



## MEMORANDUM

**To:** Mayor and City Council

**From:** Mindi Hurley, Director of Community Development

**Date:** January 14, 2020

**Reference:** Consider approval of the ORDINANCE for PD-214R9-C, 151 Coffee, a zoning change request from PD-214R8-C (Planned Development-214 Revision 8-Commercial) to PD-214R9-C (Planned Development-214 Revision 9 - Commercial) to attach a Detail Site Plan for a 581-square foot building with drive-thru on 0.7 acres of land, located on the west side of S. Denton Tap Road, approximately 400 feet south of W. Sandy Lake Road and authorizing the Mayor to sign.

**2030:** **Business Prosperity**

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### Executive Summary:

This proposal is to construct a 581-square foot grey brick coffee shop (14' wide x 41.5' length) with a dual drive-thru on property that sits between the McDonalds and the Schlotzsky parcels on Denton Tap Road.

### Introduction:

A portion of the lot is developed, with existing parking along the Denton Tap Road frontage. This infill lot has some challenges. It is rather narrow, irregularly shaped, partially developed and approximately 45% of it is covered with existing access easements. The request is to allow a coffee shop with a 581-square foot building and a dual drive-thru. The proposed store hours are from 6 am to 10 pm daily. The typical peak time is from 7:45 a.m. to 10:00 a.m. The four PD Conditions requested by the applicant are recommended by staff. These relate to perimeter and overall landscape area, sign area and masonry requirements for the menu board and are outlined below in more detail.

1. The perimeter landscaping is requested to be reduced because the majority of it is constrained due to existing site conditions.
2. The landscape area provided is roughly 23% landscape area as opposed to the 30% landscape area required. The applicant is proposing to use 470 square feet (1.5%) of colored enhanced paving on the sidewalks adjacent to the building. This will bring their total area to 24.5%. The irregular shape of the lot with a long drive extension to Sandy Lake (with the cross section of 24' drive and 4' wide landscaping) is an existing condition that significantly impedes the ability to meet the 30% requirement.
3. The applicant is requesting two 60-square-foot attached signs (one on the north and south elevations). Typically, the sign area would only be allowed to be one square foot per linear foot width of the building fronting a dedicated street which in this case is 15 square feet. A 15 square foot sign would not be visible from Denton Tap. The building is longer than it is wide. Staff is recommending that the length of the building be used for this measurement. (62-feet). We would also recommend that both the north and south sides be granted this exception.
4. The applicant is requesting a variance to the masonry requirement for the two menu boards. The ones proposed for this site will be painted a grey color and will be simple in design.

**Analysis:**

On November 21, 2019 the Planning and Zoning Commission recommended APPROVAL (5-0) of PD-214R9-C, 151 Coffee, subject to numerous conditions that were brought forward to City Council.

On December 10, 2019, City Council unanimously APPROVED this Planned Development District subject to the following conditions that have been incorporated into the Ordinance.

1. Except as amended herein and as provided in this Ordinance, the property shall be developed and use in accordance with “C” Commercial District Regulations as set forth in Ordinance 91500-A-733 which is incorporated herein as set forth in full and hereby republished.
2. Ensure that all lights are shielded from the residential properties to the west and all onsite lighting meets the glare and lighting standards within Article 36 of the Zoning Ordinance.
3. Allow two 60-square-foot building signs as depicted on the Sign Plan.
4. Allow two menu boards without masonry construction as depicted on the Sign Plan.
5. The hours of operation shall not exceed 5:00 a.m. to 10:00 p.m. Sunday through Saturday.
6. Allow an exception to the interior (parking lot), perimeter and overall 30% landscape area requirements with 24.5% proposed as depicted on the Landscape Plan.
7. Tree Removal Permit required prior to start of construction.
8. The speakers on the north and south elevations below the drive-thru canopies shall face east toward Denton Tap. The sound shall be kept at a level that is non-offensive to the neighboring properties and played only between the hours of 7:30 a.m. and 8:00 p.m.

**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 – Landscape Plan & Tree Survey
5. Exhibit D – Elevations
6. Exhibit E – Sign Plan