

STAFF DEVELOPMENT COMMITTEE REPORT

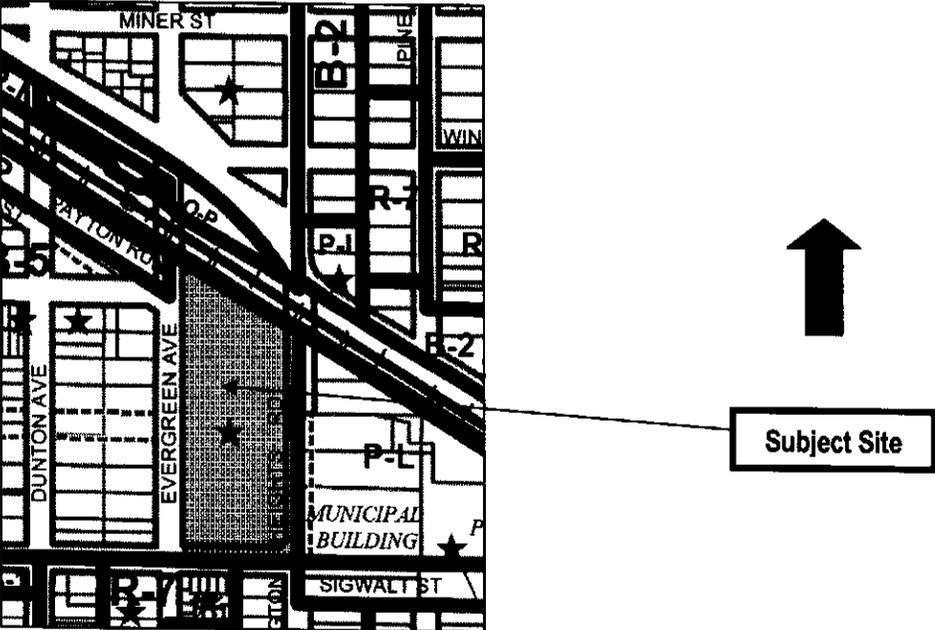
To: Plan Commission
 Prepared By: Matthew S. Dabrowski, Development Planner
 Meeting Date: January 23, 2013
 Date Prepared: January 18, 2013
 Project Title: Star Cinema Theater
 Address: 53 S. Evergreen Avenue

BACKGROUND INFORMATION

Petitioner: Umer Khan
 Address: Star Cinema Theater
 4811 Highway 6
 Missouri City, Texas 77459
 Existing Zoning: B-5, Downtown District

Requested Action:

1. Amendment to Planned Unit Development Ordinance 97-039 to allow up to 9 restaurants within the Arlington Town Square development
2. A special use to allow a restaurant within the theater



Surrounding Land Uses:

Direction	Existing Zoning	Existing Use	Comprehensive Plan
North	P-L, Public Lands	Centennial Park	Parks
South	B-2, General Business District & R-7, Multiple Family Dwelling District	Multi-tenant commercial uses & town homes	Commercial & High Density Multi-Family
East	P-L, Public Lands & B-2, General Business District	Municipal and office buildings	Government
West	B-5, Central Business District	Various commercial uses	Mixed Use

Background:

The subject site is situated on 3.77 acres and is part of the Arlington Town Square development, which has a total floor area of 313,528 square feet. This mixed use development, which is located in the Village's downtown, includes 97 condominium units, 75,746 square feet of commercial/restaurant, 26,781 square feet of office, a 22,354 square foot theater with 6 screens and 1,567 seats, and a total of 492 parking spaces (Surface Lot = 50 spaces + Public Parking Garage = 324 spaces + Residential Parking = 118 spaces).

The proposed action if approved would allow Star Cinema Theaters, which is a Texas based corporation that has been in operation since 2004, to re-open the former theater and convert it into an entertainment facility that combines first run film releases with "in-theater" dining. The hours of operation are daily from 11:00 AM to 1:00 AM, and a total of 120 full and part time employees are anticipated during the summer peak, while a total of 75 employees are anticipated during the non-summer peak. It is important to note that not all of the aforementioned employees will be on site at the same time. Rather, during the summer peak, a maximum of 65 employees are expected to be on site at any given time, while a total of 45 employees are expected to be on site any given time during the non-summer peaks. As part of said request, the Petitioner is proposing the following modifications to the existing theater building:

- Reduce the total capacity from 1,567 to 707 seats. The decrease in seating capacity allows for more space between the rows so that dining tables and wider aisle for servers can be provided.
- Install a full, commercial grade kitchen that is approximately 1,000 square feet.
- Addition of a state of the art sound system and digital projectors.
- Modify the entry lobby to internalize the ticket counter and a new bar area with seating and concession.

Other services offered by Star Cinema Grill include, birthday parties, social gatherings, and corporate events. These special functions occur during non-peak times and are considered ancillary as Star Cinema Grill anticipates an average of 30 events annually. It is important to note that the lease agreement for Star Cinema Grill includes a provision relative to the theater hosting religious events from time to time. The Petitioner further clarified this provision and had indicated that these are social events only and that religious services will not be held within the theater as said use is not allowed within the underlying B-5 district.

Based on Star Cinema Grill's marketing information, the existing theaters in Texas are age restricted, as people under 18 years old must be accompanied by a parent or guardian. The Petitioner however has proposed a different age restriction policy for the Arlington Heights facility, which would welcome all-age groups up until 6:00 PM. After 6:00 PM however no one under the age of 18 would be allowed unless accompanied by a parent or guardian. According to the Petitioner, these restrictions are to ensure that guests will not encounter the disturbances that are commonly associated with meg-plex theaters. This particular issue is also being reviewed in conjunction with the Petitioner's liquor license request. The Staff Development Committee would recommend as a condition of the special use approval, that any age restriction proposed by Star Cinema Grill on theater attendees shall be reviewed and approved by the Village Board.

Zoning and Comprehensive Plan

In 1997, the Village Board adopted Ordinance 97-039, which approved a PUD as well as granted conceptual approval of up to 7 restaurants that had a combined floor area of 22,400 square feet. In 1999, the Village adopted Ordinance 99-048, which granted the special uses for 7 restaurants with a combined floor area of 21,123 square feet. This prior approval also reduced the combined capacity of the various restaurants from 640 to 476 seats. Since then, the Village Board had approved a number of other zoning actions that increased the total number of restaurants to 8, but reduced the total floor area, seating area and capacity below what had been conceptually approved per the PUD in 1997.

To proceed forward with the Petitioner's request, the Plan Commission must review and the Village Board must approve an amendment to the underlying PUD to allow 9 restaurants as well as a special use to allow a restaurant within the theater. As part of the formal review process, the Petitioner provided a written justification (see attached) to the following special use criteria:

- **That said special use is deemed necessary for the public convenience at this location.**
- **That such case will not, under the circumstances of the particular case, be detrimental to the health, safety, morals and general welfare of persons residing or working in the vicinity.**
- **That the proposed use will comply with the regulations and conditions specified in this ordinance for such use, and with the stipulations and conditions made a part of the authorization granted by the Village Board.**

The Staff Development Committee reviewed the Petitioner's justification and supports the proposed request for the following reasons. One, the proposed request would allow a viable business to modify, upgrade, and re-use a large vacant tenant space for entertainment purposes, which is an important goal for the success of the Village's Downtown. Two, the proposed use will serve a public convenience by providing dining options and an expanded food menu that is not normally

associated with other theater facilities. Three, the Petitioner has agreed to work with the Village to address all applicable code related items including but not limited to the installation of a larger grease trap and the screening of roof mounted mechanical equipment. Lastly, the proposed request is consistent with the Village's Comprehensive Plan, which designates the subject site as Mixed Use.

Building and Site Related Issues

As part of the formal review process two building related issues were identified. The first issue pertains to the grease trap, which is required for all restaurants. The existing theater has a 70 gallon grease trap for its concession area, which is suspended from the roof in the private underground residential parking garage that is owned and maintained by the Arlington Town Square condominium association. With Star Cinema Grill proposing a full kitchen facility that is approximately 1,000 square feet and located on the east side of the theater, the size of the grease trap must be increased to a 750 gallon unit. Given the design and ownership complexity of the underground parking garage, Staff would recommend and the Petitioner has agreed that prior to the issuance of a building permit, the Petitioner shall work with the Village to address all issues relative to the size and location of the required grease trap.

The next issue pertains to the installation of the proposed kitchen. To support the new kitchen facility roof mounted mechanical/ventilation equipment will be necessary. To mitigate visual concerns and potential impacts associated with odors, Staff would recommend that all new roof mounted mechanical/ventilation equipment for the theater be located as far to the east and away from the residential tower as possible. In addition, all new roof equipment shall be screened in a manner acceptable to the Village and compatible with the design of the building. Staff would also recommend that the Petitioner work with the Village to screen existing theater roof equipment if feasible and to the best extent possible. The design of the aforementioned screening will need to be submitted to the Village as part of the building permit approval process.

Table 1: Development and Parking Comparison

	Approved per PUD Ord. 97-039 and 97- 064	Approved per Special Use Ord. 99-048	Current / (Proposed Theater)
Restaurant Analysis			
# of Restaurants	7	7	8
Gross SF	22,400	21,123	20,232
Seating Area	11,200	9,047	8,642
Total Capacity	640	476	488
Parking Required by Code	56	45	43
Parking Required by HNTB	225	172	195
Theater Analysis			
Gross Square Footage	22,354	22,354	22,354
# of Screens	6	6	6
Capacity	1,567	1,567	707
Parking Required by Code: (1 space / 4 seats / 2)	196	196	88
Parking Required by HNTB: 1 space / 3.5 seats)	448	448	202
Commercial/Office			
Gross Floor Area	80,173	81,404	81,404
Parking Required by Code	137	139	139
Parking Required by HNTB	123	126	126
Parking Analysis-Combined Demand			
Total Required by Code	389	380	270
Total Required By HNTB	798	746	523

Traffic and Parking Related Issues

The proposed improvements will constitute a 55% reduction to the total theater capacity from 1,567 to 707 seats. Given the reduction to the number of seats, Staff does not anticipate the peak hour parking demand for the new theater to be any greater than the demands of the prior theater. Even under those conditions the parking system within the Village's

downtown has been able to accommodate the peak parking demands without any spill over into the nearby residential neighborhood.

According to the information provided by the Petitioner, the peak operating hours for Star Cinema Grill is typically between 6:00 PM and 10:00 PM. During that time, Star Cinema Grill anticipates an average occupancy of 80%, which equates to 566 seats or 36% of the total seating capacity of the previous theater. Based on this information, Star Cinema Grill is expected to generate an average peak parking demand of 162 parking spaces (per HNTB), which is significantly less than what was originally anticipated for the previous theater (see Table 1, prior page). As previously mentioned, the Arlington Town Square development has 50 parking spaces at grade and 324 parking spaces available in the underground public parking garage after 6:00 PM to accommodate the parking need for the development as a whole. Moreover, the underlying PUD anticipated overflow parking for theater patrons to be accommodated within the Village Hall Municipal Parking garage and surface lot, which is located directly across the street on the east side of Arlington Heights Road

With respect to employee parking, the Village Hall Municipal Parking Garage and surface lot also offers free parking in the daily pay parking spaces after 12:00 PM and all day (5:00 AM to 2:00 AM) on weekends. In addition, a reduced employee permit can be purchased for \$15.00 monthly in the Village Hall Municipal Parking Garage, the Vail Avenue Parking Garage, and at other designated locations for employees that work full time during the day. Given the above mentioned information, the Staff Development Committee supports the proposed request as said modifications to the theater will have less of an impact to parking.

RECOMMENDATION

The Staff Development Committee has reviewed the Petitioner's request and recommends approval of PC # 12-026, an amendment to PUD Ordinance 97-039, and a Special Use to allow a restaurant within the Star Cinema Grill Theater. This approval shall be subject to the following conditions:

1. Any age restriction on theater attendees proposed by Star Cinema Grill shall be reviewed and approved by the Village Board.
2. Prior to the issuance of a building permit, the Petitioner shall work with the village to address all issues relative to the size and location of the required grease trap.
3. All new roof mounted mechanical/ventilation equipment shall be located as far to the east on the roof as possible. The Petitioner shall also:
 - a. Screen all new roof equipment in a manner that is acceptable to the Village and compatible with the design of the building,
 - b. Screen existing roof equipment if feasible and to the best extent possible.
4. Full time employees who work prior to 12:00 PM shall be required to purchase a Village Parking Permit.
5. The Petitioner shall comply with all applicable Federal, State, and Village Codes, Regulations, and Policies.



Bill Enright, AICP
Deputy Director of Planning and Community Development

January 18, 2013

Cc: William C. Dixon, Village Manager
All Department Heads