



## **CITY COUNCIL COMMUNICATION**

June 14, 2016

**SUBJECT:** Hold Public Hearing for Specific Use Permit Case No. 16-11-SUP and Consider First and Final Reading of Ordinance No. 2117

**SUBMITTED BY:** Mike Collins, Director of Planning and Economic Development

**REFERENCE NO:** 16-11-SUP

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### **ACTION REQUESTED:**

Receive public input regarding the request for a Specific Use Permit on Oakwood Terrace Addition Block 1, Lot A43R, 230 Vine Street for Automotive Repair Shop in the Texas Highway 10 Multi-Use District (TX-10) and approve Ordinance No. 2117.

### **ALTERNATIVES:**

- Approve the request with modifications
- Table the request
- Deny the request

### **SUMMARY OF SUBJECT:**

**Applicant:** Mr. James Hartman, Jr. representing JR's Euless Transmission

**Location/Zoning:** 230 Vine Street / Texas Highway 10 Multi-Use District (TX-10).

**Project Summary:** In 2013, Mr. Hartman Sr. had been issued a Specific Use Permit (SUP) to allow an auto repair shop at 230 Vine Street. In 2014, Mr. Hartman Jr. became the owner, with a new SUP approved in September of 2014 that enabled him to operate the business in the same manner and under the same conditions that were included in the previously approved SUP. Mr. Hartman would continue to operate the business from the rear portion of the building for mechanical work and utilize the front of the building as office and storage. Mr. Hartman proposes to continue to provide automotive repair services which have been specifically listed in the SUP.

Conditions of the SUP required that all work be performed internal to the structure and no outdoor storage of vehicles or exterior display of merchandise be permitted within view of the public right of way.

There have been multiple occurrences in which Mr. Hartman has been in violation of storing vehicles outdoors, to the extent that the front lot cannot function as a parking lot. In addition, vehicles posted with "For Sale" signs have also been placed outdoors. Staff has worked over the last 12 months to gain compliance. Efforts by staff to enforce the condition of no outdoor storage of these vehicles have resulted in Mr. Hartman coming into compliance for a short period of time.

The Planning and Zoning Commission held a public hearing on May 17, 2016. In the discussion of the permit, Mr. Hartman stated that he had restriped his front parking lot and would keep the vehicles in designated spaces, however he had concerns about the condition that no overnight parking be allowed within the front lot.

The Planning and Zoning Commission voted to recommend approval of the Specific Use Permit by a vote of 5-0 with the following conditions:

- a. The Specific Use Permit is tied to the Business Owner: James Hartman, Jr.; and,
- b. The Specific Use Permit is tied to the Business Name: JR's Eules Transmission; and,
- c. All repairs of vehicles, including but not limited to: mechanical repair and maintenance operations will be conducted within the building. No work will be conducted exterior to the building; and,
- d. Outdoor storage of vehicles or exterior display of merchandise is not permitted within view of the public right-of-way; and,
- e. The double parking of vehicles in the front parking area shall be prohibited and,
- f. The services allowed at this facility are as follows: Brake Replacement, Timing Belt Replacement, Water Pump Replacement, Power Steering Pump Replacement, Belts and Hoses Replacement, Fuel Pump Replacement, Transmission Rebuild, Strut Replacement, Shock Replacement, Distributor Replacement, Tune Ups, Front and Rear Suspension Repair, Axle Replacement, Rack & Pinion Replacement, Air Conditioning Service, Heater Core Replacement, Instrument Cluster Replacement, Window Motor and Regulator Repair, Transmission Control Module Repair, Engine Control Module Repair, Differential Service, Head Gasket Replacement, Intake Gaskets, O2 Sensor Replacement, Fuel Filter Service, Oil Changes, Transmission Service, and Computerized Diagnostics. Auto services not listed here are thereby prohibited; 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; 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.

Since the Planning and Zoning Commission met to consider its recommendation, staff and the city attorney and have had further discussions related to how the term "outdoor storage of vehicles" is used within the conditions established for the operation of automotive services businesses. It was determined that perhaps the term should be more clearly defined. Prior to the Comprehensive Zoning Ordinance being adopted by the City in 1997, which contained the requirement that automotive services businesses must operate under a Specific Use Permit, these businesses were generally conducting repair work and parking inoperable vehicles in various stages of repair in plain view of public right of way. The original spirit and intent of this SUP requirement was to clean up the view from the public right of way. This would be done by requiring the automotive services activity to be completed internal to the

building, and other than during normal business hours, to prevent vehicles in various stages of disrepair from being stored or parked overnight within view from public right of way. As additional SUP's for automotive services businesses were considered over the years, the requirement related to the outdoor parking evolved from no overnight parking of inoperable vehicles to simply no outdoor storage of vehicles. As other commercial business lots permit 24 hour parking, staff is recommending a clarification of the term "outdoor storage of vehicles".

Therefore, staff is recommending that the City Council consider approval of the Planning and Zoning Commission recommendation, with the following amendments that are contained in the portions of the conditions found in d., e., g., and i. that are in bold:

- a. The Specific Use Permit is tied to the Business Owner: James Hartman, Jr.; and,
- b. The Specific Use Permit is tied to the Business Name: JR's Eules Transmission; and,
- c. All repairs of vehicles, including but not limited to: mechanical repair and maintenance operations will be conducted within the building. No work will be conducted exterior to the building; and,
- d. **Outdoor storage of inoperable or dilapidated vehicles or exterior display of merchandise is not permitted within view of the public right-of-way; and,**
- e. **All vehicles within view of the public right-of-way must be parked in a parking space fully compliant with Chapter 84, Section 84-201 of the City of Eules Code of Ordinances; and,**
- f. The services allowed at this facility are as follows: Brake Replacement, Timing Belt Replacement, Water Pump Replacement, Power Steering Pump Replacement, Belts and Hoses Replacement, Fuel Pump Replacement, Transmission Rebuild, Strut Replacement, Shock Replacement, Distributor Replacement, Tune Ups, Front and Rear Suspension Repair, Axle Replacement, Rack & Pinion Replacement, Air Conditioning Service, Heater Core Replacement, Instrument Cluster Replacement, Window Motor and Regulator Repair, Transmission Control Module Repair, Engine Control Module Repair, Differential Service, Head Gasket Replacement, Intake Gaskets, O/2 Sensor Replacement, Fuel Filter Service, Oil Changes, Transmission Service, and Computerized Diagnostics. Auto services not listed here are thereby prohibited; 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.**

**SUPPORTING DOCUMENTS:**

- Ordinance No. 2117
- Minutes – P & Z
- Application
- Map 1, Map 2, and Map 3

**APPROVED BY:**

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City Manager's Office

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City Secretary's Office