



PLANNING

To: Mayor and Town Council

From: David Hoover, Director of Development Services

Through: Mario Canizares, Town Manager

Re: Specific Use Permit for Drive-Thru Restaurant

Town Council Meeting – October 24, 2023

Strategic Visioning Priority: 3. Commercial Corridors are ready for Development

Agenda Item:

Conduct a public hearing and consider and act upon a request for a Specific Use Permit (SUP) for a new Drive-Thru Restaurant, on 1.5± acres, located south of West Frontier Parkway and east of North Dallas Parkway. (ZONE-23-0013)

Description of Agenda Item:

The zoning and land use of the surrounding properties are as follows:

| | Zoning | Current Land Use | Future Land Use Plan |
|-------------------------|------------------------------|-------------------------|-----------------------------|
| Subject Property | Planned Development - 69 | Vacant | Tollway District |
| North | Celina | Celina | Celina |
| East | Planned Development - 69 | Vacant | Tollway District |
| South | Commercial Corridor District | Vacant | Tollway District |
| West | Commercial District | Vacant | Tollway District |

Requested Zoning:

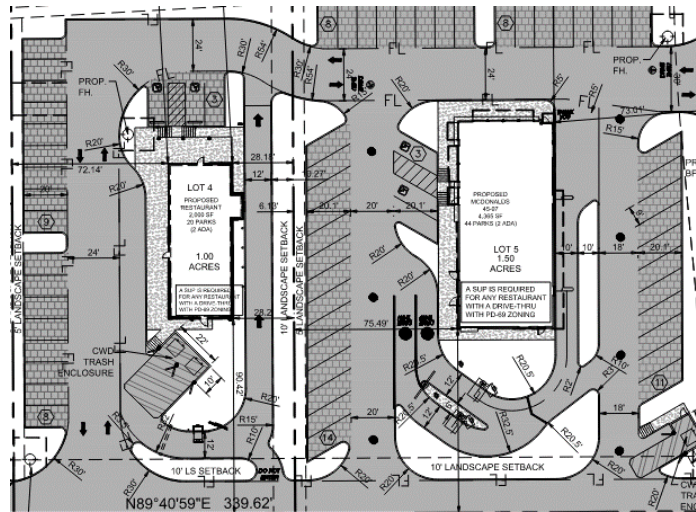
Per Planned Development-69 (PD-69), the base zoning for this area is Retail District. A Specific Use Permit is required for drive-thru restaurants in Retail District zoning. The purpose of this request is to allow for construction of a new 4,117 square foot drive-thru restaurant as shown below:

Comprehensive Factors:

Per the Zoning Ordinance, all uses containing a drive-in or drive-thru shall be subject to the following landscaping standards:

“A minimum ten-foot-wide landscape island shall be constructed around the outer edge of the drive-thru lane for a minimum distance to equal the length of stacking required for the drive-thru facility.”

The applicant is requesting that the Specific Use Permit allow them to provide a ten-foot landscape buffer on the western property line in lieu of the required ten-foot-wide landscape island. Additionally, the proposed ten-foot landscape buffer would be inclusive of the neighboring property to the west. The proposed site would only provide five feet of the landscape buffer while the neighboring property would provide the other five feet. A Preliminary Site Plan of the location (D22-0098) was approved by the Planning & Zoning Commission on June 6, 2023. The proposed site and the neighboring property to the west on the approved Preliminary Site Plan are shown below:



The Zoning Ordinance contains the following four (4) criteria to be considered in determining the validity of a SUP request.

1. *Is the use harmonious and compatible with its surrounding existing uses or proposed uses?*
2. *Are the activities requested by the applicant normally associated with the requested use?*
3. *Is the nature of the use reasonable?*
4. ***Has any impact on the surrounding area been mitigated?***

Staff believes the applicant has not satisfied these criteria, specifically the mitigation of the impact on the surrounding area. However, staff recommends approval of the request subject to the applicant providing the required landscaping per the Town's Zoning Ordinance.

Budget Impact:

There is no budgetary impact affiliated with this item.

Legal Obligations and Review:

Terrence Welch of Brown & Hofmeister, L.L.P., has approved the attached documents as to form and legality. Notification was provided as required by the Zoning Ordinance and state law. Staff has not received any response to the proposed zoning request to date.

Attached Documents:

1. Aerial and Zoning Maps
2. Survey
3. Site Plan
4. Landscape Plan
5. Façade Plan
6. Letter of Intent

Town Staff Recommendation:

Town Staff recommends approval of the Specific Use Permit (SUP) request for a new Drive-Thru Restaurant, on 1.5± acres, located south of West Frontier Parkway and east of North Dallas Parkway subject to the applicant providing the required landscaping per the Town's Zoning Ordinance. This Specific Use Permit request is not in compliance with the Town's landscaping requirements for drive-thru restaurants. Staff does not believe the applicant's proposal encompassing the neighboring property's landscape buffer into their proposed landscape buffer mitigates the nonconformity regarding the landscape island. The Planning & Zoning Commission recommended approval of this item (3-1) at their meeting on September 19, 2023.

Proposed Motion:

I move to approve/deny the request of the Specific Use Permit (SUP) request for a new Drive-Thru Restaurant, on 1.5± acres, located south of West Frontier Parkway and east of North Dallas Parkway.