



# City of Denton

City Hall  
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Denton, Texas  
[www.cityofdenton.com](http://www.cityofdenton.com)

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## AGENDA INFORMATION SHEET

**DEPARTMENT:** Department of Development Services

**CM:** Todd Hileman

**DATE:** September 19, 2017

### **SUBJECT**

Receive a report and hold a discussion concerning the request by Franchise Realty Interstate Corp (McDonalds) for a Specific Use Permit for a drive-through restaurant on property generally located east of North Texas Boulevard, between I-35E and Wilshire Street.

### **BACKGROUND**

An application for a Specific Use Permit (SUP) was submitted to the City for a proposed drive-through McDonald's restaurant on May 5, 2017. The subject property is zoned Downtown Commercial General (DC-G) District, which requires approval of an SUP through the dual public hearing process for drive-through uses.

At their July 12<sup>th</sup> meeting, the Planning and Zoning Commission recommended approval of the SUP. The item was placed on the August 15, 2017 City Council meeting at which time the item was continued to the November 7<sup>th</sup> meeting to provide additional time for the applicant to prepare a Traffic Impact Analysis (TIA) to address Council's concerns regarding vehicular access points, increased traffic resulting from the proposal, and possible pedestrian/vehicle conflicts.

The applicant met with the City's Traffic Engineer to discuss the scope of the TIA which generally includes:

1. Trip generation comparison between the previous, existing and proposed uses located at the corner of North Texas Boulevard and I35 which are the previous McDonald's with a drive-through, a gas station, and the existing IHOP restaurant and the proposed McDonald's with a drive-through.
2. Trip distribution of the proposed access points, including those from the relocated I-35E off-ramp for the subject property.
3. Off-ramp weave analysis for the previous (McDonald's driveway only) and existing off-ramp for the determined study peak hour to:
4. Compare the locations of the previous access points along the frontage road to what is proposed (including the location of the previous off-ramp, the new off-ramp, and the closing of Kendolph Drive) and evaluate the existing and proposed access points to the site.
5. Study pedestrian safety, including UNT's plan for development associated with the football stadium west of I-35E, potential of students walking to/from the west side of I-35E to attend classes (if dorms are proposed) and during football games at the stadium, and conflicts between vehicles and pedestrians at the proposed McDonald's driveway on North Texas Boulevard.

Once the City receives the TIA, the Traffic Engineer will review it prior to the scheduled November 7<sup>th</sup> City Council meeting and provide a recommendation.

On August 17, 2017, two days after the City Council postponed taking action on the SUP, the UNT Board of Regents authorized the use of eminent domain to acquire the property upon which the McDonald's would be located. UNT is a statutorily-created public university. Per Section 105.103 of the Texas Education Code, UNT has the power of eminent domain to acquire land for the use of the system. UNT follows the same procedural process for condemnations that the City of Denton follows.

In conclusion, if the review of the TIA has been completed, the SUP request may proceed at the November 7<sup>th</sup> City Council meeting. If the applicant chooses to pursue another use permitted by right within the DC-G District, then he may withdraw the SUP and move forward with the development of the site. It should be noted that a restaurant (without a drive-through facility) could be located on the site without approval of an SUP. Furthermore, a McDonald's drive-through operated at this location for several decades; however, TXDOT's acquisition of a portion of the McDonald's lot resulted in the loss of the existing building and parking. The land acquisition has reduced the lot size such that McDonald's sought additional land (the IHOP lot). The expansion on the adjacent property triggered the requirement for an SUP approval of the drive-through.

### **STRATEGIC PLAN RELATIONSHIP**

The City of Denton's Strategic Plan is an action-oriented road map that will help the City achieve its vision. The foundation for the plan is the five long-term Key Focus Areas (KFA): Organizational Excellence; Public Infrastructure; Economic Development; Safe, Livable, and Family-Friendly Community; and Sustainability and Environmental Stewardship. While individual items may support multiple KFAs, this specific City Council agenda item contributes most directly to the following KFA and goal:

**Related Key Focus Area: Economic Development**

**Related Goal: 3.4 Encourage development, redevelopment, recruitment, and retention**

### **EXHIBITS**

1. Agenda Information Sheet
2. Site Location/Aerial Map
3. Zoning Map
4. Presentation

Respectfully submitted:  
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