

# 1726-Z

**PUBLIC HEARING** Case 1726-Z/Access Catering. Public hearing, discussion, and take action on a recommendation regarding an ordinance rezoning an approximately .5751 acre property located at 4300 Beltway Drive from LR (Local Retail) to a PD (Planned Development), on application Access Catering & Events, represented by Mr. Scott Fernandes.

## LOCATION MAP





November 13, 2015

## STAFF REPORT

RE: Case 1726-Z/Access Catering

LOCATION: 4300 Beltway Drive

REQUEST: Approval of an ordinance rezoning the property from LR (Local Retail) to a PD (Planned Development)

APPLICANT: Access Catering & Events, represented by Mr. Scott Fernandes

## DISCUSSION:

Background: The property located at 4300 Beltway Drive is currently a one story office building of approximately 7,929 square feet. The site is bordered by other single story office buildings to the east and west and a hotel to the north. The southern property line is the border of Addison, with properties to the south being in Farmers Branch.

The site is currently zoned Local Retail. This allows for a variety of retail and office uses, including caterers, but with the restriction that it be offices only. Catering kitchen facilities are permitted elsewhere in Town in both of the Commercial districts as well as all three of the Industrial districts.

The site was developed in 1982 and is required to abide by the zoning requirements in place at that time. The current landscaping regulations were approved in 2008, meaning that this site, as it is today, is exempted from these regulations. However, the regulations state that they become applicable at such time a property is rezoned, including to a Planned Development district.

Proposed Use: Access Catering is proposing to purchase the office building, renovate some office space for itself and a sub-tenant, and convert part of the building into a commercial catering kitchen. Because catering kitchens are not allowed in Local Retail districts, they are requesting to rezone the property to a Planned Development primarily to adjust the list of allowed uses to include catering kitchens.

The applicant is also purchasing an adjacent property to the south which is in Farmers Branch. This property will be primarily utilized for parking.

Staff has no concerns with the proposed use.

Exterior Facades: The building is primarily of brick construction and the applicant is not proposing any major modifications to the exterior facades.

Parking: The parking requirements for this Planned Development would mirror the general requirements found in the Local Retail district. The uses being proposed would be parked at an office ratio requiring 1 space per 300 square feet. According to the Dallas Central Appraisal District, the square footage of the building as 7,929. Based on the size of the building, 27 parking spaces would be required. However, the applicant is indicating the building to be 7,634. According to their measurement, 26 spaces would be required. Additionally, the applicant is intending to have a number of delivery vehicles under 1 ton in size. The PD regulations would prohibit these vehicles from being parked in the spaces needed to comply with the required parking ratio. The applicant is indicating that there would be 7 delivery vehicles.

The majority of parking for this site would be provided on an adjacent property in Farmers Branch which is being purchased by the applicant in conjunction with this property. While the Town typically does not allow off-site parking to satisfy parking requirements, because these properties are under the same ownership, the PD regulations can address this by including a requirement that the properties be legally tied together through a parking agreement that would be recorded in the deed records.

Fire Access: The plans have been reviewed by the Fire Marshal to ensure sufficient site access and building coverage. Current requirements call for a 24 foot wide fire lane. Given the site constraints, the fire lane will range between 24 feet and 17 feet wide. The narrowest portion of the fire lane would be between the west side of the building and the western property line, where space is limited due to the placement of the building within the site. While not an optimal condition, the Fire Marshal believes this to be a workable width.

Landscaping: Staff has a number of concerns regarding the landscaping being proposed as part of the Planned Development. As indicated previously, the landscaping ordinance requires that properties be brought up to current standards when they are rezoned. Below is an explanation of the applicable landscape design standards and how this proposal fails to addresses them.

**Site Coverage** – 20% of the site must be landscaped. Currently, landscaping accounts for approximately 8.4% of the site coverage. The applicant is proposing to add additional landscaping and indicates that 12.71% of the site will be landscaped. This calculation includes the area being shown as a 5 foot sidewalk which should not be included in the calculation. Staff estimates that the actual site coverage to be approximately 11.3%.

**Street Landscape Buffer** – From the back of curb there must be a 20 foot wide landscape buffer and a 5 foot wide sidewalk, for a total of 25 feet. The site currently includes a 21 foot buffer with no sidewalk. The applicant's landscape plan shows a 5 foot wide sidewalk back of curb and a 16 foot landscape buffer, keeping the total at 21 feet.

**Perimeter Parking Lot Landscaping** – On lots larger than 10,000 square feet, a five foot wide perimeter landscaping strip is required. The applicant's landscape plan does not comply with this requirement, however they have made an attempt to comply where they can, in most locations. They are unable to comply fully due to the existing site layout with the fire lane requirement along the western edge of the property and the ingress and egress easement along the east side of the property.

**Interior Area Parking Lot Landscaping** – In addition to the screening and perimeter requirements, on a lot of this size, it is required that 5% of the parking area be landscaped with planting islands or other landscaping features. The applicant's plan does not provide a calculation of the interior landscaping area for staff to assess compliance.

**RECOMMENDATION: DENIAL**

Staff is recommending denial of this request for a number of reasons. First, the plans themselves show inconsistencies between the sheets, inaccurate calculations, and incomplete information. Under normal circumstances, staff would require that these be addressed prior to the case coming forward to the Commission. The applicant has asked staff to allow the plans to go forward with these issues because they are needing a determination from the Planning and Zoning Commission prior to a federal court hearing regarding this property scheduled in the first week of December.

More importantly than how the information is presented, staff has concerns about the lack of landscaping being proposed on the site. The applicant is requesting that the property be zoned from Local Retail to a Planned Development with underlying Local Retail standards for two main reasons. First, to add a use (catering kitchen) which is not allowed in Local Retail.

Second, to request relief from the landscaping requirements. While a Planned Development district can vary the landscaping requirements for a site, from a policy standpoint, the landscape section of the zoning code stipulates that when a property is rezoned, including to a PD, the property should be upgraded to the current landscape standards.

Staff understands that with a redevelopment, 100% compliance with all current requirements is likely not achievable. Staff's approach is to work with the developer to get them as close as possible to full compliance and bring them forward for consideration while pointing out where they are lacking. In this case, staff believes that additional landscaping could be provided which complies or comes very close to complying with the current standards relating to overall site coverage and the street landscaping buffer.

Should the Commission desire to approve the plans, staff would suggest that they be required to reduce the length of the parking shown in the front of the building to 17 feet, the minimum required by the code. This would allow them to add two more feet to the street landscape buffer. Additionally, staff would propose that the two spaces immediately adjacent to the entrance from Beltway be replaced with a landscape island and that the perimeter screening in the southwest corner of the lot be expanded to incorporate all of the area up to the fine lane. These would not get them to full compliance, therefore staff would likely still recommend denial of the request, but it would get them closer.

Alternatively, if the applicant were to make the change in the southwest corner and convert the entire first row of parking to all landscaping, then staff believes that the requirements would be met and could likely recommend approval. Staff is happy to continue working with the applicant on the site plan, but if they are requesting an answer now, then staff must recommend denial.