

## **PLANNING AND ZONING COMMISSION DRAFT MINUTES OF FEBRUARY 6, 2017**

PUBLIC HEARING AGENDA Item #11 - SU170104 - Specific Use Permit - Juan's Beer Barn (City Council District 5). Bill Crolley presented the case report and gave a Power Point presentation to approve a Specific Use Permit to operate a drive-through facility to operate a retail beer and wine facility for off-site consumption. The 0.678-acre property is zoned Central Area (CA) District, located within the Central Business(CBD) Overlay District, Section 2 and addressed as 507 E. Main Street, Suite 100. The applicant is Erik Jaimes and the owner is Blanca Barbosa.

Mr. Crolley stated the applicant is seeking a specific use permit to operate a retail beer and wine sales business with a drive-through. All retail establishments with a drive-through require the approval of a specific use permit in all zoning districts where they are permitted per Article 4, "Permissible Uses" of the Unified Development Code, Section 4.8.4., if they are located within 300 feet of any Agriculture, Single-Family, 2 Family, Multi-Family zoning district, or designated overlay district. Also, all nonresidential development located within a designated overlay district require site plan approval from the Planning and Zoning Commission and the City Council at a public hearing. The property is located in the Central Business District Two (CBD-2), which is considered an Overlay District. This application submittal is being made in substantial conformance to these requirements. La Cabana Beer Barn originally opened in September 2006. The establishment's Health & Alcohol permit was revoked in December 2009 by the City's Environmental Health Department. In March 2010, under a change of ownership La Nueva Cabana opened and operated the beer barn until December 2011 under new ownership. Research shows that the business closed voluntarily sometime in 2012. Since the drive-through facility had since lost its non-conforming status; an SUP shall be required per UDC stated above.

Mr. Crolley state the subject 0.678-acre property occupies a lease space attached to an existing restaurant located at Suite 100, 507 E. Main Street. The combined 4,800 square foot property is under single ownership. As was previously orientated, the applicant does not propose any new changes to the general layout of the drive through facility. The front entry consists of an overhead door allowing for patron to drive vehicles through the beer-barn design and make orders and exchange commerce in that fashion. The primary entry/approach off East Main Street and minimum vehicular stacking requirement conform to City standards as do the expected circulation patterns. The site meets the minimum parking requirement for restaurant/retail establishments. The applicant is volunteering to add conditions of approval to this request. The voluntary conditions are centered on the business's operation, advertisement, employee attire and interaction with patrons. As submitted in writing the applicant proposes:

- Employees shall be dressed in jeans and t-shirts given by the business owners. The shirt will be covered showing no less than the neck down and up to their elbow. Shirts will be navy blue with the name of the business.
- Employee shall take all orders from inside the business's property on a tablet or paper pad on a first come first serve basis. Orders shall be taken from patrons in vehicles only. Walk-in orders shall be prohibited.

Mr. Crolley stated the Development Review Committee recommends approval subject to TABC and all Federal Alcohol Regulations and adherence to self-imposed operational conditions.

Chairperson Motley asked there be a sign requirement stating “no consumption of alcohol shall be permitted on the premises”, and asked if someone purchases a drink from the establishment and then parks in the parking lot to drink it would the applicant be responsible.

Mr. Crolley stated the applicant must adhere to all of the TABC requirements and sign posting regulations, but yes the owner/tenant would be responsible.

Mr. Alcorn stated the owner/tenant is responsible to make sure no alcohol is consumed on the premises this is also a TABC requirement.

Chairperson Motley asked why the previous TABC license was revoked.

Commissioner Spare asked if someone purchase alcohol then drives away and kills someone, would the City be liable under this SUP.

Mr. Alcorn replied no.

Commissioner Perez noted there is a restaurant attached to the building, can someone purchase some alcohol and then go into the restaurant to consume the alcohol.

Mr. Alcorn stated if the restaurant sells alcohol you cannot bring in your own alcohol to consume, it must be purchased from the restaurant.

Chairperson Motley noted there were no more questions for staff, opened the public hearing, and asked for speakers.

Erik Jaimes, 727 Circle Drive, Arlington, TX stepped forward representing the case and to answer questions from the Commission.

Chairperson Motley asked Mr. Jaimes if he was involved with this property back in 2006 when the TABC revoked their license.

Mr. Jaimes replied no, he is the new operator of the business not the owner of the property.

Commissioner Lopez asked how he would monitor any loud music on the property.

Mr. Jaimes stated he would walk the premises and would make sure his staff was aware that no loud music would be permitted onsite.

Commissioner Moser noted Manuel Barbosa is also part owner of the business along with Mr. Jaimes, who are leasing the building from Blanca Barbosa the owner, they are the ones instating the Operational Plan, if this case is approved, the Operational Plan would then be a part of the SUP requirements these requirements be written into the lease by Blanca Barbosa if they do not

adhere to these requirements then the SUP would be revoked. Mr. Moser asked that the SUP have a one year review and signs stating “no consumption of alcohol is permitted onsite”.

Chairperson Motley asked if the attached restaurant sells alcohol.

Mr. Jaimes replied no, he is not aware of them selling alcohol.

There being no further discussion on the case Commissioner Moser moved to close the public hearing and approve case SU170104 as presented and recommended by staff, including the operational plan/conditions submitted by the applicant be included in the SUP ordinance adding to the ordinance that Blanca Barbosa, property owner, must note all of the requirements and conditions from the ordinance into the lease agreement and provide the city with a copy, and a one year renewal be required from the date of City Council approval.

Chairperson Motley stated the last type of business this City needs is a beer barn, he does not believe this type of business would add anything of value to this community, but with all of the conditions set by Mr. Moser’s motion he would vote on this case, but does not believe this is the best and highest use for Grand Prairie.

The action and vote being recorded as follows:

Motion: Moser

Second: Perez

Ayes: Conner, Johnson, Lopez, Moser, Motley, Dr. Perez, and Womack

Nays: Spare

Approved: 7-1

Motion: **carried.**