



CITY OF GRAND PRAIRIE ORDINANCE

MEETING DATE: 10/11/2022

REQUESTER: Monica Espinoza, Administrative Supervisor

PRESENTER: Savannah Ware, AICP, Chief City Planner

TITLE: SUP-22-06-0024 - Specific Use Permit/Site Plan - Victron Convenience and Gas (City Council District 4). Specific Use Permit and Site Plan for a Convenience Store with Gas Sales, Carwash, and Drive Through Restaurant on 4.528 acres. Tract 5B2 and 6C2 of the Jerome C Survey, Abstract 972, City of Grand Prairie, Tarrant County, Texas, zoned PD-255A, within the SH 360 Corridor Overlay District, and located at the NE corner of Lynn Creek/Mildred Walker Pkwy and SH-360 (On September 26, 2022, the Planning and Zoning Commission recommended approval by a vote of 9-0)

APPLICANT: Victron Energy, Inc., Melinda Nelson

RECOMMENDED ACTION: The Development Review Committee (DRC) and staff recommends approval with conditions.

SUMMARY:

Specific Use Permit and Site Plan for a Convenience Store with Gas Sales, Carwash, and Drive Through Restaurant on 4.528 acres. Tract 5B2 and 6C2 of the Jerome C Survey, Abstract 972, City of Grand Prairie, Tarrant County, Texas, zoned PD-255A, within the SH 360 Corridor Overlay District, and located at the NE corner of Lynn Creek/Mildred Walker Pkwy and SH-360.

PURPOSE OF REQUEST:

The applicant intends to construct a 4,930 Sq. Ft. convenience store with a 1,415 Sq. Ft. restaurant with a drive through. An automated car wash is also proposed on the same lot. All non-residential development must have a Site Plan approval by City Council. Additionally, these land uses require a Specific Use Permit approved by the Planning and Zoning Commission and City Council.

ADJACENT LAND USES:

The following table summarizes the zoning designation and existing use for the surrounding properties.

Table 1. Zoning and Land Use

Direction	Zoning	Existing Use
North	Agriculture (A)	Undeveloped
South	Planned Development (PD-255A) With Commercial (C) uses	Undeveloped
West	City of Arlington	SH 360
East	Planned Development (PD-255A)	Undeveloped

HISTORY:

- March 15, 2005: The Planning and Zoning Commission approved Planned Development (PD-255A) (Case Number Z010403).

PROPOSED USE CHARACTERISTICS AND FUNCTION:

The applicant seeks approval to construct a 4,930 Sq. Ft. convenience store with an adjoined 1,415 Sq. Ft. restaurant with drive through. Additionally, an automated car wash is also proposed on the same lot. The site meets the requirements of the Unified Development Code (UDC) except for the variances from Appendix F, Corridor Overlay District Standards and the delayed review of landscape mentioned below.

ZONING REQUIREMENTS:*Density and Dimensional Requirements*

The property is subject to density and dimensional requirements in Article 6 of the Unified Development Code (UDC). The following table summarizes these requirements.

Table 2. Site Data Summary

Standard	Required Com. (C)	Lot 1	Lot 2	Lot 3	Lot 4	Compliance
Min. Lot Area (Sq. Ft.)	5,000	197,237	62,365	42,433	36,640	Yes
Min. Lot Width (Ft.)	50	296	244	127	101	Yes
Min. Lot Depth (Ft.)	100	340	185	323	371	Yes
Front (Ft.)	25	37	39	TBD	TBD	Yes
Rear (Ft.)	0	139	18	TBD	TBD	Yes
Side <35 Ht. (Ft.)	15	20	27	TBD	TBD	Yes
Max. Height (Ft.)	25	31	31	TBD	TBD	No
Max. (FAR)	0.5:1	0.088:1	0.132:1	TBD	TBD	Yes

Parking Requirements

The property is subject to parking requirements in Article 10 of the UDC. The following table summarizes these requirements. The proposal meets the parking requirements.

Table 3. Parking Summary

Standard	Required	Proposed	Meets
Restaurant Parking (1 space per 100 Sq. Ft.*)	15	17	Yes

Drive Through Queue (6)	6	6	Yes
Retail (1 space per 275 Sq. Ft.)	18	18	Yes
Car Wash (1 space per 150 Sq. Ft.) 2/3 in tandem waiting for wash or vacuums	36	36	Yes

*Designated dining and waiting areas, including outdoor dining areas

Landscape and Screening

The property is subject to landscape and screening requirements in Article 8 and Appendix F of the UDC. Staff recommends that the landscape and screening requirements be evaluated during the preliminary plat application. The applicant intends to submit the tree survey, tree preservation plan, and tree mitigation plan upon approval of the Specific Use Permit. The tree survey, tree preservation plan, and tree mitigation plan are part of the landscape plan requirements. It is staff's preference to review them together.

Building Design

The predominant building material along right-of-way facing facades is masonry which includes stone veneer, pre-cast concrete panel, and fiber cement siding. Accent building materials include standing seam metal roof/siding (exceeds 10%) and wood slat mural system (required to be engineered wood, also exceeds 10%). The applicant has requested variances pertaining to glazing, awnings, and canopies as listed in the variance section of this report. The building requirements of Appendix F are not met, but the assembly of the various material along with vertical and horizontal articulation does create texture and visual interest.

Appendix F Checklist

The applicant has 14 items on the Appendix F Menu Items. Enhanced open space has been selected with proposed amenities such as seating, planters, or textured paving as well as a USB charging station or comparable amenities. A public art piece has also been selected from the checklist. The architectural measures have been mentioned under building design along with enhanced windows, and canopy/awning variation. Healthy, smart, and sustainable community contributions include mature trees, 70% native plants and pollinator friendly flowers.

VARIANCES:

The following variances are requested:

1. 50% Window Coverage by Length
 - The car wash has windows along 27% of the total length of all facades. Right of way facing facades have 45% (Lynn Creek) and 20% (SH-360).
 - The convenience store/restaurant has windows along 47% of the total length of all facades. Right of way facing facades have 56% (Lynn Creek) and 37% (SH-360). The rear and east sides have 5% and 20%, respectively.
2. 30% Window Coverage on Primary Facades
 - The car wash does not meet the 30% requirement. Right of way facing facades have 14% (SH-360) and 4% (Lynn Creek).
 - The west side of the convenience store and restaurant does not meet the 30% requirement and has 19%.
3. 10% Maximum on Accent Materials
 - Both structures exceed allowable percentage of standing seam metal roof/siding. The car wash has 56% (Lynn Creek), 91% (back), and 11% (east). The convenience store/restaurant has 12% (SH-360) and 54% (back).

- The car wash exceeds the allowable percentage of the wood slat mural system.
4. Maximum Allowable Height
- Variance to the maximum allowable height to allow structures that exceed 25 ft.

ANALYSIS:

Appendix F is intended to produce high quality places that enhance the quality of life for people in Grand Prairie, strengthen economic development efforts, and contribute to the positive image of the City. Consideration of any variance is conditioned upon the applicant demonstrating that such variance will fulfill the total intent of these regulations if the variance is granted. Variances to these regulations shall be granted only when an applicant demonstrates that an alternative design or measure provides an equal or greater level of quality and standard of development as that which is mandated by the regulations.

The proposed plan generally conforms to the intent of Appendix F with the conditions listed below.

RECOMMENDATION:

- On September 26, 2022, the Planning and Zoning Commission recommended approval by a vote of 9-0.
- The Development Review Committee (DRC) and staff recommends approval with the following conditions.
 - a. The applicant shall submit landscape plans and tree survey that meet UDC requirements prior to the preliminary plat being presented to the Planning and Zoning Commission. Additionally, landscape plans and tree survey shall be administratively approved if they meet UDC requirements.
 - b. The applicant shall provide a lidded waste receptacle that is accessible from the drive-through lane.
 - c. The percentage of standing seam metal roof/siding shall not exceed 30% per facade.
 - d. The wood slat mural system shall be engineered wood.
 - e. The applicant shall provide an enhanced gasoline canopy as required by Appendix F.

BODY:

AN ORDINANCE OF THE CITY OF GRAND PRAIRIE, TEXAS AMENDING THE ZONING ORDINANCE AND MAP BY SHOWING THE LOCATION, BOUNDARY, AND USE OF CERTAIN PROPERTY FOR A SPECIFIC USE PERMIT FOR A CONVENIENCE STORE WITH GAS SALES, CARWASH, AND DRIVE THROUGH RESTAURANT: BEING A PORTION OF TRACT 5B2 AND 6C2 OF THE JEROME C SURVEY, ABSTRACT 972, CITY OF GRAND PRAIRIE, TARRANT COUNTY, TEXAS; SAID ZONING MAP AND ORDINANCE BEING NUMBERED ORDINANCE NUMBER 4779 AND PASSED ON NOVEMBER 20, 1990; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE AFTER PUBLICATION

WHEREAS, the owners of the property described herein below filed application with the City of Grand Prairie, Texas, petitioning an amendment of the Zoning Ordinance and Map of said city so as to amend the zoning designation of said site to include a Specific Use Permit for a Convenience Store with Gas Sales, Carwash, and Drive Through Restaurant; and

WHEREAS, the Planning and Zoning Commission of Grand Prairie, Texas, held a public hearing on said application on September 26, 2022, after written notice of such public hearing before the Planning and Zoning Commission on the proposed Specific Use Permit had been sent to owners of real property lying within 300 feet of the property on which the creation of a Convenience Store with Gas Sales, Carwash, and Drive Through Restaurant is proposed, said Notice having been given not less than ten (10) days before the date set for hearing to all such owners who rendered their said property for City taxes as the ownership appears on the last approved City Tax Roll, and such Notice being served by depositing the same, properly addressed and postage paid, in the City Post Office; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Grand Prairie, Texas voted 9 to 0 to recommend to the City Council of Grand Prairie, Texas, that said Zoning Ordinance and Map be amended to allow a Specific Use Permit for a Convenience Store with Gas Sales, Carwash, and Drive Through Restaurant; and

WHEREAS, Notice was given of a further public hearing to be held by the City Council of the City of Grand Prairie, Texas, in the City Hall Plaza Building at 6:30 o'clock P.M. on October 11, 2022, to consider the advisability of amending the Zoning Ordinance and Map as recommended by the Planning and Zoning Commission, and all citizens and parties at interest were notified that they would have an opportunity to be heard, such Notice of the time and place of such hearing having been given at least fifteen (15) days prior to such hearing by publication in the, Fort Worth Star Telegram, Fort Worth, Texas, a newspaper of general circulation in such municipality; and

WHEREAS, all citizens and parties at interest have been given an opportunity to be heard on all the matter of the Specific Use Permit and the City Council of the City of Grand Prairie, Texas, being informed as to the location and nature of the specific use proposed on said property, as well as the nature and usability of surrounding property, have found and determined that the property in question, as well as other property within the city limits of the City of Grand Prairie, Texas, has changed in character since the enactment of the original Zoning Ordinance to the extent that a specific use may be made of said property as herein provided and by reason of changed conditions, does consider and find that this amendatory Ordinance should be enacted since its provisions are in the public interest and will promote the health, safety and welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS THAT:

SECTION 1. Ordinance Number 4779, being the Unified Development Code of the City of Grand Prairie, Texas, showing the locations and boundaries of certain districts, and said Zoning Ordinance and Map having been made a part of an Ordinance entitled:

"THE UNIFIED DEVELOPMENT CODE OF THE CITY OF GRAND PRAIRIE, TEXAS, AS PASSED AND APPROVED BY THE CITY COUNCIL ON THE 20TH DAY OF NOVEMBER, 1990, TOGETHER WITH ALL AMENDMENTS THERETO AND ENACTING A REVISED ORDINANCE ESTABLISHING AND PROVIDING FOR ZONING REGULATIONS; CREATING USE DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN..."

passed and approved November 20, 1990, as amended, is hereby further amended so as to establish a Convenience Store with Gas Sales, Carwash, and Drive Through Restaurant on a portion of Tract 5B2 and 6C2 of the Jerome C Survey, Abstract 972, City of Grand Prairie, Tarrant County, Texas, as depicted in Exhibit A – Property Description, attached hereto.

SECTION 2. The purpose of this Ordinance is to provide the appropriate restrictions and development controls that ensure this Specific Use Permit is compatible with the surrounding development and zoning and to also ensure that the development complies with the City’s Comprehensive Plan and Unified Development Code.

SECTION 3. For development and operations of a Convenience Store with Gas Sales, Carwash, and Drive Through Restaurant, the following standards and conditions are hereby established as part of this ordinance:

1. The development shall adhere to the City Council approved Exhibit B - Site Plan, which is herein incorporated by reference.
2. The City Council has granted the following variances from Appendix F standards:
 - a. Variance to the overall windows required to allow the car wash to be constructed as shown with windows that account for 27% of all facades. Similarly, the convenience store/restaurant can be constructed as shown with windows that account for 47% of all facades.
 - b. Variance to the required windows for street-facing facades to allow the car wash to be constructed with 14% windows on the west facade and 4% windows on the south facade. Similarly, the convenience store/restaurant can be constructed with 19% windows on the west facade.
 - c. Variance to the maximum on accent materials (Standing Seam Metal) to allow the car wash facades to be constructed with 56% on the south, 91% on the north, and 11% on the east. Similarly, the convenience store/restaurant facades can be constructed with 12% on the west facade and 54% on the north.
 - d. Variance to the maximum on accent materials (Wood Slat Mural System) to allow the car wash to be constructed with 17% on the east facade.
3. Variance to the maximum allowable height of 25 Ft. to allow construction of the car wash as shown with the top of the roof deck at 33 Ft. and the convenience store restaurant at 32 Ft.
4. The applicant shall submit landscape plans and a tree survey that meet UDC requirements prior to the preliminary plat being presented to the Planning and Zoning Commission. Additionally, landscape plans and tree survey shall be administratively approved if they meet UDC requirements.
5. The applicant shall provide a lidded waste receptacle that is accessible from the drive-through lane.
6. The applicant shall provide an enhanced gasoline canopy as required by Appendix F.
7. The wood slat mural system shall be engineered wood.

SECTION 4. That the operations of a Convenience Store with Gas Sales, Carwash, and Drive Through Restaurant shall comply with the following:

1. By this Ordinance, this Specific Use Permit shall automatically terminate in accordance with Section 5.4.1 of the Unified Development Code if a Certificate of Occupancy is not issued for said use within

one (1) year after City Council adoption of this Ordinance, or upon cessation of said use for a period of six (6) months or more.

2. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Grand Prairie. Violation of this provision may be punishable in accordance with Section 1-8 of the Code of Ordinances of the City.
3. This Specific Use Permit shall run with the land and therefore may be transferred from owner to owner; however, each new owner shall obtain a new Certificate of Occupancy.
4. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.
5. The operation of the facility shall be in strict compliance with all requirements of the Environmental Services Department, Building Inspections, Police Department and Fire Administration.
6. Any unsafe or unauthorized operations or activities may be determined as grounds for revocation of the Specific Use Permit by the City Council.

SECTION 5. It is further provided that in the case a section, clause, sentence, or part of this Ordinance shall be deemed or adjudicated by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this Ordinance.

SECTION 6. A violation of this Ordinance is a misdemeanor punishable in accordance with Section 1-8 of the Code of Ordinances of the City of Grand Prairie, Texas. The penalty provided herein shall be cumulative of other remedies provided by State law, and the power of injunction as provided in Texas Local Government Code Section 54.016, as amended, may be exercised in enforcing this ordinance whether or not there has been a complaint filed.

SECTION 7. The Unified Development Code of the City of Grand Prairie, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

SECTION 8. The terms and provisions of this Ordinance are severable and are governed by Section 1-4 of the Code of Ordinances of the City of Grand Prairie, Texas.

SECTION 9. All ordinances or parts of ordinances not consistent or conflicting with the provisions of this Ordinance are hereby repealed. Provided that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this Ordinance.

SECTION 10. This Ordinance shall be in full force and effect from and after its passage, approval, and publication.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS, THIS 11TH DAY OF OCTOBER 2022.

ORDINANCE NO. #-2022
SPECIFIC USE PERMIT NO. #
CASE NO. SUP-22-06-0024