

**PLANNING AND ZONING
APRIL 1, 2014
MINUTES**

The regular meeting of the Planning and Zoning Commission was called to order by Chairman Richard McNeese at 5:49 p.m. on March 18, 2014, in the Precouncil Conference Room of City Hall, 201 North Ector Drive. Those present included Chairman Richard McNeese, Vice Chairman Mennis, Commission Members Ken Olmstead, LuAnn Portugal, Jeremy Tompkins, and David Brown.

During the Precouncil meeting:

- Director of Planning and Economic Development Collins reviewed the regular agenda items.
- Director of Planning and Economic Development Collins gave an update on the Glade Parks Development Project.

PLANNING AND ZONING CONSIDERATION OF SCHEDULED ITEMS – COUNCIL CHAMBERS

The Eules Planning and Zoning continued their meeting in the Council Chambers at 6:30 p.m. for consideration of scheduled items.

MEMBERS AND STAFF PRESENT:

Chairman Richard McNeese
Vice Chairman Troy Mennis
Commissioner Ken Olmstead
Commissioner LuAnn Portugal
Commissioner Jeremy Tompkins
Commissioner David Brown
Hal Cranor, Director of Public Works
Paul Smith, Fire Marshal
Mike Collins, Director of Planning and Economic Development
Stephen Cook, Senior Planner
Alicia Davenport, Administrative Secretary

MEMBERS ABSENT:

Commissioner George Zahn

VISITORS:

Lisa Warren
Jill Valachovic
Richard Hovas
Jim Dewey

THE INVOCATION AND THE PLEDGE OF ALLEGIANCE: The Invocation was given by Commissioner Brown and the Pledge of Allegiance was given by Vice Chairman Mennis.

ITEM 1 CONSIDER APPROVAL OF PLANNING AND ZONING MINUTES

Regular Meeting of March 18, 2014.

Commissioner Tompkins made a motion to approve the minutes for called meeting of March 18, 2014. Commissioner Olmstead seconded the motion. The vote was as follows:

Ayes: Chairman McNeese, Commissioners Olmstead, Portugal, Tompkins, and Brown

Nays: None

Abstention: Vice Chairman Mennis

The motion carried: (5-0-1)

ITEM 2 CASE #14-02-PP – CONSIDER APPROVAL OF PRELIMINARY PLAT

Consider a request for a Preliminary Plat changing 2.5819 acres of land located in the Elijah Rogers Survey, Abstract 1299, 606 S. Main Street to the Cannon Gardens Addition.

Stephen Cook, Senior Planner, gave a brief description of the case. The applicant proposes to preliminary plat the 2.5819 acres for fourteen (14) single family detached dwelling units. The Planning and Zoning Commission held a public hearing on December 3, 2013 and recommended approval of the Planned Development (PD) Zoning. The City Council approved the PD on December 10, 2013.

The plat indicates the setback distances as required by the conditions of the Planned Development zoning ordinance.

The Development Services Group has reviewed the proposed Preliminary Plat and has certified that it meets the technical standards of the City of Euless. Staff recommends approval.

Commissioner Tompkins asked for clarification on whether the development access gate would have electronic access.

Richard Hovas, 5605 North MacArthur Boulevard, Suite 500, Irving, TX 75038, stated that it would be electronic.

Mr. Collins stated that the gate design would be evaluated by the Fire Department and Police Department to make certain that accessibility to the development meets City standards.

There were no further questions or comments presented by the Commission.

Commissioner Tompkins made a motion to approve case #14-02-PP. Motion seconded by Vice Chairman Mennis. The vote was as follows:

Ayes: Chairman McNeese, Vice Chairman Mennis, Commissioners Olmstead, Portugal, Tompkins, and Brown

Nays: None

Abstention: None

The motion carried: (6-0-0)

ITEM 3 HOLD PUBLIC HEARING FOR SPECIFIC USE PERMIT CASE NO. 14-03-SUP, AND CONSIDER RECOMMENDATION FOR AN ORDINANCE

Receive public input regarding the request for a Specific Use Permit for Arcade with Food Establishment proposed to be located on 6.138 acres located within the J. Havens Survey Abstract No. 685 within the Glade Parks Development west of Rio Grande Boulevard and consider recommendation for and Ordinance.

Chairman McNeese opened the public hearing.

Stephen Cook, Senior Planner, gave a brief description of the case. Dave & Busters is an entertainment venue featuring a restaurant, sports bar, conference/meeting space and an arcade midway. They are seeking a Specific Use Permit to allow the arcade use within the Glade Parks Development. The specific location would be 6.138 acres on the west side of Rio Grande Boulevard just south of the intersection with Rio Grande and Chisholm Trail. The company expects to construct an approximately 40,000 SF structure which would employ between 165-179 employees.

The Specific Use Permit establishes the land use entitlement for the particular use at this site within the specific zoning district. The majority of revenue for a Dave & Buster's establishment is from arcade sales. Second is food and beverage sales. The way the store is designed, patrons may participate in any of the areas of the restaurant, sports bar, restaurant or midway or a combination thereof.

The Glade Parks PD allows consideration of coin operated machines and arcades through a Specific Use Permit, with reference made to Section 84-85 paragraph (ac) of the Eules Unified Development Code. That paragraph establishes that arcade machines may not take up more than 5% of the total square footage of the establishment. Dave & Busters' arcade midway will comprise less than half of the total square footage of the building. Based on the company's strong and proven business model, as the well as its' professional management practices, staff is recommending that a condition of the Specific Use Permit allow a suspension of the 5% rule in this case where a full-service restaurant is permanently operated with the arcade.

Site Plan – A full site plan will be brought forward to the Planning and Zoning Commission and City Council as a separate application.

Staff recommends approval of the Specific Use Permit with the following conditions:

- a) The Specific Use Permit is tied to the Business Owner: Dave & Buster's I, LP; and,
- b) The Specific Use Permit is tied to the Business Name: Dave & Buster's; and,
- c) The condition placed by reference of Section 84-85(ac) of the City of Euless Unified Development Code by Paragraph 4.2 Permitted Use Table of Ordinance 1944 of the City of Euless requiring a maximum square footage of arcade area is suspended dependent on a full service restaurant be permanently operated throughout the lifetime of the primary use; and,
- d) The games contained within the facility may not be of a gambling or video poker variety; and,
- e) The Specific Use Permit may be revoked if one or more of the conditions imposed by this permit has not been met or has been violated.

Lisa Warren, Dave & Buster's I, LP, 2481 Manana Drive, Dallas, TX, gave a presentation on the company history, an overview of their company, and their product.

Jill Valachovic, Dave & Buster's I, LP, 2481 Manana Drive, Dallas, TX, gave a presentation on their staffing, operations, policies, company culture, and community involvement.

Chairman McNeese asked if there were any proponents/opponents. Seeing none, the public hearing was closed.

There were no questions presented by the Commission.

Vice Chairman Mennis made a motion to approve case #14-03-SUP with the conditions as written. Motion seconded by Commissioner Brown. The vote was as follows:

Ayes: Chairman McNeese, Vice Chairman Mennis, Commissioners Olmstead, Portugal, Tompkins, and Brown

Nays: None

Abstention: None

The motion carried: (6-0-0)

ITEM 4 HOLD PUBLIC HEARING FOR PLANNED DEVELOPMENT CASE NO. 14-01-PD AND CONSIDER FIRST AND FINAL READING OF ORDINANCE NO. 2026

Receive public input regarding a request to change the zoning of 4.991 acres of the J.E. Whitener Estates Addition, Block 1, Tracts 1A and C, from Planned Development (PD) zoning district into Planned Development

(PD) zoning district to allow single family residential, and consider approval of Ordinance No. 2026.

Chairman McNeese opened the public hearing.

Stephen Cook, Senior Planner, gave a brief description of the case. A Planned Development was approved by the City Council on January 28, 2014 that would enable the Silver Bay Group to develop a twenty-five (25) lot single-family detached subdivision. The PD established enhanced, unique design standards for the project including a masonry wall to be constructed within the far southern portion of the Atmos easement and immediately adjacent to the right-of-way of S. Pipeline Road. Atmos Energy controls this easement, with an existing major gas pipeline located in the northern portion of the easement. Subsequent to the approval of the PD, Atmos has shared plans for a new gas pipeline to be installed within the southern portion of the easement. The location of the screening wall as approved in the original PD would create a conflict, with Atmos determining that it would not be in the best interest of the pipeline to have a masonry wall along the right-of-way of S. Pipeline. To this end, staff has worked with the developer of the project to modify the Planned Development zoning in the following ways:

- The masonry wall now will move to the north side of the Atmos easement where, by agreement with Atmos, the wall location will not interfere with the construction or maintenance of the gas pipeline.
- The lots adjacent to the pipeline (Lots 1, 18 Block A, Lots 1, 8 Block B) have been reconfigured to exclude the gas easement, and lots to the north (Lots 6, 14 Block A and Lots 4, 5 Block B) have been reduced in width by approximately five (5) feet in order to provide the maximum building footprint on the southern lots. The result of this will be that the southern lots will be less in square footage than the previous PD, but would have the same amount of 'buildable space' due to the restriction of the Atmos easement.
- The property encumbered by the Atmos easement will be dedicated as open space lots to be owned and maintained by a homeowners association.
- The masonry wall on both the south side facing S. Pipeline Road and along S. Main Street will be maintained by the homeowner's association.

No other modifications to the design standards of the development as previously approved are proposed.

Staff recommends approval of the Planned Development Ordinance.

Chairman McNeese asked if there were any proponents/opponents. Seeing none, the public hearing was closed.

Commissioner Olmstead stated that he feels that the City bears responsibility for the overall safety of its citizens and the gas line issue is a concern for him.

Commissioner Portugal asked about the installation of a sidewalk on S. Pipeline Road.

Stephen Cook explained that the portion of the development is under the jurisdiction of the City of Fort Worth. There will be an escrow payment made to the City of Fort Worth for future sidewalk development on S. Pipeline Road.

Commissioner Tompkins asked about the development of the monument sign.

Mr. Cook explained that the City and developer are still working with Atmos on a resolution.

Chairman McNeese stated his concern over the clear marking of the development as a property in the City of Euless. He requested that City Staff work hard to make certain that it is clear that this is a City of Euless development.

There were no further questions or comments presented by the Commission.

Commissioner Brown made a motion to approve case #14-01-PD with the conditions as written. Motion seconded by Commissioner Portugal. The vote was as follows:
Ayes: Chairman McNeese, Vice Chairman Mennis, Commissioners Portugal, Tompkins, and Brown

Nays: Commissioner Olmstead

Abstention: None

The motion carried: (5-1-0)

There being no further business the meeting was adjourned at 7:32 p.m.

Chairman McNeese

Date