



MEMORANDUM

To: Mayor and City Council

From: Mindi Hurley, Director of Community Development

Date: August 13, 2019

Reference: Consider approval of PD-209R2R-C to allow the re-occupancy of an existing vacant restaurant building requiring variances to the Zoning Ordinance including: the expansion of an outdoor patio area encroaching into the required setback area, five parking space deficit and sign variances on 0.57 acres of property located at the southeast corner of Sandy Lake Road and Denton Tap Road; and authorizing the Mayor to sign.

2030: Business Prosperity

Executive Summary:

This request is to modify the reoccupy the former Mooyah lease space with a **Biscuit Bar** with seating for 116 diners. To accommodate this expansion variances are required to setbacks and parking and the applicant is requesting additional signage.

Introduction:

This PD request specifically includes; the enlargement of the existing patio area and adding a covering to this patio along Sandy Lake Road; the addition of an enclosed outdoor cooler and enclosing the existing dumpster area. This request also includes a setback variance for the patio a 5-parking space and a variance to the sign ordinance.

The Sign Ordinance permits a maximum of 61.25 square footage of signage, based on frontage of this lease space. Originally, the applicant requested four signs, totaling 123.33 square feet. Staff recommended a total of 69.2 square feet. During the discussion at the Planning and Zoning Commission meeting, a compromise was offered to allow the applicant a total of 80 square feet of signs, which could be designed to meet their need for branding recognition. In addition, a 10 square foot blade sign could be incorporated into the sign package. Subsequent to the meeting, the applicant submitted a sign package totaling 83 square feet. This was only slightly larger, and staff supported the request.

At the July 9, 2019 Council Meeting, the City Council approved 129 square feet in signage.

Analysis:

On June 20, 2019 the Planning and Zoning Commission recommended APPROVAL of PD-209R2R-C, TownOaks Centre, Biscuit Bar allowing setback variance for the patio, parking and sign variances, subject to a maximum of 80 square feet of signs, plus the blade sign, if desired.

On July 9, 2019, City Council unanimously approved this Planned Development District. The following conditions have been incorporated into the Ordinance.

1. The existing monument sign may be retained and re-faced in accordance with the *Code of Ordinances*.
2. A total of 129 square feet attached signage shall be permitted as indicated in the Sign Plan in Exhibit “D”.
3. The required front yard setback shall be allowed at 17 feet from the Sandy Lake Road right-of-way as indicated in Exhibit “B”.
4. The property shall be allowed a five (5) parking space deficit.
5. The hours of operation shall not exceed 7:00 a.m. to 11:00 p.m., Sunday through Saturday.
6. A mechanically operated patio enclosure shall be allowed as depicted on the Exterior Elevations in Exhibit “C”.
7. No trees shall be removed, and all existing landscaping shall remain and be in accordance with the last approved Landscape Plan as established in PD-209R2-C (Ordinance No. 91500-A-506)

Legal Review:

The City Attorney reviewed this Ordinance

Fiscal Impact:

None

Recommendation:

The Planning Department recommends approval.

Attachments:

1. Ordinance
2. Exhibit A – Legal Description
3. Exhibit B - Site Plan
4. Exhibit C - Elevations
5. Exhibit D – Sign Plan