



Legislation Details (With Text)

File #:	21-4233	Version:	2	Name:	Ordinance - Public Hearing Continuation and Second and Final Reading of an Ordinance Approving a Change of Zoning From PD Planned Development District to PD Planned Development District for Eating Place with Drive-through Service Uses on Approximately 0.7
Type:	Ordinance	Status:			Passed
File created:	8/11/2021	In control:			City Council
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Title:	Ordinance - Public Hearing Continuation and Second and Final Reading of an Ordinance Approving a Change of Zoning From PD Planned Development District to PD Planned Development District for Eating Place with Drive-through Service Uses on Approximately 0.71 Acres Known as Lot 2, Block 1 of Broad Street Marketplace, Located at 3121 E Broad St.; Hailey Vaughn of Plaza Street Partners, LLC (Developer), on Behalf of Fernando De Leon of LG Broad Cannon, LLC (owner)				
Sponsors:	Jason Alexander, Andrew Bogda				
Indexes:					
Code sections:					
Attachments:	1. Ordinance, 2. Maps and Supporting Information, 3. Exhibit A - Property Description, 4. Exhibit B - Development Plan, 5. Exhibit C - Floor Plan, Elevations, and Perspectives, 6. Exhibit D - Landscape Plan, 7. Exhibit E - Sign Plan				

Date	Ver.	Action By	Action	Result
9/27/2021	2	City Council	Approved on Second and Final Reading	Pass
9/13/2021	1	City Council	Approved on First Reading	Pass

Ordinance - Public Hearing Continuation and Second and Final Reading of an Ordinance Approving a Change of Zoning From PD Planned Development District to PD Planned Development District for Eating Place with Drive-through Service Uses on Approximately 0.71 Acres Known as Lot 2, Block 1 of Broad Street Marketplace, Located at 3121 E Broad St.; Hailey Vaughn of Plaza Street Partners, LLC (Developer), on Behalf of Fernando De Leon of LG Broad Cannon, LLC (owner)

To consider the subject zoning change request.

Planning and Zoning Commission Recommendation

The Planning & Zoning Commission held a public hearing on August 16, 2021 and voted 5-1-1 (Commissioner Mainer voting no, Commissioner Gilmore absent) to recommend approval.

There was discussion regarding access, circulation, drive-through stacking, percentage of orders in drive-through lane vs. walkup window, average order completion time, potential for shared parking arrangements with adjacent commercial properties, delivery times, anticipated daytime activity due to proximity to high school, architecture, the trash enclosure, similarity to the Arlington location, potential construction start date, and the difference between a drive-through and a pickup window (i.e. Zoe's Kitchen).

The applicant has not made any changes to their plans, but has sent out a draft parking agreement to

the owner of Broad Street Marketplace, allowing the owner of the Andy's lot and their employees to park in specified areas of the shopping center.

Staff Recommendation

Staff recommends approval.

Existing Use: Vacant land

Existing Zoning: PD, Planned Development District

Surrounding Land Use & Zoning:

North - Shopping center, PD

South - Broad St.; drive-through restaurant (PD) across the street

East - Drive-through restaurant, PD

West - High school, SF-12/22

Thoroughfare Plan Specification:

Broad St. - principal arterial (six-lane divided)

Comments and Considerations

The subject property consists of 0.71 acres of vacant land. The applicant is requesting to rezone the property from PD Planned Development District to PD Planned Development District for eating place with drive-through service uses. The primary reason for the rezoning request is because the existing PD zoning only allows for two eating places with drive-through service uses, both of which have already been exhausted (Costa Vida and Raising Cane's). In addition, the applicant is requesting a few deviations from the City's typical standards as it relates to parking and vehicle stacking due to some unique operational aspects of the business.

Development Plan

The proposed Development Plan includes a one-story 1,845 sq. ft. building with 650 sq. ft. covered patio and a 19-space parking lot for Andy's Frozen Custard. Access to the site will be provided by an existing drive on the eastern portion of the property that connects to the Broad Street Marketplace shopping center to the north and Costa Vida to the east. Access to Broad Street and Cannon Drive is provided through the shopping center. In addition, a direct pedestrian connection will be provided to the existing sidewalk along Broad Street.

Drive-through operations will occur along the north and west sides of the building, with a drive through lane adjacent to the building and a parallel through lane (escape lane) along the entire length of the drive-through lane. The City typically requires that eating places with drive-through services accommodate four stacking spaces between the order board and the pickup window and five spaces ahead of the order board, for a total of nine stacking spaces. This business will only have a total of eight stacking spaces and will not have an order board, with orders being taken directly at the pickup window or by employees who will serve drive-through customers directly at their vehicles to expedite traffic flow and reduce stacking during peak periods.

There will be no indoor dining at the business, however a 650 sq. ft. covered patio will accommodate outdoor dining and walkup orders. Because the business will not have indoor dining, they have provided their own parking standards, which provide one space per employee on the maximum shift size, plus one space per 75 sq. ft. of outdoor patio area. With a maximum employee shift size of 12 employees and a parking requirement of 9 spaces for the patio area, the number of required parking

spaces is 21. Only 19 spaces have been provided. However, the applicant has indicated this is adequate to serve their needs. In addition, with the peak parking for this business expected to occur in the evening and the peak parking for the shopping center expected to occur during the daytime, there is opportunity available for a shared parking agreement with the shopping center.

A trash enclosure will be provided northwest of the building. Notes have been provided indicating that there will be no outside storage of materials or display of goods, that all service areas and equipment will be screened in accordance with the City's Code of Ordinances, and that all lighting will be designed to be shielded downward and not trespass onto other properties or cause glare.

Floor Plan, Elevations, and Perspectives

A floor plan has been provided for the building, showing the mechanical, storage, cooler, kitchen, restroom, and office areas located in the rear of the building, with the food delivery and cashier operations located in the front of the building. The outdoor patio includes a menu board, benches, and windows for walkup orders.

Per the provided elevations, the building is predominantly brick with a stone base. The patio area includes a sloped canopy structure that is taller than the building and slopes downward to the rear. The canopy includes polished aluminum fascia with neon lighting and simulated wood to wrap the canopy columns. The patio area is also accentuated by a masonry wall with stone columns to match the building; the stone columns include planter boxes. The front of the building includes abundant windows and aluminum framing and the top of the building is accentuated by a metal flashing system to match the aluminum storefront. In addition, the building is further articulated by a stone water table and a red neon lighting band. Not including glazing (doors and windows), the building is 70% brick, 29% stone, and 1% simulated wood. Including glazing, the building is 50% brick, 18% stone, 3% simulated wood, and 29% glazing.

Three-dimensional perspectives have also been provided to indicate how the building and patio area will look from different angles, as well as the mix of vehicular and pedestrian activity.

Landscape Plan

Landscaping will be provided as shown on the Landscape Plan. For eating places with drive-through services, 20' landscape buffers are typically required along the side property lines, however the existing PD allows the reduced buffers as shown. The east buffer already includes a mix of ornamental trees and shrubs that were planted with the Costa Vida restaurant; these plantings will be protected during construction and replaced by the contractor if damaged. The west buffer will include a mix of canopy trees. The landscape setback along Broad Street will include canopy trees, as well as shrubs to screen the parking lot, and groundcover to accentuate the monument sign. The north side of the building will include a canopy tree, two ornamental trees, shrubs, and groundcover. Shrubs will also screen the trash enclosure and ground-mounted equipment. Grasses and groundcover will accentuate the low patio wall in front of the building. The existing 6'-tall stone screening wall along the west property line will remain.

Sign Plan

The applicant has noted on the Development Plan that all signage will follow the typical standards applicable to C-2 zoning. A Sign Plan has also been provided, showing all the signage planned for the development. A monument sign will be provided along Broad Street. In addition, a wall sign will be provided on the east side of the building and a window sign will be provided on the south side of the building. Signage advertising the various product offerings will be located on the interior of the

building but visible through the windows. Neon lighting bands around the building and around the top of the canopy structure will also be provided. Additional signage includes menu boards for the drive-through and patio areas and informational signs to direct patrons around the property.

Summary

The proposed plan will provide for the development of an Andy's Frozen Custard that will accommodate drive-through customers, walkup orders, and outdoor dining. The existing PD does not allow for the development of a third eating place with drive-through service in this shopping center. However, the small size of this remaining lot does not make it very suitable for other uses. As a result, the applicant is requesting a new PD for this property to allow this use. The use will complement the existing retail, dining, and commercial service uses in the surrounding area. Due to some unique operational aspects of the business, the drive-through stacking and parking deviate from the City's typical requirements but are adequate to serve the needs of the business. The applicant worked cooperatively with staff on the design of the architecture and landscaping to provide for a higher quality of architectural design, materials, and landscaping that adhere to the City's higher level of standards for the Broad Street corridor, while still providing some of the branding elements associated with the business. The low screening wall and large patio area will also help to enhance the aesthetics as well as encourage outdoor dining and pedestrian activity. The proposed landscaping is consistent with the landscaping in the Broad Street Marketplace development and the signage largely adheres to the City's typical standards while allowing the applicant to maintain some branding elements.

2nd Reading:

The City Council held a public hearing and first reading on September 13, 2021 and voted 7-0 to approve. The councilmembers were generally complementary with regard to the architectural design, however there was also discussion and concern regarding traffic, circulation, and vehicle stacking in the drive-through lane. The applicant has not made any changes to the plans.

Andrew Bogda, Planner
817-276-4287