



AGENDA INFORMATION SHEET

DEPARTMENT: Department of Development Services

CM: Todd Hileman

DATE: November 7, 2017

SUBJECT

Consider adoption of an ordinance of the City of Denton, Texas, regarding a Specific Use Permit for a drive-through facility in a Downtown Commercial General (DC-G) zoning district and use classification on approximately 1.11 acres of land generally located east of North Texas Boulevard, between I-35E and Wilshire Street in the City of Denton, Denton County, Texas; adopting an amendment to the City's official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission recommended approval of the request (6-0). THIS ITEM WAS POSTPONED FROM THE AUGUST 15, 2017 CITY COUNCIL MEETING. (S17-0004)

BACKGROUND

The applicant is requesting a Specific Use Permit (SUP) for a drive-through McDonald's restaurant. The subject property is zoned Downtown Commercial General (DC-G) District, which requires an SUP for a drive-through facility. A portion of the subject property was acquired by the Texas Department of Transportation (TXDOT) to accommodate the I-35 expansion. The attached site plan reflects the property post acquisition, and the building and parking area shown on the attached aerial map have been razed.

The proposed development's location adjacent to the I-35E corridor suggests that an auto-oriented use such as a drive-through restaurant is appropriate. Drive-through restaurants are often found along highways in order to benefit from high volumes of traffic, increased vehicular access, and visibility. Furthermore, several University of North Texas (UNT) commuter parking lots are located within the vicinity of the proposed restaurant and drive-through, increasing the auto-oriented character of the area.

The attached Site Plan, Landscape Plan, and Elevations reflect the following elements within the proposed development:

- A 3,984 square-foot McDonald's restaurant with indoor seating and a drive through that comprises two lanes with menu boards to provide sufficient vehicle stacking.
- Vehicular access provided from I-35E, North Texas Boulevard, Wilshire Drive, and Kendolph Drive, to ensure sufficient movement into and through the site.
- Pedestrian improvements, including 8-foot sidewalks along Wilshire Drive and Kendolph Drive and internal crosswalks to alert drivers of pedestrian routes.
- Bicycle racks are proposed to accommodate alternative modes of transportation.

The applicant has proposed two ground signs in accordance with the City's regulations: along the I-35E corridor, and one along North Texas Boulevard. In order to reduce the visual clutter along North Texas Boulevard, the Planning Division recommends a condition that signage on North Texas Boulevard be limited to one monument sign, restricted to a maximum height of five feet, a maximum effective area of 40 square feet, and constructed of masonry or stone to complement the primary structure.

A full analysis of the request has been attached in Exhibit 2.

To comply with the public hearing notice requirements, 9 notices were sent to property owners within 200 feet of the subject property, 34 courtesy notices were sent to physical addresses within 500 feet of the subject property, a notice was published in the Denton Record Chronicle, and signs were placed on the property. The City has received one opposition response from a property owner within 200 feet of the request. The response represents 41%, of the land area within 200 feet of the subject property, which exceeds the 20% opposition threshold that requires a supermajority vote (6 out of 7 members) of the City Council for approval of the request. A letter outlining the objections to the request has been attached to Exhibit 10.

OPTIONS

1. Approve as submitted.
2. Approve subject to Planning and Zoning Commission conditions.
3. Approve subject to Planning and Zoning Commission and Staff's conditions
4. Deny.
5. Postpone consideration.
6. Table item.

RECOMMENDATION

The Planning and Zoning Commission recommended approval of the request subject to the following conditions as it is compatible with the surrounding property and is consistent with the goals and objectives of the Denton Plan 2030:

1. The proposed use must substantially comply with the attached Site Plan, Landscape Plan, and Building Elevations.

While the Planning and Zoning Commission did not include Staff's additional condition of,

"Signage on North Texas Boulevard is limited to one monument sign, restricted to a maximum height of five feet, a maximum effective area of 40 square feet, and constructed of masonry or stone to complement the primary structure"

as part of their recommendation, staff recommends the City Council include this recommendation if there is a recommendation for approval.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

City Council

A public hearing for the proposed SUP was held at the August 15, 2017 City Council meeting.

Several speakers, including representatives from the University of North Texas, spoke in opposition to the request, citing concerns of traffic and pedestrian safety. After closing the public hearing, the City Council discussed the adjacent roadway network's traffic patterns and vehicle circulation patterns within the site. The item was continued to the November 7th meeting to provide additional time for the applicant to prepare a Traffic Impact Analysis (TIA) to address Council's concerns regarding Phase Two I-35E improvements, vehicular access points, traffic resulting from the proposal, and potential pedestrian/vehicle conflicts.

The TIA was prepared by Halff Associates, Inc. using data from the Institute of Transportation Engineers Trip Generation Manual, 9th Edition and traffic counts. The report was submitted to the City and reviewed by the City's Traffic Engineer. A copy of the TIA is provided as part of Exhibit 10.

As part of their analysis, Halff compared the trips generated by the previous commercial uses (McDonald's, IHOP, and Exxon) on the corner of I-35 and North Texas Boulevard to the proposed McDonald's after the acquisition of the IHOP property. According to their data, the proposed development will generate fewer trips than the previous condition. Halff concluded that the previous three commercial uses generated 6,276 in and out trips within a 24-hour period, 308 in and out trips during the AM peak and 286 in and out trips during the PM peak. As proposed, the McDonald's with a drive-through is anticipated to generate 1,978 in and out trips within a 24-hour period, 181 in and out trips during the AM peak, and 130 in and out trips during the PM peak.

The TIA also includes a weaving analysis for the nearest I-35 exit ramp. A weaving analysis is the review of the level of difficulty faced by motorists travelling across lanes while leaving or entering freeways and highways. Previously, the exit ramp was located approximately 185 feet from the McDonald's driveway. As part of the Phase One I-35 improvements, the exit ramp was relocated to its current location, approximately 620 feet south of the proposed McDonald's driveway. The TIA concludes that the additional distance between the exit ramp and proposed McDonald's driveway improves the weaving operation for drivers. Furthermore, the exit ramp will remain in its current location, as Phase Two I-35 improvements do not include a relocation of the exit ramp.

Halff also provided a pedestrian activity analysis as part of the study. By reviewing the UNT Master Plan, they concluded that the pedestrian bridge across I-35 is a more attractive path than North Texas Boulevard. This conclusion is based upon the increased perceived safety of the pedestrian bridge and the bridge's connection to the existing "central pedestrian path" through campus.

Based upon the study conclusions, additional signage and adequate line of sight would improve conditions for pedestrians and vehicles.

Planning and Zoning Commission

A public hearing for the proposed SUP was held at the July 12, 2017 Planning and Zoning Commission (P&Z) meeting.

During the meeting, the P&Z discussed issues related to the proposed development, including access into and through the site, vehicle stacking for the drive-through, parking, and signs. Staff outlined the requirements and stated that the proposed development meets the current City standards. A representative from the University of North Texas (UNT) spoke in opposition to the request via a prepared statement. In it, UNT expressed concerns regarding the following:

- The proposal provides inadequate parking on the site.
- The proposal includes inadequate stacking for the drive-through lane, which could cause vehicles to back up onto the frontage road.
- An additional driveway proposed along Wilshire Drive could impact pedestrian movement.
- The proposed landscaping is not compatible with recent improvements to the UNT landscaping.
- The scale of the proposed development is incompatible with the adjacent uses.
- The proposed building materials are inconsistent with UNT's material's palette.
- Negative impacts to traffic at the intersection of I-35E and North Texas Boulevard could occur due to vehicles entering and exiting the site.
- The proposal is inconsistent with the Denton Plan 2030, as the approval of a drive-through would reduce the incentive for pedestrian-oriented development in the area.

The P&Z asked follow-up questions of the UNT representative, but she was unable to provide more detail. The Planning Division addressed site design and landscaping concerns, noting that the proposal meets the City's requirements for parking, stacking, landscaping, and screening. In the end, due to the site's history as the location of a previous McDonald's with a drive-through, the P&Z determined that the use is appropriate and would not negatively impact the area's traffic or character. Furthermore, the construction of sidewalks on Wilshire Drive and Kendolph Drive in association with the proposed development would improve pedestrian safety and movement. The P&Z did not agree with the Planning Division's proposed condition to restrict the sign on North Texas Boulevard to a 5-foot monument sign and did not include the condition with their recommendation.

At the closure of the public hearing, a motion was made to recommend approval of the request with a condition that the development substantially comply with the proposed site plan, landscape plan, and elevations. This motion passed 6-0.

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. Staff Analysis
3. Aerial Map
4. Zoning Map
5. Future Land Use Map
6. Criteria for Approval
7. Proposed Site Plan
8. Proposed Landscape Plan
9. Proposed Elevations
10. Traffic Impact Analysis
11. Notification Map and Responses
12. Planning and Zoning Commission Meeting Minutes
13. Presentation
14. Draft Ordinance

Respectfully submitted:
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