



Legislation Details (With Text)

File #:	18-2839	Version:	1	Name:	Public Hearing - Public Hearing and Consideration of a Specific Use Permit for Eating Place with Drive-Through Service, and to Provide a Variance to the Alcoholic Beverage Sale Regulations Enacted Under Section 109.33 of the Texas Alcoholic Beverage Code,
Type:	Consideration Item	Status:			Passed
File created:	8/15/2018	In control:			City Council
On agenda:	8/27/2018	Final action:			8/27/2018
Title:	Public Hearing - Public Hearing and Consideration of a Specific Use Permit for Eating Place with Drive-Through Service, and to Provide a Variance to the Alcoholic Beverage Sale Regulations Enacted Under Section 109.33 of the Texas Alcoholic Beverage Code, on Approximately 1.28 Acres Out of the Jacob Back Survey, Abstract No. 126, Generally Located on the North Side of E. Broad Street, the East Side of Cannon Drive, and the West Side of SH 360; Scott Brown of Hat Creek Burger Co. on Behalf of Charles W. Anderson of CWA Vistas, LP (ZC#18-018)				
Sponsors:	Joe Smolinski, Lisa Sudbury				
Indexes:					
Code sections:					
Attachments:	1. Maps and Supporting Information, 2. Exhibit A, 3. Exhibits B - E, 4. Letter of request for variance to allow alcohol sales, 5. Previously Approved PD				

Date	Ver.	Action By	Action	Result
8/27/2018	1	City Council	Approved	Pass

Public Hearing - Public Hearing and Consideration of a Specific Use Permit for Eating Place with Drive-Through Service, and to Provide a Variance to the Alcoholic Beverage Sale Regulations Enacted Under Section 109.33 of the Texas Alcoholic Beverage Code, on Approximately 1.28 Acres Out of the Jacob Back Survey, Abstract No. 126, Generally Located on the North Side of E. Broad Street, the East Side of Cannon Drive, and the West Side of SH 360; Scott Brown of Hat Creek Burger Co. on Behalf of Charles W. Anderson of CWA Vistas, LP (ZC#18-018)

To consider the subject Specific Use Permit request and to consider a variance to the alcoholic beverage sale regulations enacted under Section 109.33 of the Texas Alcoholic Beverage Code to allow alcohol sales within 300 feet of the charter school in Walnut Ridge Baptist Church.

The Planning and Zoning Commission held a public hearing on August 6, 2018, and voted 6-1 (Chairman Wilshire voting nay) to approve with the condition that the 7' x 60' visibility triangle be moved to the intersection of the drive approach and the new front property line in accordance with the requirements of the Engineering Department. The applicant has submitted revised plans that address this condition.

The subject property consists of 1.28 acres and comprises the originally-proposed "Lot 2" (now called "Lot 4") of the Vistas of Walnut Ridge Planned Development. The 1.4-acre property immediately to the east was approved via detailed site plan earlier this year for a 9,572 sq. ft. retail/restaurant building.

Specific Use Permit Request

The applicant is requesting a Specific Use Permit to allow an eating place with drive-thru. The Development Plan for the Vistas of Walnut Ridge specifies that "uses that require a specific use permit" in the Zoning Ordinance "will require a future application for a specific use permit."

Site Plan

The applicant is proposing a 2,371 sq. ft. restaurant building with drive-thru, a 1,457 sq. ft. attached covered patio, a 954 sq. ft. outdoor fenced playground, and a 244 sq. ft. rear service yard. The playground area will be screened by a 3'-4.5' high fence with 1" x 6" cedar boards spaced at 1" in between. The building will have two public entrances, one directly from the parking lot to the building and another through the covered patio. Maintenance and receiving entrances are located at the rear of the building.

The site will have three access points: one to the development driveway to the west, one to the development driveway to the north, and one to connect to the parking lot of the proposed retail/restaurant property to the east. The development driveway system connects directly to Cannon Drive and Broad Street.

The site plan includes two-way traffic on the east and south sides of the building and one-way traffic adjacent to the drive-thru lane. The drive-thru will wrap around the north and west sides of the building and meets the vehicle stacking, lane width, and escape lane requirements outlined in Section 7800.B.36 of the Zoning Ordinance.

The site will provide 51 parking spaces, which meets the Zoning Ordinance requirement of 1 parking space per 75 sq. ft. established for eating places with drive-thru. The calculations are based on the total 3,828 sq. ft. of floor area included among both the building and the attached covered patio.

The site will include sidewalks along the north and south sides of the building, crosswalks to provide safe pedestrian access across the fire lane and at the drive-thru exit, and a sidewalk connection to the sidewalk along Broad Street.

The applicant will provide a trash enclosure at the northeast corner of the property that will be screened in accordance with Section 7301.B of the Zoning Ordinance. The applicant also notes that all equipment will be designed and screened in accordance with Section 7301.A of the Zoning Ordinance.

Elevations

The total materials will be 73% masonry (brick or stone) and 27% non-masonry (cedar wood; metal). The provided elevations show a mix of brick (48%), stone (25%), cedar wood screen (17%), cedar shiplap siding (7%), and brake metal (3%) on the elevations of the building. The predominant materials (brick, stone, and cedar) are featured on all elevations of the building. In addition, the applicant has included a number of wall plane projections and recesses, roofline height variations, and alternating of materials on the different elevations of the building. Windows will be located on the west, east, and south elevations of the building. One of the most striking characteristics of the building is a predominant pitched roof that slopes towards the west and east elevations of the building and extends from the front of the covered patio back towards the midpoint of the building.

Landscape Plan

As indicated in the Landscape Plan, the applicant will provide 20' landscape buffer yards on the west and east sides of the property, a 10' landscape buffer on the north side of the property, and a 25' front landscape setback, all in accordance with the Zoning Ordinance requirements. The west buffer yard will include a mix of Crepe Myrtle trees, Oklahoma Redbud trees, and shrubs. The east buffer yard will include a mix of Crepe Myrtle and Redbud trees. The front landscape setback will include a mix of Red Oak trees and shrubs. The north buffer yard will include a mix of Redbud trees, shrubs, and groundcover. The parking lot peninsulas/islands will include Chinese Pistache trees and groundcover and the ratio of trees to parking spaces meets the Zoning Ordinance requirements. The dumpster enclosure and monument sign will be surrounded by shrubs and groundcover. The north side of the building and areas around the drive-thru order box and menu board will also include some trees, several shrubs, and extensive groundcover, and the playground area and covered patio will also be accentuated by shrubs and groundcover in areas where there is room.

Sign Plan

As indicated in the approved PD for the Vistas of Walnut Ridge, sign standards for this property shall follow the standards for C-2 zoned properties as indicated in Section 7100 of the Zoning Ordinance. The applicant has added a note indicating this on the Site Plan. The applicant has provided a Sign Plan for this property, which includes a wall sign on the front elevation, which due to the open-style layout of the covered patio will also allow for a back sign panel to be visible to patrons in the covered patio. The wall sign will be illuminated and meets the size requirements for wall signs as outlined in the Zoning Ordinance (no wider than 75% of the width of the façade). In addition, a monument sign will be located in the southwest corner of the property. The monument sign meets the materials, size, and setback requirements for monument signs as outlined in the Zoning Ordinance.

Alcohol Variance Request

The applicant is also requesting a variance to allow alcohol sales within 300 feet of the property line of the charter school in Walnut Ridge Baptist Church. The applicant has provided a formal letter making this request.

Pursuant to the provisions of Sect. 109.33 of the Alcoholic Beverage Code, the City has adopted regulations to prohibit the sale of alcoholic beverages within 300 feet of a school. The distance is measured in a direct line from the property line of the school to the property line of the business selling alcoholic beverages.

Section 109.33 permits the governing board of a city or town to: “allow variances to the regulations if the... governing body determines that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the...governing board, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.”

Summary

The proposed development will bring a unique, family-oriented drive-thru restaurant to Mansfield. It will enhance a burgeoning commercial cluster on the east side of the City and bring unique architecture and a unique dining concept to the area. The site meets the Zoning Ordinance requirements and fits with the Development Plan that is in place. In discussions with staff, the applicant has indicated that their concept is mostly family-oriented and that alcohol sales are very small percentage of their business, but that the applicant wishes to provide more options for their customers and remain competitive.

Lisa Sudbury, AICP
Interim Director of Planning
817-276-4227