



City of Keller

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Legislation Text

File #: 16-231, **Version:** 1

To: Mark Hafner, City Manager

From: David Hawkins, Planning Manager

Subject:

PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) for Braum's, a proposed 5,990 square-foot restaurant with drive-thru, on a 1.45-acre tract of land, located on the north side of Keller Parkway (F.M. 1709), approximately 1,000 east of Town Center Lane, at 1221 Keller Parkway, being a portion of Tract 2E out of the Pamela Allen Survey, Abstract No. 28, and zoned TC (Town Center). Greenway-Keller, L.P., owner. Braum's Ice Cream, applicant/developer. (SUP-17-0001)

Action Requested:

Conduct a public hearing and consider an ordinance to allow Braum's, a proposed 5,990 square-foot restaurant with drive-thru.

Zoning:

TC (Town Center)

Future Land Use Plan:

MU (Mixed Use)

Background:

The zoning on this property was established with the City-wide rezoning in 1992. The subject property is not platted and is currently undeveloped. The subject property is approximately 5-acres of which Braum's would occupy the western 1.45 acres.

Requested Use:

The proposed use is a 5,990 square foot restaurant with a drive-thru facility. A Specific Use Permit (SUP) is required within the TC zoning district for the drive-thru component of the restaurant and for the structure being less than six thousand (6,000) square feet.

Site Design:

The proposed building is one-story in height and varies between twenty feet two-inches (20'-2") and twenty-nine feet three and one half-inches (29'-3¹/₂") in height. The elevation facing Keller Parkway (F.M. 1709) is twenty feet two-inches (20'-2") in height. As this is a restaurant use, it is permitted by the UDC. Section 8.02 (P.4.b1) of the UDC states, "*Unless otherwise stated, the building height in the Town Center district shall be two (2) stories, not to exceed thirty-five (35) feet. Restaurant uses, kiosks and fuel pump canopies may be single-story in height by right.*"

The proposed footprint is just under six thousand (6,000) square feet. Section 8.02 (P.4.b.2) of the

UDC states, *"Building footprints and locations should generally follow the arrangement of the Master Plan"*. No building footprint in Town Center shall be less than six thousand (6,000) square feet of air-conditioned space. Building footprints less than six thousand (6,000) square feet may be approved by Specific Use Permit.

Elevations:

Site Plan review by the Planning and Zoning Commission and City Council is required in Town Center. Section 8.03 (P.3) of the UDC lists the criteria on which the review is based: *"The proposed development is architecturally compatible with other development in the surrounding areas."* and *"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."* The proposed development has only submitted conceptual elevations and changes may be made during the Site Plan review. Unless a variance request is listed, it is expected that Braum's will meet all these standards at Site Plan Review.

Section 8.02 (P.4.d.1) of the UDC *"The wall surface for all buildings other than glass shall be of one hundred percent (100%) masonry material compatible with the Town Center district. Seventy 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. The use of any other wall surface material may be approved by the City Council at the time of Site Plan review. Stucco may be used on wall surfaces of a minimum ten feet (10') above grade level."* The proposed structure is eighty-three percent (83%) stone and brick with portions above ten feet (10') height fiber cement board to resemble stucco.

Section 8.02 (P.4.c.8) of the UDC states, *"Sloping roof forms as a complete sloping form (pitched roof) or mansard roof shall be utilized on all buildings in Town Center. Flat roofs are allowed only based on building design as approved during the Site Plan review by the Development Review Committee."* A flat roof is proposed. Braum's has a flat roof with a sloped roof over the entryway tower feature. The commercial center to the west, Keller Marketplace, also has a flat roof. In addition, the architectural style is compatible with the proposed flat roof. The Development Review Committee has no issues with the proposed flat roof.

Variance Request:

1. A variance is requested to allow the building to have a flat roof.

Signage:

Additional signage beyond what is generally permitted by the Unified Development Code is being shown with this Specific Use Permit request. However, the details have not been provided for these signs and a Special Exception for signage is not being requested at this time. It is anticipated a Special Exception for additional signage will be requested with either the Site Plan or separately with sign permits

Outside Storage:

No outdoor storage is proposed.

Landscaping:

Landscaping will be required to meet UDC requirements at the time of Site Plan application. A

preliminary landscape plan has been submitted for review at this time. The applicant indicates all landscaping criteria will be met at time of site plan review.

Tree Preservation:

There are no existing protected trees on site.

Drainage & Utilities:

Detailed drainage and utility plans are required to be submitted for review by City staff at the time of Site Plan application.

Trip Generation:

The applicant estimates less than one thousand (1,000) trips per day based on observations at other similar Braum's locations. Using the trip generation multipliers from the Institute for Traffic Engineers, staff estimates approximately two-hundred and three (203) trips per day. Neither estimate would trigger a Traffic Impact Analysis (TIA) per Section 5.03 (E) of the UDC, which requires a TIA when more than 2,000 trips per day are projected for commercial traffic. Any driveways on Keller Parkway (F.M. 1709) will require Texas Department of Transportation (TXDOT) approval.

Driveways:

This property is proposing two access points to Keller Parkway (F.M. 1709). One is on the subject site and the other is farther east on the same tract of land. The second driveway would be a shared access easement. All driveway locations will require TXDOT approval as Keller Parkway (F.M. 1709) is a TXDOT right-of-way.

Existing Roadway Access:

Keller Parkway, a six-lane divided arterial, to the south

Parking:

The UDC requires one (1) parking space for every one hundred (100) square feet of seating and waiting area for a restaurant with fast food or drive-in and one (1) parking space for every two hundred square feet of retail space. Per the narrative letter, the proposed structure has approximately three thousand (3,000) square feet for the restaurant use and three thousand (3,000) square feet of retail area. Forty-five (45) parking spaces are required. Forty-eight (48) spaces are being provided.

Dumpster:

A dual enclosure is proposed at the rear of the site that meets City standards.

Lighting:

Lighting is often a concern with residential adjacencies. A photometric plan will be required with the Site Plan submittal. Per the UDC lighting standards no more than 0.2 foot-candles are allowed at the residential property line. All parking lot lighting will need to be shielded to prevent diffusion of light. In addition, the Town Center zoning standards limit light pole height to twenty feet (20') and gives specifics for the style of fixtures allowed. Compliance with these standards will be reviewed at the time of Site Plan.

Surrounding Zoning & LandUses:

North: Saddlebrook Estates, zoned SF-8.4 (Single Fmaily- 8,400 square foot lot minimums)

South: Commercial Multitenant structures, zoned TC

East: Undeveloped land, Keller Marketplace, Sherwin Williams, Freddy's, zoned TC

West: Undeveloped land, Centerview Office Park, zoned TC

Request:

The applicant is requesting an SUP for a 5,990 square-foot restaurant with a drive-thru facility with one variance:

1. A variance is requested to allow the building to have a flat roof.

Summary:

Section 8.04 (B.2.a) of the UDC states that when considering a SUP request, the Planning and Zoning Commission and City Council shall consider the following factors:

- 1) The use is harmonious and compatible with surrounding existing uses or proposed uses;

Adjacent uses include office developments and retail developments, drive-thru banks, and a drive-thru restaurant. The proposed use fits with the other auto-oriented uses in the general area. However, the immediately adjacent properties are undeveloped. The proposed use does not fit with the desired pedestrian-oriented uses desired for this area by the Town Center zoning district. The property to the north is single-family residential. There are always concerns regarding residential uses adjacent to commercial uses. These concerns are somewhat mitigated by landscaping and screening wall requirements.

- 2) The activities requested by the applicant are normally associated with the permitted uses in the base district;

The base zoning district is Town Center (TC). Auto-oriented uses are discouraged in this zoning district. Per Section 8.03 (P.2.b);

Uses in Town Center district shall be generally pedestrian oriented and encourage pedestrian traffic. Uses with drive-through lanes are discouraged in Town Center, are permitted only by Specific Use Permit. If such uses are allowed by City Council approval, the use must be mitigated with special design features during Site Plan review.

Restaurant with Drive-thru/Drive-in are only permitted with a Specific Use Permit. Other walkable districts in the Dallas-Fort Worth area have managed to successfully incorporate drive-thru restaurant as part of multi-tenant buildings with drive-thru on the rear of the building or along an alley. This type of drive-thru maintains pedestrian-oriented fronts and may be appropriate in Town Center. The applicant has proposed a typical stand-alone drive-thru design that does not meet the intent of pedestrian orientation in Town

Center.

- 3) The nature of the use is reasonable and appropriate in the immediate area;

The nature of a stand-alone drive-thru restaurant is not appropriate in the Town Center Zoning District. The immediately adjacent properties are undeveloped. The applicant would be creating this 1.45-acre lot out of a 5-acre tract.

- 4) Any negative impact on the surrounding area has been mitigated; and

This drive-thru may impact development on immediately adjacent properties to the east and west which are still undeveloped. Negative impacts to the residents to the north from this drive-thru use are noise and light. The drive-thru order box is towards the rear of this site and will pull more cars to the rear than other uses might. There are requirements in the Unified Development Code for an eight-foot (8') masonry screening wall at this location and landscaping to help mitigate impacts from any commercial development. No additional standards are proposed to mitigate the increased impact a drive-thru may have.

- 5) That any additional conditions specified ensure that the intent of the district purposes are being upheld.

There are no additional conditions specified to ensure the intent of the Town Center zoning district is being upheld. The layout of the drive-thru is a standard layout.

Citizen Input:

On February 3, 2017, the City mailed out twenty-nine (29) letters of Notifications for this Public Hearing and the associated planned development zoning change to all property owners within three hundred feet (300') of the subject site. A public hearing notice sign was posted on the site. Notice of the hearing was also published in the Fort Worth Star Telegram in February 19, 2017.

The applicant sent letters to the list of homes within three-hundred feet (300') on January 4, 2017. A copy of this letter is included in Exhibit "A".

As of February 27, 2017 staff has received one (1) letter and three (3) emails in support and two (2) e-mails in opposition and eight (8) letters in opposition.

State laws and the UDC both state that if written objections are received from twenty percent (20%) of the area of the adjacent property owners extending two-hundred feet (200') from the subject property, then a three-fourth ($\frac{3}{4}$) vote (super majority is 6 out of 7) is required by City Council for approval of this SUP request. Opposition letters represent approximately seventeen percent (17%) of the area within two-hundred feet. **This SUP request will not require a three-fourth ($\frac{3}{4}$) super majority vote by City Council for approval.**

**Professional
Opinion:**

Based on pedestrian-oriented standards within the current TC zoning district, this SUP does not meet intent. Properties north of Keller Parkway has recent developments and few remaining parcels that may warrant City Council to consider re-evaluating the pedestrian-oriented standards for this area of Town Center.

Staff is forwarding this SUP application for City Council consideration as presented.

Board Review:

The Planning and Zoning Commission considered this application on February 13, 2017 and provided a recommendation to deny the application with a vote of 5 to 2.

Alternatives:

The City Council has the following options when considering a Specific Use Permit:

- 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