



Legislation Details (With Text)

**File #:** 20-3539      **Version:** 1      **Name:** ZC#19-023: Public hearing for a change of zoning from PD, Planned Development District to PD, Planned Development District for C-2 uses including a Church and Eating Place with Drive-Thru Service on approximately 32.558 acres located at 748, 756 and 764 S

**Type:** Zoning Case      **Status:** Passed

**File created:** 4/14/2020      **In control:** Planning and Zoning Commission

**On agenda:** 5/4/2020      **Final action:** 5/4/2020

**Title:** ZC#19-023: Consideration of a change of zoning from PD, Planned Development District to PD, Planned Development District for C-2 uses including a Church and Eating Place with Drive-Through Service on approximately 32.558 acres located at 748, 756 and 764 S. Mitchell Road and 1001 S. US 287; Bannister Engineering, surveyor/engineer and Living Church, owner/developer (Tabled from the April 20, 2020, Planning and Zoning Commission meeting)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Maps and Supporting Information.pdf, 2. Exhibit A, 3. Revised Exhibits B through D, 4. Color Site Plan

Date	Ver.	Action By	Action	Result
5/4/2020	1	Planning and Zoning Commission	Approved	Pass
4/20/2020	1	Planning and Zoning Commission	Approved	Pass

ZC#19-023: Consideration of a change of zoning from PD, Planned Development District to PD, Planned Development District for C-2 uses including a Church and Eating Place with Drive-Through Service on approximately 32.558 acres located at 748, 756 and 764 S. Mitchell Road and 1001 S. US 287; Bannister Engineering, surveyor/engineer and Living Church, owner/developer (Tabled from the April 20, 2020, Planning and Zoning Commission meeting)

This case was tabled from the Commission’s April 20, 2020, meeting to allow the applicant time to address the Commission’s comments. The applicant has resubmitted the development plan with the following changes:

- Increased the masonry on the building from 7% to 21% and a new medium grey brick veneer has been added as a building material.
  - North elevation (facing the floodway) - Brick veneer has been added to the lower half of the façade in place of ribbed steel siding.
  - East elevation (facing S. Mitchell Road) - Brick veneer has been added to the far right of the façade for a span of 34 feet in place of ribbed steel siding.
  - South elevation (facing Mitchell Farms) - Brick veneer has been added to an 11-foot span on the far left of the façade in place of ribbed steel siding and as a projecting

surround for the central overhead door. Other changes to this façade include two new metal canopies over the personnel doors flanking the overhead door and the removal of the third personnel door on the right side of the façade.

- West elevation (facing US 287) - Brick veneer has been added to a 90-foot span on the far left in place of ribbed steel siding.
- Removed the banner signs from the development plan.
- Replaced the pylons on the 30-foot sign on US 287 with a monolithic base of corten steel and the sign area has been increased from 80 square feet to approximately 150 square feet for the LED sign.

No changes have been made to the crosses, the monument signs on S. Mitchell Road, the parking, or the landscape plan.

#### Recommendation Based on Revised Plan

In keeping with the Land Use Plan, the intent and goals of The Reserve PD and development in the surrounding areas, Staff recommends approval of the proposed PD with the following conditions:

#### *Building Standards:*

- Staff recommends that all sides of the Phase 1 building and future buildings be finished with the same materials and details, including the use of masonry on the south and west elevations to break up the walls. In particular, the southern facades facing the residential lots should incorporate masonry as the material change instead of switching between horizontal rib metal patterns one and two. The south elevation of the Phase 1 sanctuary uses two rib metal siding patterns around the overhead door. The Pattern Two rib metal siding could be masonry instead, offering a less barn-like appearance to the adjacent residential lots.

#### *Parking:*

- The applicant is proposing 284 parking spaces more than required. Staff recommends that some of this excess parking be eliminated along S. Mitchell Road (such as the circular parking lot between the main driveway and the pond) to allow for additional landscaping and usable community space.

#### *Signage:*

- Under Section 7100.C.2, a sign is any object, device, structure, or part thereof, visible from outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means. The 75-foot and 30-crosses fall within this provision. Staff recommends that these structures be eliminated but also recommends that the cross at the church's current N. Matlock Road sanctuary be relocated to this site and displayed on either along S. Mitchell Road or US 287.
- Staff recommends that the proposed pylon sign on US 287 follow the requirements in Section 7100.D.1 for a monument sign for institutional uses. This allows lots with direct frontage along

U.S. 287 to have a monument sign with a maximum height of 15 feet, a maximum width of 10 feet, and a maximum sign area of 75 square feet.

- There are two monument signs proposed for the S. Mitchell Road frontage. Staff previously recommended that the monument sign at the south driveway be relocated in front of the coffee shop and not be constructed until Phase 2. The sign may block visibility on the curve of S. Mitchell Road unless properly located. As a result, Staff recommends that the monument sign not be constructed until Phase 2 and that the location be determined at detailed site plan review.
- Staff recommends that the flagpole on US 287 comply with the maximum flagpole height of 35 feet.

*Landscaping:*

- Staff supports the request to eliminate the screening fence on the south side of the property as Mitchell Farms will have its own screening wall.

**Information from the April 20, 2020, Staff Report**

*Existing Use:* Single-family residences and agricultural

*Existing Zoning:* PD

*Surrounding Land Use & Zoning:*

North - Vacant and floodway, PD

South - Mitchell Farms (single-family residential), PD

East - View at the Reserve (single-family residential) and floodplain, PD

West - Masonic Lodge and vacant, PD; and Vacant (west side of US 287), PR and I-1

*Thoroughfare Plan Specification:*

S. Mitchell Road - 3-lane undivided minor collector

Future street, southwest corner - 3-lane undivided minor collector with round-about

*Official Land Use Plan:*

The property is located in Sub-Area 7. According to the Land Use Plan, development proposals that do not completely fit within the existing zoning may be considered where the development meets the intent and goals of The Reserve Planned Development District.

**Comments and Considerations**

The subject property consists of 32.558 acres on the west side of S. Mitchell Road and the east side of US 287, approximately 800 feet south of Heritage Parkway. The property is currently occupied by three single-family homes and several sheds and storage barns.

The property is currently zoned PD for The Reserve, in the South Pointe Expansion and Highway 287 Sub-Districts. The applicant is requesting to re-zone the property to PD, Planned Development District for C-2 uses including a Church and Eating Place with Drive-Through Service.

The immediate area is predominantly single-family residential, with the recently approved Mitchell

Farms subdivision directly south of the church property and the View at the Reserve development across S. Mitchell to the east. Further south on S. Mitchell Road leads to Ladera in the Reserve and Southpointe. To the north is vacant land and floodway with commercial uses along Heritage Parkway.

The existing pavement of S. Mitchell Road is located on this property and will become part of the parking lot. The development plan indicates that the property owner will dedicate 70 feet of right-of-way for the new S. Mitchell alignment.

The property contains the existing XTO Copper Car drill site, located at the southwest corner of the property. Access to the drill site will be through the fire lane on the south side of the church property to S. Mitchell Road. There is also a natural gas pipeline easement through the parking lot at the front of the property. Changes to the parking lot and landscaping around this easement may be necessary at time of building permit to accommodate the gas well operator's requirements.

#### Development Plan (Exhibit B)

The applicant proposes a 1000-seat sanctuary with a 3000-seat addition, a 150-seat chapel and a coffee shop with drive-through service, to be developed in two phases. Phase 1 includes a 43,852 square foot sanctuary. The Phase 2 buildings will add 74,446 square feet for a larger sanctuary, a chapel and a coffee shop. The property will be platted as one lot.

The applicant is using C-2 as the base zoning. As presented, the PD will require deviations from the C-2 regulations for architecture, landscaping and signage as described in the following sections.

Elevations have been provided for the Phase 1 sanctuary. The PD proposes that a Detailed Site Plan for each Phase 2 building be submitted for the City Council's approval at one meeting prior to the issuance of a building permit.

There are three trash dumpsters proposed for the property: 2 dumpsters at the sanctuary building and 1 dumpster for the coffee shop. The development plan states that the dumpsters will be screened with masonry screening.

#### Access and Parking (Exhibit B)

The development plan proposes three driveways from S. Mitchell Road, one driveway from US 287 and a driveway from the future street in the southwest corner of the property. Because of minimum spacing requirements between driveways on US 287, the applicant proposes to stub the US 287 driveway to the Masonic Lodge property to the south. The Texas Department of Transportation must approve any drive approach on the future frontage road of US 287.

For churches, parking must be provided at a ratio of 1 space for every 4 seats in the sanctuary. For the coffee shop, parking must be provided at 1 space for every 75 square feet, including the patio. For this development, the required parking is as follows:

- Phase 1, 250 spaces for the 1,000-seat sanctuary
- Phase 2, 788 spaces for the 3000-seat sanctuary and 150-seat chapel
- Phase 2, 57 spaces for the coffee shop

The total number of required parking spaces is 1,095. The development plan indicates that 1,379 parking spaces will be provided.

### Coffee Shop (Exhibit B)

The coffee shop will be located at the southeast corner of the property on S. Mitchell Road. The building will be located on the same lot as the church. The coffee shop will include drive-through service.

Eating places with drive-through service generally require a Specific Use Permit. As presented, this PD allows the coffee shop as a permitted use. The coffee shop must comply with the special requirements of Section 7800.B.36 related to site layout, landscaping and traffic circulation for businesses with drive-through service. As shown on Exhibit B, the coffee shop substantially conforms to the SUP requirements.

### Building Standards (Exhibit C)

Elevations for the Phase 1 sanctuary are shown on Exhibit C, including a color rendering of the north and east elevations. The development plan indicates that the buildings will be a 1-story with a maximum height of 34 feet and a steeple with a height of 56 feet.

The primary cladding is horizontal rib metal siding in two patterns as shown on Sheet A2-4 of Exhibit C. The standard masonry requirement in Section 4600.A for structures in the C-2 District is a minimum of 70% masonry materials. On the Phase 1 sanctuary, the applicant proposes 7% masonry (the rough cut stone and cut stone veneers) materials. The remainder of the building will have two styles of horizontal rib steel siding and corten steel. Section 4600.A lists corrugated, ribbed or standing-seamed metal panels as prohibited materials.

The entryway has a metal canopy with cut stone veneer on the bases. The end of the canopy has a corten steel screen panel. The prominent square tower at the entryway is clad in cut stone and the steeple structure features corten steel. Two projections on the front (north) façade are clad in rough stone. The east elevation shows what appears to be rough stone on the pilasters on either side of the triple window bays on the left side, although the material is not labeled. The south and west elevations are entirely horizontal rib metal siding. The proposed materials are shown on Sheet A2-4 of Exhibit C.

The color rendering does not appear to exactly match the elevation sheets for the east elevation around the triple window bays noted above. This will need to be reconciled prior to approval of the PD.

Section 4600.E requires certain architectural attributes for buildings in the C-2 District to address the visual impact of long uninterrupted walls or rooflines by providing a minimum amount of variations according to the size of the structure. Non-residential buildings must be architecturally finished on all four sides with the same materials, detailing and features. The south and west facades do not have any masonry materials or features such as the projected windows that the north and east facades utilize.

Staff is concerned particularly with the south façades of the Phase 1 and Phase 2 sanctuaries. These elevations face Mitchell Farms, and the view from the future residential lots will be that of an industrial building. The building materials are also not in keeping with the other construction standards of The Reserve.

### Signage (Exhibit C)

The applicant is requesting substantial deviations from the sign regulations. Section 7100 of the

Zoning Ordinance allows a church to have one sign per street frontage plus one wall sign on the principal building. With frontage on US 287 and S. Mitchell Road, three signs would be permitted by Section 7100. The applicant is requesting the following:

- 2 monument signs on S. Mitchell Road. These signs will have a masonry base with a corten steel frame, and will comply with the maximum height, width and sign area for institutional monument signs.
- 3 banner poles on S. Mitchell Road with a height of 18 feet. Under Section 7100, banners are prohibited signs except when used as promotional signage for 14-day periods, three times a year. The proposed banners could be used all year long.
- 1 pylon sign on US 287 constructed of corten steel with a height of 30 feet and a width of 15 feet, sign area of 80 square feet and space for 3 additional banners. Although Section 7100 prohibits pole and pylon signs altogether, a larger monument sign is permitted on US 287 with a maximum height of 15 feet, a maximum width of 10 feet and a maximum sign area of 75 square feet, with a base that incorporates the masonry materials used on the building.
- 1 flagpole on US 287 with a height of 75 feet. Section 7100 limits the maximum height of a flagpole to 35 feet.
- 1 cross on US 287 constructed of corten steel with a height of 75 feet sitting on a base or berm of undetermined height. As proposed, the overall height can exceed 75 feet, as there is no limit on the height of the base or berm.
- 1 cross on S. Mitchell Road constructed of corten steel with a height of 30 feet;
- A wall sign split between two facades on the sanctuary. A wall sign may have a width not to exceed 75% of a building on a single façade. The proposed wall sign is split at the corner of the north and east facades of the Phase 1 sanctuary.
- The PD standards do not address additional signage for the buildings in Phase 2, including any wall sign and/or monument sign for the coffee shop, and any additional signs for the new sanctuary or chapel building.

Under the normal regulations, this development would be allowed three signs. The applicant is proposing 13 signs of various types and sizes. When the signage is reviewed in a content-neutral analysis, Staff believes the proposed sign package is in some respects excessive for a single-tenant user. The signage is not consistent with The Reserve PD regulations, the C-2 regulations and the size, materials and style of non-residential signage on along US 287 for single tenants.

#### Landscaping and Screening (Exhibit D)

Landscaping and screening will be provided as shown on Exhibit D. The landscaping for the parking lots and buffer yards generally complies with the requirements of the Zoning Ordinance. There is floodway at the north property line with trees. No additional landscaping is proposed in this area.

The applicant is requesting a deviation from Section 7300.O.7 related to a 6-foot screening fence between a church and residentially zoned property. The church property is adjacent to Mitchell

Farms, a single-family neighborhood. There is a 30-foot wide pipeline easement along the northern boundary of Mitchell Farms. Since Mitchell Farms is installing a 6-foot masonry wall on the south side of the easement, the applicant has requested that the church be excused from a fence on the north side of the easement.

Some of the labeling on Exhibit D below the graphic have been cut off. This may be corrected on the next submittal. The labels are the same as shown on Exhibit B.

### Recommendation

A church is an appropriate land use for this property and is already a permitted use under the Reserve PD zoning. However, the applicant is proposing a different style of architecture and sign package that does not comply with the current requirements. One of the purposes of Planned Development zoning is to permit flexibility and encourage a more creative, efficient and aesthetically desirable design and placement of buildings, open spaces, circulation patterns and parking facilities in order to best utilize special site features of topography, size or shape. Additionally, any proposed change in this area should be in keeping with the intent and goals of The Reserve. To allow drastically different standards in a master-planned area of the City may be contrary to the character of the established developments.

In keeping with the Land Use Plan and development in the surrounding areas, Staff recommends approval of the proposed PD with the following conditions:

#### *Building Standards:*

- Staff recommends that all sides of the Phase 1 building and future buildings be finished with the same materials and details, including the use of masonry on the south and west elevations to break up the walls. In particular, the southern facades facing the residential lots should incorporate masonry as the material change instead of switching between horizontal rib metal patterns one and two. The south elevation of the Phase 1 sanctuary uses two rib metal siding patterns around the overhead door. The Pattern Two rib metal siding could be masonry instead, offering a less barn-like appearance to the adjacent residential lots.

#### *Parking:*

- The applicant is proposing 284 parking spaces more than required. Staff recommends that some of this excess parking be eliminated along S. Mitchell Road (such as the circular parking lot between the main driveway and the pond) to allow for additional landscaping and usable community space.

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- Staff recommends that the proposed pylon sign on US 287 follow the requirements in Section 7100.D.1 for a monument sign for institutional uses. This allows lots with direct frontage along U.S. 287 to have a monument sign with a maximum height of 15 feet, a maximum width of 10 feet, and a maximum sign area of 75 square feet.
- There are two monument signs proposed for the S. Mitchell Road frontage. Staff recommends that the monument sign at the south driveway be relocated in front of the coffee shop and that not be constructed until Phase 2.
- Staff recommends the removal of the 3 banner poles on S. Mitchell Road and the banners on the 30-foot pylon sign on US 287. These can be displayed under the promotional signage regulations for 14-day periods three times a year.
- Staff recommends that the flagpole on US 287 comply with the maximum flagpole height of 35 feet.

*Landscaping:*

- Staff supports the request to eliminate the screening fence on the south side of the property as Mitchell Farms will have its own screening wall.

Corrections needed prior to first reading at Council:

- The color rendering should be revised to match the black and white elevations.
- The labels on Exhibit D should be corrected.

**Attachments:**

Maps and supporting information  
Exhibits A through D  
Color Site Plan