

ITEM 2 CASE #09-05-RP – HOLD PUBLIC HEARING AND CONSIDER A REQUEST FOR A REPLAT

Receive public input and consider a request for a Replat of Alexander Cullum Addition, Lot 6 and portion of Lot 7 to Alexander Cullum Addition, Lots 6R and 7R in order to renovate existing structures and construct a new church building. This property is located at 303 Cullum Drive.

Chairman McNeese opened the public hearing.

Chris Barker, Director of Planning and Development, gave a brief description of the case. St. John the Baptist Greek Orthodox Church has applied for a replat of 3.584 acres located at 303 Cullum Drive. The property is zoned "R-1" single-family detached dwelling district. The purpose of the replat is to subdivide the property into two separate lots and to place the necessary easements on the property that will facilitate the development of a new sanctuary and classroom space for the congregation. Originally platted with the Alexander and Cullum Addition, the property contains a storm water drainage swale which effectively separates the two proposed parcels. The intent of the applicant is to redevelop the northern lot (6R) which contains the existing two primary buildings and to expand the church on that lot. The remainder lot (7R) will remain undeveloped at this time and continue to be owned by the church. Under Texas Local Government Code and the Unified Development Code of the City of Euless, all property that has been zoned for residential use during the preceding five years and is proposed to be replatted must have a public hearing before the decision making authority of the City (The Planning and Zoning Commission). In, subsequently, order for the church to redevelop the site, a site plan must be approved and building permits issued. As of the publication deadline for the Planning and Zoning agenda packet, staff had received one written opposition to the replat. The content of the written opposition references the amount of parking which is required for the church's annual festival and relates concerns that the expansion of the church will cause additional parking problems. Chris Barker read into the record the written opposition from 308 Cullum Drive. Post publication deadline, the city received two additional written comments, an opposition from 213 Colonial Lane and the written questions from 304 Dunaway Drive, these were also read into the official record.

The applicant's representative, Jim Dewey, 2500 Texas Drive #100, Irving, Texas, stated the reason for the replat is because they have to dedicate easements required for the proposed development. The easements include fire lane, utility, drainage to cover the existing creek going through the property. They are in conformance with the codes within the Unified Development Code and respectively request approval of the replat.

Chairman McNeese asked for any proponents to come forward for any comments.

Joe Sullivan, 4300 Chrismac Way, Colleyville, Texas, stated it is with great pleasure to bring this case to the Commission. They have been a vibrant community on this site for

the past 30 years. They are looking for additional room and feel they created an architectural pleasing church design. The parking will be more than doubled and the landscaping plan will produce an aesthetically pleasing site.

Chairman McNeese asked for any opponents to come forward for any comments.

Gail Olmstead, 302 Cullum Drive, Euless, Texas, stated her home is directly across from the existing church and proposed new structure. She has lived at this location for the past 15 years. She is concerned that if the land is replatted to be one lot than it will no longer be suited for single family residents and in reality will become commercial property. A large public community structure with parking for 70 vehicles and security lights will ruin the quiet and country like atmosphere in their neighborhood. *(She presented the Commission with pictures of her house, other neighboring houses, and the existing church).* She has seen a picture of the new facility and feels that it will stick out like a sore thumb. The commercial appearance will adversely affect the value of their homes. Increased parking spaces will increase the head lights that shine into their home. The annual Greek Food Festival has grown and brings with it a week of noise, traffic, delivery trucks, and disturbance. There is a live band with speakers and amplifiers for performances that are extremely loud which goes until 10pm. Liquor and wine is sold and consumed and parking is inadequate. In the recent year the church has made an effort to keep people of their property with stakes and colored tape but it is still a problem.

Agnes Mishkin, 313 Cullum Drive, Euless, Texas, stated she is directly south of the church and she does not have a problem with the Greek Festival. She has a problem with a light that illuminates the church because it shines directly into her window. She worries about how much they are going to pave and the size of the new building.

There being no other opponents Chairman McNeese closed the public hearing.

Chris Barker stated the Greek Food Festival is held every year and the church applies for a Temporary Use Permit that goes before the City Council. The festival is only permitted if City Council approves it. The City Council has the authority to put any limitations to the permit that they see necessary for health, safety, and welfare of the city and citizens. He apologized to those with any issues in the past. The Planning and Development Department has not received any prior complaints. In the future, staff can work to address these issues as conditions to the Temporary Use Permit. The Temporary Use Permit does not require a separate notification but it is considered at a regularly scheduled City Council meeting, which is posted and properly noticed in accordance with state law. He stated he would be more than willing to provide a courtesy notice in the future to those who have presented a concern.

Vice Chairman Bearden stated he is an active member of a church and he has learned you have to be a good neighbor. He encouraged the church improve in communicating with their neighbors.

Commissioner Zahn asked Mrs. Mishkin to visit with the church members after the meeting to have them possibly turn off, put a cover on, or redirect the light that signs into her home.

Chris Barker stated this replat case is required for the property to provide the necessary easements, including public improvements such as the fire lane (Emergency Access Drainage Utility Easement) and water lines. The case will create 2 new lots out of the existing 2 lots; therefore the property is not being combined into one large lot. Both lots are zoned R-1 (single-family detached dwelling district) which is the same for the surrounding property. In R-1 zoning a church or other place of worship is a permitted use by right.

Commissioner Portugal made a motion to approve case #09-05-RP. Vice Chairman Bearden seconded the motion. The vote was as follows:

Ayes: Chairman McNeese, Vice Chairman Bearden, Commissioners Zahn, Huffman, Portugal, Mennis, and Brown

Nays: None

Abstention: None

The motion carried (7-0-0)