



**REGULAR PLANNING AND ZONING COMMISSION
MEETING MINUTES
OCTOBER 5, 2015**

COMMISSIONERS PRESENT: Chairperson Tommy Garrett, Vice-Chairperson Bill Moser, Commissioners Phil Philipp, Charlie Womack, Joshua Spare, Kurt Johnson, Lynn Motley, Dr. Juan Perez, and John Lopez.

COMMISSIONERS ABSENT: None

CITY STAFF PRESENT: Bill Crolley, Director of Planning and Development, Jim Hinderaker, Chief City Planner, Denice Thomas, AICP, Senior Planner, Doug Howard, Senior Planner, Steve Alcorn, Assistant City Attorney, Daon Stephens, Transportation Dept. and Chris Hartmann, Executive Secretary.

Chairperson Tommy Garrett called the meeting to order in the Council Chambers in the City Hall Building at 7:10 p.m.

Commissioner Moser gave the invocation.

CONSENT AGENDA ITEMS #1: disapproval of plats without prejudice for the following consent agenda Items: P151101 – Final Plat - La Jolla Phase I, P151102 – Final Plat – 820 Small Street Addition, Lot 1, Block 1, P151103 – Preliminary Plat – Westchester East Addition, P151104 – Final Plat – Orduno Addition, Lot 1, Block 1, P151105 – Preliminary Plat – Versailles Estates, P151106 – Preliminary Plat – Distribution Warehouse Addition, P151107 – Final Plat – Wildlife Commerce Park, Lot 1, Block 2, and Lot 2, Block 3, P151108 – Final Plat – Wildlife Commerce Park, Lot 1, Block 3, RP151101 – Replat - GSW Logistic Addition, and RP151102 – Replat – Lakeridge Village Addition, Lot 2.1, 2.2 and Lot 2.3, Block 1.

AGENDA ITEM: #2-APPROVAL OF MINUTES: To approve the minutes of the Planning and Zoning Commission meeting of August 31, 2015.

PUBLIC HEARING CONSENT AGENDA: Item #3 – P151003 - Final Plat – Hillstone 1 Addition (Meadow Park Addition) (City Council District 2). Consider approval of a final plat for a 12-lot residential subdivision on 2.18 acres, the Hillstone 1 Addition. The property is located at the southwest corner of Robinson Rd. and Warrior Trl and is zoned PD-144A within the S.H. 161 Corridor Overlay District. The agent is E.D. Hill, the applicant is Hal Thorne, Hillstone Construction, LLC, and the owners are Veronica Hopkins, N.D. Hopkins Estate and Ronald Hopkins, N.D. Hopkins Estate.

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Item #4 - RP151001 - Replat - Lake Ridge 20, Lot 2598-R, Block R (City Council District 6). Consider a request to approve a Replat combining two (2) residential lots into one (1) residential lot within the Lake Ridge Addition. The 1.17 acre property, zoned Planned Development (PD-258), is currently addressed as 3239 & 3243 Koscher Drive. The owner is Amarilis Chinnici and Dennis Chinnici and the surveyor is Steve Keeton, Keeton Surveying.

Item #5 - RP151002 - Replat - Miss M.A. Moore's Addition Revised, Lot 4R, Block A (City Council District 5). Consider a replat of the Miss M.A. Moore's Addition, all of lot 4 and part of lot 5, Block A, consisting of 0.202 acres. The property is addressed as 122 North St and is zoned Single Family-One (SF-1) Residential District. The applicant is Hal Thorne, Hillstone Construction, the owner is Jose Arredondo, and the surveyor is Steve Keeton, Keeton Surveying.

Item # 6 - S101103A - Site Plan Amendment - Crosspoint Church (City Council District 4). Consider a request to approve a Site Plan for an approximate 8,400 sq. ft. expansion of the Crosspoint Church of Christ. The 9.81 acre property, zoned Planned Development (PD-140), is addressed as 3200 W. Bardin Road. The agent is Steve Elliott, CMA and the owner is Johnny Jinks, Crosspoint Church of Christ.

Item #7 - S151006 - Site Plan - Faith Fellowship Missionary Baptist Church (City Council District 6). Consider approval for a site plan for the expansion of an existing development, The Faith Fellowship Missionary Baptist Church. The site is about 1.6 acres and is zoned Planned Development 173 (PD-173). The property is generally located on the east side of Robinson Rd., south of Westchester Pkwy. The owner is Kim Anding, Faith Fellowship Missionary Baptist.

Item #8 - SU151007 - Specific Use Permit - Heritage at Turner Park (City Council District 5). Consider a request to approve a specific use permit to operate an assisted living facility. The 3.48-acre property, zoned General Retail (GR) District, is located at 820 and 914 Small Street. The agent is Ronald Payne, Southwest LTC-Grand Prairie, LLC and the owner is Brian Reynolds, 820 Small Street, LLC.

Item #9 - TA151001 - Text Amendment - Drainage and Floodplain Management. Consideration for approval of a Text Amendment to Article 12, "Platting," Article 14, "Drainage," Article 15, "Floodplain Management," and Article 22, "Fee Schedule," of the Unified Development Code (UDC) for the purpose of revising text to improve consistency among the UDC and the Drainage Design Manual. The owner/applicant is Stephanie Griffin, City of Grand Prairie Engineering Department.

AGENDA PUBLIC HEARING ITEMS TO BE POSTPONED: Item #10 - SU151003/S151003 - Specific Use Permit/Site Plan - CST Corner Store (City Council District 6).

(The above items are not public hearing items).

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Motion was made to approve the consent agenda items regarding the Disapproval of Plats without Prejudice pending completion of the City's review process and submittal of corrections by the applicants for cases P151101, P151102, P151103, P151104, P151105, P151106, P151107, P151108, RP151101, and RP151102, approve the minutes of August 31, 2015, and approve consent agenda cases P151003, RP151001, RP151002, S101103A, S151006, SU151007, and TA151001 and postponed case SU151003/S151003. The action and vote on the Consent Agenda being recorded as follows:

Motion: Moser

Second: Perez

Ayes: Garrett, Johnson, Lopez, Dr. Perez, Philipp, Moser, Motley, Spare, and Womack

Nays: None

Approved: **9-0**

Motion: **carried.**

PUBLIC HEARING AGENDA Item #11 – Z150901/CP150901 - Zoning Change/Concept Plan - Winding Creek Apartments (City Council District 4). Senior Planner Denice Thomas presented the case report and gave a Power Point presentation to amend the concept plan and uses for Planned Development-29 (PD-29) and Planned Development 231A (PD-231A) Districts to allow multi-family uses. The 22.98-acre property, generally located north of Sara Jane Parkway and west of Bob Smith Parkway, is split-zoned PD-29, PD-231A, and PD-265 and is within the State Highway 161 (SH-161) and Interstate Highway 20 (I-20) Corridor Overlay Districts. The applicant is Bryan Moore, DBA Architects and the owner is Sally Smith, Bob Smith Mgmt.

Mrs. Thomas stated the Planning and Zoning Commission tabled this item at the August 31, 2015, regular meeting to give the applicant an opportunity to work with Staff to resolve some of the outstanding issues and address questions raised by the Planning and Zoning Commission. Since the meeting the applicant has provided additional information that offers a rationale for the reduced setback adjacent to Sara Jane Parkway. Due to environmental and topographical constraints the developable pad site is severely restricted. In an attempt to address the concerns raised by Staff and the Planning and Zoning Commission regarding the close proximity of buildings to the right-of-way, the applicant has provided a 20-foot setback with a variable width landscape buffer that exceeds 20 feet in some locations adjacent to Sara Jane Parkway. The varied landscape buffer and plant materials mitigate for the reduced setback by breaking up the massing adjacent to the right-of-way and allows for development of the property. Staff is supportive of the revised layout with the varied landscape buffer.

Mrs. Thomas stated the PD amendment, will not conform to any of the multi-family designations adopted in the UDC; however, the MF-2 designation is closer than other multi-family designations. The following are deviations to the UDC and the PD ordinance:

- The minimum living area, as proposed, will be 650 square feet for one-bedroom units, 800 square feet for two-bedroom units, and 1,000 square feet for three-bedroom units.

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The UDC requires a minimum living area of 690 square feet for one –bedroom units, 980 square feet for two-bedroom units, and 1,100 square feet for three-bedroom units.

- As proposed, façades facing Sara Jane Parkway will be 100% masonry. All other façades, as proposed, will be 80% masonry and 20% comprised of fiber cement board siding. The UDC requires all primary façades, as defined by Appendix F, to be 100% primary masonry (e.g.: brick or stone).
- Roof pitch throughout the development is 4:12 to 8:12. The UDC requires minimum roof pitch mixture of 6:12 and 10:12 slope.
- Balconies will be provided on the floors above the ground floor as proposed. The UDC requires patios on the ground level and balconies on all other levels. Staff's recommendation is that the proposal complies with the UDC provisions.
- The proposed development calculates density based on gross acreage. The UDC and the adopted PD ordinance calculates density based on net acreage; acre excluding roads, drainage area, and floodplain. The subject site may have floodplain. Calculating based on gross acreage would yield more units than what would be permissible and a higher density than the UDC permits. Staff is not supportive of this request.
- The front yard setback, as proposed, will be 20 feet. The UDC requires a 40-foot setback for single-story buildings, 60 feet for two-story buildings, and 100 feet for three-story buildings. The proposed buildings will be three stories. The UDC requires a 100-foot setback for the multi-family component of the development.
- The interior side yard setback, as proposed, will be 20 feet. The exterior side yard setback, as proposed will be 30 feet. The side yard setback for buildings that side onto an arterial are required to have 40-foot wide side yard setbacks for single story buildings, 60-foot wide side yard setbacks for two-story buildings, and 100-foot wide side yard setbacks per the UDC. The buildings proposed are three stories; a 100-foot wide side yard setback is required.
- The rear yard setback, as proposed, will be 10 feet. The UDC rear yard setbacks are based on the height of the building. Single story apartment buildings are required to have 25 feet or two times the roof height, whichever is greater; two story apartment buildings are required to have 50 feet or two times the roof height, whichever is greater; three story apartment buildings are required to have 75 feet or two times the roof height, whichever is greater. It is unclear how tall the buildings will be, however, a minimum of 75 feet is required for rear yard setbacks by the UDC.
- As proposed, the PD would allow 2" caliper trees to be planted. The UDC requires a minimum of 3" caliper trees to be planted throughout the City of Grand Prairie. Staff is not supportive of this amendment.

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Mrs. Thomas stated while the proposed amendment defers to existing UDC regulations, the applicant is requesting deviations to the regulation as part of this proposal. Therefore, Staff cannot recommend full support; however, if it is the desire of the P & Z Commission to recommend approval of this proposal the Development Review Committee recommends the following:

1. Development will occur in substantial conformance with the UDC provisions, except where specifically mentioned in the PD ordinance.
2. That, unless explicitly indicated in the PD ordinance, all development will be subject to the UDC requirements.
3. That, unless explicitly indicated in the PD ordinance, in the event that conflicts occur between the PD and the UDC, the PD ordinance shall prevail.
4. That parking requirements for the subject site comply with the UDC as amended.
5. Any outstanding comments found in City Case File, #Z150901/CP150901 must be addressed.

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

Bryan Moore with DBA Architects, 111 S. Kentucky, Ste 210, McKinney, TX was present representing the case and to respond to questions from the Commission. Mr. Moore stated all of the parking requirements would be met, but are asking some relief on the parking garages.

Mr. Crolley stated multi-family developers usually conduct a market study on the unit sizes.

Commissioner Motley asked when they anticipate construction of the project.

Mr. Moore stated as soon as they can get Council approval.

Chairperson Garrett noted one speaker card submitted in support of this request. Max Coleman, 9 Heritage Court, Grand Prairie, TX.

There being no further discussion on the case, Commissioner Moser moved to close the public hearing and approve case Z150901/CP150901 as presented and recommended by staff granting the applicants requested appeals. The action and vote being recorded as follows:

Motion: Moser

Second: Spare

Ayes: Garrett, Johnson, Lopez, Dr. Perez, Philipp, Moser, Motley, Spare, and Womack

Nays: None

Approved: **9-0**

Motion: **carried.**

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PUBLIC HEARING AGENDA Item #12 – S151004 - Site Plan - Trinity Hearth and Home (City Council District 1). Chief City Planner Jim Hinderaker presented the case report and gave a Power Point presentation for a request to approve a Site Plan for a 58,300 sq. ft. warehouse, office, and showroom building to be occupied by Trinity Hearth & Home. The 2.92 acre property, zoned Light Industrial (LI) District, is addressed as 2937 Hard Rock Road and is generally located west of S.H. 161 and north of W. Oakdale Road. The property is also located within the S.H. 161 Corridor Overlay District. The agent is Kristi Daniel and Tony Callaway, Callaway Architecture and the owner is Fredy Mize, Par-Mize LLC.

Mr. Hinderaker stated Trinity Hearth and Homes sells and installs fireplaces and garage doors. According to their operational plan, they started their business operations in a leased building here in Grand Prairie in 2010. They further stated that the company specializes in the installation and distribution of fireplaces and garage doors for volume national, mid-size regional, and small custom builders. The company now seeks to invest in the development of their own property instead of leasing space. The proposed uses include new building with approximately 42,000 sq. ft. of warehouse space, 7,500 sq. ft. of office/showroom space on the main floor, and an additional 8,800 sq.ft. of office space on the second floor. Staff has classified the proposed use as a “Warehouse” use with an accessory office/showroom component, which is considered a permitted use within the Light Industrial zone district. The subject property is 2.92 acres in size. All minimum lot dimensional standards are met. The property consists of two separate unplatted tracts. The applicant is proposing to consolidate the tracts into a single parcel. A separate plat application is being reviewed concurrently with this application. The combined parcels exceed the minimum lot standards of the UDC. Setback standards in the Light Industrial Zone District require a minimum 25 ft. front setback and 0 ft. rear setback. In this case, the property has two front setbacks, one along S.H. 161 and the other along Hardrock Road. The proposal exceeds these setback standards, except for small portion of the accent tower that is set 21 feet from the east property line. Side setbacks are determined based on the height of the building and if there is any residential adjacency, which in this case there is not. The height of the applicant’s building except for accent tower is approximately 38 feet from grade. Buildings greater than 35 ft. in height require a 25 ft. side yard setback. The applicant exceeds this distance along the northern property line, but is proposing an eighteen (18) ft. setback along the southern property line. Staff has no objections to this request as a 35 ft. tall building would only require a 15 ft. side yard setback. Staff believes that these two setback variance requests are reasonable and therefore supports these appeals.

Mr. Hinderaker stated the proposed 58,300 sq. ft. warehouse/office/showroom is a concrete tilt-wall constructed building with brick and cast stone accents. The office/showroom area of the building, which is situated at the northeast corner of the building, makes up the primary articulation zone of the building. This corner of the building’s façade consists of a bank of large curved aluminum framed storefront glass windows transitioning into brick finished tilt wall panels and a 51 ft. 9 inch concrete, with partial brick finished, accent wall oriented toward S.H. 161. The applicant also proposal to include a 9 ft. tall accent light fixture to be set atop the accent wall. The balance of the building includes required surface reveals, horizontal and vertical

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articulation, and parapets. The loading docks to the warehouse area are located on the west side of the building and are not visible from S.H. 161. A new single access drive, located at the northeast corner of the property, is proposed along S.H. 161. While TxDOT approval is required for this access drive, staff supports this drive approach from S.H. 161 as it exceeds the minimum spacing requirements from existing driveways and intersections. Two additional access drives are proposed on the opposite side of the property along Hardrock Road. Staff supports the access points on Hardrock. Due to the narrowness of the property, double frontage limitations on S.H. 161 and Hardrock Road, and the desire of the applicant to maximize the building footprint on the site, fire lane access could not be provided around the entirety of the building, which is typically provided to allow for fire access to within 150 feet of all points of an industrial building. A 24 ft. fire lane, which doubles as an access drive through the property, is located along the north and west sides of the building. However, in lieu of providing a similar 24 ft. fire lane along the south and east sides of the building, the applicant is proposing to construct a side walk along S.H. 161 with sidewalks extending perpendicular from the S.H. 161 sidewalk to the emergency access doors located along the west side of the building. As proposed, fire engines and other emergency equipment would set up along S.H. 161, in addition to the internal fire lane access along the west and north side of the building, if an emergency situation warranted. In regards to on-site parking, the UDC requires, for warehouse uses within buildings 25,000 sq. ft. or larger, that 20 parking spaces plus one space for each additional 5,000 sq. ft. be provided on site. Therefore the warehouse portion of the building requires 24 parking spaces. In addition, the UDC requires one space per 1,000 sq. ft. of office/showroom space. As proposed, the office/showroom area, requires an additional 17 parking spaces. A total of 41 parking spaces are required. The applicant is provided 54 parking spaces.

Mr. Hinderaker stated in accordance with Section 4.B.2 of Appendix F of the UDC, all parking or drive areas shall be located a minimum of 30-foot from the right-of-way line of public streets. In this case, the landscape buffer is required along the entirety of Hardrock Road and the northeast corner of S.H. 161. However the applicant is requesting to shift this landscape buffer from the Hardrock Road side to the S.H. 161 side. In lieu of the landscape buffer on the Hardrock Road side, the applicant proposes to construct an eight foot tall masonry screening wall on and along the entire length, except for the access drives, of the eastern property line. Due to the landscape buffer, the standard 4% landscaping for industrial zoned property technically does not apply. However, the proposed landscape plantings (trees, shrubs, and turf, etc.) are in compliance with Article 8 of the UDC. The applicant is requesting, due to the masonry screening wall being proposed to be set on the property line along Hardrock Road, the ability to plant street trees within the Hardrock Road right-of-way. Public Works is comfortable with this proposal, provided that the applicant: 1) understands that they or any future owner of the property is responsible for the trees and indemnifies the city from any liability, and 2) if Hardrock Road is every widened and necessitates the removal of the trees, that the city may remove the trees.

Mr. Hinderaker stated the applicant is requesting a waiver of the standard dumpster enclosure requirement as their operations require the use of a 30 yard roll-off style dumpster. However, if

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required the applicant is willing to provide a screening wall along the north side of the dumpster, which is proposed to be placed south of the loading dock doors and thus screened by the building on its south and east sides.

Mr. Hinderaker stated since the applicant is requesting the above noted appeals, the Development Review Committee is not able to recommend full approval of this case.

Commissioner Moser asked if the City has any plans on widening Hardrock Road.

Transportation Planner Daon Stephens stated the Thoroughfare Plan indicates Hardrock Road to be a four lane undivided road, the applicant would need to dedicate some right-of-way.

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

Scott Stone, 1207 Hampshire Land, Ste 105, Richardson, TX was present representing the case and to respond to questions from the Commission.

Commissioner Moser asked if this facility would be open to the public.

Mr. Stone replied no, this would not be open to the public.

There being no further discussion on the case, Commissioner Motley moved to close the public hearing and approve case S151004 as presented and recommended by staff, granting the applicants requested appeals. The action and vote being recorded as follows:

Motion: Motley

Second: Moser

Ayes: Garrett, Johnson, Lopez, Dr. Perez, Philipp, Moser, Motley, Spare, and Womack

Nays: None

Approved: **9-0**

Motion: **carried.**

PUBLIC HEARING AGENDA Item #13 – S151005 - Site Plan - Trinity 161 Center (City Council District 1). Chief City Planner Jim Hinderaker presented the case report and gave a Power Point presentation for a request for approval of a Site Plan for a 266,450 sq. ft. industrial warehouse distribution center. The 15.06 acre property, split-zoned Planned Development (PD-221 & PD-221A), is generally located east of S.H. 161 and north W. Trinity Boulevard. The property is also located within the S.H. 161 Corridor Overlay District. The applicant is Dan Warfield, Halff Associates, Inc. and the owner is Audre Rapoport, Rapoport Foundation.

Mr. Hinderaker stated the applicant intends to develop the 15.06 acre tract of land as speculative industrial facility that will house multiple tenants seeking smaller industrial lease space. No

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outside storage and/or truck/trailer parking beyond those parked at the dock doors is proposed. The property is currently split zoned Planned Development (PD-221) and (PD-221A) for industrial uses. Staff has classified the proposed use as a “Warehouse” use with an accessory office/showroom component, which is considered a permitted use within the Light Industrial zone district.

Mr. Hinderaker stated the unplatted subject property is 15.06 acres in size. A separate plat application has been submitted and is currently under review. As submitted, all minimum lot dimensional standards are met. Setback standards within the Planned Development (PD-221) and (PD-221A) Zone Districts require a minimum 40 ft. front setback and 0 ft. rear setback. In this case, the property has three front setbacks, one along S.H. 161, one along Trinity, and one along Shady Grove Road. As proposed, the warehouse building exceeds these setback standards. The maximum height permitted by the aforementioned PD’s is 50 feet, which exceeds the 40 ft. maximum proposed. The proposed 266,450 sq. ft. industrial building is a concrete tilt-wall constructed structure with stone accents. The building features two articulations zones located on the southwest and northwest corners of the building, as well as four additional articulation zones spaced along the length of the building. The corner articulations zones are required to extend 3x the height of the building, which is approximately 40 feet. As proposed, these two articulation zones only extend 65 feet. The applicant is seeking an appeal of this standard. The balance of the building, which includes four additional wall plane changes, includes all required surface reveals, minor articulation changes, and minimum height parapets. The building is setup with all office/retail/showroom space oriented toward S.H. 161. The loading docks to the industrial space are located on the east side of the building and are not visible from S.H. 161.

Mr. Hinderaker stated two new passenger access drives are proposed along S.H. 161. While TxDOT approval is required for this access drive, staff supports this drive approach from S.H. 161 as it exceeds the minimum spacing requirements from existing driveways and intersections. One additional passenger access drive is proposed along Trinity Boulevard. A single truck access drive is proposed along Trinity Boulevard. Staff supports the two access points on Trinity. In regards to on-site parking, the UDC requires, for warehouse uses within buildings 25,000 sq. ft. or larger, that 20 parking spaces plus one space for each additional 5,000 sq. ft. be provided on site. The applicant anticipates that approximately 110,000 sq. ft. of the 266,450 sq. ft. industrial building will be used for office space, which requires one space per 325 sq. ft. Based on these calculations 390 spaces are required, which is the number of parking spaces being provided by the applicant.

Mr. Hinderaker stated in accordance with Section 4.B.2 of Appendix F of the UDC, all parking or drive areas shall be located a minimum of 30-foot from the right-of-way line of public streets. In this case, a 30-foot landscape buffer is required along S.H. 161, Shady Grove and Trinity Blvd. However applicant proposes to install a 30-foot buffer along Trinity Blvd., a 25-foot landscape buffer along S.H. 161, and a 20-foot buffer along Shady Grove Road. While an appeal of this standard is necessary, the applicant proposes to increase the minimum 4% landscape area required by the UDC in the Light Industrial District to 11% of the property to off-set the

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reduction in the width of the berms. The proposed landscape plantings are in compliance with Article 8 of the UDC. Three dumpster enclosures are proposed to be located along the east property line.

Mr. Hinderaker stated since the applicant is requesting the above noted appeals, the Development Review Committee is not able to recommend full approval of this case.

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

Dan Warfield with Halff Associates, Inc., 1208 Cypress Springs, Trail, McKinney, TX was present representing the case and to respond to questions from the Commission.

Chairperson Garrett noted one speaker cards submitted in support of this request. Kyle McCullah, 12221 Merit Drive, Dallas, TX

There being no further discussion on the case, Commissioner Moser moved to close the public hearing and approve case S151005 as presented and recommended by staff, granting the applicants requested appeals. The action and vote being recorded as follows:

Motion: Moser

Second: Johnson

Ayes: Garrett, Johnson, Lopez, Dr. Perez, Philipp, Moser, Motley, Spare, and Womack

Nays: None

Approved: **9-0**

Motion: **carried.**

PUBLIC HEARING AGENDA Item #14 – SU151001/S151001 - Specific Use Permit/Site Plan - Auto Care Central (City Council District 2). Senior Planner Doug Howard presented the case report and gave a Power Point presentation for approval for Specific Use Permit to allow used auto sales. The site is about 1.3 acres and is zoned Planned Development 56 (PD-56). The property is generally located on the north side of Pioneer Pkwy., east of S Carrier Pkwy, and addressed as 520 W. Pioneer Pkwy. The agent is Rick Sala and the owner is Nader Farokhrouz, Scope Enterprises, Inc. DBA/Auto Care Central.

Mr. Howard stated Auto Care Central is an existing general automotive repair facility on 1.3 acres. The facility has 6 overhead doors on the west and east sides of the building. All repairs are done indoors. The applicant is requesting permission to add Used Auto Sales to their certificate of occupancy. No major operational changes will occur with the addition of Used Auto Sales. The parking area will expand and parking spaces will be designated for inventory and display vehicles. They will not be doing major repair work to the vehicles that will be for sale, only minor repair.

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Mr. Howard stated no changes to the building are being proposed as part of this request. Auto Related Businesses are required 1 space per 400sqft of building area. Auto sales businesses require 1 space per 400sqft of building as designated customer parking spaces. The proposed site plan will expand the parking area to the north side of the property. The applicant is required to have 18 parking spaces. The applicant is providing 37 parking spaces and 43 inventory and display vehicle parking spaces.

Mr. Howard stated the Unified Development Code requires a Type 1 masonry screening wall to be placed on property lines adjacent to residential property; however, the site plan, approved in 2009, allowed for a living screen along the west property line. Staff has no objection to the continuation of a living screen and shrubs approved previously. The proposed site plan shows adequate landscaping. Staff will need to review and approved a final landscape design with details prior to approval of any building permit or certificate of occupancy.

Mr. Howard stated the Development Review Committee recommends approval of the proposed site plan and specific use permit request with the following conditions:

1. Site plan mylars must be submitted for approval prior to any building permit or certificate of occupancy can be released or approved.
2. Operations must conform to the approved site plan.
3. A living screen, consistent with the site plan approved in 2009, must be extended along the west property line and parking areas. A detailed landscape plan must be submitted to the planning department and approved by the Chief City Planner or designee prior to the issuance of a building permit or certificate of occupancy. Landscaping must be installed prior to a certificate of occupancy being issued.
4. All conditions listed in SUP-829A, Ordinance 9181, will apply, excluding the prohibition of auto sales.
5. All business activities must take place onsite. Use of the rights-of-way shall be prohibited.
6. Must comply with the ARB ordinance.
7. Submit a schedule of maintenance activities for the detention basin and pump station. Must comply with maintenance activities, as approved by the city drainage engineer.
8. Any outstanding comments found in City Case File, #SU151001/S151001, must be addressed.

Commissioner Motley asked if SUP-829 includes auto sales and would this SUP include the vacant property to the west.

Mr. Howard replied no the SUP does not include use auto sales, the SUP would only apply to the property on the east, the applicant owns both lots, but the SUP would not allow use car sales on the western vacant lot.

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Chairperson Garrett asked if all of the other automotive related businesses along Pioneer Parkway could come back before the Council and asked for an SUP for use auto sales.

Mr. Howard noted this is the only zoning district on Pioneer Parkway that would allow use auto sales with a SUP the property is in a planned development district.

Chairperson Garrett stated he is not comfortable having used auto sale along Pioneer Parkway.

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

Rick Sala, 339 E. Sandra Lane, Grand Prairie, TX was present representing the case and to respond to questions from the Commission. Mr. Sala noted this property is within a planned development district that allows auto sales with a SUP. He said the property to the west would be left vacant and not utilized with this development.

Commissioner Motley asked why he want to sell use cars at this location.

Nadar Farokhrouz with Auto Care Central, 520 W. Pioneer Parkway, Grand Prairie, TX stated he would like to raise his sales.

Commissioner Motley stated he does not want a used auto sales lot in this area just to be able to make more money, and does not want to start allowing these uses along Pioneer Parkway.

Mr. Farokhrouz stated this would provide a better serviced to the citizens of Grand Prairie, not just for making more money.

Commissioner Moser asked if Council has an overlay on used auto sales along Pioneer Parkway.

Mr. Crolley replied no, the SUP requirement was put in place for all used auto sales so each case could be reviewed.

Commissioner Womack stated he agrees with Mr. Motley concerns and does not want to see a used car lot along Pioneer Parkway.

Commissioner Spare stated as Commissioners we need to look at each case to make sure we are not setting a precedent we need to look now to make sure what happens in the future.

Chairperson Garrett noted one speak card submitted in opposition to this request.

Frank Taylor, 610 N.W. 18th Street, Grand Prairie, TX stated he is representing his mother who lives in the area, and would like this area to remain retail we do not need any used car lots along Pioneer Parkway.

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Mr. Motley stated it is difficult for him to make a motion that does not help some ones business, but we have to look at what is best for our city. There being no further discussion on the case, Commissioner Motley moved to close the public hearing and deny case SU151001/S151001. The action and vote being recorded as follows:

Motion: Motley

Second: Womack

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

Nays: Garrett

Denied: **8-1**

Motion: **carried.**

PUBLIC HEARING AGENDA Item #15 – SU151004 - Specific Use Permit - 309 SE 14th Street (City Council District 5). Senior Planner Doug Howard presented the case report and gave a Power Point presentation for approval of a Specific Use Permit for Major Auto Repair uses, including mechanical repairs and auto body repairs. The site is 0.3 acres and is zoned Commercial (C) within Central Business District 3 (CBD 3). The property is generally located south of Jefferson St. and east of Belt Line Rd. The owner is Vincente Duan and the surveyor is Steve Keeton, Keeton Surveying.

Mr. Howard stated 309 SE 14th St will be leased to auto repair tenants. Based on the parking requirements and the limited customer parking area, only one auto related businesses should occupy this site, at a time. Repair uses will include major auto repair, mechanical repair, and auto body and paint work. The applicant's operational plan states that they will also be selling used parts. The sale of auto parts shall only be done in conjunction with repair work. This site will not be used as a used auto parts store. Used auto parts stores require more parking than this site can provide. The primary building will be used as office space and for the repairing of vehicles. The detached garage will be used for parking vehicles and storage of auto parts. The property will be screened to the west by a type 1 masonry fence and to the south by a type 3 wood screening fence. The ARB ordinance does not allow more than 2 inoperable vehicles to be stored on any property. If there are 2 or less inoperable vehicles, the vehicles must be appropriately screened. The applicant will not have more than 2 inoperable vehicles stored outdoors at any time. Salvaging shall not occur, onsite.

Mr. Howard stated no changes to the building are being proposed as part of this request. Auto Related Businesses are required 1 space per 400sqft of building area. The existing building is 5,032sqft and the 2-door detached garage is 731sqft, which would require 15 total parking spaces. The plan is showing 14 spaces. The UDC allows the Development Review Committee to provide up to 15% relief on required parking. The DRC has provided this relief, allowing this site to only require 14 parking spaces. This site has 7 existing head in parking spaces, which will provide for customer and employee parking. 7 additional parking is provided in the back of the property for vehicles awaiting repair and employees; 5 spaces outside, and 2 spaces inside the garage. The building may also be used to store vehicles. Concrete paving will be provided in all

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areas used for the outside parking of vehicles, and will meet the minimum requirements of the UDC. As approved by the Environmental Services Department, the dumpster will be stored inside the building and rolled out on pick up days.

Mr. Howard stated the Development Review Committee recommends approval of the proposed site plan and specific use permit request with the following conditions:

1. Site plan mylars must be submitted for approval prior to any building permit or certificate of occupancy can be released or approved.
2. Operations must conform to the approved site plan. All vehicles must be parked in a clearly marked parking space.
3. Except for waste pick-up services, the dumpster shall remain indoors in accordance with the approved site plan.
4. All business activities must take place onsite. Use of the rights-of-way shall be prohibited.
5. No repair work shall be performed outside.
6. Only one tenant shall occupy this site at a time.
7. "A Type 1 screening wall shall be installed along the western property line, as shown on the approved site plan. If the detached garage is ever removed, the wall shall extend for the full length of the property line."

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

Vincent Duan, 2812 Nontell Court, Plano, TX was present representing the case and to respond to questions from the Commission.

Commissioner Johnson asked if there would be any outside storage on his site.

Mr. Duan replied no, there is no outside storage allowed.

Commissioner Moser asked if he would be the business operator.

Mr. Duan replied no, he would lease the building out to a tenant.

There being no further discussion on the case, Commissioner Moser moved to close the public hearing and approve case SU151004 as presented and recommended by staff. The action and vote being recorded as follows:

Motion: Moser

Second: Philipp

Ayes: Garrett, Johnson, Lopez, Dr. Perez, Philipp, Moser, Motley, Spare, and Womack

Nays: None

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Approved: **9-0**

Motion: **carried.**

PUBLIC HEARING AGENDA Item #16 – SU151005 - Specific Use Permit - 3318 E Jefferson Street (City Council District 5). Senior Planner Doug Howard presented the case report and gave a Power Point presentation for approval for a Specific Use Permit for used auto sales. The site is 0.34 acres and is zoned Light Industrial (LI) within Central Business District 4 (CBD 4). The property is addressed 3318 E. Jefferson St. The applicant is Juan Rodriguez, the architect is Joseph Wilkins, Design Alchemy LLC, and the owner is John Benda.

Mr. Howard stated the applicant is proposing to have the 10 display vehicle spaces. Vehicles are purchased and driven in individually. Any repair work will be performed off-site. No changes to the building are being proposed as part of this request. Auto Related Businesses are required 1 space per 400sqft of building area. Auto sales businesses require 1 space per 400sqft of building as designated customer parking spaces. The existing building is about 1300sqft, which would require 4 designated parking spaces. The applicant is proposal is consistent with the UDC minimum requirements for parking. The applicant has existing driveway access points along E Jefferson St. The drive aisle directly adjacent to the building will only be 17ft wide, and will be required to be a one way drive aisle, as shown on the site plan. Building Inspections has inspected the existing asphalt and has advised that the asphalt be replaced. The UDC requires all new paving to be concrete. Staff will be recommending that concrete be installed before a certificate of occupancy is issued.

Mr. Howard stated a dumpster enclosure will be provided and must meet the minimum requirements of the UDC; a minimum 12ft x 12ft area enclosed by a solid, non-transparent, masonry wall, 6ft in height, with a screening gate that is concealed from public view from all areas of the public street right-of-way.

Mr. Howard stated the Development Review Committee recommends approval of the proposed site plan and specific use permit request with the following conditions:

1. Site plan mylars must be submitted for approval prior to any building permit or certificate of occupancy can be released or approved.
2. Operations must conform to the approved site plan.
3. Prior to the issuance of a certificate of occupancy, damaged asphalt must be replaced with concrete, as determined by the Chief Building Official.
4. Unless commercial bag service is approved, a dumpster enclosure meeting the minimum requirements of the UDC must be constructed.
5. All business activities must take place onsite. Use of the rights-of-way shall be prohibited.
6. No repair work shall be performed onsite.
7. Must comply with ARB ordinance.
8. Any outstanding comments found in City Case File, #SU151005, must be addressed.

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Commissioner Womack asked if we could ask the applicant to install concrete on the driveway and only the area that he would be parking on.

Mr. Howard stated there are a lot of pot holes on the property that need repair.

Commissioner Motley asked for percentage of use car lots that currently use concrete.

Mr. Crolley stated there have been several existing lots that have been allowed to do concrete in phases, but the new constructions have to be concrete, we only allow existing buildings to use asphalt.

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

There being no further discussion on the case, Commissioner Moser moved to close the public hearing and approve case SU151005 for use auto sales as presented and recommended by staff. The action and vote being recorded as follows:

Motion: Moser

Second: Lopez

Ayes: Garrett, Johnson, Lopez, Dr. Perez, Philipp, Moser, Motley, Spare, and Womack

Nays: None

Approved: **9-0**

Motion: **carried.**

PUBLIC HEARING AGENDA Item #17 – SU151006 - Specific Use Permit - Import Auto Center, Inc. (City Council District 2). Senior Planner Doug Howard presented the case report and gave a Power Point presentation for approval of a Specific Use Permit for used auto sales and to codify existing non-conforming Automotive Business Related uses on the property. The site is 0.67 acres and is zoned Light Industrial (LI). The property is generally located south of Arkansas Ln. and east of Forum Dr. The owner is Hieu V Ha.

Mr. Howard stated 2621 Skyway Dr. is currently an auto repair facility performing auto body and major repair activity. There are 2 businesses occupying the site; Destiny Auto Repair and Import Auto Center. The applicant has provided a detailed operational plan, which is included as an attachment in this staff report. The applicant occasionally buys vehicles with body damage on a prearranged basis for a customer, and then sells the customer that vehicle.

Mr. Howard noted no changes to the building are being proposed as part of this request. Auto Related Businesses are required 1 space per 400sqft of building area. The existing building is 12,250sqft, which would require 31 total parking spaces. The site plan is showing 26 spaces. The applicant shows they have 16 spaces behind a security fence. 10 spaces are in front of the security fence on the eastern side of the property; 2 spaces for the business operators, and 3

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spaces for display vehicles, leaving 5 for customers. The building itself can hold 18 more vehicles, if needed. There will be no inoperable vehicles stored outside. 31 parking spaces are required, due to the building's size; 1 space per 400sqft. The site currently has 26 parking spaces. The applicant is asking for a reduction in the parking requirement. Staff could support a reduction of 5 spaces if the building was not subdivided any further.

Mr. Howard stated the Development Review Committee recommends approval of the proposed site plan and specific use permit request with the following conditions:

1. Site plan mylars must be submitted for approval prior to any building permit or certificate of occupancy can be released or approved.
2. Operations must conform to the approved site plan. All vehicles must be parked within a clearly marked parking space.
3. All business activities must take place onsite. Use of the rights-of-way shall be prohibited.
4. No repair work shall be performed outside.
5. No inoperable vehicles shall be stored outside.
6. No salvaging shall occur, onsite.
7. There are 2 businesses currently operating. No more than 2 Certificates of Occupancy may be issued at a time.
8. A ledger with vehicle information for all vehicles receiving service onsite shall be kept and available upon request for review by Police and Code Enforcement Officers.
9. Must comply with the Automotive Related Business Ordinance.
10. Any outstanding comments found in City Case File, #SU151006, must be addressed.

Mr. Howard added a condition of approval in his presentation: The property shall be free of code violations before a certificate of occupancy can be issued

Commissioner Spare asked how long the applicant needs to be in conformance without any violations on the property.

Mr. Howard replied at all times, but would have a one year review to make sure there are no violations.

Steve Alcorn noted the applicant is currently operating without a Certificate of Occupancy.

Mr. Howard stated they have a CO, but not a specific use permit for auto sales.

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

Hieu Van Ha, 2621 Skyway Drive, Grand Prairie, TX was present representing the case and to respond to questions from the Commission.

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Commissioner Spare noted the applicant seems to have a parking shortage, and the owner of the property is responsible for his tenants.

Mr. Ha stated there is a mechanic shop at the back of the property that parks on the street, but he does have enough parking and would only have a few cars for sale on the premises. Mr. Ha stated he would speak with his tenant about parking along the street.

Joe Ezzell, 2211 Texas Drive, Irving, TX stepped forward in support of this request. He stated there are cars parked all along Skyway, not just on his property. He noted they would be designating parking for their customers.

Commissioner Moser stated they would need to come back before the Commission for a one year review, and asked that he control his tenants.

There being no further discussion on the case, Commissioner Motley moved to close the public hearing and approve case SU151006 as presented and recommended by staff. The action and vote being recorded as follows:

Motion: Motley

Second: Moser

Ayes: Garrett, Johnson, Lopez, Dr. Perez, Philipp, Moser, Motley, and Spare

Nays: Womack

Approved: **8-1**

Motion: **carried.**

PUBLIC HEARING AGENDA Item #18 – Z151002 - Zoning Change - Southgate (City Council District 6). Senior Planner Denice Thomas presented the case report and gave a Power Point presentation for a request to rezone 64.30 acres from Agriculture (A) District, Planned Development-185 (PD-185) and Planned Development-308 (PD-308) Districts to a Planned Development District for multi-family and commercial uses. The 64.30-acre property, zoned Agriculture (A) District, Planned Development-185 (PD-185) and Planned Development-308 (PD-308) Districts, is generally located south of Ragland Road between State Highway 360 (SH 360) and Day Miar Road, is within the State Highway 360 (SH 360) Corridor Overlay District. The agent is Rob Parsons, Gateway Planning and the owner is Charlie Anderson, TA Land Fund LP.

Mrs. Thomas stated the existing base zoning is Commercial-One district. The proposed base zoning will remain C-1; however, a portion of the property will be zoned Multi-family-Three district. All zoning will defer to the Unified Development Code as amended except where expressly called out in the PD ordinance. The property is split-zoned. A portion of the property is zoned A District and the balance is zoned PD-185 with base zoning of C-1 District. The proposal would expand the boundary of PD-185 district and allow for MF-3 uses, in addition to the existing C-1 uses. The C-1 district provisions, as called out in the PD-185 ordinance will not

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change. The MF-3 dimension requirements will be the regulations in the adopted UDC, as amended, except where expressly called out in the PD. The applicant is requesting deviations to the MF-3 requirements in the UDC. The table below provides a comparison of the adopted MF-3 standards and the proposed MF-3 standards with the requested deviations. Article 10 of the UDC requires no less than 30% of the minimum required parking to be attached parking garages. The applicant is requesting relief from this requirement to allow no less than 15% of the minimum required parking to be attached parking garages. Additionally, Article 10 requires a minimum of 20% of all required garage parking for the total complex to have parking garages directly accessible to the living area of an apartment unit and the garage shall be assigned to the same unit; this provision is not met by the proposed PD amendment. All other adopted UDC provisions, as amended, will be met.

Mrs. Thomas stated the applicant is proposing to phase the development of the 64 acres. Infrastructure and access will be provided concurrent with development as proposed and presented by the applicant. Working documents that indicate adequate infrastructure and access have been reviewed by staff. The working documents will be used as guiding documents for the concurrent provision of infrastructure and access. The applicant is proposing 10 appeals to the UDC:

- *Density* – The maximum net density permitted for the MF-3 district is 24 dwelling units per acre. The applicant is proposing 35 dwelling units per acre. Staff does not object to this appeal.
- *Front Setbacks* – The applicant is requesting approval to reduce the front yard setback from 100 feet to 10 feet. Staff's position is that this appeal should be considered at the site plan stage when detailed elevations and site designs are available. Staff does not have enough information to make a recommendation regarding front yard setback reductions at this time.
- *Side Setbacks* – The applicant is requesting approval to reduce the side yard setbacks from 75 – 110 feet (depending on the height of the building) to 20 feet; reduce the side yard setback adjacent to streets from 75 – 110 feet (depending on the height of the building) to 10 feet; and to reduce the side yard setback adjacent to an arterial from 100 feet to 10 feet. Staff is of the opinion that this appeal should be considered at the site plan stage when an engineered site plan, complete with building layouts, roads, and detention (if required), is available. Staff does not have adequate information to make a recommendation regarding side yard setback reductions at this time.
- *Rear Setbacks* – The applicant is requesting approval to reduce the rear yard setback from 75 – 110 feet (depending on the height of the building) to 10 feet. Staff is of the opinion that this appeal should be considered at site plan when elevations and an engineered site plan are available. There is insufficient information available for Staff to make a recommendation regarding rear yard setback reductions at this time.

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- *Masonry Composition* – The UDC requires 90% primary masonry on all façades of the multi-family buildings. The applicant is proposing 80% primary masonry. Staff is of the opinion that this appeal should be considered at site plan when elevations are provided. Staff does not have adequate information to make a recommendation regarding building materials composition at this time.
- *Attached Garages* – The UDC requires a minimum of 30% of the minimum required parking to be attached garages and a minimum of 20% of the 30% must be direct access to the living area of the unit and dedicated for use to that unit. The applicant is request an appeal to reduce the amount of attached garages to 15%. If granted, this request would also reduce the number of direct access garages for dedicated use as well. Staff is of the opinion that this appeal request should be considered at site plan when elevations and an engineered site plan are available. Staff does not have enough information to make a recommendation regarding the reduction of attached garages appeal at this time.
- *Fences* – Fences are currently required between non-residential and residential uses. The applicant is requesting an appeal to eliminate the requirement for internal streets and property lines. Staff is of the opinion that this appeal should be considered at site plan when building elevations and an engineered site plan is available. There is inadequate information for Staff to make a recommendation regarding fencing at this time.

Mrs. Thomas stated the Development Review Committee met with the applicant to discuss this proposal on September 24, 2015. The item was cleared to move forward to the Planning and Zoning Commission subject to conditions. Due to the appeal Staff cannot recommend full support; however, staff does not oppose approval subject to conditions. Any outstanding comments found in City Case File, #Z150202, must be addressed.

Chairperson Garrett asked if we have ever allowed any multi-family density to this extent.

Mr. Crolley replied no.

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

Scott Polikov, 3100 McKinnon Street, Dallas, TX was present representing the case and to respond to questions from the Commission. Mr. Poliko gave a presentation of the project. He stated there is not enough roof tops in this area to bring in the retail development first therefore they are proposing the multi-family development at this time.

Commissioner Womack asked how many units they would have and would this project impact the Mansfield school district.

Mr. Polikov stated this development would market couple with and without children.

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Commissioner Womack asked how the retail would come in without the roof tops, and how is this project a high quality project when they are asking for appeals to all of our quality requirements, and asked staff if they are in agreement with this development.

Mr. Crolley stated if you visit their other complexes in the metroplex he would agree that they are very nice developments.

Commissioner Spare asked how many retail pad sites we would have once S.H. 360 is extended.

Mr. Crolley replied this is the only site between Camp Wisdom and Hwy 287.

Commissioner Spare asked why this site could not be utilized by retail development only, because he does not agree this multi-family.

Mr. Polikov said he should want this type of development in his city if Flower Mound and Allen have it, why not Grand Prairie.

Charlie Anderson with TA Land Fund LP, 4801 West Lovers Lane, Dallas, TX stepped forward in support of this request. He said they have conducted a market study on multi-family and would be glad to submit a copy to staff. Mr. Anderson noted several developments he has work on throughout the city. He stated this is a very unusual site, the last large parcel of retail zoning. He stated they would like to create the residential development first in order for the retail to come in.

Commissioner Moser stated he is impressed that Mr. Anderson knows our city and what is going on and he appreciates them for wanting to move forward in this direction therefore we need to look at this development.

Jerry Pierce, 1509 Caplin Drive, Arlington, TX adjacent property owner, said he is not opposed to this development, but needs more information on what is being constructed.

Commissioner Womack stated they would be putting in all of the infrastructure and utilities for the multi-family first in order to bring in the retail.

Commissioner Motley stated we are looking at ten appeals for this project when would the information be obtained. Mr. Motley said this corner is very important we should be cautious how we deal with this site.

Mrs. Thomas replied during the site plan approval process.

Mr. Anderson stated since the setbacks deal with the density if the Commission would prefer they would be comfortable with 30 units per acre.

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Commissioner Perez said he is sure staff has worked hard on this project and the applicant is very knowledgeable on what he wants to develop and asked that the Commission move forward.

There being no further discussion on the case, Commissioner Moser moved to close the public hearing and approve case Z151002 as presented and recommended by staff, granting the applicants requested appeals, and the density be of 30 dwelling units per acre. The action and vote being recorded as follows:

Motion: Moser

Second: Perez

Ayes: Garrett, Johnson, Lopez, Dr. Perez, Philipp, and Moser

Nays: Womack, Motley, Spare

Approved: **6-3**

Motion: **carried.**

At 10:10 the Commission went into a 5 minute recess.

PUBLIC HEARING AGENDA Item #19 – SU141002/S141003 - Specific Use Permit/Site Plan - 4125 E Jefferson Street (City Council District 5). Chief City Planner Jim Hinderaker presented the case report and gave a Power Point presentation for a request for approval of a Specific Use Permit and Site Plan to permit an Auto Salvage Yard. The 35.62-acre property, zoned Heavy Industrial (HI) District, is located immediately south of E. Jefferson Street and approximately 1,600 feet west of N. Merrifield Road (Dallas). The property is also located within the Central Business District No. 4. The agent is Adel Zantout, JEA HydroTech Engineering, Inc. and the owner is Michael Miller.

Mr. Hinderaker stated the subject property was previously operated as a salvage yard but is void of any current use. The applicant proposes to operate an auto salvage yard, which according to Article 30 of the UDC is defined as, “{a} place or property where the principal use is the storage, parking, or holding of inoperable vehicles for the purpose of retail or wholesale sales of said vehicles, or salvaging of any parts thereof; or short or long term storage of said vehicles or portions thereof; including the dismantling, and partial dismantling, crushing, or compacting of said vehicles. The maximum time period for the on-site storage of crushed vehicles shall not exceed six months.” According to the applicant’s operational plan, the scope of the proposed operation will include multiple uses types including: office, automotive salvage facility, inoperable vehicle holding yard, and sales of used automotive parts; but will not include any vehicle parts washing or repair of motor vehicles.

Mr. Hinderaker stated the main areas of operation include the existing developed portion of the property, approximately 6-acres located at the northwest corner of the property and an additional, approximately 6-acres, located at the northeast corner of the property. The northwest corner of the property will house the majority of the operations. All of the loading and unloading of

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vehicles; dismantling, including the removal of fluids and parts; storage of parts, and crushing of vehicles will take place in either of the two buildings or outside work area located at the northwest corner of the property. The northeast corner of the property will be used for vehicle storage only. A drive aisle is proposed to be constructed to connect the two areas of the operations. The major issue associated with the proposed new auto salvage use is the fact that a large portion of the property, approximately 22.5 acres, is located with the Mountain Creek floodway, and the balance of the property is located within the 100-year floodplain. The auto salvage ordinance specifically prohibits the storage of vehicles, auto parts and hazardous materials in the floodplain and floodway. Storage tanks are prohibited from being kept in the floodway and the floodplain. UDC Article 15 and Drainage Design Manual require that the lowest floor of any structure to be one foot above the 1% annual chance (100-year) flood for fully developed conditions or two feet above the 1% annual chance (100-year) flood for existing conditions, whichever is higher. Parking lots and driveways must be at least one foot above the 1% annual chance (100-year) flood. The revisions to UDC Article 15 clarify that open storage must also be one foot above the 1% annual chance (100-year) flood. The City allows dry and wet floodproofing of non-residential structures in accordance with FEMA Technical Bulletin 3-93.

Mr. Hinderaker stated to date, the Michael Miller property at 4125 E Jefferson has submitted a flood report including the floodplain development permit application and the Corridor Development Certificate application. The applicant has also submitted a letter indicating their understanding that the existing structure would have to be floodproofed in accordance with FEMA Technical Bulletin 3-93.

Mr. Hinderaker stated the bulk of the 35.62 acre subject property is largely undeveloped. The developed portion of the property, approximately 6-acres located at the northwest corner of the property, consists of some deteriorating paved surfaces and two metal buildings. The property also has an existing metal screening fence along approximately 2/3rds of north property line that transitions into a metal “wrought iron style” fence along the western 1/3rd of the north property line. As proposed, all the minimum lot dimensional standards of the Heavy Industrial District are met. As stated above, the property consists of two existing metal buildings. The larger structure is approximately 28,240 sq. ft. in size and the smaller structure is approximately 10,720 sq.ft. in total area. The larger building will house the office portion of the operation as well as providing space for the storage of equipment and supplies. This building will also house some indoor salvage operations, including the removal of fluids. The smaller building will be used for battery storage; core storage; radiator storage; tire, rim and wheel storage; and engine and transmission storage. The applicant proposes to add a brick façade to the “visible” portions of the larger structure to enhance its overall appearance.

Mr. Hinderaker stated access to the property is unchanged from existing conditions. There are currently two access drives to/from E. Jefferson. According to the applicant, the western most drive will be used by customers and the eastern most drive will be restricted to delivery vehicles. In regards to on-site parking, the UDC does not include a parking standard specifically for auto

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salvage. However, it does provide in Article 10 that auto related service use require one space per 400 sq. ft. of building area, which in this case would be 98 parking space. As proposed the site will have 187 parking spaces. As much of the existing asphalt needs to be replaced, the applicant proposes to install new asphalt on top of flex base (a compacting gravel road base material). Delivery vehicles are proposed to park along the eastern side of the larger building. The applicant is proposing, once the vehicle is processed (fluids and parts removed), to store the vehicles on the approximately 6-acre site located at the northeast corner of the property and the approximately 1.15 acre site located to the east of the parking lot of the facility. The applicant proposed to stack crushed vehicles two high. The vehicles would be secured to the ground via a cable running through the frame/body of the car to a tie down affixed to the ground. The applicant is also proposing to remove the top layer of soil and then place a fabric barrier plus 19-inches of flex base. This flex base material would also be used to create the access road between the vehicle storage yards described above and the primary yard located at the northwest corner of the property.

Mr. Hinderaker said as stated above, the property has an existing metal screening fence along approximately 2/3rds of north property line that transitions into a metal “wrought iron style” fence along the western 1/3rd of the north property line. The applicant also proposed to establish a 30-landscape buffer along the entire length of the northern property line. Of note, due to the placement of the existing fence, approximately ½ of the landscape buffer will be on the inside or property side of the fence. The applicant is requesting a waiver of the standard dumpster enclosure requirement as their operations require the use roll-off style dumpster.

Mr. Hinderaker stated auto salvage activities along E. Jefferson, including the use of the subject property, starting in the late 1960’s. By 1982, full blown salvage operations extending all the way from Idlewood Road on west end of E. Jefferson Street to Mountain Creek on the east. This property was used as an auto salvage operation until the early 1990’s. Of note, the City Council on April 1, 2003, revoked, via Ordinance No. 6821, the applicant’s Specific Use Permit for an auto salvage yard that was located across the street from the proposed site at 4412 E. Jefferson. The SUP was revoked due to numerous code violations.

1. Floodplain Development – The applicant is requesting the ability to develop and operate within the floodplain and partial in the floodway.
2. Concrete Paving – The applicant is seeking a waiver of the Section 4 of Article 10 of the UDC standard that requires all off-street access drives, fire lanes, and parking lots to be constructed of concrete.
3. Dumpster Enclosure – The applicant proposes to use a roll-off dumpster that will be screened by the existing buildings.

Mr. Hinderaker stated the Development Review Committee is not able to offer support for the proposed SUP/Site Plan for the following reasons:

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1. Allowing the proposed development to move forward as proposed by the applicant could jeopardize the City's participation in the National Flood Insurance Program (NFIP). The City agreed to enforce higher standards when it enrolled in the NFIP and Community Rating System (CRS). Issuing a variance would be a concern for FEMA.
2. The applicant's SUP for an auto salvage yard at 4412 E. Jefferson was revoked for a lack of compliance with city regulations. Staff contends that it's not reasonable to assume that the applicant will be able to meet and/or maintain compliance with the numerous regulatory standards that will be required should this SUP be granted.
3. Insufficient information was submitted, as more detailed in the Development Review Comments listed below, to confirm that all operations and the storage of equipment, supplies, salvaged parts are adequate will meet minimum standards for operation within the floodplain/floodway.
4. There exists a history of non-compliance with environmental rules and regulations by the former owner of Big State Auto which resulted in elevated levels of arsenic, cadmium, lead, and mercury in the soil. High levels of total petroleum hydrocarbon from the former UST location which was not properly closed also exist on this property. The owner refused to take and groundwater samples after the tank removal so it is unknown if releases from the USTs occurred and had impacted the soil and groundwater according to the Reed Engineering Report dated March 18, 2014.
5. The proximity of this property to Mountain Creek does not support the type of activities proposed on this site. This site is approximately 260 feet to the west of Mountain Creek which is the major tributary of Mountain Creek Lake. This property is also partially in the floodway. According to a report commissioned by Reed Engineering, this site has a shallow groundwater system that may develop following extended periods of precipitation and would mimic surface topography (towards Mountain Creek).
6. This site is not paved which would create further potential for groundwater contamination.
7. Any outstanding comments found in City Case File, #SU141002/S141003 must be addressed.

Commissioner Womack asked since the previous owners were vacated would the city require any soil samples are there any other permits need for this operation.

Mr. Hinderaker replied yes, they would require FEMA approval staff would need to know how the vehicles would be anchored down in case of a flood.

Commissioner Womack asked how this project would affect the city without the proper permits and FEMA.

Mr. Hinderaker stated this project could affect the city's rating this project could be a negative for the city, but the applicant would have to meet FEMA requirements.

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

Troy Lynn Lovell with Hall & Associates, 4000 Fossil Creek Boulevard, Dallas, TX was present representing the case and to respond to questions from the Commission. Mr. Lovell stated Mr. Miller operates 13 salvage yards though out the metroplex and has been in business for 30 years. Mr. Lovell presented the Commission with a presentation of the property and how it would be utilized. Mr. Miller would only be using 14 acres out of the 36 acres, and they are not asking for any variances from FEMA. The entire area is in the floodplain, but this is the first time they have been asked to anchor their vehicles to the ground.

Ed Gutierrez, 6825 Manhattan Boulevard, Fort Worth, TX stepped forward in support of this case. Mr. Gutierrez noted most of the issues have been resolved, and presented staff with a presentation on the flex base material verses concrete, he said they would do what they can on water proofing the property, but not at this time, it is too costly if the SUP is still in question. He said asking for the buildings to be raised is not realistic.

Chairperson Garrett asked how you would flood proof a building that is four feet below elevation.

Adel Zantout, 6825 Manhattan Boulevard, Fort Worth, TX stated he has known Mr. Miller for 13 years, he is very passionate about his work and should not be liable for others mistakes.

Max Coleman, 9 Heritage Court, Grand Prairie, TX stepped forward in support of this request. Mr. Coleman said he believes this project is doable and takes money and Mr. Miller has the money to make it work. We cannot concrete the entire world.

Chairperson Garrett noted several speaker cards in support of this request, Asa Herdarian, 4011 E. Jefferson Street, Grand Prairie, TX, Bruce Heydarian, 4009 E. Jefferson Street, Grand Prairie, TX, Jim Kellum, 123 E. Main Street, Grand Prairie, TX, Lisa Pool, 1509 Canterbury Court, Grand Prairie, TX, Angelo Chokas, 101 N.W. 8th Street, Grand Prairie, TX, and Mark Hepworth, 1514 Legendary Court, Grand Prairie, TX.

Commissioner Motley asked if staff has any changes to the recommendation.

Mr. Hinderaker replied no.

Commissioner Spare asked if any of his other sites been investigated.

Commissioner Moser asked who would operate this salvage yard.

Mr. Lovell replied Mr. Miller would be the operator this salvage yard.

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There being no further discussion on the case, Commissioner Motley moved to close the public hearing and deny case SU141002/S141003. The action and vote being recorded as follows:

Motion: Motley

Second: Moser

Ayes: Garrett, Lopez, Dr. Perez, Philipp, Moser, Motley, Spare, and Womack

Nays: Johnson

Approved: **8-1**

Motion: **carried.**

Citizen Comments: None

Commissioner Motley moved to adjourn the meeting of October 5, 2015. The meeting adjourned at 11:10 p.m.

Tommy Garrett, Chairman

ATTEST:

Joshua Spare, Secretary

An audio recording of this meeting is available on request at 972-237-8255.