is used only for signage and landscaping purposes.

A complete site plan package for the proposed development is attached. Planned improvements to the site include a 3,942-square-foot building with 40 parking spaces. The exterior materials of the building include brick, stone, and stucco. The site does not have direct driveway access from Rufe Snow Drive and the NE Loop 820 frontage road, but access is provided through dedicated easements on the adjacent lots. The landscaped areas cover 21.35% of the lot and include a stacked limestone wall and planting bed similar to the Chipotle restaurant across Rufe Snow Drive. The business operation also provides drive-through service with dual ordering areas and stacking space for seven vehicles.

The application for special use permit provides an opportunity to address the use of the property and modifications to specific development standards for the site. These items are described in more detail below. All other site development standards have been satisfied.



### ***Land use***

In 2015, the zoning ordinance was amended to create new land use types for restaurants. One of the new land use types is “quick service restaurant,” commonly referred to as a fast food restaurant. The zoning ordinance was further amended in 2017 to require a special use permit for quick service restaurants in all zoning districts. The property under consideration is zoned C-2 Commercial, and this land use requires approval of a special use permit in this zoning district.

### ***Drive through standards***

In conjunction with the zoning amendment described above, new design standards were adopted for restaurants that provide drive-through service. One standard requires that drive-through lanes have a minimum width of 10 feet and a maximum width of 15 feet. The proposed site layout shows a lane width of 30 feet on the west side of the building, and the applicant indicated the lane is also to be used for delivery truck access. The applicant is requesting that this standard be modified as part of the special use permit request. All other drive-through standards have been satisfied.

**DRC RECOMMENDATION.** The current development policy in North Richland Hills is to monitor closely the number and location of quick service restaurants in order to establish an optimal mix of commercial, restaurant, retail, and office establishments that best serve the varied needs of residents and consumers. To implement this policy, all quick service restaurant uses are subject to approval of a special use permit or other zoning action.

The Development Review Committee’s (DRC) recommendation for denial of the special use permit application is based on the following.

1. The proposed use does not replace and upgrade an existing like use. A full service restaurant would be replaced with a quick service restaurant.
2. The automobile-centric characteristics of a quick service restaurant at this location could have a negative effect on existing traffic volumes and patterns.
3. The 2015 NRH citizen survey indicated that 52% of residents desire more full service restaurants and only 12% desire more drive-through restaurants.
4. Two new large full service restaurants are being constructed near the southeast corner of Rufe Snow Drive and NE Loop 820. These new restaurants could influence the redevelopment of the site under consideration as a complementary full service restaurant. As such, the development of a quick service restaurant at this location may be premature.
5. There is adequate market coverage of quick service restaurants in the general area.

**SUP CONDITIONS.** 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. The ordinance also includes



specific standards for restaurants with drive-through service, for which the applicant is requesting modification of one standard.

The following are the proposed conditions of approval for this special use permit. Any other conditions recommended by the Planning and Zoning Commission will be included in the proposed ordinance considered by City Council.

1. *Permitted use.* A special use permit is authorized for a quick service restaurant.
2. *Site development standards.* Development of the property shall comply with the development standards of the C-2 Commercial zoning district and the standards described below.
  - a. The location and appearance of the building shall be as shown on the attached site plan.
  - b. The width of the drive-through lane shall not exceed thirty (30) feet.
  - c. Landscaping shall be installed as shown on the attached landscape plan. The landscaping must be installed prior to the issuance of a certificate of occupancy.
  - d. Lot 9A, Block 4, Tapp Addition, shall be used only for signage and landscaping purposes.
3. *Administrative approval of site plans.* Site plans that comply with all development-related ordinances and these conditions shall be administratively approved by the Development Review Committee. Substantial deviations or amendments from the development standards or site plan, as determined by the City Manager or his designee, shall require a revision to the approved Redevelopment Planned Development in the same manner as the original.

**COMPREHENSIVE PLAN:** This area is designated on the Comprehensive Land Use Plan as “Retail.” This designation is intended to permit a variety of retail trade, personal and business service establishments, and offices.

**CURRENT ZONING:** The property is currently zoned C-2 Commercial.

**PROPOSED ZONING:** The applicant is requesting a special use permit for a quick service restaurant.

**SURROUNDING ZONING | LAND USE:**

- North:** C-2 Commercial | Retail
- West:** C-2 Commercial | Retail
- South:** C-2 Commercial | Retail and Commercial
- East:** C-2 Commercial and PD Planned Development | Retail



**PLAT STATUS:** The property is currently platted as Tapp Addition, Block 4, Lots 3A and 9A.

**PLANNING AND ZONING COMMISSION:** The Planning and Zoning Commission conducted a public hearing and considered this item at their July 20, 2017 meeting, and voted 4-0 to recommend denial.

**RECOMMENDATION:**

Deny Ordinance No. 3469.