



Legislation Details (With Text)

File #:	17-2543	Version:	3	Name:	Ordinance - Third and Final Reading on an Ordinance Approving a Change of Zoning from C-2 Community Business District to PD Planned Development District for Eating Place Without Drive-Through Service on Approximately 2.069 Acres Located at 1768 & 1770 N.
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On agenda:	11/27/2017	Final action:			11/27/2017
Title:	Ordinance - Third and Final Reading on an Ordinance Approving a Change of Zoning from C-2 Community Business District to PD Planned Development District for Eating Place Without Drive-Through Service on Approximately 2.069 Acres Located at 1768 & 1770 N. US 287; Daniel Smith of Foremark, on behalf of Robert Mahoney of TYL Energy, LTD (ZC#17-021)				
Sponsors:	Joe Smolinski, Lisa Sudbury				
Indexes:					
Code sections:					
Attachments:	1. Ordinance, 2. Maps and Supporting Information, 3. Exhibit A, 4. Exhibits B - E, 5. Applicant Response Letter with Attachments - Dated 11-17-17, 6. Letter from Applicant dated 11-7-17, 7. Photometric Plan				

Date	Ver.	Action By	Action	Result
11/27/2017	3	City Council	Approved on Third And Final Reading	Pass
11/13/2017	2	City Council	Approved on Second Reading	Pass
10/23/2017	1	City Council	Approved on First Reading	Pass

Ordinance - Third and Final Reading on an Ordinance Approving a Change of Zoning from C-2 Community Business District to PD Planned Development District for Eating Place Without Drive-Through Service on Approximately 2.069 Acres Located at 1768 & 1770 N. US 287; Daniel Smith of Foremark, on behalf of Robert Mahoney of TYL Energy, LTD (ZC#17-021)

To consider the subject zoning change request.

The Planning and Zoning Commission held a public hearing on October 16, 2017, and voted 7 - 0 to recommend approval as presented.

First Reading

The subject property consists of 2.069 acres and is located on the east side of N. U.S. 287, immediately south of Baylor Emergency Medical Center. The property is less than a quarter-mile south of FM 157 and less than a quarter-mile north of Debbie Lane. The property is currently vacant and wooded.

The applicant is seeking to re-zone the property from C-2 Community Business District to PD Planned Development District for an eating place without drive-through service. The applicant is proposing a 7,240 sq. ft. Saltgrass Steak House restaurant, oriented roughly in the center of the property, with parking on all sides of the building. The property will be accessed by an existing shared access point at the northwest corner of the property serving both Baylor Medical Center and the subject property. In addition, a new access point will be constructed south of the property; this access point will require a shared access easement across the adjacent properties to the south.

The restaurant will include a 149-space parking lot, which well exceeds the 73 required parking spaces, but which the applicant feels is necessary to accommodate patrons and employees during peak hours. The development will include extensive shrubs around the foundation of the building, trees in the parking lot islands, and trees in the required 20' front landscape buffer yard and the 10' side landscape buffer yards. The applicant will preserve the existing trees in the required 20' rear landscape buffer yard.

The main entrance to the building will be on the southwest corner of the building, with two additional secondary exits (one of which will also accommodate delivery) on the north side of the building, and a fire riser room access entry on the south side of the building. The trash enclosure will be attached to the rear of the building and the applicant has provided a separate loading zone near this area as well.

The main entrance to the building will be predominantly red brick, with a classic front porch feature, and the south elevation of the building will feature some grey stone. However, the remainder of the building will predominantly feature hardi plank siding, barn wood, EIFS, and split-face CMU blocks. The color scheme is mostly red and beige. The architectural scheme is consistent with other Saltgrass restaurants. In addition to building recesses, alternating rooflines, and alternating materials, the building will be adorned with decorative barn stars, some additional non-illuminated and externally-illuminated signage, and murals. The applicant is also proposing illuminated wall signage over the main entrance and a 15 ft. high monument sign with a stone base along U.S. 287. The applicant has requested deviations from the City's requirements pertaining to architecture and signage, including 30-40% masonry (from a minimum of 70%), a monument sign that is 11'-2" wide (from a maximum of 10'), and requesting nine (9) additional non-illuminated or externally-illuminated wall signs spread across all elevations, above and beyond the one wall sign that would ordinarily be permitted. Additionally, the applicant is proposing two on-premise informational signs to direct patrons to the parking lot; however, under the Zoning Ordinance, the business logo is not allowed to be placed on these signs. The applicant will either need to request a zoning deviation to allow this or submit revised plans with the logo removed.

While the applicant is proposing significant deviations from the architectural and signage requirements, the designer has endeavored to produce a cohesive design with strong architectural features, including a variety of materials, a mix of colors, recessed building lines, varied rooflines, and decorative features, including murals, barn stars, and additional low-impact wall signage (that is more decorative in nature) to add to the character of the building. Furthermore, the development will provide for a quality sit-down dining option for residents of-and visitors to-the City of Mansfield.

Second Reading

The City Council held a public hearing and first reading on October 23, 2017, and voted 6-0 (Councilman Haynes absent) to approve with the condition that the applicant addresses the concerns that were discussed at the meeting. Some of the councilmembers and neighboring residents expressed concerns relating to hours of operation, hours of delivery, hours of trash service, the mitigation of smells and odors from the restaurant, site drainage, the possibility of constructing a masonry screening wall in addition to the landscape buffer and what effects wall construction would have on tree preservation, and the possibility of increasing the width of the landscape buffer by reducing the parking area. The applicant has provided a response letter that addresses all of these concerns. In addition, in regards to drainage, engineering staff has confirmed that the proposed improvements will redirect existing sheet flow that is currently directed towards the residential lots to the north and west through the Baylor Hospital development in which fully-developed flows have already been accommodated. Engineering has also confirmed that they will do a more thorough review as it relates to 100-year drainage overflows at the time of building permit to ensure that the applicant directs drainage overflows away from the residential lots and through the hospital development. Engineering and landscaping staff have also confirmed that construction of a masonry screening wall in the landscape buffer would have negative impacts on tree preservation if tree preservation is a goal. While there are 6'+ fences along the rear of the adjacent residential properties, given the increase in elevation of this site in comparison to the neighboring residences, staff has suggested adding shrubs, a solid fence, or wall to the top of the proposed retaining wall

to further shield the residential development from parking lot headlights. Since the first reading, it has also been brought to staff's attention that the location of the new access point on U.S. 287 may change, subject to final TXDOT approval and agreement with adjacent property owners. Nonetheless, the fire marshal will require two points of access to the development and the engineering department will require that the new access point have a shared access agreement with the properties to the south regardless of its location. Finally, planning staff requested that the applicant add a deviation to allow the parking lot informational signs as presented in the sign plan, which are slightly larger and taller than the Zoning Ordinance would allow and also include the business logo, which would otherwise be prohibited on such signs. The applicant has submitted an updated development plan (Exhibit B) which includes this deviation.

Third Reading

The City Council held a public hearing and second reading on November 13, 2017. The applicant read a response letter addressing the issues identified by councilmembers and neighboring residents at the first reading and was available to respond to questions. Several neighboring residents spoke at the public hearing, as well as the property owner. The majority of members of City Council supported construction of an 8' board-on-board wood fence separating the rear of the Salt Grass property from the rear of the properties of the adjacent residents. Several residents also proposed widening the landscape buffer from 20' to 40' and eliminating 24 of the proposed parking stalls, which the applicant was not agreeable to. The property owner pointed out that most Salt Grass locations benefit from locations in large shopping centers with shared parking arrangements, whereas this property will be a standalone location that will require all of the parking that is being provided. The City Council voted 6-1 (Moore) to approve, with the conditions that the applicant provide contracts or documentation specifying the exact times that trash collection and delivery service will and will not occur, as well as meet with the four adjacent homeowners to the east of the property, report the results of those meetings/discussions, and work towards a solution to replace residents' fences along their rear property lines with an 8' board-on-board wood fence that will run the entire length of the rear property lines of the four adjacent homeowners. The applicant has submitted an updated Development Plan (Exhibit B) and Landscape Plan (Exhibit D) which include an 8' board-on-board wood fence along the rear property line of Salt Grass and the rear property lines of the four adjacent homeowners. The fence specifications and location details have been included. The applicant has also provided a contract from the trash service provider that specifies that service hours are between the hours of 8am and 6pm, as well as a letter from the restaurant group that confirms that deliveries will be restricted to between the hours of 8am and 6pm. The Photometric Plan that was presented at the second reading has also been included in the attachments.

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