



## Department of Planning and Economic Development

Staff Report to the Planning Commission

January 16, 2015

### Taco Bell at Crooks and Avon Industrial

<b>REQUEST</b>	Conditional Use Recommendation Site Plan Approval
<b>APPLICANT</b>	Guggenheim Retail Real Estate Partners 3000 Internet Blvd., Suite 570 Frisco, TX 75034
<b>AGENT</b>	Kurt Overmyer
<b>LOCATION</b>	West of Crooks, south of Avon Industrial
<b>FILE NO.</b>	14-015
<b>PARCEL NO.</b>	15-29-276-005
<b>ZONING</b>	B-3, Shopping Center Business
<b>STAFF</b>	Sara Roediger, AICP, Manager of Planning

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### Summary

Taco Bell is proposing to construct a new 2,159 square-foot, drive-through restaurant with associated site improvements on a 0.63-acre site located on the west side of Crooks Road, north of M-59 on a proposed Unit 7 of the Starr-Batt Condominium. The site will be accessed by a proposed off-site driveway to the north of the site to an existing drive off of Crooks. The applicant is in the process of purchasing the land from the owner, and the Master Deed for Starr-Batt Condominium will be amended.

### ***Adjacent Land Uses and Zoning***

Drive-through restaurants are permitted in the B-3 district as conditional uses after Planning Commission recommendation and City Council approval. The site is surrounded by commercial and industrial zoning and is Master Planned for Regional Employment Center, which allows support services for office, research and technology uses. There is a car wash and gas station to the north; vacant land and industrial buildings to the west; a gas station and restaurants to the east; with vacant land and M-59 to the south.

## General Requirements for Conditional Uses

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Per Section 138-2.302 of the Zoning Ordinance, there are five areas of consideration for the Planning Commission to regard in the discretionary decision of a Conditional Use. The Planning Commission shall find that the conditional land use will:

1. Will promote the intent and purpose of (the Ordinance).
2. Will be designed, constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing or planned character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the land use and the community as a whole.
3. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, refuse disposal, or that the persons or agencies responsible for the establishment of the land use or activity shall be able to provide adequately any such service.
4. Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
5. Will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

## Site Plan Review Considerations

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1. **Site Layout.** All setback requirements have been met, with the exception of the rear yard (west property line). The ordinance requires a 50 foot setback, but allows the Planning Commission to reduce the rear yard setback to 10 feet when abutting another B District, upon its determination that the requested reduction will allow for better development and will be compatible with adjoining properties. As part of a larger condominium development, staff believes the reduced setback is appropriate for this site.
2. **Parking.** The minimum parking requirement for a restaurant is one space for every two persons at maximum occupancy for a total of 37 parking spaces for this development. A total of 30 parking spaces are proposed, including 2 ADA spaces. The Planning Commission may modify parking requirements based on evidence submitted by the applicant that another standard would be more reasonable because of the level of current or future employment or customer traffic. The applicant maintains that due to the nature of the drive-through business, 70% of customers will use the drive-through, therefore, in the applicant's opinion; the amount of parking proposed is adequate.
3. **Landscaping/Tree Removal.** The plans comply with the landscaping and tree replacement requirements applicable to the site, conditioned upon the posting of a landscape bond, submittal of a cost estimate for the irrigation plan, and the minor comments in Parks and Forestry's review. As noted in the review letter, some required trees cannot be planted due to spacing requirements, therefore, \$1,200 will be provided to the City's Tree Fund.
4. **Building Design.** The proposed building is a custom adaptation of Taco Bell's standard design that has been configured to fit this site. The building has been designed to meet the City's Architectural Standards, and it consists primarily of textured stucco with an aluminum slat wall and stone wall to highlight the entrances.

## Site Plan Summary

As part of the technical review for this project, the plans and supplemental documentation have been reviewed by all applicable city departments and consultants. Based on the review comments included in this report or contained within the enclosed information, and if the Planning Commission agrees the addition will be harmonious and compatible in appearance with the existing development, staff recommends approval of the following motions relative to City File No. 14-015 (Taco Bell at Crooks and Avon Industrial).

## Conditional Use Motion

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 14-015 (Taco Bell at Crooks and Avon Industrial) the Planning Commission **recommends** to City Council **Approval** of the **Conditional Use** to construct a drive-through, based on plans dated received by the Planning Department on December 22, 2014, with the following findings.

### **Findings**

1. The proposed building and other necessary site improvements meet or exceed the standards of the Zoning Ordinance.
2. The expanded use will promote the intent and purpose of the Zoning Ordinance.
3. The proposed building has been designed and is proposed to be constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing and planned character of the general vicinity, adjacent uses of land, and the capacity of public services and facilities affected by the use.
4. The proposal should have a positive impact on the community as a whole and the surrounding area by further offering jobs and another dining option.
5. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.
6. The proposed development should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
7. The proposal will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

## Site Plan Approval Motion

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 14-015 (Taco Bell at Crooks and Avon Industrial), the Planning Commission **approves** the **Site Plan**, based on plans dated received by the Planning Department on December 22, 2014, with the following findings and subject to the following conditions.

### **Findings**

1. The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other City Ordinances, standards, and requirements, can be met subject to the conditions noted below.
2. The requested 10 foot reduced rear yard setback is justified as it will allow for better development and will be compatible with adjoining properties as the project is part of a larger condominium development.
3. Based on evidence submitted by the applicant, the requested reduction from 37 to 30 parking spaces is justified due to the nature of the drive-through business. Should the uses change or expand, this modification may be reconsidered.
4. The proposed project will be accessed by an existing driveway, thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets. Walkways have been incorporated to promote safety and convenience of pedestrian traffic.
5. Off-street parking areas have been designed to avoid common traffic problems and promote safety.

6. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
7. The proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.

### **Conditions**

1. City Council approval of the conditional use.
2. Provide a landscape bond for replacement trees in the amount of \$38,203, prior to issuance of a Land Improvement Permit for this development.
3. Payment of \$1,200 into the City's Tree Fund, prior to final approval by staff.
4. Addressing all applicable comments from other City departments and outside agency review letters, prior to final approval by staff.

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Reference: Plans dated received by the Planning Department December 22, 2015 (*Cover Sheet, CO.0; /demo Plan, C1.0; Site Plan, C2.0; Overall Grading Plan, C3.0; Site Grading Plan, C3.0; Erosion Control Plan, C4.0; Sewer Calcs, C5.1; Utility Plan, C6.0; Landscape Plan, C7.0; Irrigation Plan, C8.0; Soil Boring Data, C9.0; Detail Sheet I, C10.0; Detail Sheet II, C10.1; Detail Sheet III, C10.2; Detail Sheet IV, C10.3; Detail Sheet V, C10.4; RH Storm Details, C11.0; RH Sanitary Details I, C11.1; RH Sanitary Details II, C11.2; RH Water Details I, C11.3; RH Water Details II, C11.4; RH Water Details III, C11.5, prepared by DEI Engineering Associates, Inc.; Condo details, AL1, Property Detail, AL2, prepared by Nederveld; Photometric Plan, Sheet 1, prepared by CEI Engineering*). Floor Plans dated received December 22, 2015 (*Title Sheet, T1.0; Floor Plan, A1.0; Equipment and Seating Plan, A2.0; Exterior Elevations, A4.0; Exterior Elevations, A4.1; Site Details, A6.5, prepared by WD Partners*).

Attachments: Assessing Department memo dated 01/07/15; Building Department memo dated 12/2/14; Fire Department memo dated 12/8/14; Parks and Forestry memo dated 12/5/14; DPS/Engineering memo dated 12/23/14; Planning Memo dated 1/7/15; EIS dated 9/22/14; and Notice of Public Hearing.

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