



MEMORANDUM

To: Mayor and City Council

From: Matt Steer, Development Services Administrator

Date: April 13, 2021

Reference: Consider approval of an Ordinance for PD-305-C (Planned Development-305-Commercial), to amend the detail site plan to allow for an additional 1,400-square-foot restaurant with drive-thru to an existing development with a current restaurant use with 2 future parking spaces on 0.842 acres of land, located at 205 N. Denton Tap Road, and authorizing the Mayor to sign.

2040: Create Business and Innovation Nodes

Executive Summary:

The applicant is proposing to keep the building and drive-thru as is with very little exterior modifications. Smoothie King is proposing to occupy a 1,350-square foot existing lease space at the southern endcap of the building and retain the drive thru. A Planned Development is required because the applicant is requesting a variance to install two “future” parking spaces that encroach in the perimeter landscaping, and because the Smoothie King is considered a drive-thru restaurant with residential adjacency.

Analysis:

On March 9, 2021, the City Council approved this zoning change (6-0) subject to the following conditions:

1. Allowing the two restaurant uses (Donut City and Drive-thru Smoothie King) abutting residential zoning.
2. Hours of operation shall not to exceed the following:
Smoothie King - 10 am to 8 pm on Sunday, 7 am to 9 pm Monday - Friday and 8 am to 9 pm on Saturday.
Donut City - 6 am to 12 pm. Tuesday-Sunday (closed Monday).
3. Signage shall be as indicated on the rendering or in compliance with the Signage Section of the Zoning Ordinance.
4. Menu board shall be located as shown on the Site Plan and granted an exception to the 80% masonry requirement. The speaker shall be shielded to deflect the sound away from the residential properties to the west.
5. A construction development permit through the Public Works Department shall be required for the future parking. If additional lighting is needed, this shall comply with the glare and lighting standards of the Zoning Ordinance. This shall be constructed if needed or when the change in tenant mix necessitates more parking under the current Zoning Ordinance.
6. Add an overstory tree on the western property line.
7. The menu board noise level shall not exceed 60 dB measured at the western property line.

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
5. Exhibit D – Building Elevation
6. Exhibit E – Sign Plan