



## Legislation Details (With Text)

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<b>Type:</b>	New Business	<b>Status:</b>	Approved
<b>File created:</b>	3/12/2018	<b>In control:</b>	City Council
<b>On agenda:</b>	3/20/2018	<b>Final action:</b>	3/20/2018
<b>Title:</b>	Consider a resolution for a Site Plan for a single story 1,581 square-foot drive-through restaurant without variances, located on a 1.14-acre lot, on the north side of Keller Parkway, approximately 260 feet east of Pate Orr Road North and Keller Parkway intersection, being Lot 3R-1R5, Block 8, Bluebonnet Trails Addition, at 951 Keller Parkway, and zoned TC (Town Center). Keller Square, LLC, owner; Andy's Frozen Custard, applicant; Dunaway Associates, L.P, engineer. (SP-18-0002)		
<b>Attachments:</b>	1. 032018_Andy'sDraft_Res. No. 3988, 2. 032018_Andy's_Minutes, 3. 032018_Andy's_ Exhibit A _Building Elevation, 4. 032018_Andy's_ Exhibit A - Grading & Drainage, 5. 032018_Andy's_ Exhibit A _Landscape, 6. 032018_Andy's Exhibit A _Photometrics, 7. 032018_Andy's_ Exhibit A _Site Plan, 8. 032018_Andy's_ Exhibit A _Utilities, 9. 032018_Andy's _Maps, 10. 032018_Andy's _StaffAttachments _OrdinanceNo1856, 11. Presentation H-4 - Andy's SP		

Date	Ver.	Action By	Action	Result
3/20/2018	1	City Council		

**To:** Mark Hafner, City Manager

**From:** Trina Zais, Director of Public Services and Economic Development

### Subject:

Consider a resolution for a Site Plan for a single story 1,581 square-foot drive-through restaurant without variances, located on a 1.14-acre lot, on the north side of Keller Parkway, approximately 260 feet east of Pate Orr Road North and Keller Parkway intersection, being Lot 3R-1R5, Block 8, Bluebonnet Trails Addition, at 951 Keller Parkway, and zoned TC (Town Center). Keller Square, LLC, owner; Andy's Frozen Custard, applicant; Dunaway Associates, L.P, engineer. (SP-18-0002)

### Action Requested:

Consider a resolution approving a site plan for a single story 1,581 square-foot drive through restaurant without variances.

### Zoning:

TC (Town Center)

### Background:

The subject property was originally platted as Lot 3, Block 8 of the Bluebonnet Trails Addition in 1984. This property was rezoned to TC (Town Center) as part of the citywide rezoning in 1992. It has since remained undeveloped. In March 2012, the property was re-platted to Lot 3R-1 and again in June 2012 to the current lot designation of Lot 3R-1R5, Block 8.

On September 19, 2017 (Ordinance No. 1859), City Council approved a Specific Use Permit (SUP) for Andy's Frozen Custard with the following conditions:

1.The request to allow a restaurant with a drive-thru facility in the Town Center Zoning District shall be allowed.

2. The request for the building to be less than six thousand (6,000) square feet shall be allowed.

**Analysis:**

The applicant is proposing to construct an approximately 1,581 square foot restaurant with a drive-thru. The Town Center (TC) zoning district requires all Site Plan applications to go through a detailed review and to receive approval by City Council after a recommendation from the Planning and Zoning Commission. The purpose of the Site Plan review is to ensure development with the (TC) zoning district is conforming to the guidelines and design standards of the district and that;

- a. The proposed development is architecturally compatible with other development in the area.
- b. The proposed development is within the character of the Town Center concept as a community focal point with quality development, having a pedestrian orientation, suitable amenities and an overall design theme.

No variances are being requested with this Site Plan. The applicant is aware an application for a sign permit must be submitted separately from the Site Plan. This pertains to attached and Monument signs.

**Site Layout:**

The proposed development will be integrated into Lot 3R-1R5, Block 8, Bluebonnet Trails Addition. The site is accessible from Pate Orr Road North and from Keller Parkway (FM 1709).

The applicant is proposing the building to be located approximately ninety six (96') feet north from the south property line. Per UDC Section 8.03 (P.4.b.4), non-residential building setbacks are determined at the time of site plan review and must meet building and fire code requirements.

No variances are being requested in regards to setbacks. Fire code requirements, FDC locations, and hydrant locations have been met. The detailed review of the internal layout, including fire protection and building code requirements will occur during building permit review.

**Architecture:**

The proposed restaurant will be constructed of brick, stone, and fibrous cement (Nichiha). Section 8.03 (P.4.d.1) within the Town Center zoning district states, other than glass, the building shall be one-hundred percent (100%) masonry. Seventy-five percent (75%) of overall wall surfaces other than glass shall be of brick, stone, or cast stone. The remaining twenty-five percent (25%) may be stucco, fibrous cement, split-face block, or other masonry material and may be considered by City Council. Section 8.03 (P.4.d.1) states that stucco may be used on wall surfaces of a minimum ten feet (10') above grade level.

The proposed building meets the UDC building material requirement. The fibrous cement (Nichiha), will be used on 23.7% of the building. The remaining building material (exceeding 75%) is brick, stone or cast stone (glass not included).

The Town Center zoning district (Section 8.03 P.4.b.1) requires all buildings to be two (2) stories, not to exceed thirty-five feet (35') in height but restaurant uses may be single-story in height by right.

The Town Center zoning district (Section 8.03 P.4.c.8) states that flat roofs are permitted based on building design as approved during the Site Plan review by the City Council. A portion of the roof is flat however is based on the building design.

No variances are being requested.

**Lighting:**

The proposed light poles and site lighting meet the height, glare, and design requirements stated within the Town Center zoning district and Section 9.10 - Lighting and Glare Standards of the UDC. Pedestrian light poles are required in the UDC for the TC zoning district and will be placed along the five-foot (5') sidewalk on Keller Parkway spaced every one hundred twenty feet (120').

**Landscaping:**

The Town Center zoning district has specific landscaping and buffer requirements along Keller Parkway. A thirty-foot (30') landscape buffer along Keller Parkway is being provided in accordance with Section 8.03 (P.4.e) of the UDC. Section 8.03 (P.4.f) of the UDC states that a single row of four inch (4") caliper Red Oak trees spaced thirty feet (30') on center in a straight line is required along Keller Parkway within the landscape buffer. Since overhead service utilities are present within the landscape buffer, the applicant substituted Yaupon Hollies as permitted by the UDC. The applicant has gone above and beyond, adding four (4) Crepe Myrtle Trees in the landscape buffer, south of the patio seating area. The applicant is also installing the required brick columns, spaced thirty feet (30') on-center with evergreen shrubs planted between the columns along the east/west side of the five foot (5') sidewalk as required by the Town Center zoning district. All other UDC landscaping requirements have been met with this site plan application.

**Tree Preservation:**

There are no existing trees located on this property.

**Sidewalks and Trails:**

The sidewalk just west of the property line is where the district zoned retail (R) ends and Town Center (TC) zoning district begins. The sidewalk will taper through unconventionally, exiting the retail district until it conforms to the UDC standards for (TC) zoning.

**Parking:**

A minimum of twenty-five (25) parking spaces is required for a restaurant with a drive-thru facility of this size. The applicant is proposing a total of thirty-two (32) parking spaces to meet the minimum parking requirements for this development

**Existing Roadway Access:**

Keller Parkway (FM 1709), a six-lane divided arterial street.

Rufe Snow and Pate Orr are accessed through an access easement located along the rear of the property.

**Surrounding Zoning & Land Uses:**

North: Undeveloped property zoned (TC)

South: Wells Fargo Bank, zoned (TC)

East: Raising Cane's Restaurant, zoned (TC)

West: Multi-tenant building, zoned (R), Retail

**Summary:**

The proposed site plan is consistent with the approved Specific Use Permit and previously granted variances, and the Town Center (TC) zoning district. All required landscaping is provided and all other aspects meet the TC (Town Center) zoning and development standards.

**Citizen Input:**

A Site Plan application with no variances does not require a public hearing, so no public hearing notifications were sent out to the surrounding property owners for this request. There has been no response from the public to this application. The public will have an opportunity to speak on this agenda item at the “Persons To Be Heard”.

**Professional Opinion:**

Staff’s professional opinion is approval of this Site Plan without variances.

The applicant is adhering to the spirit of the Town Center (TC) zoning district by following the requirements within the Unified Development Code. The building’s architecture reflects a distinct look and identity and the use of the building is pedestrian oriented and encourages pedestrian traffic. The design along with the street scape adheres to an open and human scale environment.

**Board Review:**

The Planning and Zoning Commission considered this item and recommended approval on February 26, 2018 with a vote of 7-0.

**City Council Action:**

The City Council has the following options when considering a Site Plan:

- Approve as submitted
- Approve with modified or additional condition(s)
- Tabling the agenda item to a specific date with clarification of intent and purpose
- Deny