

ITEM 3 CASE #08-02-SUP – HOLD PUBLIC HEARING REGARDING A SPECIFIC USE PERMIT AND CONSIDER A RECOMMENDATION FOR AN ORDINANCE

Receive public input regarding a request for a Specific Use Permit on Levy Franklin Survey, A-513, Tracts 4F and 4F1 and a portion of Tract 4D for a Tire Repair in TX-121 (The 121 Gateway District) zoning and consider a recommendation regarding an Ordinance. This property is located in the 2500 block of Highway 121.

Chairman McNeese opened the public hearing.

Chris Barker, Assistant Director of Planning and Development, gave a brief description of the case. 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 its current wrought iron fencing that was placed 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 its' 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: 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, 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.

Chris Barker stated the applicant's representative, Robert Baldwin, was available for any questions.

Allen Hinkley, 12201 Merit Drive #170, Dallas, Texas, stated they have owned this property since 1971 and in 1997-98 the City did an overlay district to try to achieve overall quality. They feel this is the highest and best use for this property. There is no off ramp to this location. They have tried to get restaurants such as Chipotle and Pot Belly but restaurants do not want to be at their location because they want to closer to the intersection. They are limiting the automotive uses to Christian Brothers and National Tire and Battery. They want to start the southern end and finish with high quality users.

Robert Baldwin, 401 Exposition Avenue, Dallas, Texas, stated this is a unified development. He feels this development will not have any negative impact on the residential neighborhood. They have placed the new version of National Tire and Battery in high end neighborhoods such as; Los Colinas, Arlington, Frisco, and McKinney where they are in a retail area and back up to a residential area. A study showed that 80% of their clientele are woman and they prefer not to want to go to an industrial area but instead a retail area where they can drop off their vehicle and do some shopping. They do not take vehicles apart or keep them over night. There will be no outdoor storage and the facility will exceed masonry requirements.

Chairman McNeese asked for any proponents/opponents to come forward for any comments. Seeing none the public hearing was closed.

Vice Chairman May asked if it is common for National Tire and Battery to work with Christian Brothers.

Robert Baldwin stated this is the first instance where they are a joint project.

Vice Chairman May stated he appreciated them coming forth with their project.

Commissioner Mennis stated this is a difficult situation because it's a question of is this the best use for this property.

Commissioner Portugal asked if this store is their usual size for National Tire and Battery.

Robert Baldwin stated this is the standard size for their new stores having 6 bays for tires and 4 bays for alignments and lubes.

Commissioner Portugal asked if the hours of operation are standard.

Robert Baldwin stated they usual open at 8:00am.

Commissioner Portugal stated the neighbors might not appreciate the noise at 7:00am.

Robert Baldwin stated the noise will be carried the opposite direction from the apartments and the sound study found the noise from the highway will drown out the noise from National Tire and Battery.

Commissioner Portugal asked if they had any negative feedback from the apartments.

Allen Hinkley stated they have had no negative feedback. This development will finish the original design and tie of the side of the street to create circulation from Centurion Way.

Commissioner Huffman stated he was concerned about the hours of operation, especially on Sunday.

Robert Baldwin stated this site is important to them and if they need to adjust the hours of operation in order to get the Commissions support they are willing to do so. The hours of operation were created to be convenient for the customer to drop of their car and return later to pick it up. This is a destination use and the best and highest use for this location.

Commissioner Zahn stated the question is this business the best and highest use for this property. There is a quality product going across the highway and on Glade Road. This could probably be a quality business but it is still an automotive repair business and may have negative effect on the neighboring property.

Chairman McNeese stated the issue is this business the best and highest use for this property. He has a concern that in a matter of a few years that the quality of the business would decline and have a negative impact to adjacent properties.

Commissioner Mennis made a motion to deny case #08-02-SUP based on Section 84-153, Item 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 Item 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" out of the Code of Ordinances. Commissioner Zahn seconded the motion. The vote was as follows:

Ayes: Chairman McNeese, Vice Chairman May, Commissioners Zahn, Huffman, Portugal, Mennis

Nays: None

Abstention: None

The motion carried (6-0-0)