



INFORMATION MEMORANDUM

TO: Mayor and City Council

FROM: Charles S. Cox
City Manager

DATE: December 5, 2019

SUBJECT: Conduct a public hearing and consider approving Resolution 2019-182 for a Detailed Site Plan with Special Exceptions for a restaurant/retail development on an approximate 9.59-acre tract located on the south side of LBJ Freeway, approximately 1,200 feet east of Luna Road; and take appropriate action.

Background:

The applicant is seeking approval of a detailed site plan including special exceptions for a retail/restaurant development on an approximate 9.59-acre tract located on the south side of LBJ Freeway, approximately 1,200 feet east of Luna Road. The proposed development consists of five buildings, comprising a total of 66,315 square feet (SF), of which 54,219 SF is proposed as restaurant uses and the remaining 12,096 SF as retail uses.

The subject property is commonly referred to as “The Boardwalk” tract due to the applicant’s intention to orient the proposed development towards the adjacent lake to the south, including the extension of a 12-foot wide hike and bike trail along the lake frontage.

The subject property is located within Planned Development District No. 99 (PD-99), specifically the Urban Commerce sub-district. Retail and restaurant uses are allowed by right within PD-99.

The request includes special exceptions primarily related to window design and fenestration, as well as building and parking placement requirements.

Subject Property:

Site acreage: approximately 9.59 acres

Location: 1900-1980 LBJ Freeway; south side of LBJ Freeway frontage road, approximately 1,200 feet east of Luna Road

Proposed Development:

Five retail/restaurant buildings on one lot consisting of the following (66,315 SF cumulative gross building square footage (SF)):

- Building 1: 14,655 SF restaurant (of which 3,004 SF consists of patio seating)
- Building 2: 15,166 SF restaurant and retail (of which 2,025 SF consists of patio seating)
- Building 3: 13,682 SF restaurant and retail (of which 1,218 SF consists of patio seating)
- Building 4: 12,610 SF restaurant and retail (of which 1,115 SF consists of patio seating)
- Building 5: 10,256 SF restaurant and retail (of which 1,044 SF consists of patio seating)

The development agreement between the City and the applicant, as well as the PD-99 zoning district, requires that the subject property be developed with a minimum 59,000 SF of gross floor area designed for restaurant, retail and/or commercial indoor amusement uses, and subject to the following additional stipulations:

- Minimum 44,250 SF shall be restaurant and/or commercial indoor amusement uses; and
- Maximum 5,900 SF may be personal service uses.

The proposed cumulative total of gross building square footages (66,315 SF) and land uses (54,219 SF restaurant; 12,096 SF retail) satisfy the minimum land use and building square footage requirements within the development agreement and PD-99 zoning district. The personal service uses shall be monitored through the city’s certificate of occupancy process as tenants potentially change over time.

Lastly, the applicant intends to construct the proposed development as a single phase development, and the overhead utilities located along the LBJ Freeway frontage road will be placed underground.

Adjacent Zoning Districts and Land Uses:

Direction	Zoning District	Land Use
North	Planned Development District No. 99 (PD-99) and Planned Development District No. 88 (PD-88)	Office, multi-family and vacant land (across LBJ Freeway)
South	Planned Development District No. 88 (PD-88)	Multi-family (across the lake)
East	Planned Development District No. 99 (PD-99)	Vacant
West	Planned Development District No. 88 (PD-88)	Drainage channel and gasoline service station with retail convenience

Access:

The proposed development will be accessible from the eastbound LBJ Freeway frontage road; two drive approaches are proposed for the subject property.

Additionally, the applicant is proposing to encumber the subject property with an access easement (in the same location as the proposed fire lanes) to allow for the adjacent tract to the east to have access through the subject property. Should the applicant decide to subdivide the subject property in the future, the access easement will help ensure access rights are provided across properties to the drive approaches along the LBJ Freeway frontage road.

Parking:

Required Parking Ratio per PD-99	Total Minimum Parking Required	Total Parking Provided	Type of Parking Provided	Complies
<ul style="list-style-type: none"> • Restaurant (includes patio seating area): 1 space/150 SF; and • Retail: 1 space/250 SF 	409	413	Surface	Yes

Site Landscaping:

SF Required per Zoning	SF Provided	Location Provided	Complies
20 SF of landscaping provided within the parking lot for each parking space provided (i.e. 8,220 SF required)	8,290 SF	Landscape areas provided throughout the parking lot	Yes

There is no minimum percentage of the total site area that has to be provided as landscaping per the PD-99 zoning district. Instead, PD-99 requires minimum street trees and minimum square footage of planting areas being provided within parking lots, in addition to all unpaved ground areas being planted within turf grass, vegetative groundcover and/or flowering vegetation.

Street Trees Required:

Street Name	Minimum Number Required	Number Provided	Tree Variety/Type	Complies
LBJ Freeway	44	44	Live Oak, Shumard Oak, Chinese Pistache, Cedar Elm and Bald Cypress	Yes

Buildings Elevations:

The development agreement between the City and the applicant requires that the subject property comply with the PD-99 zoning district architectural requirements, including the adopted Mercer Crossing design guidelines. PD-99 requires that a minimum of each exterior building facade be a minimum 75% masonry/stone, and the design guidelines require the buildings be representative of Texas Tudor design elements.

The exteriors of all five proposed buildings consist of brick, stone veneer, and precast stone, and each building elevation meets or exceeds the minimum 75% masonry requirements. The information provided in the table below is for Building 2 only, and includes the percentage of masonry materials provided.

The design guidelines require the exterior building designs to be representative of Texas Tudor architecture elements, such as significant usage of masonry materials, awnings, generally neutral building colors, as well as reflect tri-partite architecture design (i.e. buildings have a distinct base, middle and top). The architectural design for the proposed buildings, represents all of the aforementioned design characteristics.

Building #2 Façade	Masonry Type Provided	Total % Provided	Complies
North	Brick, stone veneer, and precast stone	75%	Yes
South	Brick, stone veneer, and precast stone	77%	Yes
East	Brick, stone veneer, and precast stone	79%	Yes
West	Brick, stone veneer, and precast stone	83%	Yes

Special Exceptions:

The applicant is requesting the following special exceptions as described below.

Special Exception #1 – Wall openings and window mullions (Section IV.B.1.b.(4) and Section IV.B.5.b.(2))

The PD-99 zoning district requires that the horizontal dimension of a wall opening (such as windows) not exceed the vertical dimension, as well as allows for windows being mulled horizontally together to form a compound window that may be wider than it is tall provided certain separation requirements are met. The applicant is seeking approval of a special exception for Building #5’s north (front) façade to not comply with these related requirements. Staff believes that the requested special exception is appropriate due to the minor nature of this request, and given that the overall building design is otherwise compliant with PD-99 architecture requirements.

Special Exception #2 – Building placement from the required front setback (Section IV.B.1.b.(7))

The PD-99 zoning district requires a minimum of 50% of commercial building facades be within 50 feet of the required 10-foot front setback line (in other words, a maximum 60-foot front setback line as measured from the LBJ Freeway right-of-way line). The reason for this requirement is to have buildings help define the adjacent street frontage, instead of street frontages being lined with continuous parking areas. This maximum building setback requirement is typically more appropriate for pedestrian-oriented town centers, station area districts, and otherwise dense urban areas; however the requirement can be effective for having buildings help define streetscapes within suburban communities.

The applicant is seeking relief from the building placement requirement to allow the buildings to define the adjacent lake front, in order to achieve a boardwalk style design where buildings, outdoor patios and trail amenities collectively serve to amenitize the lake frontage. Staff believes that the requested special exception is appropriate due to the boardwalk style development ambiance and amenities the applicant is seeking to achieve. If the buildings were to be placed within 60 feet of the LBJ Freeway frontage road, then the area between the rear of the proposed buildings (i.e. back side) and the lake and trail amenities would likely be surface parking and service areas, thereby not amenitizing the lake frontage nor being an inviting environment for patrons.

Special Exception #3 – Minimum window fenestration requirements (Section IV.B.4.b.(2))

The PD-99 zoning district requires commerce buildings to have a fenestration comprising not less than 60% but not more than 90% on the ground floor for facades facing a street frontage. Fenestration is defined as openings in the building wall allowing light and views between the interior and exterior measured as glass area. The intent of this requirement is to allow for activities associated with office, retail, restaurant and other commerce uses occurring within the buildings to help activate the adjacent streetscape, and allow pedestrians walking along adjacent streets to see the activities occurring inside buildings.

The applicant is seeking approval of a special exception to allow for 16% to 24% fenestration on the north building facades oriented towards the LBJ Freeway frontage road (refer to building elevations for specific percentages proposed for each building). Staff believes that the requested special exception is appropriate due to the buildings being setback 200-plus feet from the adjacent LBJ Freeway frontage road.

Special Exception #4 – Surface parking located behind the front facade (Section V.C.1.c.(2))

The PD-99 zoning district requires that surface parking be located behind the front building façade, where no more than 25% of the surface parking is between the street and front façade.

The applicant is seeking approval of a special exception to allow for nearly all of the proposed surface parking to be located between the LBJ Freeway frontage road and the fronts of all proposed buildings.

Similar to the building placement requirement, the applicant is seeking relief from this parking placement requirement to allow the buildings to define the adjacent lake front, in order to achieve a boardwalk style design where buildings, outdoor patios and trail amenities collectively serve to amenitize the lake frontage, in lieu of having surface parking lots defining the lake front. Staff believes that the requested special exception is appropriate due to the boardwalk style development ambiance and amenities the applicant is seeking to achieve.

Special Exception #5 – Signage (Section V.D.1.a)

The applicant is proposing one 36-foot tall multi-tenant pylon sign and one 10-foot tall monument sign along the LBJ Freeway frontage road. This signage is consistent with signage otherwise allowed by the Code of Ordinances for signage along the LBJ Freeway frontage road.

Although the building elevations show potential locations for wall signage, the applicant has not submitted a comprehensive wall signage plan for the proposed development. The PD-99 zoning district requires a comprehensive signage plan be submitted concurrently with the first approved detailed site plan of which the applicant has submitted for free-standing signage. Staff believes it is reasonable to allow for the wall signage plan to be developed following the initial detailed site plan in order to allow for construction to proceed. Therefore, staff recommends that the applicant submit a comprehensive wall signage plan for all buildings prior to issuance of the certificate of occupancy for the first shell building on the property.

Other Items for Consideration:

Adjacent Lake Improvements

The adjacent lake to the south is currently being dredged, and per the development agreement and PD-99 zoning district, the lake will have a minimum depth of five feet and a minimum of three fountains (subject to review and approval by staff). Soil being removed from the lake is being placed on the subject property, thus resulting a finished grade level approximately four feet higher than the existing retaining wall which supports the water level fluctuations when it rains. The proposed 12-foot wide hike and bike trail will be constructed along the back side of the existing retaining wall. Therefore, patrons sitting within the patio areas along the back side of the restaurant buildings, will be at a higher elevation overlooking the adjacent hike and bike trail and have views of the lake. A cross-section has been provided on the detailed site plan to help illustrate the proposed grade differences.

Hike and Bike Trails

As mentioned previously, the applicant is constructing a 12-foot wide hike and bike trail along the existing retaining wall that supports the lake water; this trail will extend from the subject property's east property line to the west property line. The trail on the subject property shall be completed prior to issuance of a certificate of occupancy for the first shell building on the property.

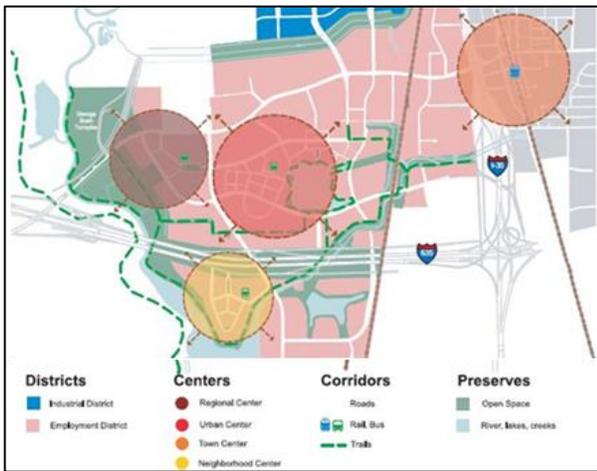
Additionally, the applicant is responsible for constructing an off-site 12-foot wide low-water hike and bike trail connection west of the subject property, which will connect to the existing trail system to the south serving the nearby existing multi-family developments. This off-site portion of the trail system shall be completed prior to issuance of the 450th single-family building permit within the overall Mercer Crossing development, per the development agreement and PD-99 zoning district.

Lastly, at such time when the adjacent tract to the east is developed, the trail system will be continued along the southern portion of that property and connect to the existing trail improvements located under IH-635 at the U-turn/underpass to the east. The developer of the adjacent tract shall be responsible for constructing that portion of the trail system on their property.

Alcoholic Beverage (On-Premise) Overlay District

The subject property is located within the Alcoholic Beverage (On-Premise) Overlay District which allows for non-residential uses to be able to serve and sell beer, wine and mixed beverages for on-premise consumption in accordance with the Texas Alcoholic Beverage Commission requirements, without being a qualifying restaurant. In other words, non-residential uses serving/selling beer, wine and mixed beverages do not have to comply with the qualifying restaurant requirements as provided for in the Comprehensive Zoning Ordinance (i.e. the minimum 50%/50% food/non-alcoholic beverage to alcoholic beverage ratio requirements).

Comprehensive Plan Recommendation:



The West Side Plan designates the subject property as Employment District as provided for on the Future Land Use Map. Key elements of this designation are employment land uses with high quality office, research and development uses, and mixed-use retail/residential with supporting land uses. The stated goal of the West Side Plan is to create a successful environment for many forms of business and retail activity, while keeping the district walkable, transit accessible, and respectful to the natural environment, as well as completely integrated with the elements of mixed-use centers.

The PD-99 zoning district allows for restaurant and retail uses by right, of which both uses support persons who may live and/or work within this area of the city. Additionally, the proposed development seeks to create an environment that is supportive of nearby amenities such as the adjacent lake, and includes the construction of hike and bike trail amenities. The proposed development supports the West Side Plan land use recommendations.

Public Response:

On November 8, 2019, four zoning notification letters were mailed to the surrounding property owners, in addition to the Carrollton-Farmers Branch and Dallas Independent school districts. A zoning notification sign was also placed on the site on November 5, 2019. Lastly, a legal notice was published in the Dallas Morning News on November 22, 2019. As of December 5, 2019 no written correspondence has been received by the city.

Recommendation:

On November 18, 2019, the Planning and Zoning Commission considered this request and unanimously recommended approval of the Detailed Site Plan including Special Exceptions with the condition that the applicant submit a comprehensive wall signage plan for all buildings prior to issuance of the certificate of occupancy for the first shell building on the property, as presented in Resolution No. 2019-182.

Possible City Council Action:

1. Motion to approve Resolution No. 2019-182.
2. Motion to approve Resolution No. 2019-182 with the following modifications...
3. Motion to deny Resolution No. 2019-182.
4. Motion to continue discussion at the next meeting.

Applicable Zoning and Development Case History: *(most recent to oldest)*

Date Approved	Case Number	Description
07/23/2019 Ordinance No. 3581	18-ZA-08	Amended PD-99 as it relates to development performance standards and uses, including providing for completion of certain development performance obligations by the applicant, prior to the issuance of specified single-family residential building permit threshold requirements. Planning and Zoning Commission consideration: 07/08/2019
03/07/2017 Ordinance No. 3429	16-ZA-07	Amended PD-99 including incorporating the design guidelines and pattern book, allowing additional single-family uses (Verwood tract), allowing the amenity center use by right, and amendments to several appendices. Planning and Zoning Commission consideration: 02/13/2017
03/15/2016 Ordinance No. 3359	15-ZA-04	Established PD-99 allowing for a variety of land uses, including single-family, multi-family, office and a variety of retail/commerce uses. Planning and Zoning Commission consideration: 02/08/2016