



**REGULAR PLANNING AND ZONING COMMISSION
MEETING MINUTES
SEPTEMBER 13, 2010**

(Meeting video accessed at - http://gptx.granicus.com/MediaPlayer.php?view_id=4&clip_id=1345)

COMMISSIONERS PRESENT: Chairman Tommy Garrett, Vice-Chairman Cindie Moss, Secretary Carol Ann Adams, Commissioners Ed Gray, Phil Philipp, Charles Koerth and James Wooldridge.

COMMISSIONERS ABSENT: Lynn Motley and Brian Waggoner

CITY STAFF PRESENT: 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.

Chairman Tommy Garrett called the meeting to order at 7:10 p.m.

CONSENT AGENDA ITEMS: disapproval of plats without prejudice for the following agenda items: #1-P101001, #2-RP101001, and #3-RP101002.

CONSENT AGENDA: item #5-P100901, Final Plat, Mira Lagos No. E-1B.

AGENDA PUBLIC HEARING ITEMS TO BE POSTPONED: Items #13-SU080902A, Specific Use Permit, 1225 E. Main Street and Item #14-SU080701A, Specific Use Permit, 2401 Houston Street.

(The above items are not public hearing items).

Motion was made to approve the consent agenda items regarding the Disapproval of Plats without Prejudice for cases P101001, RP101001 and RP101002, to approve Consent Agenda case P100901, and postpone cases SU090902A and SU080701A. The action and vote on the Consent Agenda recorded as follows:

Motion: Moss

Second: Gray

Ayes: Garrett, Philipp, Adams, Gray, Moss, Koerth and Wooldridge.

Nays: None

Approved: **7-0**

Motion: **carried.**

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AGENDA ITEM: #4-APPROVAL OF MINUTES:

Motion was made to **approve** the minutes of the Planning and Zoning Commission meeting of August 2, 2010. The action and vote recorded as follows:

Motion: Moss

Second: Gray

Ayes: Garrett, Philipp, Adams, Gray, Moss, Koerth and Wooldridge.

Nays: None

Approved: **7-0**

Motion: **carried.**

AGENDA PUBLIC HEARING ITEM: #6-SU080801A, Specific Use Permit, 1925 Airport Street (City Council District 5).

Senior Planner Martin Barkman presented the case report and a Power Point presentation to the Commission to renew a Specific Use Permit for an auto body shop with paint booth. This site is currently zoned Light Industrial-Limited Standards (LI-LS) District. The site is generally located south of Main Street at 1925 Airport Street in the Central Business District-Three (CBD-3) Overlay District. The owner is John Chokas. The applicant is Antonio Olalde.

Mr. Barkman stated the owner has built and established on an auto body shop with paint booth 0.241 acres on 3 existing platted lots. There is one existing metal building constructed with concrete paving at the front. The applicant has constructed a wrought iron type metal fence on the front of the site which ties into existing metal fences on the adjacent properties to the east and west.

Mr. Barkman said after an inspection by the Auto Related Business Inspector and Planning staff, this use is deemed to have been in full compliance with Ordinance 7817 since adoption. The Development Review Committee recommends full approval of the request to renew the Specific Use Permit for auto body shop with a paint booth in a Light Industrial-Limited Standards (LI-LS) District with no further review required by the City Council unless recommended by city staff. No violations of ordinance have been identified and no appeals to the Unified Development Code are being requested by the applicant.

Chairman Garrett noted there were no questions for staff, opened the public hearing, and asked for speakers.

The applicant John Chokas was present to represent his case.

Chairman Garrett noted there were no questions and no other speaker cards submitted for this case.

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There being no further discussion on the case, Commissioner Koerth moved to close the public hearing and recommend approval of case SU080801A as presented by staff. The action and vote being recorded as follows:

Motion: Koerth

Second: Adams

Ayes: Garrett, Philipp, Adams, Gray, Moss, Koerth, and Wooldridge.

Nays: None

Approved: **7-0**

Motion: **carried.**

AGENDA PUBLIC HEARING ITEM: #7-SU100702/S100704, Specific Use Permit/Site Plan, 1924 Young Street (City Council District 5).

Senior Planner Martin Barkman presented the case report and a Power Point presentation to the Commission for the approval of a Specific Use Permit and a Site Plan for an automotive body shop facility on 0.3093 acres. This site is currently zoned Light Industrial-Limited Standards (LI-LS) District. The site is generally located south of Main Street at 1924 Young Street in the Central Business District-Three (CBD-3) Overlay District. The owner is John Chokas. The applicant/agent is Walter Nelson.

Mr. Barkman stated the site contains 13,463 square feet or 0.3093 of an acre. The existing 6,790 square foot masonry building was originally developed for manufacturing and warehousing with parking provided for those uses at 1 space per 1,000 square feet. The eastern half of the building has been leased for general automotive repair which is allowed by right in a Light Industrial District. The CO was approved on May 20, 2010.

Mr. Barkman stated the tandem configuration shown does not meet the City's parking standards as some spaces are blocked from public right-of-way by other parking spaces. Automotive uses are required to be parked at one space per 400 square feet of building area for a total requirement of 17 parking spaces. The UDC allows an administrative reduction of up to fifteen percent. The owner has shown additional storage of vehicles in a concrete paved area at the rear of the buildings to the east which is also owned by the current owner of the subject property.

Although no dumpster location has been shown, the owner has indicated that he will allow both users of 1924 Young Street to use a common dumpster on the property to the east. The City's solid waste manager has agreed to the proposed shared use if no overflow is allowed and regular pick up is maintained. This condition has been placed in the attached ordinance.

Mr. Barkman stated adequate parking that meets City standards has not been provided on site for automotive uses. However, other parking arrangements have been suggested which show sixteen tandem spaces on site and additional paved off-site parking to meet minimum standards for automotive uses.

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Commissioner Koerth asked if the Fire Marshall had requested a fire lane, in front of the bay doors, be marked as fire lanes.

Mr. Barkman replied yes.

Commissioner Wooldridge asked how much area in the off-site parking site would need be paved in order to meet the city's parking requirements.

Mr. Barkman stated paving for about 9 autos would be required, but the off-site parking contains a drainage plume. This paved plum should not be used as a parking area. He stated the applicant would need to provide 17 spaces to meet the total parking requirements. Staff could waive 15% of that parking requirement.

Chairman Garrett opened the public hearing, and asked for speakers.

Walter Nelson, 3012 Hobble Court, Grand Prairie, TX stepped forward representing the owner John Chokas. Mr. Nelson stated this case has been in process for the past couple of months and they have been working with staff regarding the parking issues. He stated there is currently an existing body shop tenant that would like to relocate to this location. The tenant would be parking his vehicles inside the building. Therefore, he is not sure if parking the cars inside the building would be considered as part of the parking area. The current requirement does not specify if the parking inside the building would count toward the requirement. He said the tenant would have four people working on site. Mr. Nelson stated they do not anticipate all of the 17 parking spaces would be used at one time; therefore, they do not see a problem with the parking. Mr. Nelson said the City would conduct a one-year review on the premises and at that time, they could determine if the off-site parking is being used properly. Mr. Nelson stated the owner agrees with the one-year review period and further stated the owner would pave the off-site spaces if the Commission asks him to do so.

Chairperson Garrett stated he knows parking is a concern in the Twin Airports area and asked if staff has concerns with the number of vehicles being parked off-site behind the building on a regular basis.

Mr. Barkman replied there is a problem with parking in this area as most parking occurs on the street. The indoor parking may work, but does not meet the letter of the ordinance.

Transportation Planner Daon Stephens stated staff's problem with allowing them the tandem parking as this could be setting a precedent for other business in the area who also have parking issues. He stated an approved reduction to the parking requirement would be more preferable for this case. Mr. Stephens noted, in response to a question from Commissioner Gray, allowing this type of parking could also result in safety issues from stacked cars backing out into the street right-of-way.

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Commissioner Moss asked by reducing the parking requirements how many parking spaces would be needed.

Mr. Lasher stated because this is a Specific Use Permit the City Council can approve a lesser parking requirement.

Commissioner Adams asked if the City has a problem with allowing the tandem site parking.

Mr. Stephens replied yes, it could be used for storage, but not for customer parking.

Mr. Alcorn reiterated the case could be approved per staff recommendation without the appeal, be approved with the appeal or be denied out-right.

Chairman Garrett noted there were no 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 recommend approval of case SU100702/S100704 per staff's recommendations, that a marked fire lane be provided, allow the indoor parking storage to be credited to the parking requirement and the off-site parking area at the rear is not to be used unless its paved with concrete that meets city standards. The action and vote being recorded as follows:

Motion: Koerth

Second: Adams

Ayes: Garrett, Philipp, Adams, Moss, Koerth and Wooldridge.

Nays: Gray

Approved: **6-1**

Motion: **carried.**

AGENDA PUBLIC HEARING ITEM: #8-SU100901/S100901, Specific Use Permit, 217 W. Main Street (City Council District 5).

Planner Ryan Miller presented the case report and a Power Point presentation to the Commission for the approval of a Specific Use Permit and Site Plan for a multipurpose room and special event center on 0.306 acres. The subject property is zoned Central Area (CA) District, and is located on the south side of Main Street, west of N.W. 2nd Street. The subject property is located within the Central Business District No. 2 (CBD-2) Overlay District. The owner is Jose A. Camarena. The applicant is Pedro Solano.

Mr. Miller stated in addition to the Multipurpose Room and Special Event Center, the applicant plans to remodel the interior of the existing building to include a small lease space accessible at the rear of the building. A required two-hour fire separation wall will divide the two uses. The lease area and the Multipurpose Room will each have their own entrances and exits and will not

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have any cross access points located within the building. The Multipurpose Room will include a small office, a service area, event room, dance floor, stage, restrooms, and two storage areas.

According to the operational plan provided by the applicant, Los Arcos Event Center is projected to open in early 2011 and will cater to private events such as conferences, meetings, banquets, weddings, quinceaneras, etc. The hours of operation will be Monday through Thursday 8:00 a.m. to 11:00 p.m., Friday and Saturday 8:00 a.m. to 2:00 a.m., and Sunday 8:00 a.m. to 12:00 a.m. As stated above the occupancy for the requested use will be 258 people and no event under any circumstance will be permitted to exceed the established occupancy. Furthermore, any event in excess of twenty people or that extends past 5:00 p.m., where there is a presence of alcohol, will require a uniformed, state licensed security guard present for the duration of the event. The applicant has stated that no food preparation will be permitted on-site and all events will need to be catered by the person or persons renting the space.

Any additional prerequisites for a Certificate of Occupancy or operating requirements have been addressed in Section 2 of the draft ordinance.

Chairman Garrett noted there were no questions for staff, opened the public hearing, and asked for speakers.

Pedro Solano, 202 Santa Cruz, Grand Prairie, TX stepped forward representing the case.

Chairman Garrett noted there were no questions for Mr. Solano 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 recommend approval of case SU100901/S100901 as presented by staff. The action and vote being recorded as follows:

Motion: Koerth

Second: Moss

Ayes: Garrett, Philipp, Adams, Gray, Moss, Koerth, and Wooldridge.

Nays: None

Approved: **7-0**

Motion: **carried.**

AGENDA PUBLIC HEARING ITEM: #9-SU100902/S100902, Specific Use Permit, 1230 E. Pacific Avenue (City Council District 5).

Senior Planner Martin Barkman presented the case report and a Power Point presentation to the Commission for the approval of a Specific Use Permit and Site Plan for an automotive body shop with a paint booth on 0.367 acres. The subject property is zoned Commercial (C) District, and is located on the north side of Pacific Avenue, west of S.E. 14th Street. The subject property is

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located within the Central Business District No. 3 (CBD-3) Overlay District. The owner is Ninho Do. The agent is Rene Chavez.

Mr. Barkman stated the proposed use will function as an auto body repair facility with a paint booth. The owner has made improvements to paving, screening, and buildings for the last few years for the purpose of opening an auto body shop. The site is 15,986 square feet or 0.367 of an acre of land. The existing 3,534 square foot building is constructed of masonry. An additional metal carport of 1,395 square feet has been added at the rear of the building for covered parking.

Mr. Barkman stated the owner/applicant has been in the auto body repair and painting business for the last 25 years. He has operated a business on the site to the east for the last seven years. He has indicated that there will be six employees at this business. The hours of operation will be 9:00 am until 6:00 pm Monday through Friday and 9:00 am to 3:00 pm on Saturday. 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 by the applicant.

Chairman Garrett noted there were no questions for staff, opened the public hearing, and asked for speakers.

Rene Chavez, 3251 Matlock Road, Mansfield, TX stepped forward representing the case.

Chairman Garrett noted there were no questions for Mr. Chavez, and one speaker card was submitted in support of this request, but who did not wish to speak.

Ninho Do, 2426 Camp Fire Circle Drive, Arlington, TX

There being no further discussion on the case, Commissioner Koerth moved to close the public hearing and recommend approval of case SU100902/S100902 as presented by staff. The action and vote being recorded as follows:

Motion: Koerth

Second: Adams

Ayes: Garrett, Philipp, Adams, Gray, Moss, Koerth, and Wooldridge.

Nays: None

Approved: **7-0**

Motion: **carried.**

AGENDA PUBLIC HEARING ITEM: #10-SU100903/S100903, Specific Use Permit/Site Plan, 2520 Robinson Road (City Council District 4).

Senior Planner Martin Barkman presented the case report and a Power Point presentation to the Commission for the approval of a Specific Use Permit and Site Plan for a convenience store with

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drive through retail sales on 2.295 acres. The subject property is zoned General Retail (GR) District, and is located at the southeast corner of the intersection of W. Pioneer Parkway and Robinson Road. The subject property is located within the SH-161 Overlay District. The owner is Albert T. Manahan. The applicant is Tyson Building Corp.

Mr. Barkman stated the proposed use will function as a convenience store with alcohol sales and a drive through having at least six stacked spaces on site prior to the order point. The total lot is platted and is 99,996 square feet or 2.295 acres.

Landscaping required for the General Retail (GR) District is ten percent of the site. The SH-161 Corridor Overlay District requires a 30-foot landscaping buffer adjacent to street right-of-way, and a 15-foot landscaped buffer adjacent to residential uses. The applicant is showing a sixteen foot landscape buffer adjacent to Robinson Road. Since this does not meet the minimum buffer required by the SH-161 Corridor Plan, staff has identified it as an appeal. A fifteen foot landscape buffer adjacent to the residential properties is provided to the south. Total landscaping for the site will be 19.5 percent of the site. It will consist of eleven three-inch caliper trees, nineteen five gallon shrubs adjacent to Robinson Road, and the remainder of the landscaped area will use Mondo Grass as a ground cover. On site storm water detention/retention will be required on site and will be sized and designed with the construction documents phase.

Mr. Barkman stated the applicant is unable to meet the minimum thirty foot landscape buffer adjacent to public rights-of-way due to the lot size and configuration. The SH-161 Corridor Overlay District requires both vertical and horizontal Articulation along the western elevation. Staff has informed the applicant of the issue. While some articulation is shown, it does not meet the dimensional requirements of Appendix 'T' of the Unified Development Code.

Mr. Barkman said since the applicant is requesting the above noted appeals, the Development Review Committee is not able to recommend full approval of this case. However, the applicant is offering the following provisions as compensatory measures that could potentially lessen the impact of the requested landscape appeal. Staff has offered the applicant an opportunity to revise the western elevation in this submittal cycle since the project is being expedited for the tenants.

1. The applicant has provided a landscaped area which exceeds the minimum requirements for the General Retail District.
2. Staff has provided a mark up of the western elevation drawing showing the necessary dimensions for the required articulation. If the applicant is willing to modify the western elevation drawing in conformance with staff recommendations, or provide another plan in which is in conformance with Appendix 'T', this appeal can be removed.

Commissioner Koerth asked if the Specific Use Permit is only for the 300 feet of a residential area and the drive thru.

Mr. Barkman replied yes.

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Commissioner Philipp asked if staff has had any conversation with the applicant regarding the articulation of the building, and have they agreed to modify the building design per staff's suggestion.

Mr. Barkman replied yes, they have spoken with the applicant regarding this issue and the applicant has indicated they are willing to redesign the exterior.

Chairman Garrett noted there were no questions for staff, opened the public hearing, and asked for speakers.

Charles Little, 4500 Shenandoah, Dallas, TX stepped forward representing the case and stated they are willing to comply with staff's recommendations – including the redesign of the west facade.

Chairman Garrett noted there were no further questions and stated one speaker card has been submitted in support of this case, but who did not wish to speak.

Alberto T. Manahan, 929 W. Pioneer Parkway, #10, Grand Prairie, TX

There being no further discussion on the case, Commissioner Moss moved to close the public hearing and recommend approval of case SU100903/S100903 as presented by staff, including the revised building elevation on the west façade. The action and vote being recorded as follows:

Motion: Moss

Second: Adams

Ayes: Garrett, Philipp, Adams, Gray, Moss, Koerth, and Wooldridge.

Nays: None

Approved: **7-0**

Motion: **carried.**

AGENDA PUBLIC HEARING ITEM: #11-SU100904/S100904, Specific Use Permit, 2807 W. IH-20 (City Council District 4).

Senior Planner Mary Elliott presented the case report and a Power Point presentation to the Commission for the approval of a Specific Use Permit and Site Plan for a full service restaurant serving equal to or exceeding 75% alcohol sales on 1.56 acres. The subject property is zoned Planned Development District No. 140 (PD-140), and is located on the south side of W. IH-20 Service Road, west of Endicott Drive. The subject property is located within the IH-20 Overlay District. The owner is NC REO LLC. The applicant/agent is Minka Anderson.

Mr. Elliott stated the full service restaurant will occupy a 9,112 square-foot masonry building on a 1.59 acre tract of land. According to the furniture plan, there are approximately 278 seats for patrons. The bar/holding area is 1,483 square feet, which is 16% of the gross floor area. The kitchen area is 1,191 square feet, which is 13% of the gross floor area. A 400 square-foot outdoor

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seating area will also be provided, which is 4% of the gross floor area. There is not a drive-through window on the approved Site Plan (S060202). The proposed *Full Service Restaurant* complies with the UDC requirements, defined in Article 30, "Definitions".

The submitted operational plan states that the business will employ about fifteen to twenty employees. The hours of operation will be Monday and Tuesday, 11:00 a.m. to 12:00 a.m., and Wednesday through Sunday, 11:00 a.m. to 2:00 a.m. The restaurant will be a sports bar and grill that will have an alcohol license in compliance with TABC provisions, as defined in the Alcoholic Beverage Code of the State of Texas. Additional information on these laws can be found at www.tabc.state.tx.us.

Mrs. Elliott stated the current owner took possession of the subject property when the previous owner filed Chapter 11 in the United States Bankruptcy Court. Taxes are due on the property for the years from 2007 to 2009. The owner's attorney has submitted a letter that explains how the taxes will be addressed (see attached). The owner has filed a proposed plan of reorganization, which requires all outstanding ad valorem taxes be paid at closing of the sale of the property. The owner is requesting zoning approval as a condition in the sales contract. No appeals are being requested by the applicant.

Mrs. Elliott stated the Development Review Committee (DRC) recommends full approval of this case as it is in full compliance with all applicable requirements of the Unified Development Code and the Interstate Highway 20 Overlay District.

Commissioner Koerth asked if the 75% alcohol sales means that 75% of the revenues.

Mrs. Elliott replies yes, it's a total percentage of gross revenue sales.

Commissioner Wooldridge asked what does it mean to serve alcohol equal too or exceeding 75% - is there no limit.

Mrs. Elliott stated it means that at specific times during business hours, specifically during major sporting events shown on their video displays, they could sale alcohol in excess of 75% with a full alcohol permit, but the facility must operate as a full service restaurant with a kitchen open at all times.

Minka Anderson with Streamline Funding, 8200 N Mopac Expressway, Ste 320, Austin, TX stepped forward representing the owner of the property. She stated the property was foreclosed on 3 years ago and they are trying to sale the property and turn it into a productive operation. They have been working with Brick House Sports Bar and Grill on a sales contract for this property.

Darrell Alexander with Brick House, 821 South Polk Street, Ste 227, Desoto, TX stated they hope to open this facility with a family atmosphere restaurant serving food, including musical entertainment with R&B and jazz music. He stated they will also have Jazz bunches and

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maintain a dress code and age limits. He stated they are trying to provide an adult atmosphere center around couples who enjoy sporting events and music performances. He stated they welcome the future development of the church to the south and wants to be a good neighbor with the congregation.

Chairman Garrett asked if they would provide a full menu.

Mr. Alexander replied yes with a full service kitchen.

Commissioner Gray asked Mr. Alexander to name the types of entertainment they would be providing, and when do they anticipate opening.

Mr. Alexander stated they would be providing jazz music, "Gospel Brunch" events and R&B music. He stated they would like to be open for the football playoff and especially for the super-bowl. He further stated no "rap" or "hip-hop" performances would occur.

Commissioner Wooldridge stated he is not familiar with Brick House and asked if they have any other restaurant in the area, and would they be the ones purchasing the property.

Mr. Alexander replied yes, they are currently in negotiations to purchase the property.

Commissioner Adams asked how long the church has owned their property.

Mrs. Elliott stated over the past year.

Commissioner Adams asked if the sign advertising "Dave's Sport Bar"... been on the building the past year.

Mrs. Elliott stated yes.

Commissioner Philipp said he is pleased to see someone come in and wanting to do something with this property. He said he has been driving by this location for the past several years and is glad to see someone finally interested in purchasing and improving the property.

Chairman Garrett noted there were no further questions for staff, opened the public hearing, and asked for speakers.

Steve Alcorn noted several speaker cards submitted in opposition to this request.

Johnny Jinks, 902 Egyptian Way, Grand Prairie, TX stepped forward representing the Cross Point Church of Christ formally known as the Turnpike Church of Christ. Mr. Jinks introduced certain members of the congregation and read a letter to the Commission on behalf of the Church stating this letter is to "voice a strong opposition" to this request. He stated the SUP does not list the Turnpike Church as the owners of the adjacent property, he said they are currently drawing

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up architectural plans with construction occurring on the first of January 2011 for an 18,000 square foot Church building. He stated the SUP says it will allow a minimum of 75% or more of alcohol sales and noted the hours of operation would be Monday and Tuesday, 11:00 a.m. to 12:00 a.m., and Wednesday through Sunday, 11:00 a.m. to 2:00 a.m. He said these are not the hours for a primary restaurant establishment that sells food. He said the applicant intends to provide entertainment, with video games, dance floor and live music and stated the unlimited sales of alcohol will not come from a restaurant - this will become a bar. He stated the Church is planning on having an outdoor youth recreation area that would be in close proximity to this establishment. He stated there are no other businesses of this type in the immediate area along the I-20 corridor with this type of condition. He said they are not opposed to a restaurant like Cheddars or Chilies, but they are opposed and strongly believe that this type of establishment will become a bar and they are requesting denied.

Commissioner Gray stated the sign on the building has been there for sometime stating this establishment was built for a sports grill and bar. He asked before Turnpike Church decided to purchase this property, at that time did the Church see a problem with having a restaurant at this location.

Mr. Jinks stated the place is in shambles inside, and stated they saw the sign and knew there was a possibility for a restaurant. They did not now an SUP application was active for additional alcohol sales. They did not believe it would ever come about.

Commissioner Gray said Mr. Alexander stated they are would like to be a good neighbor with the Church and asked if there would be a medium ground that they could both agree on and be good neighbors.

Mr. Jinks replied yes, they want to be a good neighbor as well and want to see a nice restaurant at this location, but do not support a bar at this location. Mr. Jinks said most of the access onto this property is from I-20 and that becomes a safety issues to them with the amount of alcohol sales that would be permitted on this site until 2:00 a.m.

Commissioner Gary said he mentioned Chilies and Cheddars are open until 2:00 a.m. and asked if he considers these establishments to be a restaurant or a bar.

Mr. Jinks replied he considers them a restaurant with alcohol sales, but their main focus is food.

Commissioner Philipp asked since the Church purchased the surrounding property did they look at the possibility on purchasing this property also.

Mr. Jinks replied yes, but the property was too expensive and the Church does not have those funds.

Commissioner Gray said he has sympathetic with the Church and the situation.

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Commissioner Wooldridge asked if the Church would be receptive to a maximum of 50% alcohol sales.

Mr. Jinks said he does not know about the percentages at this point.

Commissioner Gray suggested a 70% of alcohol sales limit with entertainment could be considered.

Assistant City Attorney Steve Alcorn stated one of the features of a Specific Use Permit is that you can add conditions or make changes to have the facility fit better with the neighborhood. He said it is currently zoned to allow the restaurant, but because of the SUP it is hard to place a limit of percentages. He said he would recommend that this case move forward to the Council and considers limitations at that time.

Mr. Lasher said you can specify specific verbiage on a SUP, but it would be very difficult on the City's side to enforce because this would require an audit. Mr. Lasher asked that both parties meet to discuss these issues.

Commissioner Adams said she would like to know if there have been any problems with Chilies or Cheddars being open late.

Mr. Lasher stated he would have to obtain a police report of the area.

Mr. Alcorn noted several speaker cards submitted in opposition to this request, but who did not wish to speak.

Jim Dart, 1906 Briarwood Drive, Grand Prairie, TX
Mickey Allen, 2672 Ashwood Court, Grand Prairie, TX
Dan Clemson, 13 Heritage Court, Grand Prairie, TX
Donald Walker, 2226 Bishop Street, Grand Prairie, TX
Vernon Jackson, 200 MacArthur Blvd, Grand Prairie, TX
Larry King, Grand Prairie, TX
John Scroggins, Grand Prairie, TX

Commissioner Philipp asked if this case was reversed, and the Church was there first, would the City still have allowed the Sports Bar and Grill.

Mr. Lasher stated the distance would have to be measured from the church's front door to the door of the restaurant as measured along the property line in order for the sales of alcohol to be approved.

Chairman Garrett asked if this case is approved as presented would there have to be any auditing on the property.

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Mr. Lasher replied the City always has an option to conduct an audit in accordance with UDC requirements.

Mr. Alexander said he would not want a limit set on how much alcohol can be served until he can meeting with his other investors. He stated he has good intensions and do not want to be a problem to the church.

Chairman Garrett asked if they are willing to table the case to give everyone time to meet and discuss the issues.

Mr. Alexander stated yes, but he was not sure how long he could wait, as he did not want the renovation period extend past the current football season.

Commissioner Wooldridge asked if this case is tabled it would come back to the Commission on October 4, 2010.

Commissioner Gray asked Mr. Alexander what is his time frame, when would he like to be opened for business, and could they postpone to October.

Mr. Alexander stated he is trying to be open by December 2010 and have everything in order by the Super Bowl.

Minka Anderson said it would take 60 to 90 days for renovations and stated they would be willing to change the 75% to no more than 75%, but the applicant does not have time to table this case. Because time is running out to complete the negotiations, the property is in jeopardy of going back into foreclosure.

Commissioner Moss said the TABC regulates the sales of alcohol and asked where this wording coming from.

Mr. Lasher stated the wording is imbedded in the TABC rules.

Chairman Garrett stated staff is indicating the proposal complies with the full service restaurant requirements and indicated the case should be voted on and moved forward to the City Council.

Commissioner Gray states he was in agreement with Chairman Garrett's position the case move forward.

There being no further discussion on the case, Commissioner Adams moved to close the public hearing and recommend approval of case SU100904/S100904 as recommended by staff. The action and vote being recorded as follows:

Motion: Adams
Second: Moss

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Ayes: Philipp, Adams, Gray, Moss and Koerth.

Nays: Garrett, Wooldridge

Approved: **5-2**

Motion: **carried.**

AGENDA PUBLIC HEARING ITEM: #12-MTP100801, Master Transportation Plan, Reclassification of Waterwood Drive and Revisions to Thoroughfares in the ETJ (Extra-Territorial Jurisdiction).

Transportation Planner Daon Stephens presented the case report and a Power Point presentation to the Commission for an amendment to Article 23, "Master Transportation Plan," by revising the Thoroughfare Map to reclassify (downgrade) Waterwood Drive from a minor arterial (M4U) to a local thoroughfare. Revise the Thoroughfare Map to reclassify (downgrade) Lakeview Drive from a principal arterial (P4D) to a local thoroughfare. Revise the Thoroughfare Map to add Prairie Ridge Boulevard as a principal arterial (P6D) from Highway 287 to FM 157. Revise the Thoroughfare Map to realign (straighten from a 90 degree bend) approximately 1000 feet on the western end of Old Fort Worth Road (P4D), so that Old Fort Worth Road ties into Prairie Ridge Boulevard instead of State Highway 287. The owner/applicant is the City of Grand Prairie Planning Department.

Mr. Stephens stated on April 13, 2010, the City Council Development Committee recommended that the Master Transportation Plan Amendment, which applies to the reclassification of Waterwood Drive and revisions to thoroughfares in the extraterritorial jurisdiction (ETJ), proceed through the approval process. The first available City Council meeting after the P&Z meeting will be the September 21st Council agenda.

Chairman Garrett noted there were no further questions for staff and opened the public hearing.

Kyle Kruppa, 5400 LBJ Freeway, Suite 925, Dallas, TX stepped forward representing Prairie Ridge Development Corporation. He stated they own 1,600 acres in the ETJ and have invested 8 million dollars on their property. They have entered into a development agreement with the City for the development of a residential subdivision with a fresh water supply district in Ellis County. He said they would like for Lake View Road to be removed from the Thoroughfare Map. He said they would also propose that Old Fort Worth Road be abandoned, since the road has already been closed.

Commissioner Koerth asked how his proposal is different from what is being proposed.

Mr. Stephens stated Lake View Road cannot be abandoned at this time, but it can be down graded so the developer would not have to construct the road during his development. He said the City could abandon the road at a future time. However, at this time, other properties are being served by this road.

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Mr. Kruppa stated he is aware other properties are being served by Lake View Road and expressed a desire that they could work with staff in the future to address this issue.

Chairman Garrett noted there were no further questions for staff and stated there were no other speaker cards submitted for this case.

There being no further discussion on the case, Commissioner Adams moved to close the public hearing and recommend approval of case MTP100801 as presented by staff. The action and vote being recorded as follows:

Motion: Adams

Second: Wooldridge

Ayes: Garrett, Philipp, Adams, Gray, Moss, Koerth, and Wooldridge.

Nays: None

Approved: **7-0**

Motion: **carried.**

Comments by the Commission: None

Citizen Comments:

Rosemary Reed, President of the Westchester Homeowners Association, 277 Donnie Way, Grand Prairie, TX said we as citizens of Grand Prairie need to keep the integrity of Grand Prairie. She noted a gas well was put into her neighborhood by Chesapeake with Barnett Shale, who followed all the rules, but asked how something like this was allowed to come into her neighborhood without a Specific Use Permit, when other cities around us require a Specific Use Permit. She said this type of use should be permitted in an industrial site not a residential development. Mrs. Reed said when she contacted the City to see who allowed this development no one could provide her with an answer.

Commissioner Moss moved to adjourn the meeting. The meeting adjourned at 9:50 p.m.

Tommy Garrett, Chairman

ATTEST:

Carol Ann Adams, Secretary