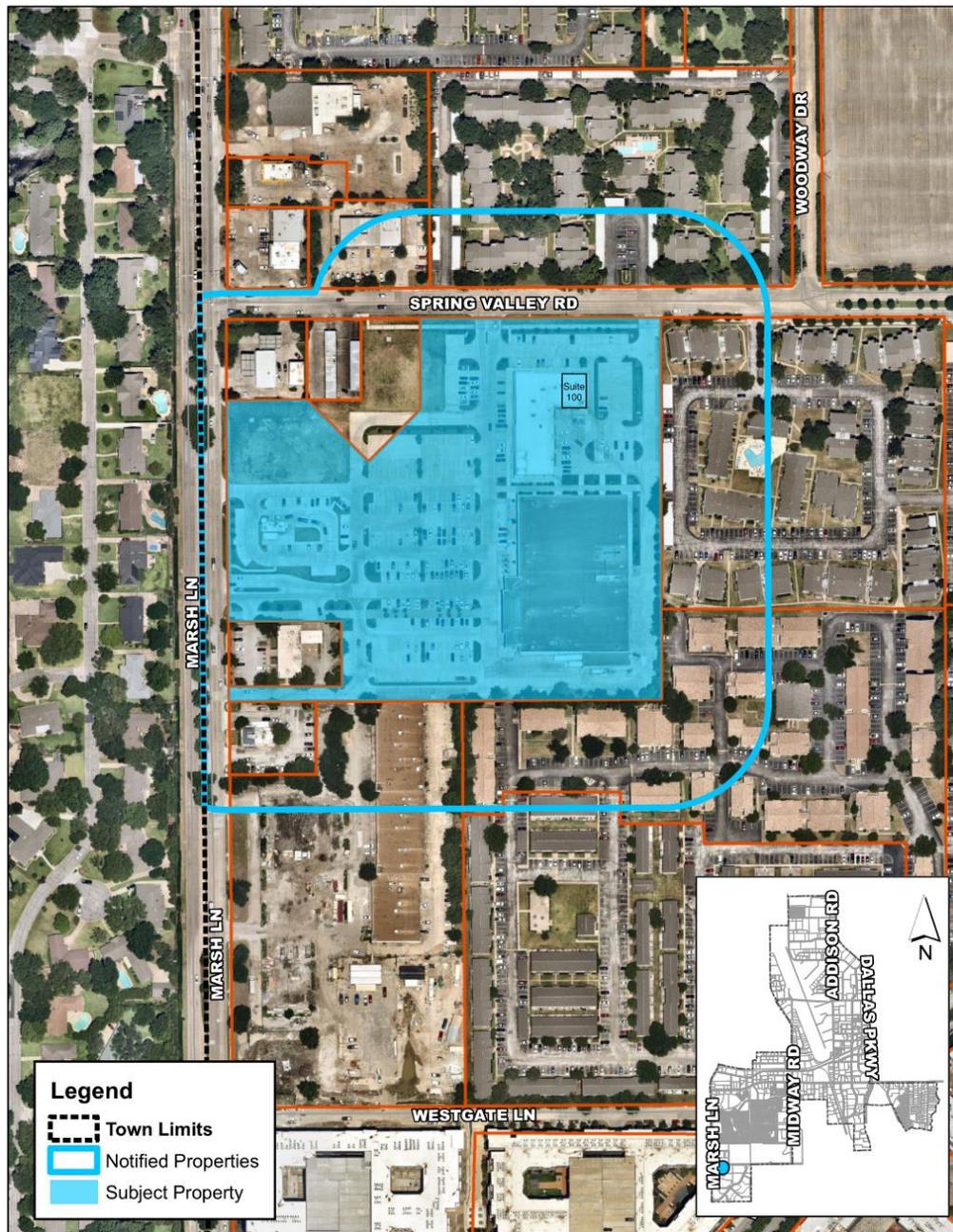


1855-SUP

PUBLIC HEARING Case 1855-SUP/14380 Marsh Lane, Suite 100 (Jeremiah's Italian Ice). Hold a Public Hearing, Present, Discuss, and Consider Action on a Recommendation regarding an Ordinance Approving a Special Use Permit (SUP) for Property Located at 14380 Marsh Lane, Suite 100 that is currently Zoned Planned Development (PD) through Ordinance No. 007-034, as amended by Ordinance Nos. 013-026, O16-017, O16-018, and O19-06, to Allow a Restaurant with a Drive-Thru.

LOCATION MAP





September 20, 2022

STAFF REPORT

RE: 1855-SUP/Jeremiah's Italian Ice
LOCATION: 14380 Marsh Lane, Suite 100
REQUEST: Approval of a Special Use Permit for a restaurant with a drive-thru.
APPLICANT: Ismael Mercado, MECO Contractors, LLC

DISCUSSION:

Background: The subject property is located within the Brookhaven Village Shopping Center, Block 211, at 14380 Marsh Lane, Building B, Suite 100. Brookhaven Village is part of the Vitruvian Park Development and is included within Block 211 in the Vitruvian Park's Planned Development District Concept Plan, through Ordinance No. 007-034, as previously amended by Ordinance Nos. 013-026, 016-017, 016-018, and 019-06.

Building B is a 17,500 square foot multitenant structure with seven suites. There are currently four businesses operating within Building B: Isla Veterinary Boutique Hospital, Athletico Physical Therapy, Champions Nail Spa, and Premier Martial Arts, and three vacant suites. There are currently two businesses pending approval of SUPs, including this application, to occupy two additional suites.

Jeremiah's Italian Ice is a dessert franchise that offers Italian ice, ice cream, and gelati. Indoor and outdoor seating will be available for customers. The existing drive-thru along the east side of the building will also be utilized. The proposed operating hours for the Addison location are 12:00 pm – 10:00 pm, seven days a week.

Jeremiah's Italian Ice was founded in Winter Park, Florida in 1996 by Jeremy Litwack. The franchise has grown to 71 locations across the southern United States. There are currently 3 locations operating in North Texas with 6 additional locations coming soon. They are known for their extensive flavor options and gelati, a layering of Italian ice and soft ice cream.

The PD Ordinance allows restaurants through the approval of an SUP within Block 211. The proposed use complies with the ordinance.

Proposed Plan: With this request, Jeremiah's Italian Ice proposes to occupy the existing 1,852 square foot tenant space at the northeast corner of Building B. The applicant proposes an interior finish-out of the suite. The proposed restaurant will provide seating for 44 individuals (32 indoor seats and 12 patio seats). The interior floor plan is comprised of kitchen and service areas and table seating. Significant site improvements occurred with the redevelopment of Brookhaven

Village that concluded in 2019. Staff will confirm compliance with the approved site plan and landscape plans during the inspection process and through routine code enforcement efforts.

Parking: Parking ratios were established within the PD Ordinance. Retail uses require 1 space for each 250 square feet and restaurants require 1 space for each 100 square feet of gross floor area. Building B is 17,500 square feet and allows 50% of the floor area to be used as retail and 50% to be used for restaurant. The total parking requirement for Building B is 123 parking spaces and 136 spaces were provided on site. Based upon the current uses, there are two pending SUPs for restaurants that include 5,335 square feet, which is still well below the allowed 50%. The remaining uses are retail and personal services.

The existing parking meets the PD Ordinance and will provide adequate parking for the existing and proposed businesses.

Exterior Facades: The exterior facades were constructed as approved within the PD Ordinance. The application is not proposing any modifications to the existing building facades. A sign advertising the business is proposed on the primary façade fronting Spring Valley Road and for the drive-thru. A sign permit is required.

Landscaping and Open Space: All landscape requirements were satisfied during previous reinvestment activities, and this building and tenant space area remains in compliance.

RECOMMENDATION: **APPROVAL**

Jeremiah's Italian Ice is a successful national dessert chain that will offer a unique addition to the Brookhaven Village Shopping Center. The restaurant will fill a currently vacant suite within the retail center and given the diverse mix of uses in the surrounding area, this location is fitting for such a use.

Staff recommends approval of this request with no conditions.



Case 1855-SUP/14380 Marsh Lane, Suite 100 (Jeremiah's Italian Ice)

September 20, 2022

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on September 20, 2022, voted to recommend approval of an ordinance changing the zoning on property located at 14380 Marsh Lane, Suite 100, which property is currently zoned Planned Development (PD), Ordinance No. 007-034, as amended by Ordinance Nos. 013-026, O16-017, O16-018, and O19-06, by approving a Special Use Permit (SUP) to allow the building to be used as a restaurant with a drive-thru.

Voting Aye: Branson, Catalani, Craig, Meleky, Souers, DeFrancisco

Voting Nay: none

Absent: Fansler

SPEAKERS AT THE PUBLIC HEARING:

For: none

On: none

Against: none