



INFORMATION MEMORANDUM

TO: Mayor and City Council

FROM: Charles S. Cox
City Manager

DATE: July 5, 2018

SUBJECT: Ordinance No. 3511 – Amendment to Planned Development No. 77 (PD-77) as it relates to restaurants and similar related uses.

Proposed Request:

This is a city-initiated zoning amendment to amend Planned Development No. 77 (PD-77) as it relates to restaurants and similar related uses. Staff received a request from a property owner to consider allowing restaurant uses by right within the zoning district, particularly since restaurant uses currently require approval of a specific use permit.

Upon further review of restaurant and similar related uses, staff determined that there were some inconsistencies within the PD-77 ordinance and that it was appropriate to review this zoning district to address the inconsistencies, but also the property owner's request.

It is appropriate to review zoning districts from time to time to ensure relevancy with current land use policies and development conditions, particularly with respect to ordinances that may have been established many years ago (i.e. 20 years ago) and/or if the surrounding area's land uses (or development pattern) has changed.

Existing Zoning:

PD-77 was initially established in 1998 (Ordinance 2424), rezoning approximately 300 acres from Planned Development No. 22 (PD-22) to PD-77. Over time, portions of PD-77 have been rezoned to other zoning districts resulting in the approximately 213 acres (total) that exist today. PD-77 has not been amended since its adoption in 1998.

PD-77 consists of two areas, located on the north and south sides of Valley View Lane, and is generally bounded by: Luna Road on the west; Cooks Creek on the north; Burlington Northern

Railroad on the east; and on the south by Valley View Lane, as well as extending approximately 300 feet south of Academy Lane (refer to zoning district map included with this report). The two areas is the product of other tracts having been rezoned from PD-77 to other zoning districts.

PD-77 presently allows the following restaurant and similar related uses either by right or with a specific use permit:

- bakery or confectionery shop (retail)
- cafeteria
- restaurant with drive-in service (with specific use permit)
- non drive-in restaurant, with outside sales window (with a specific use permit)
- non drive-in restaurant, without outside sales window (with a specific use permit)
- snack and sandwich shops

Additionally, PD-77 allows bakery (wholesale) and food processing facilities by right which are more intensive food-related commercial operations, but nonetheless are allowed by right.

Proposed Amendment:

Staff proposes that PD-77 be amended to allow “restaurants, non drive-in without outside sales window” by right, and eliminate the SUP requirement. Allowing this restaurant type by right allows for potential adaptive reuse of existing buildings and/or allowing newly constructed buildings to house this use whether as free-standing restaurants and/or accommodating restaurants within a multi-tenant building. Restaurant uses would still be subject to the remaining development standards within PD-77, as well as the Comprehensive Zoning Ordinance (CZO) should PD-77 not address a particular development provision.

Additionally, the proposed amendment includes addressing “restaurant, qualifying” as provided for in the CZO in order to make it clear within the PD-77 ordinance that “restaurants, non drive-in without outside sales window” wanting to serve alcoholic beverages may do so, provided that the total gross sale of food and non-alcoholic beverages shall constitute at least 50% of the establishment’s combined gross sales of food, non-alcoholic and alcoholic beverages quarterly.

As it relates to “cafeteria” and “snack and sandwich shops” uses, staff proposes that these two uses be deleted since these uses are considered restaurant uses, and would continue to be allowed by right as “restaurants, non drive-in without outside sales window.”

Staff recommends that “restaurants with drive-in service” (e.g. Sonic) and “restaurants, non drive-in with outside sales window” (e.g. McDonald’s, Wendy’s, Taco Bell) continue to be subject to approval of a specific use permit. These uses may not be appropriate for all properties within PD-77, particularly given future residential adjacency concerns since these types of restaurant uses may have outdoor speakers and potential site circulation and ingress/egress implications on adjacent area roadways.

Lastly, staff proposes minor formatting and rewording of restaurant related uses for consistency with uses defined in the CZO.

Comprehensive Plan Recommendation:

The West Side Plan recommends Employment District for the subject property; however, the Plan also recommends that retail/commercial uses should be provided in order to support employees' needs within the area. Additionally, given the single-family and multi-family uses that have been allowed on the city's West Side, allowing restaurant uses by right will provide a use that supports residents residing within this area. Therefore, the proposed zoning amendment is consistent with the Plan recommendation.

Other Information:

Prior to the adoption of the updated CZO during 2017, "restaurant, non drive-in without outside sales window" and "restaurant, non drive-in with outside sales window" uses were allowed within Light Industrial zoning districts subject to approval of a specific use permit. With the recent updates to the CZO in 2017, the specific use permit requirement was removed thus allowing both uses by right in Light Industrial zoning districts in order to make it less restrictive to accommodate these types of restaurant uses within the city. The proposed PD-77 amendment to allow "restaurant, non drive-in without outside sales window" is consistent with the City's actions in 2017.

Furthermore, "restaurant, qualifying" uses are allowed by right throughout the city's non-residential zoning districts (Local Retail-1, Local Retail-2, Commercial, Light Industrial and Heavy Industrial), subject to the regulations provided within the CZO.

Public Response:

Staff mailed 77 public notification letters on June 15, 2018 to the property owners within PD-77, as well as to surrounding property owners. Ten zoning notification signs were posted throughout the subject area that same day. A public notice ad was placed in Dallas Morning News on June 27, 2018. As of July 5, one letter of support has been received by the city.

Recommendation:

On June 25, 2018, the Planning and Zoning Commission considered this item and unanimously recommends approval of the Zoning request, as presented in Ordinance No. 3511.

Possible Council Action:

1. Motion to adopt Ordinance No. 3511.
2. Motion to adopt Ordinance No. 3511 with the following modifications ...
3. Motion to deny Ordinance No. 3511.
4. Motion to continue discussion at the next meeting.