



CITY COUNCIL COMMUNICATION

October 28, 2008

SUBJECT: HOLD PUBLIC HEARING FOR SPECIFIC USE PERMIT CASE NO. 08-12-SUP, AND CONSIDER FIRST AND FINAL READING OF ORDINANCE NO. 1834

SUBMITTED BY: Mike Collins, Director of Planning and Development

REFERENCE NO: 08-12-SUP

ACTION REQUESTED:

Receive public input and motion to approve a Specific Use Permit on St. Michael's Subdivision, Block A, Lot 6 for Lube Service Center in TX-10 (Texas Highway 10 multi-use district) zoning on 2740 W. Euless Boulevard and approve Ordinance No. 1834, concurring with the Planning and Zoning Commission's 5-0 recommendation on October 7, 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 – *simple majority*
4. Approve the request with modifications – *simple majority*
5. Deny the request – *simple majority*

SUMMARY OF SUBJECT:

The applicant, EZCO Auto Express Care, represented by the owner, Mr. Ambasajer Asfaha, is requesting a Specific Use Permit (S.U.P.), for a Lube Service Center in TX-10 (Texas Highway 10 Multi-Use District) zoning at 2740 W. Euless Boulevard. "TX-10" District zoning standards require a S.U.P. for automotive service uses. The business is currently in operation at the subject location, operating under a Specific Use Permit, 03-04-SUP, originally approved on May 13, 2003, for a Lube Service Center. This original SUP relating to the operation of the business included nine (9) conditions. One of these was a condition (number 2) that the business maintain a "Continued association with Valvoline". The business has discontinued formal association with Valvoline, and as such, is requesting a new S.U.P that would enable continued operations in the same manner as for the past five

years. During the five (5) years in operation since 2003, the Planning and Development Department has received no nuisance complaints from citizens regarding the operation of this business.

It is important to state that the primary land use that the S.U.P. is being considered is for a lube center. As an ancillary use, the business does offer limited automotive repair. However, the business must adhere to the practices of no open outdoor storage of hazardous or controlled waste and no overnight outdoor storage of vehicles. If automotive repair were to become the primary land use, the S.U.P. would become invalid.

Upon review of the original nine (9) conditions, staff would recommend eliminating condition number eight (8), that the business signage must be in accordance with the Main Street sign requirements (monument sign) and condition number nine (9), regarding temporary barricades. Staff believes that the enforcement of condition number nine (9) is inconsistent with the "TX-10" District zoning standards and with the other developed properties in the general vicinity.

The Development Review Committee (DRC) has determined that the application is in substantial compliance with all technical requirements and recommends approval of Specific Use Permit will the following conditions: (1) Tied to the current owner, Mr. Ambasajer Asfaha; (2) Hours of operations limited to Monday through Saturday, 8:00 a.m. to 6:00 p.m., closed on Sunday; (3) Eight foot (8 ft.) masonry wall on north side; (4) Thirty foot (30 ft.) landscape buffer on north side; (5) No open outdoor storage of hazardous or controlled waste and (6) No overnight outdoor storage of vehicles.

SUPPORTING DOCUMENTS:

- Ordinance No. 1834
- SUP Form
- Exhibit
- Draft Minutes – P&Z
- Application
- Protest
- Map 1, Map 2, and Map 3
- Previous Ordinance
- Previous SUP Form

APPROVED BY:

_____ **LG** _____

City Manager's Office

_____ **SC** _____

City Secretary's Office