



CITY OF GRAND PRAIRIE
ORDINANCE

MEETING DATE: 09/03/2024
REQUESTER: Monica Espinoza, Administrative Supervisor
PRESENTER: Savannah Ware, AICP, Chief City Planner
TITLE: SUP-24-01-0004 - Specific Use Permit/Site Plan - Portillo's at 3102 S Hwy 161 (City Council District 2). SUP/Site Plan for a restaurant with a drive-through on 4.75 acres. Lots 9R-1 & 9R-2, Block B, Epic West Towne Crossing Phase I, and Lot 1, Block 5, Central Park Addition, City of Grand Prairie, Dallas County, Texas, zoned PD-364, within the SH 161 & IH-20 Corridor Overlay Districts, and with an approximate address of 3102 S Hwy 161 (On August 12, 2024, the Planning and Zoning Commission recommended approval with a condition by a vote of 7-0)
APPLICANT: Taylor Hall, PM Design
RECOMMENDED ACTION: Approve with a Condition

SUMMARY:

SUP/Site Plan for a restaurant with a drive-through on 4.75 acres. Lots 9R-1 & 9R-2, Block B, Epic West Towne Crossing Phase I, and Lot 1, Block 5, Central Park Addition, City of Grand Prairie, Dallas County, Texas, zoned PD-364, within the SH 161 & IH-20 Corridor Overlay Districts, and with an approximate address of 3102 S Hwy 161.

PURPOSE OF REQUEST:

The applicant intends to construct a 6,155-sq. ft. drive-through restaurant. Site Plan approval by City Council is required for any project within an overlay or planned development district. Additionally, a drive-through restaurant requires a Specific Use Permit approved by City Council.

ADJACENT LAND USES:

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

Table 1. Zoning and Land Use

Table with 3 columns: Direction, Zoning, Existing Use. Row 1: North, PD-390A, Epic Central Park

South	PD-364	Restaurants (Dutch Bros)
West	PD-364	Main Event
East	PD-364	SH 161/ Undeveloped

HISTORY:

- July 18, 2017: City Council approved PD-364, a planned development for commercial and multi-family uses (Case Number Z170401).
- August 7, 2017: The Planning and Zoning Commission approved a Preliminary Plat for Epic East Towne Crossing Phase 1 (Case Number P170804).
- September 11, 2017: The Planning and Zoning Commission approved a Final Plat for Epic East Towne Crossing Phase 1 (Case Number P170903).
- October 25, 2021: The Planning and Zoning Commission approved a Replat for Epic East Towne Crossing Phase 1 (Case Number PLT-21-09-0006).

PROPOSED USE CHARACTERISTICS AND FUNCTION:

The proposed use is a 6,155-sq. ft. drive-through restaurant with a 500-sq.ft. outdoor patio. Two drive-through lanes wrap around the parking lot and run parallel to the back of the building. The site meets the requirements of the Unified Development Code (UDC) except for four variances from Appendix F, Corridor Overlay District Standards mentioned below.

ZONING REQUIREMENTS:

Density and Dimensional Requirements

The property is subject to density and dimensional requirements in PD-364 and Article 6 of the Unified Development Code (UDC). The following table summarizes these requirements. The proposal meets the density and dimensional requirements.

Table 2. Site Data Summary

Standard	Required	Proposed	Compliance
Min. Lot Area (Sq. Ft.)	5,000	153,625	Yes
Min. Lot Width (Ft.)	50	270	Yes
Min. Lot Depth (Ft.)	100	423	Yes
Front Setback (Ft.)	25	294	Yes
Rear Setback (Ft.)	0	54	Yes
Max. Height (Ft.)	25	20	Yes
Max. Floor Area Ratio (FAR)	0.5:1	0.04:1	Yes

Parking Requirements

The property is subject to parking requirements in Article 10 and Appendix F of the UDC. Appendix F states that the parking calculations in Article 10 of the Unified Development Code shall serve as parking maximums. The number of parking spaces shall not exceed the parking maximum without approval by City Council and a compensatory measure from Appendix F. The applicant is providing compact parking spaces as a compensatory measure.

Table 3. Parking Summary

Standard	Required	Provided	Meets
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Restaurant Parking (1 space per 100 Sq. Ft.)	29 (Maximum)	85	Variance
Drive Through Queue (Two Lines)	6 (Minimum)	> 6	Yes
50% of parking spaces above maximum shall be of reduced size and reserved for compact cars (compensatory measure)	27	27	Yes

Drive Through Lane

The property is subject to supplemental standards in Section 9 of Appendix F of the UDC. Appendix F states that drive-through lanes may not be located between the building and the street unless there is no feasible alternative. It also states that if the drive-through lane is located between the building and the street, additional screening measures should be provided.

The applicant is requesting the drive-through lane to be located mainly along the W Warrior Trail. The proposed restaurant shares the driveway access along Esplanade with the existing Dutch Bros coffee shop. The applicant requests the drive-through lane be routed around the new parking lot to limit the drive-through traffic backup for Portillo's on its lot and reduce potential circulation conflicts between the two drive-through uses.

Oncor does not allow trees to be planted inside the existing 100-foot utility easement. The applicant is proposing to plant the following shrubs, which are generally 6 feet in height and can reach a maximum height of 8 feet, to screen the drive-through lane.

- Abelia x grandiflora (Glossy Abelia)
- Ilex cornuta 'Burfordii' (Dwarf Burford Holly)
- Leucophyllum frutescens (Texas Sage)

Landscape and Screening

The property is subject to landscape and screening requirements in Article 8 and Appendix F of the UDC. The following table summarizes these requirements. Due to the existing 100-foot electrical easement, the applicant is not able to plant trees along the Warrior Trail. The required trees are planted elsewhere on the site.

Table 5. Landscape & Screening Requirements

Standard	Required	Provided	Meets
Landscape Area (Sq. Ft.)	11,104	32,981	Yes
Front Yard (75% of Required Landscape)	8,328	17,863	Yes
Total Street, Buffer, Parking, and Pedestrian Walkway Trees	52	49*	Yes
Street & Buffer Trees (1/500 Sq. Ft.)	22	15**	Yes
Parking: Landscape Island with Trees (1 per 5 spaces)	17	20	Yes
Pedestrian Walkway Trees (1 per 20 Ft.)	13	14	Yes
Shrubs (1 5-gallon shrub per 50 Sq. Ft. of required landscape area)	222	255	Yes
Flowering and Colorful Plants (15%)	405	410	Yes

*Per UDC Sec.8.7.2, trees can be substituted with shrubs at the rate of one tree equals 10 shrubs

***Per UDC Sec. 8.7.2.1, large and medium trees may not be planted beneath utility lines*

Building Design

The exterior building materials include brick and cementitious siding in various finishes and colors. This proposal utilized brick veneers with contrasting colors. At the front entrance, a raised parapet with a vertical metal trellis projects over a double door. Appendix F generally seeks to avoid blank exterior walls without architectural features and finishes, changes in material, and articulation. The proposal meets the building design requirements.

Appendix F contains two window requirements. The first is that facades shall consist of windows in an area equal to 50% of the overall vertical surface of all facades or equal to 50% of the length of all facades. The second requirement is that windows shall account for 30% of the area of street-facing facades.

Table 6. Windows and Canopies Requirements

Standard	Required	Provided	Meets
East Facade	30%	21%	Variance
Total Length	50%	46%	Variance
Total Canopy	25%	42%	Exceed

The applicant is requesting variances on both requirements. The applicant has provided the following architectural enhancements as compensatory measures:

- Decorative barn doors with metal eyebrows and gooseneck lighting
- Garage door-style window bays with metal canopies
- Bronze/metal-coated star decorations in a continuous band along the top of all facades

Appendix F Checklist

Appendix F requires that applicants provide Menu Items from four categories: Usable Open and Pedestrian Walkways, Site Design and Building Orientation, Building Design, and Healthy, Smart, and Sustainable Community. The table below lists the Menu Items included in the proposal. The proposal includes 12.5 Menu Items and meets the Appendix F Menu Items requirements.

Table 7. Appendix F Menu Items	
Category	Amenity
Site Design and Building Orientation	Parking Lot Trees
Building Design	Material Mix
Building Design	Color Contrast
Building Design	Articulated Public Entrance
Building Design	Roof Profile Variation
Building Design	Enhanced Windows
Building Design	Canopy Variation
Building Design	Design Elements
Healthy, Smart & Sustainable Community	Mature Trees
Healthy, Smart & Sustainable Community	USB Charging Stations (.5)
Healthy, Smart & Sustainable Community	30% Native Plants
Healthy, Smart & Sustainable Community	Pollinator-Friendly Flowers (.5)
Alternative Compliance	Bike rack
Alternative Compliance	Foundation Planting

VARIANCES:

1. Number of Parking Spaces – Variance to the maximum allowed parking space of 29 to allow a total of 85 parking spaces.
2. Overall Windows – Variance to the requirement that windows account for 50% of the length of all facades to allow the building to be constructed with windows that account for 46% of all facades.
3. Windows on East Facades – Variance to the requirement that windows account for 30% of the east facades to allow the building to be constructed with 21% windows on the east facade.
4. Drive-through Lane – Variance to allow the drive-through lane to be located between the building and the street.

PUBLIC NOTICE:

Notice of this item was published in the Fort Worth Star Telegram and letters were provided to 5 surrounding properties meeting the distance requirements in the Unified Development Code. As of the writing of this staff memo, the following letters have been received:

In Support: None

In Opposition: None

RECOMMENDATION:

- On August 12, 2024, the Planning and Zoning Commission recommended approval with the DRC’s recommended condition by a vote of 7-0
- The Development Review Committee (DRC) recommends approval with the following condition:
 1. The applicant shall provide a deceleration lane along the S HWY 161 service road as required by the Transportation and Mobility Services Department.

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 DRIVE-THROUGH RESTAURANT ON 4.75 ACRES; LOTS 9R-1 & 9R-2, BLOCK B, EPIC WEST TOWNE CROSSING PHASE I, AND LOT 1, BLOCK 5, CENTRAL PARK ADDITION, CITY OF GRAND PRAIRIE, DALLAS 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 Drive-Through Restaurant; and

WHEREAS, the Planning and Zoning Commission of Grand Prairie, Texas, held a public hearing on said application on August 12, 2024, 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 Specific Use Permit for a 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 7 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 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 September 3, 2024, 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 Specific Use Permit for a Drive-Through Restaurant on Lots 9R-1 & 9R-2, Block B, Epic West Towne

Crossing Phase I, and Lot 1, Block 5, Central Park Addition, City of Grand Prairie, Dallas County, Texas, as described and depicted in Exhibit A – Boundary 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 the development and operations of a 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, Exhibit C - Landscape Plan, and Exhibit D - Building Elevations of this ordinance, which are herein incorporated by reference.
2. The developer shall provide a lidded waste receptacle that is accessible from the drive-through lane.
3. The developer shall provide a deceleration lane along the S HWY 161 service road as required by the Transportation and Mobility Services Department.
4. The City Council has granted the following variance from Appendix F standards:
 - A. Number of Parking Spaces: Variance to the maximum allowed parking space of 29 to allow a total of 85 parking spaces.
 - B. Overall Windows: Variance to the requirement that windows account for 50% of the length of all facades to allow the building to be constructed with windows that account for 46% of all facades.
 - C. Windows on East Facades: Variance to the requirement that windows account for 30% of the east facades to allow the building to be constructed with 21% windows on the east facade.
 - D. Drive-through Lane: Variance to allow the drive-through lane to be located between the building and the street.

SECTION 4. The operations of a 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 Building Permit 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. 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 6. 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 7. 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 8. All ordinances or parts of ordinances in conflict herewith are specifically repealed.

SECTION 9. 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, ON THIS THE 3RD DAY OF SEPTEMBER 2024.

SPECIFIC USE PERMIT NO. #

CASE NO. SUP-24-01-0004

ORDINANCE NO. #-2024