PLANNING AND ZONING COMMISSION MEETING
CITY HALL - COUNCIL CHAMBERS, 300 W. MAIN STREET
MONDAY, SEPTEMBER 11, 2023 AT 6:00 PM

MINUTES

BRIEFING SESSION - 6:00 PM

Chairperson Smith called the Briefing meeting to order at 6:01 p.m.

Call to Order

PRESENT
Chairperson Cheryl Smith
Vice Chairperson Julia Perez
Commissioner John Fedorko
Commissioner Ana Coca
Commissioner Michelle Madden
Commissioner Frank Gonzalez
Commissioner CJ Ramirez
Commissioner Christopher Okoli
Commissioner Tai Jones-Chapman

EXECUTIVE SESSION

There was no closed session.

Agenda Review

Staff briefed commissioners on cases. Commissioner Madden inquired about the Certificate of Occupancy process for item six. Ms. Ware explained. Commissioner Ramirez asked staff what type of use the Certificate of Occupancy contained back in 2015 for item six. Ms. Ware stated a restaurant use. Commissioner Madden asked about the height of the signs for the surrounding gas stations for item seven. Ms. Benante stated she believes they are the same height but will verify it for the public hearing.

REGULAR MEETING - 6:30 PM

Chairperson Smith called the meeting to order at 6:35 p.m.

Call to Order

PRESENT
Chairperson Cheryl Smith
Vice Chairperson Julia Perez
Commissioner John Fedorko
Commissioner Ana Coca
Commissioner Michelle Madden

Commissioner Frank Gonzalez
Commissioner CJ Ramirez
Commissioner Christopher Okoli
Commissioner Tai Jones-Chapman

Commissioner Perez led the Invocation.

Chairperson Smith led the Pledge of Allegiance to the US Flag and Texas Flag.

CITIZEN COMMENTS

There were no citizen comments.

PUBLIC HEARING CONSENT AGENDA

Motion made by Commissioner Perez, Seconded by Commissioner Gonzalez to close the public hearing and approve items one and two. The motion carried unanimously.

1. Approval of Minutes of the August 28, 2023 P&Z meeting

   Approved on Consent Agenda

2. PLT-23-08-0043 - Preliminary Plat – Pivotal Grand Prairie Apartments (City Council District 2). Preliminary Plat for a new 305 multi-family apartments on 37.42 acres. Tracts 2 & 36, Stephen B McCommas Addition, City of Grand Prairie, Dallas County, Texas, zoned Planned Development (PD-28), and addressed as 3870 Robinson Road

   Approved on Consent Agenda

PUBLIC HEARING POSTPONEMENT, RECESS, CONTINUATIONS

Motion made by Commissioner Perez, Seconded by Commissioner Fedorko to close the public hearing and table items three and four to the next P&Z meeting 09-25-23. The motion carried unanimously.

3. CPA-23-07-0014 - Comprehensive Plan Amendment - Zeal at Lakeview (City Council District 6). Comprehensive Plan Amendment to change the Future Land Use Map from Low Density Residential to Medium Density Residential on 26.476 acres. Being a tract out of the J. Lawrence Survey, Abstract No. 161, City of Grand Prairie, Ellis County, Texas, zoned Agriculture (A), generally located on west side of FM 661, approximately 1500 feet south of Lakeview Drive

   Tabled

4. ZON-23-07-0028 - Zoning Change/Concept Plan - Zeal at Lakeview (City Council District 6). Zoning Change from Agriculture (A) to a Planned Development with a base zoning district of Single-Family Townhome and a Concept Plan for a Hybrid Housing (Build-to-Rent) Development with 269 units on 26.476 acres. Being a tract out of the J. Lawrence Survey

Abstract No. 161, City of Grand Prairie, Ellis County, Texas, zoned Agriculture (A), generally located on west side of FM 661, approximately 1500 feet south of Lakeview Drive

Tabled

PUBLIC HEARING

5. ZON-23-07-0023 – PD Amendment/Concept Plan – The Square at Mountain View (City Council District 2). Application for an Amendment to PD-16 to adopt a Concept Plan for a retail development on 14.33 acres. Being 14.33 acres out of the Stephen C. O'Gwinn Survey, Abstract No. 1103, J.W.E. Wallace Survey, Abstract No. 1517, and Benjamin F. Smith Survey, Abstract No. 1377, City of Grand Prairie, Dallas County, zoned PD-16, and addressed as 3940, 3948, 3950 and 3956 S. Beltline Rd

   Senior Planner June Sin presented the case report and gave a power point presentation. She stated the applicant is requesting approval of a Concept Plan for a future retail development consisting of 60,129 sq. ft. of speculative retail and restaurant uses on 14.33 acres. The purpose of the Concept Plan is to review the overall development and intended locations of driveway access. All other development requirements associated with parking, landscaping, and building design will be reviewed during the Site Plan process per Unified Development Code (UDC) standards. The applicant is not requesting any variances.

   The Development Review Committee (DRC) recommends approval with the following conditions:

   1. *The applicant shall submit preliminary drainage, water, and wastewater plans and meet UDC requirements before the Site Plan is presented to the Planning and Zoning Commission.*

   2. *The applicant shall provide a secondary deceleration lane and submit a revised TIA before the Site Plan is presented to the Planning and Zoning Commission.*

   Motion made by Commissioner Madden, Seconded by Commissioner Perez to close the public hearing and approve item ZON-23-07-0023 per staff recommendations. The motion carried unanimously.

6. SUP-23-08-0028 - Specific Use Permit - Mickey's Sports Bar and Grill (City Council District 2). Specific Use Permit for a Restaurant (W/ Alcohol Sales Including Entertainment). Lot 3R, Block 1, Carrier Crossland Addition, City of Grand Prairie, Dallas County, Texas, zoned General Retail, and addressed as 3758 S Carrier Pkwy

   Chief City Planner Savannah Ware presented the case report and gave a power point presentation. She stated The purpose of the request is to obtain approval of a Specific Use Permit (SUP) authorizing the operation of a Restaurant (W/ Alcohol Sales Including Entertainment). Entertainment facilities means any area designated on an interior floor plan for use or uses other than dining which may include but are not limited to dance floors, stages, pool tables, video games or other token-operated amusement devices, disc-jockey booths and

similar live entertainment facilities. The purpose of the SUP process is to identify those uses which might be appropriate within a zoning district, but due to either their location, functional or operational nature, could have a potentially negative impact upon surrounding properties; and provide for a procedure whereby such uses might be permitted by further restricting or conditioning them to eliminate such probable negative consequences.

Staff is unable to recommend approval of this request given the issues outlined above. The applicant has failed to respond to repeated requests for a noise study, additional information regarding entertainment related operations, and a plan to resolve ongoing issues with noise complaints, parking, and alcohol sales.

However, should the Planning and Zoning Commission recommend approval of this request, staff recommends the following conditions:

1. *The applicant shall submit a noise study to the PHEQ Department for review and approval prior to the issuance of a COO.*
2. *Amplified sound shall be contained within the building structure and shall not be allowed in areas external to the building, which includes the parking lot.*
3. *The applicant shall apply for and obtain a valid dance floor permit prior to the issuance of a COO.*
4. *The applicant shall provide sales receipts for the last 18 months of operation depicting the breakdown of food vs. alcohol.*
5. *Alcohol sales shall account for less than 75% of total sales. A Restaurant (W/ Equal To or Exceeding 75% Alcohol Sales) is not allowed in the General Retail zoning district and is prohibited at this location.*
6. *Security must be provided by an individual qualified under Chapter 1702 of the Texas Occupations Code. The individual must be present beginning at 8:00 PM until at least one hour after closing. The individual shall ensure the orderly departure of guests, monitor the parking areas, and mitigate any noise and alcohol issues.*
7. *Hours of operation shall not extend beyond 12:00 AM.*
8. *The facility shall not be used for single admission type events involving a cover charge entrance fee.*
9. *The operation of the facility shall be in strict compliance with all applicable laws and requirements of the Public Health and Environmental Quality Department, Building Inspections Division, Police Department, and Fire Administration.*
10. *City Council shall conduct a public hearing six months after the issuance of a COO to confirm compliance with all applicable codes which shall include, but not be limited to, the requirements of the SUP ordinance, the Unified Development Code and Code of Ordinances of the City of Grand Prairie, City adopted building codes, City adopted fire codes, and other applicable regulatory requirements.*

Phillip Madison 1610 Hill St Grand Prairie TX., stepped forward representing the case.

Catina Thomas – Business Manager 1610 Hill St Grand Prairie TX., stepped forward representing the case. She stated Mickeys has been at that location since 2013. This business has always been a sports bar with a DJ but they do not have a dance floor, customers dance in place at their table. She said the noise comes from bikers out in the parking lot.

Commissioner Madden asked the status of the noise study. Mr. Madison stated he is working on it. Ms. Madden asked what the peak hours are. Mr. Madison stated 9pm to close. Ms. Madden asked if he has security. Mr. Madison stated yes. Commissioner Chapman asked if this was his only business. Mr. Madison stated yes. Ms. Chapman asked does he have any other problems with state entities for example TABC. Mr. Madison stated no.

Marcine Moore 1661 S Forum #3303 Grand Prairie TX., stepped forward in support of this request. She stated Mr. Madison has allowed concealed handgun classes and rental of the bar for events.

Geralynn Steele Houston 168 Thicke Trl Grand Prairie TX., noted support for this request.

Marianna McNeal – Property Manager 7501 Caddo Ct Fort Worth TX., stepped forward in opposition of this request. She mentioned the lack of communication regarding this application from the tenant.

Larry Centers 5023 Stagecoach Way stepped forward in support of this request.

Lt. Tim Sliva from The City of Grand Prairie Police Department, stepped forward in opposition. He stated between January 2022 and September 2023 there has been 126 calls for service that are related to Mickeys that officers have responded to. There has been breaches of the peace that have been reported to TABC and TABC is currently running an investigation in which it is in the punishment phase. Complaints from neighbors consisted of noise, trash, and liquor bottles loitering in the parking lot. They have conducted several undercover operations that involved the police department, environmental and the fire department. Investigator Dixon is the lead investigator, and he has reached out to Mr. Madison several times trying to bring a resolution.

Investigator K. Dixon from The City of Grand Prairie Police Department, stepped forward in opposition. He stated he is the primary investigator for this case and saw some disturbing things with investigating. He attempted to find resolution for both the neighbors and the business owner.

Commissioner Smith asked what the distance between Mickeys and the residential neighborhood is. Inv. Dixon stated 12 feet. Commissioner Madden asked while investigating, was the owner/manager on site. Lt. Sliva stated no, only a security guard was on site, and he advised that there was no management. When Lt. Sliva inquired about the noise in the parking lot, the security guard stated they are not responsible for the parking lot, and they are only responsible for the business itself. Commissioner Perez asked while undercover did he witness a dance floor. Inv. Dixon stated yes.

Kent Feuchtwanger 3742 Oak Meadow Dr Grand Prairie TX., stepped forward in opposition of this request. He stated concern with the noise coming from the business during late hours.

Marcia Weaver 3738 Oak Meadow Dr Grand Prairie TX., stepped forward in opposition of this request. She said there has been several liquor bottles thrown in her backyard.

Michael Boelter 3747 Oak Meadow Dr Grand Prairie TX., stepped forward in opposition of this request.

Michael Villacana 3747 Oak Meadow Dr Grand Prairie TX., stepped forward in opposition of this request. He stated he can feel the bass from the music in his home.

Motion made by Commissioner Madden, Seconded by Commissioner Fedorko to close the public hearing and deny item SUP-23-08-0028. The motion carried 7-2 with Commissioner Coca and Okoli opposing the motion.

7. VCC-23-08-0004 - Unified Signage Plan - QuikTrip (City Council District 2). Unified Signage Plan to allow a pole sign, to exceed the maximum allowable height for a single-tenant monument sign, to allow gasoline price sign on a pole sign, and to exceed the maximum gasoline price sign area requirements. Tract 6 ACS 1.9045, Benjamin F Smith, Abstract No. 1377, Pg 505, City of Grand Prairie, Dallas County, Texas, zoned PD-16, within the IH-20 Corridor Overlay District, generally located on the southeast corner of IH-20 and S Belt Line Road, and addressed at 4005 S Belt Line Road

Planner Christine Benante presented the case report and gave a power point presentation. She stated the applicant is proposing a sign that requires variances to the sign requirements in the Unified Development Code (UDC), Article 9, Sections 7, 8.3, and 8.12. Variances to signage requirements are reviewed and considered by a Unified Signage Plan when the request involves new development.

The applicant is requesting the following variances:

1. *<u>Allow a Prohibited Pole Sign</u> – The applicant is proposing to construct a pole sign, which is not a type of sign that is currently allowed by the UDC.*
2. *<u>Maximum Height</u> – Variance to the maximum height of 8 feet to allow a height of 45 feet. The maximum height for a single-tenant free standing sign is 8 feet.*
3. *<u>Allow Gasoline Price Sign on a Pole Sign</u> – Variance to allow gasoline price signage on a pole sign, when only allowed on monument signs, wall signs, and canopy signs.*
4. *<u>Maximum Area for a Gasoline Price Sign</u> – Variance to the maximum area of 20 square feet to allow 50.7 square feet.*

The Development Review Committee (DRC) is unable to recommend approval because the sign does not meet UDC requirements.

Corey Vaughan 8700 Freeport Pkwy Irving TX., stepped forward representing this case and available for questions.

Motion made by Commissioner Fedorko, Seconded by Commissioner Gonzalez to close the public hearing and approve item VCC-23-08-0004 with variances. The motion carried unanimously.

ADJOURNMENT

Chairperson Smith moved to adjourn the meeting. The meeting adjourned at 8:08 p.m.

Cheryl Smith, Chairperson

ATTEST:

John Fedorko, Secretary