



**REGULAR PLANNING AND ZONING COMMISSION  
MEETING MINUTES  
AUGUST 31, 2009**

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COMMISSIONERS PRESENT: Chairperson Jerry King, Vice-Chairman Tommy Garrett, Secretary Carol Ann Adams, Commissioners Brian Waggoner, Charles Koerth, Ed Gray and Phil Philipp.

COMMISSIONERS ABSENT: Dave Lester and Cindie Moss

CITY STAFF PRESENT: Kevin Lasher, Chief City Planner, Martin Barkman, Senior Planner, Mary Elliott, Senior Planner, Ryan Miller, Planner, Steve Alcorn, Assistant City Attorney and Chris Hartmann, Executive Secretary.

Chairperson Jerry King called the meeting to order at 7:00 p.m.

CONSENT AGENDA ITEMS: disapproval of plats without prejudice for the following agenda items: #1-RP091001, #2-RP091002, #3-RP091003, #4-RP091004, #5-P091001, #6-P091002, #7-P091003, #8-P091004, and #9-P091005.

AGENDA PUBLIC HEARING ITEMS TO BE POSTPONED: Item: #15-SU090901, Specific Use Permit – 925 Jefferson Street (City Council District 2).

(The above items are not public hearing items).

Motion was made to **disapprove** the above listed plats without prejudice, and postponed case SU090901. The action and vote on the Consent Agenda recorded as follows:

Motion: Garrett

Second: Koerth

Ayes: King, Koerth, Adams, Waggoner, Gray, Philipp and Garrett.

Nays: None

Approved: **7-0**

Motion: **carried.**

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### AGENDA ITEM: #10-APPROVAL OF MINUTES:

Motion was made to **approve** the minutes of the Planning and Zoning Commission meeting of August 3, 2009 as amended. The action and vote recorded as follows:

Motion: Garrett

Second: Koerth

Ayes: King, Koerth, Adams, Waggoner, Gray, Philipp and Garrett.

Nays: None

Approved: **7-0**

Motion: **carried.**

### AGENDA PUBLIC HEARING ITEM: #11-SU090902/S090902, Specific Use Permit/Site Plan, 1025 W. Pioneer Parkway (City Council District 4).

Senior Planner Mary Elliott presented the case report to the Commission for approval a Specific Use Permit/ Site Plan for the operation of a 10,703 square foot multi-purpose facility on 2.0996 acres. The site is currently zoned Commercial (C) District and is located in the State Highway-161 (SH-161) Corridor Overlay District. The site is generally located west of Robinson Road on the south side of West Pioneer Parkway. The owner is CNL Income Fund. The applicant is Alfred Akinola. The agent is Richard Bellcastro.

Mrs. Elliott stated the proposed Multipurpose Room would function as an indoor establishment that is regularly rented out, for a limited time period, for special events such as business conferences, seminars, birthday parties, weddings, anniversaries, and small banquet events. A uniformed, state-licensed security guard will be present for the duration of all events exceeding 20 people, which occur after or extend past 5:00 p.m. Due to its size, the kitchen is not adequate for on-site food preparation; therefore, only catering services will be allowed.

The owner of the property will not be able to obtain a permit for on-premise sale of alcoholic beverages. According to Article 11, Section 11.12.1.A, on-premise consumption of alcoholic beverages shall be "allowed for restaurants with a gross floor area of 5,000 square feet or more; provided that at least ten percent (10%) of the total floor area shall be used as a kitchen, and that not more than twenty percent (20%) of the total floor area shall be used as a bar/holding area." In this case, the site cannot meet the full kitchen requirement.

However, the applicant may allow the person(s) renting the room to bring their own bottles in accordance with TABC provisions, as defined in the Alcoholic Beverage Code of the State of Texas. The applicant has agreed to post the applicable Texas Alcoholic Beverage rules for public consumption in a visible location inside the facility.

The required parking for the proposed multi-purpose facility is 74 spaces. The Site Plan shows a total of 163 parking spaces, which will allow a maximum occupancy of 456 people.

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The Landscape Plan shows that the provided landscaped area is 8,096 square feet or 9% of the site plan area. The required landscape area is 5%. The proposed site plan will add 25 street and parking trees, where 15 trees are required.

The exterior of the building is a combination of brick and stucco. The building footprint will remain the same; however, the applicant plans to replace all damaged siding. The exterior of the building will be painted light and dark beige. In addition, the signage and the awning over the front entryway will be replaced.

Extensive work will be done to the interior of the building. Two banquet halls will be located on either side of the main foyer area with a kitchenette to accommodate the catering services. The restroom areas will be reconstructed to exceed the requirements for the occupancy load of the building.

The applicant will replace the existing chain link fence that is adjacent to the dumpster pad with a six-foot masonry fence that meets UDC requirements.

The applicant will convert the existing reader board sign to a monument sign and remove the remaining pole portion above the sign structure.

Mrs. Elliott noted the hours of operation would be Monday through Thursday, 9:00 a.m. to 3:00 a.m., and Friday through Sunday, 9:00 a.m. to 5:00 a.m. There will be four employees, not including the security guard(s), on site during events. The applicant is not requesting any appeals.

Mrs. Elliott stated the Development Review Committee recommends approval of this request for a Specific Use Permit and Site Plan for the proposed multi-purpose facility in accordance with all UDC and Site Plan requirements.

Mrs. Elliott noted Mr. Sedona with the Berkshire Homeowners Association contacted staff with concerns regarding this request and the hours of operation.

Chairperson King asked Mrs. Elliott to explain the hours of operation.

Mrs. Elliott stated the applicant is requesting extended hours of operation in order to be able to clean the facility and get it ready for the next day event, but the applicant would need to meet the TABC regulation hours regarding the consumption of alcohol beverages. The applicant would also employ extra security personnel.

Richard Bellcastro, 1638 Nina Drive, Grand Prairie, TX stepped forward representing the case and to answer any questions of the Commission. Mr. Bellcastro thanked staff for their assistance in processing his request.

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Chairperson King asked Mr. Bellcastro if the TABC rules would be posted on site, and asked if he would be providing a copy to the occupants during the time of leasing. Mrs. King also asked what type of event would be held at this facility.

Mr. Bellcastro replied yes, a copy of the TABC rules would be provided at the time the lease is signed. He stated the facility would be leased for church events and seminars, along with other special events.

Commissioner Garrett noted the site plan indicates the adjoining Quik Trip (under construction) and the event center would be sharing an access easement and asked if Mr. Bellcastro has any concerns sharing the drive. He also asked if this would be the only access for the Quik Trip site

Mr. Bellcastro stated he does not anticipate any problems with mutual access easement.

Daon Stephens with the Transportation Department noted Quik Trip would have an access drive off Pioneer Parkway and Robinson Road.

Jeffrey Sedona, HOA president for Berkshire Park, 2631 Blackstone Drive, Grand Prairie, TX stepped forward to speak on this case. Mr. Sedona said he is pleased to see the building being occupied, but his concern is the hours of operation and the sale of beer. He stated there is going to be a Quik Trip on one corner providing beer sales and a cigarette store located at the other corner. Mr. Sedona asked if the City would be constructing sidewalks along Southgate.

Daon Stephens stated the Streets Department typically maintains the sidewalks. Once the properties along Southgate are developed, the developer would be responsible for constructing the sidewalks according to city standards.

Chairperson King noted one speaker card submitted in support of this case who did not wish to speak.

Alfred Akinola, 115 Executive Way, Desoto, TX

There being no further discussion on the case, Commissioner Waggoner moved to close the public hearing and approve case SU090902/S090902, the action and vote was recorded as follows:

Motion: Waggoner

Second: Philipp

Ayes: King, Adams, Koerth, Waggoner, Gray, Philipp and Garrett.

Nays: None

Approved: **7-0**

Motion: **carried.**

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### AGENDA PUBLIC HEARING ITEM: #12-SU090903, Specific Use Permit, 1917 Yong Street (City Council District 5).

Senior Planner Martin Barkman presented the case report to the Commission for approval of a Specific Use Permit for an automotive impound yard. This site is currently zoned Light Industrial-Limited Standards (LI-LS) District. The site is generally located south of Main Street at 1917 Young Street in the Central Business District-Three (CBD-3) Overlay District. The owner is David Langston. The applicant is Rick Campbell.

Mr. Barkman stated the site is developed with a 2,254 square foot metal building. Existing parking areas are unpaved with gravel and do not meet the current concrete paving requirements for automotive storage. The applicant will be appealing the standard paving requirement to be allowed to park the recovered (repossessed) vehicles on the existing gravel surface. City records from Building Inspections indicate the following previous uses.

- 90-1650      Permit for new building for vehicle storage.
- 07-4082      C/O parking dump trucks, tire installation, body repair, brakes & muffler repair, engine repair.
- 08-5508      C/O storage for electrical contractor – Maxx Electric

The property is fenced on three sides adjacent to street frontages with an existing sheet metal fence on metal posts. The applicant is proposing to install three strands of barbed wire above the sheet metal fencing. There is no existing landscaping shown on site. The LI-LS District does not require landscaping to be provided.

The proposed use will function as a secure temporary storage lot for repossessed vehicles. Most vehicles will remain on site for no more than four days. During this period, a small percentage of the vehicles (less than 5%) may be redeemed by the previous owner. After that time, the vehicles are transported to an auto auction nearby for sale. There will be no washing, repair or maintenance of vehicles done on site. Since most of these vehicles are late model and in good working condition, there will be no wrecked or damaged vehicles stored on site.

Mr. Barkman stated the operation will keep four new and late model tow trucks used in the recovery process on site. Maintenance on these vehicles will be done off site under contract with Fleet One LLC and Jiffy Lube.

Normal hours of operation for the office will be 8:00 am to 5:00 pm, Monday through Friday; however, regular recoveries occur at all hours of the day. There will be an on site security system with internet video surveillance twenty-four hours a day. There will be seven to ten employees proposed at the new location.

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Diversified Recovery is licensed by the State of Texas Department of Licensing and Regulation (TDLR). This site will also be licensed by TDLR. The company is fully licensed and bonded for this operation.

Mr. Barkman noted the applicant is requesting the following appeals.

The current parking areas have been improved with gravel only and do not meet the current paving standard.

***The applicant is appealing to allow parking of vehicles on the existing gravel surface.***

The entire property is screened with sheet metal fencing. The existing dumpster is located on the south side of the building.

***The applicant is appealing to allow the dumpster to be unscreened.***

Mr. Barkman stated since the applicant is requesting the above noted appeals; the Development Review Committee is not able to recommend full approval of this case. No compensatory improvements have been offered by the applicant.

However, the applicant is suggesting that this property has been used for various types of vehicle storage since the building was constructed and requests that the site be used without additional paving.

Chairperson King asked if the applicant has provided staff with the appropriate soil testing documentation to see if the gravel can hold heavy vehicles and fire trucks.

Mr. Barkman replied no, and asked the applicant to address the Commission on this issue.

Commissioner Garrett noted vehicles have been stored on site according to the aerial photo in the case memo and asked when this picture was taken.

Mr. Barkman replied the aerial photo was taken in 2002.

Walter Nelson, 1812 Carla Avenue, Arlington, TX stepped forward representing the case. He noted Lots 1 and 32 no longer exist on the property, they were taken by the County for right-of-way. He said this lot was once used as a parking lot for LTV. The existing gravel on site is about 14 to 15 inches thick and the only way to do a soil test would be to drill a hole through the gravel. He said they would be putting in a fire lane, therefore; they would be drilling 15-holes for the fire lane signs. He stated they could take soil samples when they dig out the footings for these signs and complete the soil test at that time. Mr. Nelson noted all of the vehicles on site would be late model cars that are insured, therefore there would not be any wrecked vehicles on

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site. Mr. Nelson said Diversified Recovery of Texas, Inc. has a good reputation through out the State of Texas.

Commissioner Garrett asked when the soil test would need to be completed, at what stage of the permitting process.

Mr. Lasher stated the applicant would need to submit the soil test before a Certificate of Occupancy is issued.

Commissioner Waggoner asked Mr. Nelson if they have an alternative plan should the requested documentation prove the gravel drive couldn't support a 65,000 lb. emergency vehicle.

Mr. Nelson replied they believe there is enough thickness to support a 65,000 lb. emergency vehicle. If not, the Fire Department has the option to prevent the occupancy of this site, or require a remedy. He stated the owners are not able to afford the repaving of this site.

Mr. Garrett asked staff to address the fencing surrounding the property.

Mr. Barkman noted there are three street facing lot lines that are fenced with sheet metal fencing. The interior lot line has a chain-link fence. He stated the 6 foot sheet metal fence provides adequate screening for the dumpsters.

Chairperson King asked Mr. Nelson how many of their other sites have gravel surfaces.

Mr. Nelson replied all of them have gravel surfaces.

Chairperson King noted there were no further questions and no other speaker cards submitted for this case.

There being no further discussion on the case, Commissioner Garrett moved to close the public hearing and approve case SU090903, including the applicant's requested appeals to allow parking of vehicles on the existing gravel surface and allow the dumpsters to be unscreened inside the site fence, with the additional condition that the applicant provide the appropriate documentation to the Fire Department indicating the existing gravel parking surface can support a 65,000 lb emergency vehicle before a Certificate of Occupancy is issued, the action and vote was recorded as follows:

Motion: Garrett

Second: Waggoner

Ayes: King, Adams, Koerth, Waggoner, Gray, Philipp and Garrett.

Nays: None

Approved: **7-0**

Motion: **carried.**

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### AGENDA PUBLIC HEARING ITEM: #13-SU090904, Specific Use Permit, 1170 107<sup>th</sup> Street (City Council District 1).

Senior Planner Mary Elliott presented the case report to the Commission for approval of a Specific Use Permit for outside storage. The site is currently zoned Light Industrial (LI) District and is generally located at the southeast corner of East Avenue J and 107th Street. The owner is BJCJ Industrial Properties. The applicant is SPSD. The agent is MMA Associates.

Mrs. Elliott stated this request is for a Specific Use Permit for outside storage of landscape equipment and materials for Site Planning Site Development, Inc. (SPSD). SPSD has been located at 1108 107<sup>th</sup> Street for the past 20 years. There are two storage areas designated on the site plan. The primary storage area, located on the south side of the site, is adjacent to the fire lane and will contain compost, mulch and large vehicles. The miscellaneous storage area, located on the north side of the site, will contain stone, plant materials and landscape supplies. No hazardous materials will be stored. All outdoor storage areas will be screened by the existing six-foot high masonry screening fence.

The use of the storage yard will require 14 parking spaces. The spaces, along with the associated 24-foot access drives, will receive a new asphalt seal coat and will be striped for parking. The fire lane will be constructed of concrete and will meet all UDC requirements.

There are plans to make a connection between 107<sup>th</sup> Street and the Interstate Highway 30 frontage road; therefore, it is likely that traffic volume will increase in this area. The applicant has agreed to upgrade the entry gates for the property to make the site more aesthetically appealing. The two existing chain link gates will be removed and wrought iron gates will be installed in their place. Knox locks will be provided for Fire Department access.

The Landscape Plan was provided with the previous SUP application. The required landscape area for a 1.272 acre site is 4% of the site area or 2,216 square feet. The subject property exceeds this amount of area for landscaping. A scheduled landscape maintenance program, exterior and interior to the screening wall, will be initiated by the applicant upon moving onto the site.

According to the operational plan, hours of operation will be 6:00 a.m. to 6:00 p.m., Monday through Saturday. This site is located over an environmentally monitored chemical plume containing ink with monitoring wells located on the site. All storage materials will be located to provide easy access to monitoring wells and access to the wells will be provided at all times.

Mrs. Elliott noted the applicant is not asking for any appeals. The Development Review Committee recommends approval of this request for a Specific Use Permit and Site Plan for outside storage in accordance with all UDC and Site Plan requirements.

Chairperson King noted there were no questions for staff.

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Joe Sarabia, 200 E. Abram, Arlington TX stepped forward representing the case and Site Planning Site Development, Inc.

Chairperson King asked what type of equipment would be on site, would there be any outdoor storage areas visible above the existing six-foot high masonry screening fence and would there be any additional work done to the fence.

Mr. Sarabia noted the vehicles on site would be flatbeds trailers, excavators, and front end loaders, and there would not be any additional improvements done to the fencing. All of the storage would be kept below the fence line.

Chairperson King noted there were no further questions and no other speaker cards submitted for this case.

There being no further discussion on the case, Commissioner Koerth moved to close the public hearing and approve case SU090904, the action and vote was recorded as follows:

Motion: Koerth

Second: Gray

Ayes: King, Adams, Koerth, Waggoner, Gray, Philipp and Garrett.

Nays: None

Approved: **7-0**

Motion: **carried.**

AGENDA PUBLIC HEARING ITEM: #14-TA090803, Text Amendments, Article 4, "Drainage" and Article 15, "Floodplain" Management".

Chief City Planner Kevin Lasher presented the case report to the Commission for approval of amendments to text affecting Article 14, "Drainage" and Article 15, "Floodplain Management," of the Unified Development Code. The purpose of this amendment is to update drainage and floodplain management provisions required by the Federal Emergency Management Agency (FEMA). The applicant is the Engineering Department.

Mr. Lasher stated amendments to Article 14, "Drainage" and Article 15, "Floodplain Management," are being proposed to provide for the addition of text affecting drainage and floodplain management procedures.

These proposed amendments are required on an annual basis by the Federal Emergency Management Agency (FEMA). This current modification is being initiated by the Engineering Division of the Planning and Development Department.

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Mr. Lasher stated the Development Review Committee recommends approval of the noted amendments to Article 14, "Drainage" and Article 15, "Floodplain Management," as shown in the draft ordinance.

Chairperson King noted there were no questions and no speaker cards submitted for this case.

There being no discussion on the case, Commissioner Waggoner moved to close the public hearing and approve case TA090803, the action and vote was recorded as follows:

Motion: Waggoner

Second: Gray

Ayes: King, Adams, Koerth, Waggoner, Gray, Philipp and Garrett.

Nays: None

Approved: **7-0**

Motion: **carried.**

Commissioner Garrett moved to adjourn the meeting.

The meeting adjourned at 8:00 p.m.

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Jerry King, Chairperson

ATTEST:

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Carol Ann Adams, Secretary