



## Legislation Details (With Text)

<b>File #:</b>	20-3550	<b>Version:</b>	3	<b>Name:</b>	Ordinance - Third and Final Reading of an Ordinance Approving a Zoning Change 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 Acr
<b>Type:</b>	Ordinance	<b>Status:</b>			Passed
<b>File created:</b>	4/29/2020	<b>In control:</b>			City Council
<b>On agenda:</b>	6/8/2020	<b>Final action:</b>			6/8/2020
<b>Title:</b>	Ordinance - Third and Final Reading of an Ordinance Approving a Zoning Change 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 (ZC#19-023)				
<b>Sponsors:</b>	Joe Smolinski, Matt Jones, Art Wright				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Maps and Supporting Information, 2. Color Site Plan, 3. Color Elevations, 4. Exhibit A, 5. Revised Color Elevations, 6. Revised Exhibits B through D, 7. Color Landscape Plan - 3rd reading, 8. Color East and South Elevations and sign - 3rd reading, 9. Revised Exhibits B through D - 3rd reading, 10. Ordinance				

Date	Ver.	Action By	Action	Result
6/8/2020	3	City Council	Approved on Third And Final Reading	Pass
5/26/2020	2	City Council	Approved on Second Reading	Pass
5/11/2020	1	City Council	Approved on First Reading	Pass

Ordinance - Third and Final Reading of an Ordinance Approving a Zoning Change 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 (ZC#19-023)

To consider the subject zoning change request.

The Planning and Zoning Commission held a public hearing on April 20, 2020 and voted 6 to 0 to table consideration of the request to allow the applicant time to address the Commission's comments. During the meeting, there was discussion regarding the low percentage (7%) of masonry materials on the building, the quantity and size of the proposed signage and parking.

Based on the Commission's discussion as well as staff comments, the applicant made the following changes to the plans:

- Increased the masonry on the building from 7% to 21% and added a new medium grey brick veneer as a building material.
- Removed 6 banner signs from the development plan.

- Replaced the pylons on the 30-foot freestanding sign on US 287 with a monolithic base of corten steel and increased the sign area from 80 square feet to approximately 150 square feet for the LED sign.

The applicant made no changes to the other signage (including crosses, a flagpole, and the monument signs on S. Mitchell Road) the parking, or the landscape plan.

The Planning & Zoning Commission considered the revised plans on May 4, 2020. The discussion covered the following items:

- Increasing the masonry on the building except for the west façade where the future Phase 2 addition will be constructed.
- The height of the crosses.
- The LED board on the 30' sign.
- Reducing some parking in Phase 2.

After discussion, a motion was made to deny the request. The motion passed by a vote of 5 to 1, with Commissioner Axen voting nay.

*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 21% masonry (rough-cut stone, cut stone and medium grey brick) 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.

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 applicant revised the elevations to include the following:

- North elevation (facing the floodway) - New brick veneer has been added to the lower half of the façade in place of ribbed steel siding.
- East elevation (facing S. Mitchell Road) - New 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) - New 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) - New brick veneer has been added to a 90-foot span on the far left in place of ribbed steel siding.

The south façades of the Phase 1 and Phase 2 sanctuaries will face Mitchell Farms and with the limited use of masonry, 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.

- 1 freestanding sign on US 287 with a monolithic base constructed of corten steel, a height of 30 feet and a width of 15 feet, and a LED sign with an area of approximately 150 square feet. Section 7100 permits a monument sign 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 7 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.

#### Summary and Recommendation

The applicant is proposing a PD for a church and coffee shop with drive-through service with C-2 as the base zoning. The property is currently in The Reserve PD, specifically the Southpointe Expansion and Highway 287 sub-districts. A church is an appropriate land use for this property and is already a permitted use under the Reserve PD. 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 surrounding development, Staff recommends that any action taken by Council include 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 additional masonry as the material change instead of switching between horizontal rib metal patterns one and two. Most of the south elevation of the Phase 1 sanctuary uses two rib metal siding patterns except around the overhead door and a small area on the edge of the facade. The Pattern Two rib metal siding could be masonry instead, offering a less industrial 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 existing cross at the church's current N. Matlock Road sanctuary be relocated to this site to be 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.

**Second Reading**

City Council held a public hearing and first reading on May 11, 2020 and voted 6-1 (Councilmember Moore voting nay) to approve. City Council had several concerns about the development regarding the masonry materials on the building and the height and size of the proposed signage. Based on the

Council's recommendation that the applicant make some changes to the development, the applicant has revised the PD as follows:

*Building Standards:*

- The masonry on the building elevations has been increased from 21% to 24%. Masonry was applied to the south elevation as six stripes of brick on the wall in addition to brick previously shown.
- The maximum height of the Phase 1 sanctuary has been increased from 34 feet to 36 feet, 8 inches.
- The maximum height of the Phase 2 building has been established at 60 feet. The height was not shown on Exhibit B at first reading.
- Exhibit B has been revised to show that the steeple height of 56 is for the Phase 1 sanctuary.
- The applicant generated new PDF exhibits to remove the yellow labels.

*Signage:*

- The flagpole height has been reduced from 75 feet to 50 feet.
- The height of the cross on U.S. 287 has been reduced from 75 feet to 60 feet.
- The pylon sign has been reduced from 30 feet to 20 feet, and the LED area has been reduced from 150 square feet to 100 square feet. The base has been modified to include a masonry base as shown on Exhibit C. The new structure will be approximately 28 feet in width.

*Landscaping:*

- The trees on the south property line have been changed to Eastern Red Cedars (evergreen trees) to provide a consistent screen to the residential property to the south.
- The applicant revised the scale of Exhibit D, the Landscape Plan, to make it easier to read.

Staff reviewed the revised PD in keeping with the Land Use Plan and surrounding development. Staff does not believe the changes are sufficient and recommends that any action taken by Council include the following conditions:

- Staff recommends that the sides of the Phase 1 building and future buildings be finished with the same materials and details except on the common wall where the Phase 1 and Phase 2 buildings will be joined.
- 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.

- Staff recommends that the 60-foot cross be eliminated but also recommends that the existing cross at the church's current N. Matlock Road sanctuary be relocated to this site to be 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.
- 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.
- Staff recommends that the flagpole on US 287 comply with the maximum flagpole height of 35 feet.
- 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.

### Third Reading

City Council held a public hearing and second reading on May 26, 2020 and voted 7-0 to approve with the following provisions: 1) that the masonry be increased on three sides with credit for the west elevation; 2) to allow the freestanding sign on US 287 to have a height of 20 feet and an LED sign with an area of 100 square feet; 3) that the seconding monument sign on S. Mitchell Road be installed with Phase 2; 4) the cross on US 287 be allowed at 60 feet in height; and 5) the flagpole on US 287 be allowed at 35 feet in height.

Based on the Council's conditions, the applicant has revised the PD as follows:

#### *Building Standards:*

- The masonry has been modified as follows:
  - North elevation - stayed at 47%
  - South elevation - from 17% to 37%
  - East elevation - from 16% to 23%
  - West elevation - stayed at 22%. They left the masonry in the same place even though Council indicated it could be removed and used elsewhere.

The total masonry went up from 24% to 30%. If the masonry was taken from the west elevation and added to just one of the remaining elevations, the front elevation might be 69%, the south elevation 59% and the east elevation 45%. These drop if the masonry is divided between the three elevations.

#### *Signage:*

- The flagpole is now shown at 35 feet in height on Exhibit B.

- The cross is shown at 60 feet in height; however, Exhibit B still shows the cross on a base of indeterminate height. As currently shown, the overall height of the cross and base can exceed 60 feet.
- The freestanding sign on US 287 is 20 feet in height with a 100 square foot LED sign. The width of the corten structure has been reduced from 15 feet in width to 13 feet in width. The overall width of the sign at the base was reduced from 28 feet to 16 feet, 10 inches.
- The southern monument sign on S. Mitchell Road is now labeled as being in Phase 2 on Exhibit B.

*Landscaping:*

- The symbol for the Eastern Red Cedars has been changed to make those trees easier to identify on Exhibit D.

*Coffee Shop:*

Language has been added to Exhibit B, Note 8, to define what food items may be sold at the coffee shop.

**..Prepared By**

Art Wright, Planner II/HPO/Gas Well Coordinator  
817-276-4226