

City Hall 300 W. Main Street Grand Prairie, Texas

### **Meeting Agenda**

### **City Council Development Committee**

Tuesday, March 3, 2020 6:45 PM Council Briefing Room

### Call to Order

### **Agenda Items**

Citizens may speak on any item on the agenda for up to five minutes by completing and submitting a speaker card.

1	<u>20-9687</u>	Consider CCDC minutes of the December 17, 2019 meeting.			
		Attachments: 12-17-19 CCDC Draft Minutes.pdf			
2	20-9749	Presentation on TIRZ #1 & 3			
3	20-9726	Dollar Store Discussion			
		Attachments: Income and Location of Other Food Stores			
		Income and Location of Dollar Stores			
		Existing Stores by Address			
4	20-9727	Short-Term Rentals Discussion			
5	20-9728	TA200201 - Text Amendment - Downtown Zoning			
6	20-9833	Text Amendment to add "Commissary" to the UDC use charts			
		Attachments: Summary of Other Cities Regulations			
		Request for Commissary addition to City's Permitted Use List			
		FC-Commisary-site - Sheet - SP-1-O - SITE PLAN			

### **Executive Session**

The City Council Development Committee may conduct a closed session pursuant to Chapter 551, Subchapter D of the Government Code, V.T.C.A. to discuss the following:

- 1. Section 551.071 "Consultation with Attorney"
- 2. Section 551.072 "Deliberation Regarding Real Property"
- 3. Section 551.074 "Personnel Matters"
- 4. Section 551.087 "Deliberations Regarding Economic Development Negotiations"

### **Citizen Comments**

Citizens may speak during Citizen Comments for up to five minutes on any item not on the agenda by completing and submitting a speaker card.

### Adjournment

Certification

In accordance with Chapter 551, Subchapter C of the Government Code, V.T.C.A. the City Council Development Committee meeting agenda was prepared and posted February 28, 2020.

Mona Lisa Galicia, Deputy City Secretary

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City Hall 300 W. Main Street Grand Prairie, Texas

### Legislation Details (With Text)

File #: 20-9687 Version: 1 Name: CCDC minutes of the December 17, 2019

Type: Agenda Item Status: Agenda Ready - Committee

File created: 1/2/2020 In control: City Council Development Committee

On agenda: 3/3/2020 Final action:

**Title:** Consider CCDC minutes of the December 17, 2019 meeting.

Sponsors:

Indexes:

Code sections:

Attachments: 12-17-19 CCDC Draft Minutes.pdf

Date Ver. Action By Action Result

### **From**

Chris Hartmann

### **Title**

Consider CCDC minutes of the December 17, 2019 meeting.

### Presenter

David P. Jones, AICP, Chief City Planner

### **Recommended Action**

Approve

**Analysis** 



City Council Development Committee
Regular Meeting Minutes
December 17, 2019
City Hall, City Council Briefing Room
317 College Street
Grand Prairie, Texas

### **Committee Members Present**

**Committee Members Absent** 

Chairman Jeff Wooldridge Councilman Mike Del Bosque Councilman John Lopez

Chairman Jeff Wooldridge called a regular meeting of the City Council Development Committee to order at 6:45 p.m.

1. Consider CCDC minutes of the November 4, 2019 meeting.

Minutes approved.

2 Proposed changes to Chapter 13, Article XX Automotive Related Business Ordinance to include a permit process, addition of regulated entities, and technical requirements for parking plans and loading and unloading.

Deputy City Manager Dye stated he would like to give Kudos to Cindy Mendez, Steve Collins and Tiffany Bull, for doing such a great job on this project.

Cindy Mendez, Environmental Quality Manager, stated its has been a few years since this ordinance has been looked at and they are bring some changes do to accountabilities, we need more compliance tools, we need to hold these type of business more accountable for not complying with the ordinances. She stated they met with Legal and were told if they issue a permit it would be much easier to be able to revoke it or suspend a permit, we do not have to worry so much about getting a conviction. This is also an opportunity to help Code Enforcement, especially with parking and loading and unloading at these businesses along Main Street. She said we are trying to clarify the ARB ordinance and the Zoning ordinance, as to how we can merit the two and make them work. She said some of the things are how to

permit and what are the fees the fees are \$250 for an inspection, but would also be charging a one-time \$20 permit fee. Once they have a permit they do not have to reapply, but will be adding a late fee if they do not apply. This ordinance would also be to address the 100 year-floodplain, they would also have to obtain a bulk storage permit and would have to disclose what is being stored in the floodplain this is important that we protect our floodplain. Ms. Mendez stated the property owners would need to sign a notarized statement saying they understand what is happening on their property and they are still responsible for their property in-case the tenant does not comply. This ordinance is scheduled for City Council action on January 7<sup>th</sup>. She said anytime we look at suspending or revoking the permit we would send the owner a notice and an opportunity for an appeal if they are not happy with the city's decision, they can appeal to the District Court. They would also be sending out letter of this new ordinance and would be addressing this ordinance at their Compliance meeting, they would be given 90 days to come in and get a permit.

Steve Collins, Code Enforcement Manager, stated this would benefit their code officers when they go out and do inspections, this would help them and give them more structure. He said this would help with loading and unloading of vehicles in a safety prospective. This ordinance would also keep cleaner shops and help clean them up.

Councilman Lopez asked if these were also changes to the UDC. Mr. Collins stated these changes are already in the UDC. Councilman Lopez said would these changes also apply to Graff Chevrolet on Main Street, he does not want someone calling staying why can, Graff do this, but they cannot load and unload on Main Street.

David Jones stated these businesses also require a SUP therefore this would be a better way of tracking the use.

Councilman Del Bosque stated \$25 is not enough to charge it should be \$100 these businesses make a lot of money. Tiffany Bull stated the fee is for the administrative services that we provide.

Chairman Wooldridge stated the committee approves the changes to the ARB ordinance.

# 3 Discussion of by-laws for the Zoning Board of Adjustments in response to state law changes.

Chief City Planner David Jones stated in the most recent legislative session, the Texas Legislature passed a bill requiring that written by-laws governing the Zoning Board of Adjustments be approved by City Council prior to becoming effective. The by- laws govern the election of officers and conduct of the meeting, and are a supplement to the ZBA's enabling ordinance in Article 1 of the Unified Development Code. The proposed by-laws are attached for consideration and recommendation by the Committee. The by-laws are schedule for City Council adoption for January 21<sup>st</sup>.

Chairman Wooldridge stated the committee approves the changes to the ZBA Bylaws.

# 4. Discussion of proposed amendments to Unified Development Code to revise and establish regulations on Tattoo and Piercing Studios.

Chief City Planner David Jones stated in response to recent interest by tattoo studio operators, staff has prepared a draft ordinance updating the city's existing tattoo regulations. Currently, tattoo studios are allowed only by SUP in the industrial districts or in form of permanent cosmetics as an ancillary personal service use. The proposed ordinance would expand tattoo studios to commercial districts, including the Central Area. In order to prevent proliferation or congregation of these uses, the ordinance would institute distance limitations similar to those put in place for alcoholic beverage service. The ordinance would prohibit loitering, would require all studios to close by midnight, and would require that operators obtain yearly continuing education in sanitary practices and CPR. The ordinance would also establish procedures for curing violations through a two-step administrative and Council review process. Because the use would only be authorized by SUP, Council would have the ultimate authority to revoke the permit. These regulations would also apply to body piercing studios, which include any piercing other than ears. Proposed regulations would appear in Articles 11 and 30 of the Unified Development Code.

Chairman Wooldridge asked if the SUP would still be required. Mr. Jones replied yes.

Councilman Del Bosque asked how many tattoo parlors have we missed by not being allowed, and is this what we are trying to attract in our downtown, why not allowed them throughout the entire city and look at them on a one by one basis, but make sure they have an upscale appearance. Mr. Jones replied there is quite a few that have inquired. Mr. Crolley stated we would like to start with downtown so we don't have them all over the city. Chairman Woolridge said he would like to visit them on a case by case basis.

Chairman Wooldridge stated the committee approves the changes to the ordinance.

# 5 Amendment to existing Ellis County Interlocal Agreement establishing platting procedures for property in the ETJ.

Chief City Planner David Jones stated this is the final version, in September 2004, the City of Grand Prairie entered into an Interlocal Agreement (ILA) with Ellis County regarding the processing of plats for land situated in the Ellis County portion of Grand Prairie's Extraterritorial Jurisdiction (ETJ). Although the agreement has served both entities well, along with developers who utilized the "one stop shop" for plat processing, recent state legislation has made it increasingly difficult for cities to annex areas within their ETJ. Because of this, Ellis County has proposed that the Interlocal Agreement be amended as follows:

1. The County would have exclusive platting authority for any areas in Grand Prairie's ETJ that are not located within the boundaries of any approved special taxing districts, such as freshwater districts. Any inspection and approval of infrastructure outside of any special district boundaries would be the County's responsibility.

2. The City would have exclusive platting authority for any areas located within the boundaries of any approved special taxing district. This exclusive authority also extends to inspection and approval of infrastructure (water lines, sewer lines, roads, pavement, grading, drainage, etc.) located within the boundaries of the special district.

Chairman Wooldridge stated the committee approves state law the City has no zoning authority within the ETJ but does have the authority to administer subdivision regulations. In the current special districts within or partially within the ETJ, the City has a degree of zoning authority through development agreements with developers, although some of these areas have only recently begun to see activity after years of dormancy. There are no proposals at this time for new development in the ETJ outside of a special district, though the City's comprehensive plan envisions a mixture of commercial and residential development occurring in the future within the ETJ. Floodplain permitting would remain as-is under an existing separate ILA. At its August 6, 2019 meeting, the City Council Development Committee recommended approval on the condition that the existing Floodplain permitting regulations remain as is; and that in those areas of the ETJ where the City in the future may enter into a Developer's Agreement, the City will have platting jurisdiction over those developments. The final draft of the proposed Interlocal Agreement is attached for consideration. The ILA would be placed on the January 6, 2020 Council meeting agenda for approval.

There being no further discussion Chairman Wooldridge stated the committee approves the agreement with Ellis County.

Discuss proposed release of a portion of ETJ to the City of Venus, in an area generally located north of U.S. 67 and east of F.M. 157 on both sides of the Johnson-Ellis County Line.

Chief City Planner David Jones stated in May of 2018, the City of Venus approached Grand Prairie planning staff regarding the transfer/release of a portion of Grand Prairie's ETJ between US Hwy 287 and US Hwy 67 in Johnson County. The portion of ETJ is contiguous with developments currently under construction or planned within the City of Venus and its ETJ. The area proposed for transferal to City of Venus is within the Venus ISD and sits near the projected alignment for future southern phases of SH 360. The Future Land Use map designates the area as a mixture of Single- Family Residential, Open Space/Flood Plain, Industrial, and Commercial. The area is near to but does not have direct frontage on Hwy 67 or Hwy 287. Based on CCDC comment in July 2018, the City of Venus has adjusted the proposal to include only single- family lots currently proposed for development which the City of Venus will serve, leaving the projected SH 360 corridor within the Grand Prairie ETJ.

Chairperson Wooldridge asked if mobile home parks could also be included in a planned development. Mr. Jones stated we would still control everything that is built in the ETJ. Mr. Crolley said the part that is being release already have a development plan and it is all for single family. We would only control the platting of these properties. We would release it and they can develop it and service it, it would be there property.

There being no further discussion Chairman Wooldridge stated the committee approves the request.

### 7 Resolution in support of the Lennox House application for Tax Credits.

The request was submitted by Bill Hills, Housing and Community Development Director. Deputy City Attorney Mark Dempsey stated he remembers there is a grant that needs to be submitted by January, it's a requirement for them to obtain this grant and the city is to donate \$500 to the Lennox House in order for them to obtain it.

Chairman Wooldridge stated the committee approves the resolution.

### 7. Other Business:

Councilman Del Bosque stated we should start looking on how to regulate medical marijuana, because it is coming, we need to be more pro-active.

Councilman Lopez stated since we are looking at the TIFs, he would like to be briefed on them. Mr. Marty Wieder stated they would be more than happy to brief them at their next meeting.

With no other business, the meeting was adjourned at 8:38 p.m.

Chairman Jeff Wooldridge	



City Hall 300 W. Main Street Grand Prairie, Texas

### Legislation Details (With Text)

File #: 20-9749 Version: 1 Name: Presentation on TIRZ 1 & 3

Type: Presentation Status: Agenda Ready - Committee

File created: 1/24/2020 In control: City Council Development Committee

On agenda: 3/3/2020 Final action:

Title: Presentation on TIRZ #1 & 3

Sponsors:

Indexes:

Code sections: Attachments:

Date Ver. Action By Action Result

### From

Terrence R. Harbin Economic Development Coordinator

### **Title**

Presentation on TIRZ #1 & 3

### **Presenter**

Marty Wieder



City Hall 300 W. Main Street Grand Prairie, Texas

### Legislation Details (With Text)

File #: 20-9726 Version: 1 Name: Dollar Store Discussion

Type: Agenda Item Status: Agenda Ready - Committee

File created: 1/23/2020 In control: City Council Development Committee

On agenda: 3/3/2020 Final action:

Title: Dollar Store Discussion

Sponsors: Indexes:

Code sections:

Attachments: Income and Location of Other Food Stores

Income and Location of Dollar Stores

**Existing Stores by Address** 

Date Ver. Action By Action Result

#### **From**

Chris Hartmann

#### **Title**

**Dollar Store Discussion** 

#### **Presenter**

David P. Jones, AICP, Chief City Planner

### **Recommended Action**

Approve

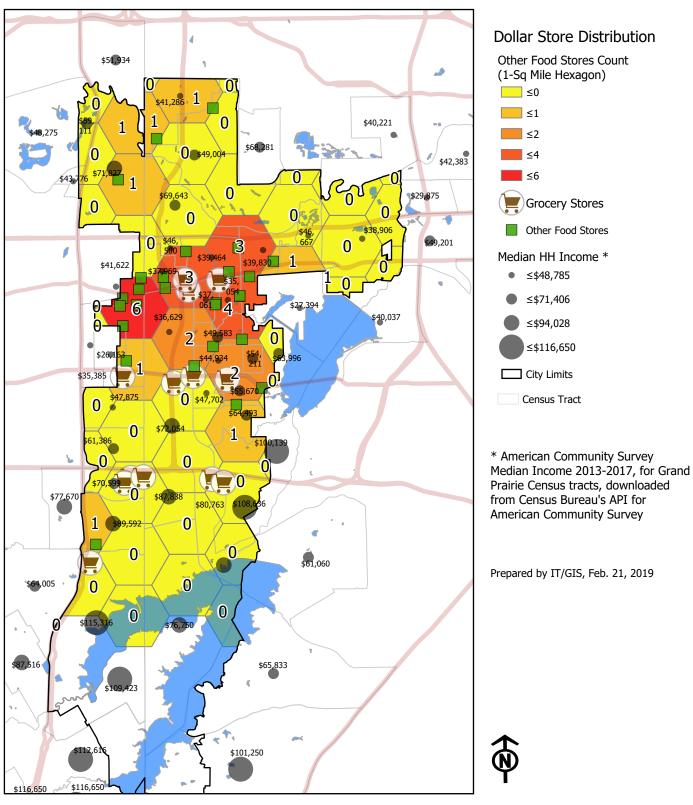
### **Analysis**

Staff is proposing for discussion several regulations regarding small format retail or grocery stores, often known as "dollar stores". These stores are typically less than 12,000 square feet and offer a selection of groceries and home goods that are more limited than a full-service grocery store. Typically, these stores have little or no fresh produce, no fresh meat, no bakery, and no pharmacy. Food items are typically canned or frozen. Due to their small format and low prices, these stores, with some exceptions, are built in neighborhood settings away from freeway interchanges and larger anchored developments or power centers.

In the past few years, several cities around the United States, including cities in the DFW area, have passed regulations that limit the ability of these stores to cluster near other such stores, and that require a minimum square footage of fresh produce (fruits and vegetables). In the coming months, staff expects to bring forward a formal proposal to add similar regulations to the Unified Development Code. At this stage, staff requests the Committee's input and feedback for discussion.

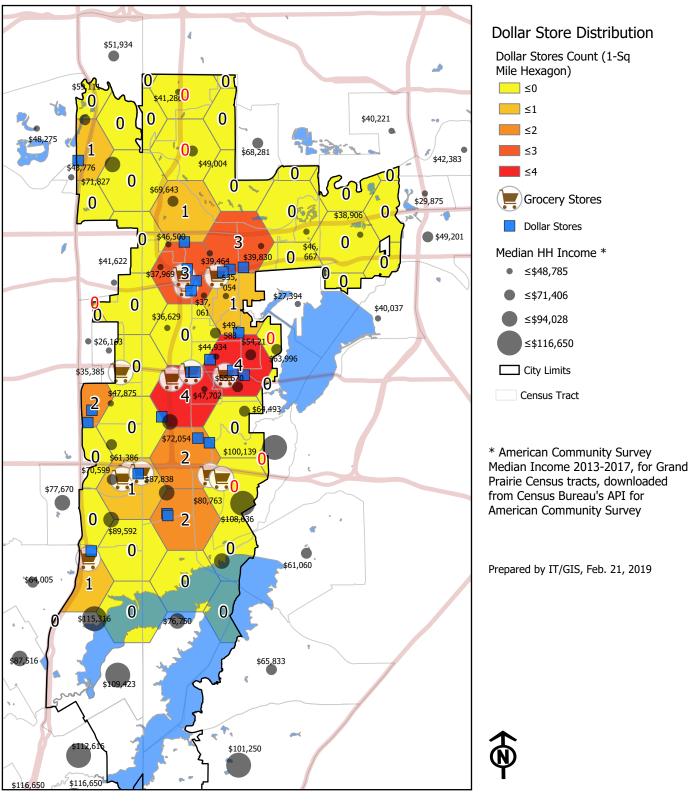
File #: 20-9726, Version: 1

## Income and Location of Other Food Stores



1 inch equals 2 miles

## Income and Location of Dollar Stores



1 inch equals 2 miles

BUSINESS	ADDRESS	STE APTNR	City	State Zip	
DOLLAR GENERAL	1700 W POLO RD		Grand Prairie	TX	75052
DOLLAR GENERAL	604 E PIONEER PKWY		Grand Prairie	TX	75051
SUPER DISCOUNT STORE	737 W JEFFERSON ST		Grand Prairie	TX	75051
DOLLAR TREE	5216 S HWY 360		Grand Prairie	TX	75052
DOLLAR GENERAL	1511 S BELT LINE RD		Grand Prairie	TX	75051
DOLLAR TREE	430 E MAIN ST		Grand Prairie	TX	75050
FAMILY DOLLAR # 10822	3709 S CARRIER PKWY		Grand Prairie	TX	75052
FAMILY DOLLAR # 6962	2910 MAYFIELD RD		Grand Prairie	TX	75052
FAMILY DOLLAR	2806 GREEN OAKS BLVD		Grand Prairie	TX	75050
DOLLAR GENERAL	508 N CARRIER PKWY		Grand Prairie	TX	75050
DOLLAR GENERAL	3480 S CARRIER PKWY	110	Grand Prairie	TX	75052
DOLLAR TREE	3166 S HWY 161	130	Grand Prairie	TX	75052
DISCOUNT MORE 4 LESS	2125 SW 3RD ST	138	Grand Prairie	TX	75051
DOLLAR TREE	2506 S BELT LINE RD		Grand Prairie	TX	75052
FAMILY DOLLAR	1054 N CARRIER PKWY		Grand Prairie	TX	75050
FAMILY DOLLAR	926 E MAIN ST		Grand Prairie	TX	75050
DISCOUNT OUTLET STORE	2969 RED HAWK DR		Grand Prairie	TX	75052
DD'S DISCOUNT	2500 S CARRIER PKWY	Α	Grand Prairie	TX	75052
PARAISO DOLLAR THRIFT	2125 SW 3RD ST	310	Grand Prairie	TX	75051
FAMILY DOLLAR	610 S CARRIER PKWY		Grand Prairie	TX	75051
ELIA DOLLAR STORE & MORE	211 E MAIN ST		Grand Prairie	TX	75050
FAMILY DOLLAR STORE #5670	726 W PIONEER PKWY	100	Grand Prairie	TX	75051
ESTELLA DOLLAR STORE	688 W PIONEER PKWY	140	Grand Prairie	TX	75051
DOLLAR TREE	2307 W IH 20	100	Grand Prairie	TX	75052
DOLLAR GENERAL	1690 W POLO RD	200	Grand Prairie	TX	75052
FIVE BELOW	5240 S State Hwy 360 #	100	Grand Prairie	TX	75052
Family Dollar	2010 S Belt Line Rd		Grand Prairie	TX	75051



City Hall 300 W. Main Street Grand Prairie, Texas

### Legislation Details (With Text)

File #: 20-9727 Version: 1 Name: Short-Term Rentals Discussion

Type: Ordinance Status: Agenda Ready - Committee

File created: 1/23/2020 In control: City Council Development Committee

On agenda: 3/3/2020 Final action:

Title: Short-Term Rentals Discussion

Sponsors:

Indexes:

Code sections: Attachments:

Date Ver. Action By Action Result

### **From**

Chris Hartmann

### **Title**

Short-Term Rentals Discussion

### **Presenter**

David P. Jones, AICP, Chief City Planner

### **Recommended Action**

Approve

**Analysis** 



City Hall 300 W. Main Street Grand Prairie, Texas

## Legislation Details (With Text)

File #: 20-9728 Version: 1 Name: TA200201 - Downtown Zoning

Type: Ordinance Status: Agenda Ready - Committee

File created: 1/23/2020 In control: City Council Development Committee

On agenda: 3/3/2020 Final action:

Title: TA200201 - Text Amendment - Downtown Zoning

Sponsors:

Indexes:

Code sections:

Attachments:

Date Ver. Action By Action Result

### **From**

Chris Hartmann

### **Title**

TA200201 - Text Amendment - Downtown Zoning

### **Presenter**

David P. Jones, AICP, Chief City Planner

### **Recommended Action**

Approve

**Analysis** 



City Hall 300 W. Main Street Grand Prairie, Texas

### Legislation Details (With Text)

File #: 20-9833 Version: 1 Name: Text Amendment to add "Commissary" to the UDC

charts

Type: Ordinance Status: Agenda Ready - Committee

File created: 2/24/2020 In control: City Council Development Committee

On agenda: 3/3/2020 Final action:

Title: Text Amendment to add "Commissary" to the UDC use charts

Sponsors: Indexes:

Code sections:

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Attachments: Summary of Other Cities Regulations

Request for Commissary addition to City's Permitted Use List

FC-Commisary-site - Sheet - SP-1-O - SITE PLAN

Date Ver. Action By Action Result

#### **From**

Chris Hartmann

### **Title**

Text Amendment to add "Commissary" to the UDC use charts

#### **Presenter**

David P. Jones, AICP, Chief City Planner

### **Recommended Action**

Approve

### **Analysis**

Staff has received a request to use an existing building on a property zoned General Retail for use as a food commissary. The commissary would serve a local gas station chain by providing prepared ingredients for final preparation and assembly at each location. Currently, "Food Commissary" or "Central Preparation Facility" does not appear in the Grand Prairie use charts. Attached are regulations found in neighboring cities which establish definitions and parameters for the operation of a food commissary. Staff requests that the Committee review the materials and provide guideance on amending the use charts to include this use.

What do other cities say about commissaries? Food trucks usually rely on commissaries, or central preparation facilities, for their food prep, storage and vehicle maintenance. But what if a business has a model that slightly deviates from this model? What if the business uses the main facility for food prep to "satellite" locations? What Ordinances protect and govern this? This should be the same regardless. Cities across DFW though have little to say about this issue, thus we must look between the lines in city ordinances, codes, etc. There are some questions that will have to be answered. How much food preparation will the "commissary" provide? Heavy, light or no food prep? Each has a different set of standards and guidelines that states what infrastructure is required to me code. Cities do not usually adopt the term "commissary", research has found that language is more along the lines of "central preparation facility" or "specialized food establishment."

Here are what other cities state in their laws about commissaries, central preparation facilities, or food establishments related to this issue. Information was researched and gathered from the following cities: Carrolton, Denton, Arlington, Plano, Amarillo, McKinney, and Mesquite.

#### Carrolton

Please see attached to this email. I have highlighted a few sections on pages 2, 4, 5, 10, that state some info on commissaries, etc. Again, you must define how involved the establishment plans on preparing food. It will need to be permitted, etc.

#### Denton

Denton does not state much on commissaries. It does adopt TFER and states in its ordinances that "Commissaries: also known as a central preparation facility; base of operations; or premises from which a mobile unit operates. A commissary shall be used as a base of operations for all classes of mobile food vendors. A commissary is a site approved by the City Health Officer at which food preparation, storage and cleaning or servicing of the vehicle

occurs. State law prohibits the use of a private residence as a central preparation facility or warehouse."

### Arlington

Arlington does provide some info on central preparation facilities as it relates to mobile truck units. This language could be adopted for the use we are looking for. Please see attached, and looked for highlighted areas. What I like about this information is that it also provides information on safe transportation of the food from commissary to "catering location" which can be read as "satellite" location.

### Plano

Again with Plano, Commissary is looped in with mobile food units. Please see attached. We can skim thru some of the information to help build our own policy, i.e. if grease traps are needed, what rules to follow, etc.

### Amarillo

I widen my search to include some other cities that might have language in their Ordinances that help specify details that they might require of commissaries. Amarillo goes to some effort to say "In accordance with the Texas Food Establishment Rules, chapter 228.221(a)(1), Mobile Food Units, determined to be completely self-sufficient and compliant by the Environmental Health Officer, may operate without a Central Preparation Facility/Commissary. If it is determined a Central Preparation Facility/Commissary is required, a separate Food Establishment permit for the Central Preparation Facility/Commissary shall be obtained before the Mobile Food Unit permit may be issued. A Central Preparation Facility/Commissary shall meet all minimum requirements in the Texas Food Establishment Rules and have at least the following: floors, walls and ceilings, three (3) compartment sink, hand washing sink with hot/cold running water under pressure and a service sink or curbed cleaning facility."

### McKinney

The City of McKinney does not provide enough information on the matter to help contribute to this discussion.

### Mesquite

Mesquite defines commissary under the general term of "restaurant." Their code states "Restaurant means any establishment or place within an establishment, open to the public that offers food and beverages for consumption on the premises including, but not limited to, coffee shops, sandwich stands, drive-ins, and private and public school cafeterias, which gives or offers for sale food to the public, guests or employees, as well as kitchens, catering facilities, commissaries or mobile food units, in which food is prepared on the premises for serving elsewhere..." Since they define under the term of restaurant, it follows standard protocols, classifying the restaurants as heavy, light or no food preparation. I can send you more information on specifics from their ordnances if needed.

#### Conclusion

All in all, research has shown that cities require same rules as typical food establishment. They must follow Texas Food Establishment Rules, be permitted, etc. Finer details will need to be established on how much work the commissary is planning to perform. Will they be cooking or just "preparing" items to be sent to other locations for processing? This will determine what requirements that will need to be met with local and state health authorities i.e. Environmental and SDHS. I didn't find much in cities "UDC" for permitted uses, as most information is in their ordinances.

From: Mark W. Dietz
To: David P. Jones

Cc: "John Benda"; "Joseph Bickham"; mark@thedietzgroup.net; mwdietz@yahoo.com

Subject: RE: Request for "Commissary" addition to City"s Permitted Use List

**Date:** Thursday, February 20, 2020 21:02:42

Attachments: <u>image001.png</u>

### David,

Per your request at the DRC meeting this morning we are requesting that you begin the process to add the classification of "Commissary" to city's list of permitted uses that we all agreed would best suit our intended use of the property that we have under contract to buy located at 710 MacArthur, Grand Prairie, Texas.

We appreciate your thoughtfulness in working with us this morning and look forward to a strong working relationship with the city on this project and hopefully others.

Best, Mark

Mark W. Dietz President The Dietz Group, LLC 6315 Lakehurst Dallas, TX 75230 214.808.7235 direct Mark@TheDietzGroup.net



