



Legislation Text

File #: 19-3132, **Version:** 3

Ordinance - Third and Final Reading of an Ordinance Approving a Change of Zoning from C-2 Community Business District to PD Planned Development District for Mobile Food Unit Sales, Outdoor Dining, Outdoor Stage/live Entertainment, Bar, Special Event, and Office Uses on Approximately 0.7495 Acres Located at 107 Walnut Street; Shane Farrar of Open Range Properties (ZC#18-007)

To consider the subject zoning change request.

The Planning and Zoning Commission held a public hearing on June 4, 2018, and voted 6 - 0 to deny (Smithee was absent). The Commission expressed concerns relating to: not providing a masonry wall adjacent to single-family occupied homes; the distance from the church on First Street; the lack of parking; felt outdoor entertainment was unrealistic; doesn't meet the fire lane, fire hydrant, or access requirements; lack of clarification regarding various elements of the plan as detailed in the staff report; thought it was a good idea but was rather ambiguous and didn't provide enough detail; need a mobile food unit ordinance in place before approving one site; safety; and most concerned about sound, stage, and lack of parking.

First Reading

Existing Conditions:

The subject property consists of 0.7495 acres. The property currently includes three existing buildings on the south end of the property. Buildings #1 and #2 are currently used for office and Buildings #3 and #4 are currently used for storage. The balance of the property (generally the northern half) is vacant land. The northern part of the property includes an existing wrought iron fence along the north, west, and east property lines, with a gate along Walnut Street. There are a series of existing unconnected asphalt driveways that connect to Walnut Street and Oak Street; the Oak Street driveway is currently blocked off by the fence.

Zoning Request and Development Plan:

The applicant is seeking to re-zone the property to a Planned Development to allow mobile food unit sales, outdoor dining, outdoor stage/live entertainment, bar, special event, and office uses. The development will be called The Lumberyard.

Building #1, which is 3,600 sq. ft., is currently used for office uses. It is indicated that this will be converted to a restaurant in the 5-10 year plan.

Building #2, which is currently 1,282 sq. ft., will be expanded to 2,683 sq. ft., plus a 488 sq. ft. pergola, and converted into a bar with a storage area attached to the building but separated from the bar area.

Building #3, which is 3,962 sq. ft., is currently used for storage uses. The plan indicates that 2,962 sq. ft. of this space will be converted to a covered patio. The applicant has indicated that ramps will be constructed to provide public access to the covered patio. 1,000 sq. ft. of this space (which is open on the front side) is proposed for picnic tables and outdoor games, to include foosball, life-size jenga, ping pong, and corn hole. The plan indicates that a structural engineer is to inspect the building to ensure structural integrity prior to conversion to covered patio and outdoor gaming uses.

The vacant northern part of the property will be converted into an area for mobile food unit sales, a 3,000 sq. ft. outdoor dining area with picnic tables, covered dining in two 8' x 20' containers, and an area for outdoor stage/live entertainment, including a 30' x 12' permanent flatbed music stage and a 1,000 sq. ft. stage

entertainment viewing area. This area will also include Buildings #4 and #5. Building #4 could either be a food truck, smoker, or container for office or covered seating. Building #5 is proposed for a snowcone stand, food vendor, bar, or refreshment stand. The development will also include three food truck pads and one pad for a 25' airstream, which will be used for a bar. The picnic area will also include a rustic water tank and 25' windmill as decorative enhancements. The applicant will provide astroturf for the stage viewing area and paver pads for the food trucks, airstream, stage, and Building #4. The picnic area and outdoor games area will include decomposed granite.

The applicant has indicated that all food truck owners will be permitted and will need to hold the required licenses and special event permits in order to conduct business on the premises. Additionally, mobile food units will not be permanently on the site. Drive-thru service will not be allowed on the property.

Access

Primary public access into the development will be from Walnut Street through the existing gate between Buildings #1 and #2 and a driveway south of Building #1. A new proposed gate along Oak Street will be for staff and emergencies. The applicant will retain the existing paved aisles through the development and has indicated which are planned for fire lanes. New pavers will be added alongside the section of paving that goes through the food truck and outdoor dining area to provide for increased pedestrian access and meet fire lane requirements.

Parking

The applicant notes that the different combination of uses would require 92 parking spaces. However, the applicant is only providing 7 on-site parking spaces within the development. The applicant is relying on a 65-space City-owned public parking lot immediately to the south, 4 existing public parking spaces off Oak Street, and 10 proposed parallel parking spaces along Walnut Street to make up much of the difference.

Screening

The applicant will replace the wrought-iron fence along the west property line with an 8' board-on-board fence, near where the stage and food trucks will be located. The 6' wrought iron fence and gates along Walnut Street will be retained and a new 6' wrought iron fence with gate will be erected along the north property line (adjacent to Oak Street) to replace the existing chain link fence. The applicant has provided fence detail renderings for both the wood fence and the wrought iron fence.

Hours of Operation, Lighting, Trash Service, and Signage

The applicant has indicated that the facility hours will be 9:00am - 12:00am seven days per week. The applicant has also indicated that all exterior lighting will be contained on the property, will not trespass onto adjacent properties, and all light fixtures will be shielded and oriented away from surrounding properties and public streets. To provide for trash service, the applicant will retain the existing un-screened dumpster located directly off Walnut Street. The applicant has specified that all signage will comply with the signage regulations for C-2 zoned properties.

Request for Alcohol Sales Variance

The applicant currently has a note on the plan seeking a variance to allow alcohol sales within 300 feet of a church, however this note is not necessary since the closest public entrance on the church is more than 300 feet away from the subject property. Within the development, the applicant notes that alcohol sales will be permitted in Buildings #2 and #5, as well as the airstream.

Elevations and Site Plan

The existing exterior portions of Building #2 will retain the corrugated metal siding, while the additions will include stone along the base and corrugated metal siding along the top half of the exterior. The roof will have a 5:12 pitch and will be of corrugated metal as well. The applicant has provided a materials summary table; excluding doors and windows, each elevation will be approximately 25-30% stone and the balance will be

metal. The building will include five rollup garage doors on the north, east, and west elevations, and two public access doors on the east and west elevations. The kitchen area will also include a staff entrance. Building #2 will also include restrooms for the development.

Landscape Plan

The applicant will retain an existing tree adjacent to Building #2 near the center of the property. Additionally, four red oak trees will be planted in the outdoor picnic area. Shrubs will be planted adjacent to the fencing along Walnut and Oak Streets. The applicant plans to deviate from the typical landscape buffer yard and setback requirements due to lack of space.

Staff Concerns

While staff welcomes the idea of this concept in downtown, staff has many concerns about this development proposal, including: the density of the different uses in such a small space and potential for overcrowding; the proximity to residential and church uses; the significant amount of parking the development could generate, the lack of additional parking provided, and the over-reliance on limited public parking; the lack of detail (elevations, floor plans, improvements, etc.) provided for Buildings #1 and #3; the lack of screening around the dumpster and not adding additional capacity for the additional uses; the potential noise generated by live entertainment in such close proximity to residential uses; making very little change to the existing metal architecture, which doesn't comply with the City's requirements for masonry construction for new commercial buildings; the structural integrity of the existing buildings and their location directly on property lines; and the lack of detail (i.e. renderings) for the container covered dining, stage, and small outbuildings.

The Fire Department also notes that structures for future use will not be reviewed at this time (i.e. Buildings #1, #3, and #4) due to the lack of detail provided. Additionally, confirmation will be required that the pavers shown as part of the fire lane can support the weight of 80,000 lbs. to support fire apparatus.

Second Reading

The City Council held a public hearing and first reading on May 13, 2019, and voted 7-0 to approve as presented. Some of the councilmembers shared some of staff's concerns and recommended the applicant make changes to address some of the points. The applicant has submitted revised plans. The revised plans include a 31' extension of the board-on-board fence to better screen the food trucks and entertainment stage from Oak Street; the fence height of this extension tapers from 8' to 6'. In addition, the potential use for Building #1 has been revised to include retail, office, hair salon, arcade hall, or bar, in addition to a restaurant. The potential use for Building #4 has been modified to now include a freezer, refrigerator, or dunking booth, in addition to a smoker, container for office/seating, or food truck. Also, the building footprint for Building #5 has been modified from a square to a circular silo building. The existing dumpster has been shifted inward towards the property and will now include a masonry screen that will match the new structure. Furthermore, the plans have been revised to include an additional dumpster with masonry screen in the southeastern corner of the property if Building #1 becomes a restaurant; it should be noted that this additional dumpster will remove at least one on-site parking space. A note has been added to Building #3 that skirting will be provided to match the corrugated siding. In addition, the applicant has submitted revised renderings for Building #2 showing that the materials will now include a mix of stone veneer along the base and hardi plank or rusted corrugated metal; the percentage of stone remains the same as before. The applicant has also provided a spec sheet for the proposed grass stone pavers to be used for portions of the fire lane.

Third Reading

The City Council held a public hearing and second reading on May 28, 2019, and voted 5-1 (Leyman voting no; Lewis absent) to approve as presented. During the meeting, there was discussion about hours of operation, with several councilmembers desiring reduced operating hours, particularly Sunday - Thursday. In addition, there was concern about what would happen if some of the existing structures were found to be not structurally sound, to which the applicant responded that they would rebuild them. One of the councilmembers asked about health inspections, to which staff responded that those are handled through the Tarrant County

Health Department. There was also concern about ensuring sales tax revenues are properly tracked and received and there was discussion about the possibility of requiring each food truck operator to receive some sort of permit by the City, which could be renewed on an annual basis. The City Council asked staff about the previously proposed Zoning Ordinance amendments to allow food trucks, but staff mentioned that this item did not move forward since it could have potentially allowed food trucks anywhere in the City, whereas this proposed planned development would only allow food trucks at this specific site. Staff noted that since this is a planned development, in the absence of food truck regulations, if there are additional regulations to be placed on the food trucks, that they need to be handled through this planned development request and noted on the plans. The applicant has not made any additional changes to their plans.

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