



**REGULAR PLANNING AND ZONING COMMISSION  
MEETING MINUTES  
MAY 3, 2010**

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COMMISSIONERS PRESENT: Chairperson Jerry King, Commissioners Ed Gray, Cindie Moss, Dave Lester, Carol Ann Adams, Brian Waggoner, Phil Philipp, and Charles Koerth.

COMMISSIONERS ABSENT: Vice-Chairman Tommy Garrett

CITY STAFF PRESENT: Bill Crolley, Director of Planning and Development, Kevin Lasher, Chief City Planner, Martin Barkman, Senior Planner, Mary Elliott, Senior Planner, Ryan Miller, Planner, Steve Alcorn, Assistant City Attorney, Daon Stephens, Transportation Services and Chris Hartmann, Executive Assistant.

Chairperson Jerry King called the meeting to order at 7:10 p.m.

CONSENT AGENDA ITEMS: disapproval of plats without prejudice for the following Agenda Items: #1-P100601, Tu Vien Gioi Nghiem Buddhist Temple, #2-P100602, Poly America, #3-RP100601, Miller Place, and #4-RP100602, R.P. Motley's Addition.

CONSENT AGENDA ITEM: #6-P100501, Final Plat, Seventh-Day Adventist Addition (City Council District 6).

AGENDA PUBLIC HEARING ITEMS TO BE POSTPONED: Item #12-SU090501A, 2725 W. Hunter Ferrell Road (City Council District 1).

(The above items are not public hearing items).

Motion was made to approve consent agenda items regarding the Disapproval of Plats without Prejudice for cases P100601, P100602, RP100601, RP100602, and approve Consent Agenda item P100501, and Postponed case SU090501A. The action and vote on the Consent Agenda recorded as follows:

Motion: Lester

Second: Waggoner

Ayes: King, Waggoner, Philipp, Adams, Koerth, Gray, Lester and Moss.

Nays: None

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Approved: **8-0**  
Motion: **carried.**

AGENDA ITEM: #5-APPROVAL OF MINUTES:

Motion was made to **approve** the minutes of the Planning and Zoning Commission meeting of April 5, 2010. The action and vote recorded as follows:

Motion: Lester  
Second: Waggoner  
Ayes: King, Waggoner, Philipp, Adams, Koerth, Gray, Lester and Moss.  
Nays: None  
Approved: **8-0**  
Motion: **carried.**

AGENDA PUBLIC HEARING ITEM: #7-SU090301A, Specific Use Permit, 403 Camden Road (City Council District 5).

Senior Planner Martin Barkman presented the case report to the Commission for approval of a renewal of a Specific Use Permit allowing automotive uses on 1.524 acres. The site is currently zoned Heavy Industrial (HI) District and is generally located south of Jefferson Street and east of Camden Road. The property is located in the Central Business District-Three (CBD-3) Overlay District. The owner/applicant is Vincent Duan. The agent is Keeton Surveying Company.

Mr. Barkman stated the owner has converted a site previously used exclusively for mini warehouses to lease spaces for automotive businesses. The applicant has converted a part of 'Building B', a concrete and metal building, into a series of small auto body shops.

The existing chain link fence was allowed to remain with landscaping required in the front planter.

The applicant is proposing to add automotive uses in; Building C' in the future. Staff has informed the applicant that it will require the submittal of a revised SUP application and site plan at that time.

Other types of businesses have not been specifically identified; however, all businesses established will be required to operate in conformance within the guidelines of the attached ordinance, the Auto Related Business Ordinance No 7408, and the Environmental Services Department regulations.

Hours of operation for the body shops are 8:00 a.m. to 7:00 p.m., Mondays through Saturday, and 9:00 a.m. to 5:00 p.m. on Sundays. There are one to three employees at each of the body shop businesses.

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No appeals are being requested by the applicant.

Mr. Barkman stated as required Ordinance 7944 establishing Specific Use Permit No. 817, the city staff has inspected the subject property at 403 Camden Road for conformance with SUP ordinance requirements. The City's Code Enforcement office has determined that the site is being operated in conformance with all ordinance requirements, and no building code violations exist. The Development Review Committee recommends that the SUP No. 817 be continued with future reviews occurring at the administrative level.

Commissioner Waggoner asked for clarification on the fence, and asked what happened to the wrought iron fence.

Mr. Barkman stated the wrought iron fence was staff's original recommendation when the case first came before the Commission a year ago. However, the existing chain link fence is what got approved with the condition that the fence is brought into conformance with the addition of missing standard rail trim and a gate with accessories. Furthermore, landscaping was to be added to the planter area along Camden Road. The existing chain link fence is in conformance as it has been repaired by the applicant. Flowering shrubs were planted along Camden Road, but those shrubs were stolen according to the applicant. Mr. Barkman confirmed the missing shrubs have now been replaced

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

There being no further discussion on the case, Commissioner Waggoner moved to close the public hearing and approve case SU090301A as recommended by staff. Commissioner Lester made a friendly amendment to recommend that staff be allowed to conduct future reviews at the administrative level. The action and vote being recorded as follows:

Motion: Waggoner

Second: Koerth

Ayes: King, Waggoner, Philipp, Adams, Koerth, Gray, Lester and Moss

Nays: None

Approved: **8-0**

Motion: **carried.**

AGENDA PUBLIC HEARING ITEM: #8-SU100501, Specific Use Permit, 2602 Mayfield Road (City Council District 4).

Senior Planner Martin Barkman presented the case report to the Commission for approval of a Specific Use Permit for used automobile sales on 1.356 acres. The subject property is zoned Light Industrial (LI) District and is located on the north side of Mayfield Road west of S. Great Southwest Parkway. The subject property is also situated within the southwestern portion of the

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Trader's Village parking area. The owner is Traders Village. The applicant is LPLM, LLC DBA Fiesta Autoplex.

Mr. Barkman stated Trader's Village is leasing the location to an individual dealer who will run a used car sales lot. In the past, Trader's Village has allowed individuals to sell their own vehicles at this location. However, some licensed outside dealers had begun to place their cars on the location and were selling them. This was determined to be illegal since the car inventory being sold was not domiciled at the Trader's Village location. The Texas Department of Transportation worked with the City's Code Enforcement Department to monitor and regulate vehicle sales at this location. Traders Village has decided to lease the subject property to an individual car dealer to promote better control of the site.

The site is 1.356 acres on the north side of Mayfield Road in the southwest corner of Traders Village at the intersection of Forum Drive. The site has an existing six foot chain link fence adjacent to Mayfield Road and is completely paved with asphalt. It has a sales building of 992 square feet which includes a sales office and public restrooms. Since the site is completely paved, the applicant has no area to install new landscaping. At the City's request, the applicant has indicated a willingness to plant clusters of ornamental trees and shrubs in City right-of-way between the fence and sidewalk. Staff has also requested that the existing chain link fencing along the Mayfield Road frontage be replaced with black wrought iron type fence. The applicant has agreed to replace the fencing.

Mr. Barkman stated the proposed operator for this site has been in auto sales for the last 15 years. The operator expects to start with six employees and ultimately have twelve within a year. Their hours of operation will be 10:00 a.m. to 7:00 p.m. Monday and Tuesday, they will be closed on Wednesday, and 10:00 a.m. to 7:00 p.m. Thursday through Sunday.

No repairs will be done on this site. All necessary repairs will be done off site. No appeals are being requested by the applicant.

Mr. Barkman stated the Development Review Committee recommends full approval of this request as no appeals to the Unified Development Code are being requested, and the applicant has agreed to replace the existing chain link fence with a new wrought iron type fence and, as well, will be installing new landscaping along the Mayfield Road frontage.

Commissioner Philipp asked for the width of the right-of-way between the fence and the sidewalk and asked who would be responsible for maintaining the landscaping in this area.

Mr. Barkman stated the width is about 4 to 6 feet in width and the city would most probably be responsible for maintaining the landscaped area.

Commissioner Gray asked for a clarification on the dates of operation.

Mr. Barkman stated he would have to defer to the applicant to address the question.

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Allan Hughes, 2946 Crest Haven, Grapevine, TX stepped forward representing the case and asked the Commission if they had any questions.

Commissioner Gray asked Mr. Hughes to clarify the dates of operation, in the operational plan he indicates they would be closed on Wednesdays.

Mr. Hughes asked the dealership operator to respond to the question.

Louis Perez, 4415 Pandora, Dallas, TX stepped forward in support of the request. He stated according to the Blue Law, they would have to change the date from Wednesday to Saturday, but would be open on Sundays.

Commissioner Lester noted the new operation would take over the existing use car sales use at this location, and asked if there would be any covenants that would restrict Traders Village from selling use vehicles elsewhere on the premises.

Mr. Hughes replied no. Some consignment sales could occur at the proposed dealership per agreements with the car owner and dealership operator.

Commissioner Lester then confirmed with Mr. Hughes that all auto sales activities would be confined to the subject SUP location.

Mr. Hughes acknowledged that all auto sales would be limited to the subject site.

Commissioner Waggoner asked how long have they been in negotiation for the dealership use, and if there would be any conflict with individual car sales within Traders Village.

Mr. Hughes replied they have been working with Traders Village for the past four to five months. He said there would be no negative impact on Traders Village regarding use car sales.

Chairperson King noted there were no more 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 SU100501 as presented by staff. The action and vote being recorded as follows:

Motion: Koerth

Second: Gray

Ayes: King, Waggoner, Philipp, Adams, Koerth, Gray, Lester and Moss

Nays: None

Approved: **8-0**

Motion: **carried.**

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AGENDA PUBLIC HEARING ITEM: #9-SU100502, Specific Use Permit, 1701 E. Main Street (City Council District 5).

Planner Ryan Miller presented the case report to the Commission for approval of a Specific Use Permit for used automobile sales, minor automotive repair, and a make ready service on 0.5886 acres. The subject property is zoned Light Industrial (LI) District and is located along the south side of E. Main Street east of S.E. 16th Street. The subject property is located within the Central Business District-Three (CBD-3) Overlay District. The owner is Patrick Lawler. The applicant is Victor Gonzalez.

Mr. Miller stated the subject property at 1701 E. Main Street is 0.5886 of an acre and has an existing 3,482 square-foot brick veneer building that is located along the eastern property line adjacent to S.E. 17<sup>th</sup> Street. The building is considered to be legally non-conforming with respect to the front yard building setback adjacent S.E. 17<sup>th</sup> Street as stipulated in *Table 6-C* of Article 6, "Density and Dimensional Requirements," of the Unified Development Code. The applicant plans to remodel the existing building to include an office area to accommodate the proposed used auto sales lot and through the addition of a garage bay door, convert the rear of the building into a shop area for minor automotive repairs and make ready service operations for on-site inventory only.

The site currently has an access drive approach off of Main Street. The proposed site plan shows the installation of a six-foot tall wrought iron fence and sliding gate being situated at the building setback to provide security for on-site inventory. An additional drive approach is proposed off of S.E. 17<sup>th</sup> Street, which will be fenced in by a six-foot chain link fence and sliding gate. Both gates will have Knox locks installed to make the site accessible to emergency service vehicles. The paving on the site is asphalt that is considered to be in an acceptable condition for continued use, repair, and maintenance. There are some areas of the existing parking lot that are currently in need of repair, and the applicant has stated that these repairs will be made prior to operations as part of the site preparation. Additionally, the parking areas will need to be re-striped prior to use. As proposed, the parking area will have a capacity of 54 parking spaces. Nine of these 54 parking spaces will be dedicated for visitor parking and five of the 54 parking spaces will be dedicated as employee parking. The dumpster will be located at the rear of the site and will be screened by a non-transparent masonry wall constructed from split faced CMU with two six-foot tall opaque gates along the front (this is in conformance with the requirements stipulated in Section 9.7.2 of Article 8, "Landscape and Screening," of the Unified Development Code). At the time of construction there was little to no landscaping established on the site. The applicant is proposing the installation of two street trees and a row of five gallon shrubs along Main Street to meet the four (4%) percent minimum landscaping requirement stipulated for Light Industrial (LI) Districts.

According to the operational plan provided by the applicant, La Silla Auto Sales has been a licensed automotive sales dealer for nine years in the state of Texas. The hours of operation will be 10:00 a.m. to 7:00 p.m., Monday through Saturday. The applicant has stated that the

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operation currently only has three employees on staff, but that as many as five employees could be working on the site in the future.

The following land use definitions will be applicable to the operation of this site. These definitions are also in the attached ordinance.

1. Used Auto Dealer – Retail: Any retail sales facility of used automotive vehicles, such as cars or trucks, which also provides after sales warranty service and/or minor automotive repair of vehicles sold from the dealer’s facility.
2. Minor Automotive Repair: A maintenance, repair or replacement procedure, which may include, but not be limited to, the repair or replacement of the following mechanical components:

Alternator	Change of Oil and/or Filter
Generator	Fan Belt or Hoses
Starter	Lamp Replacement
Water Pump	Repair of Flat Tires
Battery	Lubrication
Minor Tune-Up*	Brakes or Other Minor Parts
Minor Suspension	

*\* A minor tune-up would consist of distributor cap, rotor and/or spark plug replacement.*

3. Make Ready Service: A repair or service procedure necessary to prepare a used vehicle for sale, which may include, but not be limited to, the replacement of wipers, headlights, light bulbs, detailing, or tire inflation or repair.

Mr. Miller indicated the applicant is appealing the minimum paving standards as stipulated in Article 10, “Paving and Loading Standards,” of the Unified Development Code to permit the extension and addition of three (3) asphalted areas on the site.

- According to Article 10, “Paving and Loading Standards”, Section 4, “Minimum Pavement Construction On or Within Non-Residential Private Property,” Subsection 4 of the Unified Development Code:

*All non-residential private access drives, fire lanes and parking lots and all multi-family private access ways, drives, fire lanes and actual parking stalls or spaces shall be concrete and constructed of:*

- A. *A minimum five (5) of 3000 PSI (5-sack mix minimum) concrete with number three (#3) steel reinforcement (rebar) twenty-four (24) inches on center both ways (perpendicular). This shall be placed on top of minimum six (6) inches depth of six (6) percent by volume lime stabilized sub grade compacted to ninety-five (95) percent standard proctor density; or*

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- B. *A minimum five (5) inches of 3000 PSI (5-sack mix minimum) concrete with number three (#3) steel reinforcement (rebar) twenty-four (24) inches on center both ways (perpendicular). This shall be placed on top of a minimum of six (6) inches in depth of crushed stone base which meets the Standard Specifications for Public Works Construction, North Central Texas Item 2.1.3.(b); or,*
- C. *A minimum six (6) inches of 4000 PSI (5-sack mix minimum) with number three (#3) steel reinforcement (rebar) twenty-four (24) inches on center both ways (perpendicular). This shall be placed on top of scarified and re-compacted sub grade compacted to a depth of 8" to 95% standard protector density at optimum moisture.*

The site is predominantly paved with asphalt that is considered to be in an acceptable condition to establish a vested right to the use, repair and maintenance of these areas; however, any additions to the site would need to be paved in conformance to the standards stipulated in Article 10.4.4 listed above.

Mr. Miller stated since the applicant has identified the above noted appeal, the Development Review Committee (DRC) is not able to recommend full approval of this case; however, the applicant is offering the following compensatory measures, per staff's recommendation, that could potentially diminish the impact of the requested appeal.

- ✓ The owner has agreed to repair all areas of the current asphalt paved areas that are in poor condition. This compensatory measure is necessary to repair several large potholes along the front drive area adjacent Main Street and along the rear of the property where much of the asphalt has deteriorated.
- ✓ The owner has agreed to put a seal coat over the entire parking area after the new asphalt areas have been paved and the above mentioned repairs have been made. The seal coat should provide a uniformed appearance along Main Street.

Commissioner Lester asked if the Fire Marshall has reviewed the case.

Mr. Miller replied the Fire Department has requested an additional drive approach off of S.E. 17<sup>th</sup> Street. The 150-foot coverage from fire apparatus has been met, and knox box devices will be required at all gates.

Walter Nelson, 3012 Hobble Court, Grand Prairie, TX stepped forward representing the case and the owner Mr. Gonzalez. Mr. Nelson stated Mr. Gonzalez has been in the car business for over nine years. Mr. Gonzales is looking to expand and has a good working record with the City's Police Department and Code Enforcement Division. He noted the Fire Department did not ask for any fire lanes, but the owner would have knox locks installed on their gates to make the site accessible to emergency service vehicles.

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

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There being no further discussion on the case, Commissioner Adams moved to close the public hearing and approve case SU100502 per staffs recommendations and the following compensatory measures:

1. The owner has agreed to repair all areas of the current asphalt paved areas that are in poor condition. This compensatory measure is necessary to repair several large potholes along the front drive area adjacent Main Street and along the rear of the property where much of the asphalt has deteriorated.
2. The owner has agreed to put a seal coat over the entire parking area after the new asphalt areas have been paved and the above mentioned repairs have been made. The seal coat should provide a uniformed appearance along Main Street.

The action and vote being recorded as follows:

Motion: Adams

Second: Gray

Ayes: King, Waggoner, Philipp, Adams, Koerth, Gray, Lester and Moss

Nays: None

Approved: **8-0**

Motion: **carried.**

### AGENDA PUBLIC HEARING ITEM: #9-SU100503, Specific Use Permit, 1202, S.W. 3<sup>rd</sup> Street (City Council District 2).

Senior Planner Mary Elliott presented the case report to the Commission for approval of a Specific Use Permit for used automobile sales, state inspection and general automotive repair on 0.287 acres. The subject property is zoned Commercial (C) District and is located north of Dickey Road at the southwest corner of S.W. 3rd Street and Dawson Circle. The owner/applicant is 124T1, LLC, Shabbir Aikal.

Mrs. Elliott stated this request is for a Specific Use Permit for general auto repair, used automobile sales and state inspections. An existing 1,306 square foot, CMU block building is located on a 0.287 acre tract of land. The owner plans to leave the existing building and site in its current layout with minor repairs and replacements. The proposed auto repair and state inspection uses will require six parking spaces and ten parking spaces are provided, thus, only four parking spaces are available for used car sales.

According to the operational plan, the hours of operation will be 6:00 a.m. to 8:00 p.m., Monday through Sunday. A typical business day will have three to five employees on staff. The proposed ordinance also includes the following conditions to address the uses for the site:

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- General Automotive Repair means maintenance, repair, or replacement of the alternator, generator, starter, water pump, battery, brakes or other minor part thereof; minor tune-up (which consists of distributor cap, rotor and spark plug replacement); change of oil and filter, fan belt, or hoses; lamp replacement; repair of flat tires; muffler replacement/repair; lubrication. Repair in this case may also include service of air conditioning, cooling system or similar component system. This may also include state vehicle inspections and the minor repairs necessary to pass state requirements.
- Automobiles for sale cannot be parked and stored on the street right-of-way.
- All automobiles stored on site shall have a completed work order on file in the office. Work orders shall not exceed 90 days. Automobiles stored on site for the purpose of repair may not remain on site past 90 days.
- Must maintain compliance with city ordinance #7408 automotive related business regulations.
- The facility must comply with the city’s noise ordinance.

The applicant maintains that the property is designed and built for automotive related uses. A letter was provided with the initial submittal that included a history of certificates-of-occupancy for the site as follows:

- B&B Quick Lube & Oil for Oil and Lube (Date issued 1/14/92)
- D Tire Shop for General Automotive (Date issued 11/1/94)
- Monterey Auto Repair for General Automotive (Date issued 7/24/95)
- Bar Auto Sales/ Auto Repair (Date issued 10/29/96)
- JR Motors for Auto Repair and Sales (Date issued 2/19/01)
- Argueta Motors for Auto Repairs and Sales (Date issued 12/17/03)

The applicant will replace some sections of the wrought iron fence that surrounds the property. In addition, the building will be painted a color that blends better with the surrounding neighborhood. A six-foot tall screening fence will enclose the dumpster for the property and will match the color and materials of the primary structure. Signage will be addressed with the building permit submittal and will meet the requirements of Article 9, “Sign Standards” of the Unified Development Code.

According to Article 8, “Landscaping and Screening,” Section 3, “Applicability”, non-residential landscaping, which does not conform to the amended regulations of the ordinance, shall be lawfully nonconforming in regards to landscaping and screening requirements, subject to the exemptions listed in Subsection 8.3.1.5 as follows:

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B. Expansion of structures used for non-residential uses that increase the footprint of existing structures by less than 30%, and that add less than 3000 square feet to existing structures are not subject to additional landscaping requirements.

D. Parking lot construction and/or expansion by more than 30% of parking lots will be required to meet the same landscaping standards as the district in which they are located or the use associated with the parking.

In this case, the applicant is not expanding the existing building or parking; therefore, no additional landscaping or screening requirements are necessary.

The entire site is paved with either a concrete or asphalt surface, which is a lawfully nonconforming condition. There is not a dedicated fire lane for the site since a fire engine can access the building from the existing rights-of-way. Knox locks will provide the Fire Department access to both gates for the property as shown on the Site Plan.

No appeals are being requested by the applicant.

Mrs. Elliott stated the Development Review Committee recommends full approval of this request as no appeals to the Unified Development Code are being requested by the applicant.

Commissioner Lester asked if the existing carport would remain onsite, and would it be required to be brought up to code. Furthermore, would the draft ordinance prohibit outdoor repair work?

Mrs. Elliott replied the carport would remain onsite and would have to be brought up to code. She stated all of the automotive repair work would need to be conducted inside the building.

Shabbir Aikal, 844 Abilene Court, Coppell, TX stepped forward representing the case. Mr. Aikal thanked staff for working with him on the case.

Commissioner Koerth said according to his operational plan, he indicates his hours of operation would be Monday thru Sunday, and asked Mr. Aikal to look into the Blue Law on the dates he can have his establishment opened.

Mr. Alcorn stated Mr. Aikal would be allowed to be open seven days a week, but would not be allowed to sell use cars on either Saturday or Sunday according to the Blue Law.

Mr. Aikal stated he would abide by the state law with respect to auto sales.

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

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There being no further discussion on the case, Commissioner Adams moved to close the public hearing and approve case SU100503 as presented. The action and vote being recorded as follows:

Motion: Adams

Second: Waggoner

Ayes: King, Waggoner, Philipp, Adams, Koerth, Gray, Lester and Moss

Nays: None

Approved: **8-0**

Motion: **carried.**

Chairperson King noted several speaker cards submitted on item #11 – MTP100501, and asked that this case be heard next on the agenda.

### AGENDA PUBLIC HEARING ITEM: #11-MTP100501, Master Transportation Plan (City Council District 5).

Transportation Planner Daon Stephens presented the case report to the Commission for approval of an amendment to the Master Transportation Plan affecting State Highway 161 (SH-161), State Highway 360 (SH-360), Interstate Highway 30 (IH-30) and Interstate Highway 20 (IH-20) frontage roads. Mr. Stephens stated that these amendments to Article 23, “Master Transportation Plan,” would revise the Thoroughfare Map to reflect the addition of frontage roads for SH-161, including connections to 19<sup>th</sup> Street, West Freeway, Robinson Road and N.W. 14<sup>th</sup> Street where portions of the right-of-way have been removed, terminated or reclassified. Revise the Thoroughfare Map to reflect the addition of frontage roads for SH-360, and extend SH-360 from Highway 287 to Highway 67 through the ETJ. Revise the Thoroughfare Map to reflect the addition of frontage roads for IH-30, west of SH-161. Revise the Thoroughfare Map to reflect the addition of frontage roads for IH-20, including connections to Sara Jane Parkway, Westchase Drive, North Westcliff Road, South Westcliff Road and Dechman Drive where portions of the right-of-way have been removed, terminated or reclassified. Revise the Thoroughfare Map to reflect the addition of frontage roads for Highway 287.

Mr. Stephens stated on April 13, 2010, the City Council Development Committee recommended that the Master Transportation Plan Amendment, which applies to the highway frontage roads and connecting streets for SH-161, SH-360, IH-30, IH-20 and SH-287, proceed through the approval process.

The proposed changes include the following:

- Include frontage roads along State Highway 161 (SH-161). SH-161 will replace some roadways or portions of roadways such as 19<sup>th</sup> Street, West Freeway and Robinson Road.
- Remove NW 14th Street (C2U) between Dalworth Street and northbound SH-161 frontage road.

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- Extend frontage roads on Interstate Highway 30 (IH-30) west of SH-161.
- Included frontage roads, designated as principal arterials (P3U), along State Highway 360 (SH-360) on areas adjacent to Grand Prairie.
- Terminate NW 19<sup>th</sup> Street into the southbound frontage road of SH-161 just south of January Lane/ Hill Street.
- Reclassify (downgrade) Robinson Road from a minor arterial (M5U) to a Collector (C2U) from Pioneer Parkway to SH-161.
- Terminate Robinson Road into the northbound frontage road of SH-161 between Dickey Road and Marshall Drive.
- Remove the connector, an extension of Endicott Drive (M4U), between Sara Jane Parkway and Interstate Highway 20 (IH-20).
- Add frontage roads for IH-20 all the way through Grand Prairie. The map originally only showed future frontage roads and not existing frontage roads.
- Reclassify (upgrade) North Westcliff Road from a local road to a collector (C2U) between Fish Creek Road and IH-20. Add a second collector to the east of North Westcliff Road between Fish Creek Road and IH-20.
- Add a collector (C2U) road on the north side of IH-20 from Dechman Drive to the westbound frontage road of IH-20.
- Reclassify (upgrade) Westchase Drive from a local road to a collector (C2U) between Carrier Parkway and the eastbound frontage road of IH-20.
- Reclassify (downgrade) South Westcliff Road from a principal arterial (P3U, one-way) to a minor arterial (M3U, two-way) street.
- Extend SH-360 from State Highway 287 (SH-287) to State Highway 67 (SH-67).
- Add frontage roads along State Highway 287.

As part of the 2010 Comprehensive Plan process, the Thoroughfare Map portion of the Master Transportation Plan will be amended. Since there are 41 possible amendments, staff recommends bringing the proposed changes to the Planning and Zoning Commission and City Council in phases. The four phases include:

1. Frontage roads and connectors for major highways (Phase I - This is the current amendment);

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2. Additions and deletions of thoroughfares (Phase II);
3. Reclassification of streets, up- or downgrading (Phase III); and
4. Roads in the extraterritorial jurisdiction (Phase IV).

Most of the proposed changes are already built or are under construction. Many of these changes are long term projects for future Capital Improvement Plans.

Mr. Stephens stated the Development Review Committee recommends approval of the noted amendments to Article 23, "Master Transportation Plan" of the Unified Development Code as shown in the attached draft ordinance.

Chairperson King noted two speaker cards submitted in opposition to this request.

Mr. Daniel Calderon and Mr. Emilio Calderon, Jr., 2405 Cardiff Street, Grand Prairie, TX stated after listening to staff's presentation they are in support of this request.

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

There being no further discussion on the case, Commissioner Waggoner moved to close the public hearing and approve case MTP100501. The action and vote being recorded as follows:

Motion: Waggoner

Second: Moss

Ayes: King, Waggoner, Philipp, Adams, Koerth, Gray, Lester and Moss.

Nays: None

Approved: **8-0**

Motion: **carried.**

AGENDA PUBLIC HEARING ITEM: #10-TA100501, Text Amendment, Article 4, 11, 30 and Appendices C & K (City Council District 5).

Chief City Planner Kevin Lasher presented the case report to the Commission for approval of the following amendments to the Unified Development Code:

1. Consolidating existing definitions referenced in various articles of the Unified Development Code by referencing the same existing definitions into Article 30, "Definitions";
2. Inserting new land use definitions into Article 30, "Definitions", and inserting some new land use definitions into their appropriate land use classifications in Article 4, "Permissible Uses", "Use Charts", and implementing editorial corrections and clarifications to certain existing land use classifications;

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3. Amending Article 11, "Performance Standards", by validating and recording the locations of city owned facilities that may serve alcohol as an incidental use, and adding conditions prescribed for a full service restaurant; and
4. Amending the fence diagrams in Appendix "C" and the sample plot plan diagrams in Appendix "K".

Mr. Lasher stated in a continuing effort to make the Unified Development Code (UDC) a more user friendly document, staff is proposing the following modifications:

1. CONSOLIDATING EXISTING DEFINITIONS REFERENCED IN VARIOUS ARTICLES OF THE UNIFIED DEVELOPMENT CODE BY REFERENCING SAME EXISTING DEFINITIONS INTO ARTICLE 30, "DEFINITIONS";
  - Several Articles in the Unified Development Code contain definitions that are not located in the reference section of Article 30, "Definitions" of the Unified Development Code. Staff is therefore consolidating all definitions from all Articles so that all may be displayed in unison within Article 30. However, those definitions that previously existed in the separate articles shall remain in those same articles since it is anticipated that our regular customers will be used to viewing them in their familiar locations.
2. INSERTING NEW LAND USE DEFINITIONS INTO ARTICLE 30, "DEFINITIONS", AND INSERTING SAME NEW LAND USE DEFINITIONS INTO THEIR APPROPRIATE LAND USE CLASSIFICATIONS IN ARTICLE 4, "PERMISSIBLE USES", "USE CHARTS", AND IMPLEMENTING EDITORIAL CORRECTIONS AND CLARIFICATIONS TO CERTAIN EXISTING LAND USE CLASSIFICATIONS;
  - Through the implementation of the Specific Use Permit process for automotive related land uses, staff has developed a set of automotive definitions that accurately addresses the various automotive land uses that exist in the city. Staff is therefore proposing to insert new definitions for automotive related land uses and others as shown in the attached draft ordinance. Some of these definitions are not totally new, but have been modified to provide a more detailed description to improve enforceability. The new definitions are also being placed into their appropriate land use classification as shown in Article, 4, "Permissible Use Charts".
  - Furthermore, with the Lone Star Park horse racing facility being acquired by a national gaming corporation, the City Manager has asked staff to derive a definition for a **Resort Casino Hotel**. Staff reviewed similar definitions contained

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in gaming statutes from the states of Oklahoma, Louisiana and Nevada. From this research, a definition is being proposed for Article 30 that would take affect when the Texas Legislature adopts legislation establishing organized and monitored games of chance.

- The Environmental Services Department has requested that a definition for a **Full Service Restaurant** be developed for Article 30 so that the code inspectors can more easily determine if a business serving alcohol is doing so in conjunction with the operation of a full service restaurant per UDC requirements. Staff investigated ordinances from municipalities located in Texas, California and Minnesota for a comparable definition. From these investigations, a definition as been derived as shown in the attached draft ordinance. This definition would also be referenced in Article 11, “Performance Standards”, Section 12, “*Requirements for On-Premise Sale and Consumption of Alcoholic Beverages*”.

### 3. AMENDING ARTICLE 11, “PERFORMANCE STANDARDS”, BY VALIDATING AND RECORDING THE LOCATIONS OF CITY OWNED FACILITIES THAT MAY SERVE ALCOHOL AS AN INCIDENTAL USE, AND ADDING CONDITIONS PRESCRIBED FOR A FULL SERVICE RESTAURANT;

- Some of the locations listed in the draft ordinance have already secured the necessary licenses to serve alcohol. Staff feels however that an official sanction should be established in the Unified Development Code that allows on-site sales and consumption of alcohol as a permitted land use that is incidental and accessory to the main use of the facility.
- Furthermore, the reference to a “full service” restaurant is being modified for the city’s existing two golf courses. Both of our golf course facilities already have the necessary licensing for alcohol sales, but may not conform to staff’s proposed new definition of a “Full Service Restaurant” – particularly with respect to take-out sales and the use of permanent eating utensils. However, both restaurants will continue to be subject to the square footage area requirements for the bar and kitchen areas specified by Section 11.12.1.A.

### 4. AMENDING THE FENCE DIAGRAMS IN APPENDIX “C” AND THE SAMPLE PLOT PLAN DIAGRAMS IN APPENDIX “K”.

- The current fence diagrams depicted in Appendix C, “Fence Detail,” are not clearly reflective of the construction standards stipulated in Article 8, “Landscape and Screening” of the Unified Development Code. Appendix K, “Plot Plan,” does not currently have any language describing the purpose or presentation of a residential plot plan or survey. Therefore, these appendices are being revised to make these diagrams more understandable and useful to the public.

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Mr. Lasher stated the Development Review Committee recommends approval of the noted amendments to Articles “4”, “11”, “30” and Appendices “C” & “K” of the Unified Development Code as shown in the draft ordinance, including the three recent clarifications affecting Full Service Restaurants and restaurants that exceed 75% alcohol sales.

**ADDENDUM: May 3, 2010**

**Restaurant (75% or More Alcohol Sales):** In addition to the definition contained in SIC Code 5813, The following shall be contained in the definition of a **Full Service** restaurant (75% or more alcohol sales): Alcoholic beverages may be sold for on-premise consumption only in accordance with the standards established in Article 5, “Specific Uses” of the Unified Development Code. **(Reference Article 4, “Permissible Uses” and Article 5, “Specific Uses”).**

**11.12.1 Auditing Requirements**

**Full service** restaurants with a gross floor area of less than 5,000 square feet, but exceeding 2,499 square feet that serve alcoholic beverages, and **full service** restaurants with 75% or

RETAIL AND COMMERCIAL USES	NAICS CODE	SF-E	SF-1	SF-2	SF-3	SF-4	SF-5	SF-6	SF-ZLL	SF-A/TH	2F	MF-1	MF-2	MF-3	AG/ OPEN SPACE	MR	MU	OFFICE	NS	GR	GR-1	C	C-1	CBD-1	CBD-2/ GA	CBD-3	CBD-4	HC	LI	HI
RESTAURANT	721110															X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
RESTAURANT (W/ EQUAL TO OR EXCEEDING 75% ALCOHOL SALES – See Sections 5.5.1 & 4.8.5)	721110																													

Commissioner Koerth asked in regards to page 11-55, G of the draft ordinance, would a special permit be required for a special event at a city facility.

Mr. Lasher stated a special event would not be required. Only a TABC permit would be required

Commissioner Waggoner asked that staff look at clarifying the following definitions; Motorcycle Sales, it stated that two or three wheeled vehicles are sold, and asked if staff could add four wheelers to this definition. Mr. Waggoner also asked that staff also look at clarifying the definitions of Accessory Buildings and Area of Future Conditions Flood Hazard.

Mr. Lasher stated staff would revisit the definitions and make the appropriate modifications.

Commissioner Adams asked if you enclose your garage, would you have to build another garage in its place.

Mr. Lasher replied yes, or you have the option to go before the Zoning Board of Adjustments and Appeals Board for a variance.

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

There being no further discussion on the case, Commissioner Waggoner moved to close the public hearing and approve case TA100501 with staff noted addendum of May 3, 2010, and including editorial clarifications identified by the Planning and Zoning Commission. The action and vote being recorded as follows:

Motion: Waggoner

Second: Lester

Ayes: King, Waggoner, Philipp, Adams, Koerth, Gray, Lester and Moss.

Nays: None

Approved: **8-0**

Motion: **carried.**

Comments by the Commission:

Commissioner Gray moved to adjourn the meeting.

The meeting adjourned at 8:30 p.m.

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Jerry King, Chairperson

ATTEST:

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Carol Ann Adams, Secretary