
City Council Regular Meeting

DEPARTMENT: Development Services

FROM: Tony McIlwain, Director

MEETING: December 12, 2022

SUBJECT:

Ordinance Modification for text amendments to Section 100-115 of Article IV – Overlay Zoning Districts of Appendix B, of the Code of Ordinances of the City of Burleson (Case 22-124): Consider approval of an ordinance amendment to add “restaurant or cafeteria (drive through type)” to the list of allowable uses with a specific use permit, with conditions within the Old Town Overlay District. (Final Reading) *(Staff Contact: Tony McIlwain, Development Services Director)* *(The Planning and Zoning Commission recommended approval by unanimous vote)*

SUMMARY:

On September 6, 2022, an application was submitted by Johnathan Phelps representing Craftmasters, LLC for a text amendment to allow drive through restaurants with a specific use permit in the Old Town Overlay District.

Development Overview:

The purpose of the changes to the Code of Ordinances is to allow in certain locations and under specific conditions, an applicant to request a drive through restaurant within the central core area of the Old Town Overlay District. The update will add specific conditions that will be required for an applicant to meet prior to requesting a specific use permit for a drive through in the central core area from City Council.

The City Council approved the creation of the Old Town Overlay District on September 12, 1996, to encourage the preservation and development of architecture and uses that have been determined as being historically and culturally significant to the City. Allowing an additional use by specific use permit does not alter the city’s ability to regulate masonry standards within the Old Town Overlay District.

The proposed change would add the following text to Section 100-115 (a); OT, old town overlay district, Use allowed with a specific use permit:

“Restaurant or cafeteria (drive through type) [Central core area only] *[A restaurant or cafeteria (drive-through type) is an establishment principally for the sale and consumption of food which has window service allowing customers to pick up food for off-site consumption; this use may also serve food for consumption on site within the restaurant or for carry-out for off-site consumption, and may or may not have on-site dining facilities].*

The following restrictions shall apply to any SUP for a "Restaurant or cafeteria (drive through type)" use within the Old Town central core area:

- a. The site must be located east of the Union Pacific railroad tracks that run through the area defined as the Old Town Overlay District; and*
- b. A new SUP must be applied for with each change of occupancy, land use, and/or Certificate of Occupancy request; and*
- d. A Traffic Impact Analysis shall be required with each SUP request for a drive-through to be reviewed and approved by the City's Traffic Engineer; and*
- e. A commercial site plan showing the placement of the customer ordering windows or ordering devices with adequate stacking of no less than 5 spaces from the customer ordering location, unless otherwise approved by City Council, will be required with each change of occupancy."*

If the SUP request is denied at any future event specified in (b) above, the site shall be modified to remove or restrict the use of any previously existing drive through; and

OPTIONS:

- 1) Approve an ordinance amendment to add "Restaurant or Cafeteria (drive through type)" to uses allowed in the central core area of the Old Town Overlay District with a specific use permit; or
- 2) Approve an ordinance amendment to add "Restaurant or Cafeteria (drive through type)" to uses allowed in the central core area of the Old Town Overlay District with a specific use permit; with additional or different conditions; or
- 3) Deny an ordinance amendment to add "Restaurant or Cafeteria (drive through type)" to uses allowed in the central core area of the Old Town Overlay District with a specific use permit.

RECOMMENDATION:

Approve an ordinance modification for text amendments to Section 100-115 of Article IV – Overlay Zoning Districts of Appendix B, of the Code of Ordinances of the City of Burleson (Case 22-124).

Fiscal IMPACT:

None.

STAFF CONTACT:

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