



College Station ~
Embracing the Past, Exploring the Future

MINUTES
Regular Meeting
Planning and Zoning Commission
Thursday, January 15, 2004, at 7:00 p.m.
Council Chambers, College Station City Hall
1101 Texas Avenue
College Station, Texas

COMMISSIONERS PRESENT: Shafer, White, Hall, Davis, Trapani and Reynolds.

COMMISSIONERS ABSENT: Williams.

CITY COUNCIL MEMEBERS PRESENT: Happ.

CITY STAFF PRESENT: Assistant City Manager Brown, Development Services Director Templin, City Planner Kee, Assistant Development Review Manager George, Staff Planners Prochazka and Reeves, Transportation Planner Fogle, Graduate Civil Engineers Cotter and Thompson, Assistant City Attorney Nencik, Economic Development Director Faust, Action Center Representative Kelley and Staff Assistant Hazlett.

Chairman Shafer called the meeting to order at 7:00 p.m.

9. Public hearing, discussion and possible action on a Conditional Use Permit for a Night Club for Clark Moses Entertainment, located at 2206 Texas Avenue South in the Brazos Square Shopping Center. (03-318)

Staff Planner Prochazka presented the Staff Report, recommending approval of the Conditional Use Permit. She explained that the entertainment for the nightclub would consist of recorded music and karaoke. The hours of operation was also discussed, including the anticipated peak hours. While parking continues to be an issue at this shopping center, the other uses in the center have peak hours that differ from the proposed nightclub. She added that no additional parking would be required.

There was further discussion regarding the parking issue. Ms. Prochazka pointed out that once an intense use is opened and not abandoned, an intense use, including another restaurant, is permitted to re-open in the lease space without the provision of additional parking. The parking deficiencies and the amount of intense use in the shopping center are grandfathered.

Commissioner Davis asked if it was anticipated that pedestrian traffic would increase. Ms. Prochazka stated that Staff would assume that all of the parking area would be open to the nightclub since no other entity would be open during its hours of operation.

Cross easement agreements were briefly discussed.

Commissioner Hall stated his opposition to the nightclub, citing the impact on Outback Steakhouse and the encroachment on Target. He asked how much of the parking lot is the owner willing to resurface and re-stripe? He current condition and upkeep of the property is questionable and stated that the entire center should be resurfaced with this type of intense use going in.

There was some discussion regarding the City's noise ordinance and the nearby apartments. Commissioner Hall reiterated the poor condition of the parking lot and the property in general as being a safety issue, specifically pointing out the unfenced detention pond behind the center and several major pot-holes of considerable size.

Commissioner Davis concurred with the concerns already voiced; issues regarding parking accessibility, condition of the lot, increase in pedestrian traffic.

Mr. Prochazka explained the Commissions' options, stating that they may impose physical conditions related to the adverse impact of the nightclub, such as parking, resurfacing, lighting, and sound, insulation, etc.

Commissioner Davis stated that the lighting on the back side of the property was very poor and should be addressed due to the hours of operation. He also expressed concern about the affect of the lighting on the residents behind the site. Chairman Shafer and Commissioner Hall concurred.

Chairman Shafer opened the public hearing.

The Target Store Manager, James Haverland spoke in opposition to the nightclub, expressing major concerns regarding the amount of parking already in that center. He added that he and the management of Outback Steakhouse have an agreement regarding the common area of maintenance since Outback customers are allowed to park in the Target parking lot. Additionally, he pointed out that the detention pond behind the center is owned by the City.

The applicant, Boyd Moses, explained the plans for the nightclub. He pointed out that resurfacing of the parking lot is planned for early this year by the owner. He also stated that the lighting along the rear exterior of the property will be addressed.

Billy Clark stated that the occupancy for the nightclub was 240 people and that the peak hours would be different from all others in the center.

Chairman Shafer closed the public hearing.

Commissioner Hall motioned to deny the Conditional Use Permit. No one seconded the motion.

Commissioner Trapani motioned to approve the Conditional Use Permit with conditions.

- 1) To resurface the parking area in the back and the side of the building
- 2) To re-stripe the newly surfaced parking area
- 3) To install lighting and to direct it away from the neighboring residents while accurately and safely covering the area for security purposes
- 4) To return at the end of the year to review the lighting and parking situation

Assistant City Attorney Nemcik explained that the site will be inspected prior to the Certificate of Occupancy.

Ms. Prochazka pointed out that the parking spaces are over the minimum requirement and therefore a time condition cannot be placed on it.

Ms. Nemcik stated that the Commission is required to give the applicant/owner enough time to recuperate their investment.

Mr. Moses stated that 3 to 5 years would be a reasonable amount of time. He added that he spoke with Mr. Haverland, the Target manager, and that they are going to agree to a common area of maintenance.

Commissioner Trapani withdrew the time limitation condition and added as a fourth condition noise and buffering.

Mr. Clark addressed the noise concern, explaining the construction plans to insulate between the units in order to eliminate any disturbance. He added that the building is constructed in a way that will contribute to good sound buffering.

Commissioner Davis seconded the motion.

Commissioner Hall requested that the area for re-surfacing be specific in its expectations as being around the entire center and up to Texas Avenue. Also, the conditions for the lighting are intended for the entire property. He stated that the owner should be held accountable for the condition of the property and suggested that the Commission table the request. He opposes the Conditional Use Permit as it is presented.

Staff interjected that the conditions are placed on the applicant and it is his responsibility to address the issues. She assured the Commission that the Staff would follow-up on making sure the conditions are met.

Commissioner Trapani added specifics to the conditions of his motion:

- 1) That all of the parking lot for the center is resurfaced and paved per City standards
- 2) That all of the parking lot is stripped per City's standards
- 3) That the entire center is cleaned per City's standards, specifically the back and side area that has been neglected
- 4) That the entire development meets development standards
- 5) That the lighting is corrected and properly working and maintained for the full length of the back of the property

The motion to approve the Conditional Use Permit with conditions carried by a vote of 5-1.

FOR: Shafer, Davis, Trapani, Reynolds and White.

AGAINST: Hall.

ABSENT: Williams.