



## Legislation Details (With Text)

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**Type:** Planning and Zoning Commission  
**File created:** 6/26/2017      **In control:** Planning and Zoning Commission  
**On agenda:** 7/12/2017      **Final action:**  
**Title:** Hold a public hearing and consider a request by Franchise Realty Interstate Corp for a Specific Use Permit to allow for a drive- through facility on approximately 1.11 acres. The property is generally located east of North Texas Boulevard, between I-35E and Wilshire Street. (S17-0004, McDonalds, Julie Wyatt).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Aerial Map, 2. Zoning Map, 3. Future Land Use Map, 4. Criteria for Approval, 5. Proposed Site Plan, 6. Proposed Landscape Plan, 7. Proposed Elevations, 8. Notification Map

Date	Ver.	Action By	Action	Result
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### Planning Report

**S17-0004 / McDonald's**

**City Council District 3**

**Planning & Zoning Commission**

**July 12, 2017**

### REQUEST:

Hold a public hearing and consider a request by Franchise Realty Interstate Corp for a Specific Use Permit to allow for a drive- through facility on approximately 1.11 acres. The property is generally located east of North Texas Boulevard, between I-35E and Wilshire Street. (S17-0004, McDonalds, Julie Wyatt).

### OWNER:

Franchise Realty Interstate Corp

### APPLICANT:

Gabe Woolery with Red-Plains, Professional, Inc.

### 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 an 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 removed.

### **SITE DATA:**

The subject property is located east of North Texas Boulevard, between I-35E and Wilshire Street, near the University of North Texas (UNT) campus. Access to the site is provided by I-35E, Kendolph Drive, Wilshire Street, and North Texas Boulevard. I-35E is classified as a freeway. Kendolph Drive and Wilshire Drive are classified as Main Street Mixed Use Collectors, which require 73 feet of right of way, and typically include two through lanes and parking on both sides. North Texas Boulevard is a Secondary Arterial, which requires 110 feet of right of way, and typically includes two through lanes in each direction separated by a median.

### **SURROUNDING ZONING AND LAND USES:**

North: Property to the north is zoned DC-G District and developed with a parking lot. Property to the north across Wilshire Street is zoned DC-G District and Downtown Residential 2 (DR-2) District and is developed with a UNT office, residence hall, and parking lot.

East: Property to the east across Kendolph Street is zoned DC-G District and is developed with a UNT facility and parking lot.

South: Property to the south is zoned DC-G District and is vacant. Property across I-35E is zoned Neighborhood Residential 3 (NR-3) District and is developed with single-family dwellings.

West: Property to the west across North Texas Boulevard is developed with a UNT performance facility and associated parking.

### **COMPATABILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES:**

The purpose of the DC-G District is to encourage mixed-use and pedestrian-oriented development near downtown, UNT, and Texas Woman's University. In order to maintain a pedestrian orientation, drive-through facilities must obtain approval of an SUP within the DC-G District. The SUP process provides an opportunity to assess compatibility and potentially devise conditions for the use in accordance with Section 35.6 of the DDC.

Although college campuses are often geared toward pedestrian traffic, the subject property's proximity 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 commuter parking lots are located within the vicinity of the proposed restaurant and drive-through, increasing the auto-oriented character of the area.

### **CONSIDERATIONS:**

1. The recent I-35E expansion project required removal of an existing McDonald's restaurant shown on the attached aerial map. In order to rebuild, the applicant is requesting an SUP for a drive-through facility.
2. Subchapter 35.6.4 of the DDC outlines the criteria for approval of an SUP. In short, these criteria are intended to ensure that the development conforms to the goals of the DDC and the Denton Plan 2030 and is not injurious to the use and enjoyment of surrounding properties. The full criteria for approval have been attached for reference.
  - a. The site design package includes a McDonald's restaurant with indoor seating and a drive through that comprises two lanes with menu boards to provide sufficient vehicle stacking. As part of the development, the following are proposed:
    - i. The landscape plan reflects tree plantings which meet the tree canopy requirement of 20% canopy coverage in the DC-G District.
    - ii. Building elevations specify a masonry exterior building with stone accents.
  - b. The area surrounding the subject property is fully developed; however, any redevelopment of private property along the I-35E corridor would likely result in auto-oriented commercial uses

often found along highways. Therefore, the proposed use would not impede the development or improvement of the surrounding property. Additionally, since the proposal is a reconstruction of a previous use, adverse impacts to traffic or surrounding properties is not anticipated.

- c. Due to the lot configuration, vehicular access is proposed along I-35E, North Texas Boulevard, Wilshire Drive, and Kendolph Drive, providing sufficient movement into and through the site. Pedestrian improvements include the construction of 8-foot sidewalks along Wilshire Drive and Kendolph Drive and internal crosswalks to alert drivers of pedestrian routes. Bicycle racks are also proposed to accommodate alternative modes of transportation.
- d. The applicant has proposed two ground signs in accordance with the City's regulations: one maximum 40-foot tall sign along the I-35E corridor, and one maximum 20-foot tall sign 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.
- e. The subject property has a "Commercial" Future Land Use Designation, which is intended to apply to areas of concentrated commercial development. Auto-oriented uses such as drive-through facilities are appropriate for this Future Land Use Designation, and the proposal is consistent with the goals of the Denton Plan 2030.

3. In 2013, the University of North Texas (UNT) updated their Campus Master Plan. The Plan builds on prior planning efforts, adding detail to priority projects while providing a renewed vision for the campus for the next 20 years. In addition to a vision, the Plan established the following goals: accommodate enrollment growth; improve campus identity and sense of place especially at gateways and edges; and enhance campus circulation and connectivity. As UNT responds to enrollment growth, the areas adjacent to the campus are also responding with change. To the northeast, by the Fry Street area, new developments have occurred with more multi-family and retail developments being proposed. To the south, the widening of I-35 has spurred commercial redevelopment along the intersection and multi-family developments being proposed closer to campus. To respond to these changes and to address existing conditions related to housing, parking, and traffic, the City is preparing a Small Area Plan for the area. The Small Area Plan is generally bounded on the north by Panhandle Street, on the east by Fort Worth Drive/Carroll Boulevard, and on the west and south by Bonnie Brae Street and Interstate 35 East. The City is in the process of selecting a consultant team to assist in the preparation of the Small Area Plan and it is anticipated that the project will commence in late July.

#### **STAFF RECOMMENDATION:**

Staff recommends 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.
2. 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.

#### **OPTIONS:**

1. Recommend approval as submitted.
2. Recommend approval subject to conditions.
3. Recommend denial.
4. Table the item.

**PUBLIC NOTIFICATION:**

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.

**PROJECT TIMELINE:**

Application Received:	May 5, 2017
1 <sup>st</sup> Submittal Sent to DRC Members:	May 15, 2017
Comments Released to Applicant:	May 26, 2017
2 <sup>nd</sup> Submittal Sent to DRC Members:	June 7, 2017
Comments Released to Applicant:	June 21, 2017
Business Days under DRC Review:	20
Business Day out to Applicant:	6
Total Business Days:	26

**EXHIBITS:**

- Aerial Map
- Zoning Map
- Future Land Use Map
- Criteria for Approval
- Proposed Site Plan
- Proposed Landscape Plan
- Proposed Elevations
- Notification Map

Respectfully submitted:  
Shandrian Jarvis, AICP  
DRC Administrator

Prepared by:  
Julie Wyatt  
Senior Planner