

**CITY OF EULESS
PLANNING AND ZONING COMMISSION
JUNE 7, 2016
MINUTES**

ITEM 2. HELD PUBLIC HEARING FOR SPECIFIC USE PERMIT CASE NO. 16-04-SUP, AND CONSIDERED A RECOMMENDATION FOR AN ORDINANCE

Chairman McNeese opened the public hearing at 6:40 p.m.

Director of Planning and Economic Development Mike Collins gave a brief description of the case. Mr. Sosa has been operating his Tire Repair Shop at this location for the past five years. Since the first Specific Use Permit (SUP) was approved in November 2010, this will be the third renewal of the SUP, with each renewal containing the same conditions of operation. Over the previous five years, there have been multiple occurrences in which Mr. Sosa has been out of compliance. Prior to each renewal being considered for approval, Mr. Sosa would take the actions necessary to establish compliance. After the approval of the renewal, the operation of the business would again become out of compliance. During this past year, this history repeated itself with City of Eules Code Compliance officers discussing violations of the SUP. These repeated violations include outdoor storage of tires and materials, and performing repairs to vehicles outside of the building. The outdoor storage of tires has been done with no external cover from the elements so that rainwater is captured in the tires, posing a potential health risk due to the creation of mosquito breeding areas.

Mr. Sosa is requesting to continue operation of his business from the rear portion of the existing structure, with his business open between 8:00 a.m. and 6:00 p.m. Monday through Saturday. His business occupies approximately 4,000 square feet of the existing building and fenced yard area.

At this time, Mr. Sosa has no permanent solution implemented that would enable continuous compliance with all of the SUP conditions. He has increased the amount of interior space dedicated to the storage of tires. To provide Mr. Sosa the benefit of the doubt, staff is recommending that renewal of the SUP be considered as valid for a six month period of time. If the SUP is approved, Mr. Sosa has been told that the SUP may be revoked by a public hearing, if within the six month period of time one or more of the conditions imposed by this permit has not been met or has been violated.

The Development Services Group has certified the application and recommends the following conditions of the Specific Use Permit:

- a. The Specific Use Permit is tied to the Business Owner: James Sosa; and,
- b. The Specific Use Permit is tied to the Business Name: Hwy 10 Tire Shop; and,

- c. All tires stored on site whether new or used, shall be stored in a manner that is screened from public view from the right-of-way and shall be stored under cover so as to not allow the collection of rainwater within the tires; and,
- d. All repair of tires shall be conducted within the building or within the fenced area behind the building; and,
- e. Outdoor storage is prohibited in front of the building; and,
- f. The auto repair services provided by this establishment are tire repair and wheel-related repairs. Any other auto repair services are in violation of this Specific Use Permit.; and,
- g. The term of this Specific Use Permit shall be granted for a period of six months in order to gauge the further appropriateness of the use at the specific location. At the end of this six month period the City Council shall determine whether to renew or extend the Specific Use Permit; and,
- h. 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.
- i. Upon revocation or expiration of the Specific Use Permit, all uses permitted hereunder shall cease.

Chairman McNeese asked to hear from any proponents/opponents wishing to speak.

Seeing none Chairman McNeese closed the public hearing at 6:43 p.m.

Commissioner Ellis asked if the tires that are stored on the exterior of the building were new or used tires.

Mr. Collins stated that the tires stored outside were used tires that would be stored until a disposal company comes to collect them and new tires to sell were stored internally.

Chairman McNeese inquired as to what actions were taken to inform the applicant of the conditions.

Mr. Collins stated that 2 actions were taken: a written document was sent stating the conditions, as well as three personal visits to discuss the conditions with the applicant on site.

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

Vice Chairman Portugal made a motion to approve Case No. 16-04-SUP for a Specific Use Permit on J. P. Halford Addition, Block D, Lot 7, 116 W. Euless Boulevard for a Tire Repair Shop in the Texas Highway 10 Multi-Use District (TX-10) and approved recommendation for an Ordinance. Commissioner Ellis seconded the motion. The vote was as follows:

Ayes: Chairman McNeese, Vice Chairman Portugal, and Commission Members: Owens, Olmstead, Dunckel, and Ellis.

Nays: None

Abstention: None

Chairman McNeese declared the motion carried. (6-0-0)