

## CITY COUNCIL MEMORANDUM

**FROM:** The Office of the City Manager   **DATE:** June 10, 2019  
**SUBJECT:** ZC 2019-08, Ordinance No. 3587, Public hearing and consideration of a request from Shelby Shelton for a zoning change from C-1 Commercial to RD-PD Redevelopment Planned Development at 5100 Davis Boulevard, being 0.55 acres described as Lot 1R, Block 18, Clear View Addition.  
**PRESENTER:** Clayton Husband, Principal Planner

### **SUMMARY:**

On behalf of Halinat Investments LP, Shelby Shelton is requesting a zoning change from C-1 Commercial to RD-PD Redevelopment Planned Development on 0.55 acres located at 5100 Davis Boulevard.

### **GENERAL DESCRIPTION:**

The 23,909-square-foot site under consideration is located at the northeast corner of Davis Boulevard and Standley Street. The site is currently developed with a Chicken Express quick service restaurant with drive-through service. The owner proposes to remodel and expand the restaurant on the property.

A complete site plan package for the proposed building is attached. Proposed improvements to the site include a remodel and expansion of the existing restaurant building, installation of new landscaped areas, reconstruction and narrowing of existing driveways, and construction of a new refuse container enclosure.

During Development Review Committee (DRC) review of the site plan, it was noted that several design and development standards would apply to the site due to the extent and scope of the proposed construction.

The zoning ordinance and other city codes provide thresholds based on building improvement value or expansions for determining the applicability of certain design and development standards for existing buildings. Based on the Tarrant Appraisal District value of the existing building (\$281,128), compliance with the following standards are required as part of the improvements to the property:

STANDARD	VALUE	FLOOR AREA
Outdoor lighting Sec. 118-728	50% of current TAD appraised value of the improvement	Addition that increase the floor area by 30% or more
Nonresidential construction Sec. 118-691	75% of current TAD appraised value of the improvement	
Landscaping Sec. 114-71		

Based on the applicability of these and other standards, the owner submitted an application to rezone the property to a redevelopment planned development (RD-PD) in order to seek modifications of these and other requirements to allow the construction as proposed.

The proposed conditions of approval for this RD-PD are attached. Applications for rezoning to the RD-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 may be modified by the 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-2 zoning district or approval as part of a planned development district.

The existing quick service restaurant is a legal nonconforming use. Since the size of the building and use is expanding, the applicant is requesting approval of the land use as part of the 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 31 feet between the speaker and menu board and the property line of the single-family residences to the east.
- Drive through lanes are not permitted to be located between the building and a public street. The proposed site layout shows the drive through lane located between the building and Standley Street.

### ***Setbacks***

When a nonresidential structure is located adjacent to a single-family residential property, the zoning ordinance requires a rear building line of 35 feet. The existing building on the site is located 30 feet from the rear property line. The proposed building renovations include an addition to the rear of the structure, which results in a setback of 23 feet 2 inches from the rear property line.

The standards for refuse container enclosures require a minimum setback of 25 feet from all property zoned for residential use. The existing enclosure location is adjacent to residential property on the east side and provides a 5-foot setback from the common property line. The applicant proposes to construct a new enclosure at the same location.

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

### ***Landscaping***

The site has been developed as a restaurant since at least 1971. There were no landscaping or buffering standards in effect at that time. While the site is legally nonconforming to current standards, the proposed construction requires that the site be brought into compliance with current landscape standards.

The applicant provided a landscape plan that brings the property closer to compliance with current standards. The design adds a landscape setback on portions of the property's frontage on Davis Boulevard and Standley Street as well as landscaped areas internal to the site.

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

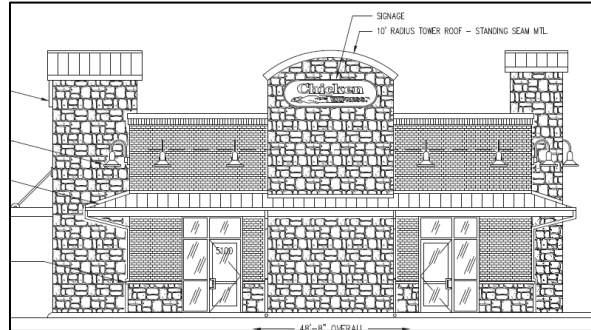
- Landscape setbacks must be 15 feet deep adjacent to the street across the property frontage. The proposed setback on Davis Boulevard is 13 feet deep and the setback on Standley Street is 10 feet deep. In addition, the setback is not provided in the area north of Davis Boulevard drive approach and the area west of the Standley Street drive approach due to proposed parking spaces.
- The buffering standards require a 15-foot landscape buffer yard adjacent to property zoned for residential use. The existing site does not include a buffer yard adjacent to residential property on the east side. The applicant proposes to continue to use this area for circulation on the site for vehicles and drive through lane traffic.

### ***Signs***

The monument sign on the property is proposed to be relocated to an area between the driveway on Davis Boulevard and the intersection of Standley Street. The sign would encroach up to two feet into the narrowest portion of where the two overlapping sight visibility triangles intersect. The height and area of the sign comply with current standards.

The applicant proposes two wall signs to be located on the north and west elevations of the building. The signs are attached to a portion of the wall above the parapet and main

roof line of the building. The sign regulations do not permit wall signs to project above the parapet wall of a building. The applicant is requesting that the wall sign location shown below be approved as part of the planned development request.



**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-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.

**PROPOSED ZONING:** The proposed zoning is RD-PD Redevelopment Planned Development following the C-1 Commercial district land uses and development standards. The proposed change is intended to authorize the quick service restaurant use and allow for the modifications to the building design and site development standards for the property.

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

DIRECTION	ZONING	LAND USE PLAN	EXISTING LAND USE
NORTH	C-2 Commercial	Retail	Vacant
WEST	C-2 Commercial	Commercial	Retail and service uses
SOUTH	C-2 Commercial	Retail	Offices and retail stores
EAST	R-2 Single-Family Residential	Low Density Residential	Single-family residence

**PLAT STATUS:** The property is currently platted as Lot 1R, Block 18, Clear View Addition.

**PLANNING AND ZONING COMMISSION:** The Planning and Zoning Commission conducted a public hearing and considered this item at the May 16, 2019, meeting and voted 7-0 to recommend approval.



**RECOMMENDATION:**

Approve Ordinance No. 3587.