



CITY COUNCIL COMMUNICATION

September 9, 2008

SUBJECT: HOLD PUBLIC HEARING FOR SPECIFIC USE PERMIT CASE NO. 08-02-SUP, AND CONSIDER FIRST AND FINAL READING OF ORDINANCE NO. 1824

SUBMITTED BY: Mike Collins, Director of Planning and Development

REFERENCE NO: 08-02-SUP

ACTION REQUESTED:

Receive public input and motion to deny a Specific Use Permit on Levy Franklin Survey, A-513, Tracts 4F and 4F1 and a portion of Tract 4D for Tire Repair in TX-121 (The 121 Gateway District) zoning in the 2500 block of Highway 121 and deny Ordinance No. 1824, concurring with the Planning and Zoning Commission's 6-0 recommendation for denial on August 19, 2008.

ALTERNATIVES:

1. Open the Public Hearing and continue it to the next meeting.
2. Open, conduct, and close the Public Hearing.
3. Approve the request – *super majority (6)*
4. Approve the request with modifications – *super majority (6)*
5. Deny the request – *simple majority*

SUMMARY OF SUBJECT:

The applicant, National Tire and Battery, represented by Mr. Tracy LaPiene with Allen Ridinger Consulting, Inc., is seeking approval of a Specific Use Permit for Tire Repair store on .816 acres of land out of the L. Franklin Survey, A-513. The site is zoned TX-121 with the proposed land use requiring a Specific Use Permit. A separate Site Plan case will be submitted by the applicant should this Specific Use Permit be granted.

Specifically, the applicant would construct an approximately 8,000 S.F., National Tire and Battery (NTB), single story building containing ten (10) service bays. The structure would feature 100% masonry construction through a combination of brick, stone and CMU block. Signage would include wall mounted business name signs, as well as placement on a proposed pole sign. In addition, the applicant is proposing an approximately 300 S.F.

enclosed used tire storage building at the southeast corner of the property. This building would be 100% masonry (CMU block) with a roof and entry door. Entry to the site would be via a thirty (30) foot mutual access driveway constructed off of State Highway 121 that would also service adjacent lot development. In addition, the site would be accessed via a future constructed internal Mutual Access Easement Drive that will connect individual lots throughout the development. The project will also feature a masonry screening wall along the eastern property line and a portion (approximately 100') of the southern property line, adjacent to the Seramont Apartment complex. The remainder of the southern property line (approximately 135') is proposed to be left with the current wrought iron fencing that was erected by the apartment complex. NTB would propose to plant enhanced landscaping in this area as a further visual screen. The proposed site landscaping will meet or exceed all city requirements.

NTB's hours of operations are from 7:00am to 8:00pm Monday through Friday, Saturday 7:00am to 7:00pm and from 9:00am to 6:00pm on Sundays. NTB provides the following general services; tire sales and installation, suspension repairs and service, wheel sales and service, alignments and brake related services, fluids and filters. A typical NTB store has 6 full time employees and sees approximately 20-40 customers per day.

A decision to grant this request is perhaps based on whether one takes a short or a long term perspective, with either perspective as valid as the other. The subject property was rezoned to the TX-121 district as part of the citywide comprehensive rezoning in 1997. Development within this zoning district was contemplated to complement and enhance the economic and aesthetic value of the State Highway 121 Gateway area as a whole.

Recently completed commercial development in the Shops at Vineyard Village is representative of the overall quality that the TX-121 development standards were intended to produce. The Glade Parks mixed-use Planned Development was approved this past Spring. The stand alone zoning district that was created contains site development and architectural design standards, as well as a permitted land use table that is intended to produce an even higher quality and type of development than the TX-121 zoning district.

The State Highway 121 corridor in Euless remains one of the strongest commercial retail markets in northeast Tarrant County. The applicant is a quality service provider in it's field of business and would operate out of a quality facility that would meet or exceed all TX-121 site development standards. However, the remaining undeveloped property in the corridor is perhaps poised in the future to create a market for higher end restaurants and retail establishments that in the past have not located in Euless.

Staff would recommend denial of the request based on the following findings found in the Unified Development Code Sec. 84-153 (3) (8):

(3) The benefits that the city gains from the proposed use do not outweigh the loss of or damage to any homes and businesses, and do not outweigh the personal and economic cost of any disruption to the lives, business, and property of individuals affected by the proposed use;

(8) The proposed use will be incompatible with the use and enjoyment of the neighboring residential use and could impair the property values within the vicinity.

The Planning and Zoning Commission recommends denial of the request based on the following findings found in the Unified Development Code Sec. 84-153 (3) (8):

(3) The benefits that the city gains from the proposed use do not outweigh the loss of or damage to any homes and businesses, and do not outweigh the personal and economic cost of any disruption to the lives, business, and property of individuals affected by the proposed use; and,

(8) The proposed use will be incompatible with the use and enjoyment of the neighboring residential use and could impair the property values within the vicinity.

FINANCIAL CONSIDERATIONS:

Revenue Sources:

Expenditure Accounts:

Budgeted Fiscal Year(s):

Estimated Expenditure:

Over/Under Projection By:

Other Comments:

SUPPORTING DOCUMENTS:

- Ordinance No. 1824
- SUP Form
- Exhibit
- Draft Minutes – P&Z
- Lighting Plan and Pole Sign Drawing
- Noise Study
- Application
- Elevation Drawing 1 and Elevation Drawing 2
- Letter: Land Use Data
- Map 1, Map 2 and Map 3

APPROVED BY:

_____ **LG**

City Manager's Office

_____ **SC**

City Secretary's Office