



CITY COUNCIL COMMUNICATION

August 28, 2012

SUBJECT: Authorizing the Zoning Board of Adjustments to Initiate Amortization Proceedings for the Property located at 311 S. Industrial Boulevard.

SUBMITTED BY: Gary McKamie, City Manager

REFERENCE NO: Resolution No. 12-1395

ACTION REQUESTED:

Consider Resolution No. 12-1395 authorizing the Zoning Board of Adjustments to initiate amortization proceedings for the property located at 311 S. Industrial Boulevard, Crossroads Addition, Block A, Euless, Texas, known as the Shadow Creek Apartments, for the purpose of discontinuing the nonconforming use by a date certain.

ALTERNATIVES:

- Approve the request with modifications
- Deny the request

SUMMARY OF SUBJECT:

Article III-Nonconformance, Section 84-50, of the Unified Development Code, provides that it is a purpose of this article that nonconforming uses and structures should be eventually discontinued and the use of such premises shall be required to conform to the regulations prescribed in the Unified Development Code having due regard for the investment in such nonconforming use. Further, the Zoning Board of Adjustment has the authority under, Article III-Nonconformance, Section 84-59, of the Unified Development Code to determine whether the property owner has been given an opportunity to recover its investment in the nonconforming use from the time such property became nonconforming.

Approval of this Resolution authorizes the Zoning Board of Adjustment to initiate amortization proceedings under Section 84-59 of the Unified Development Code for the discontinuance of the nonconforming use of the above referenced property by conducting a hearing to determine a reasonable date for termination of the nonconforming use based upon the recovery of the owners investment in the nonconforming use and any other factors that should be considered in determining a reasonable termination date.

Originally called the Brentwood Terrace Apartments, the property located at 311 S. Industrial Blvd, known as the Shadow Creek Apartments, was constructed on property zoned C-2 in 1968. The property zoning at the time of building permit issuance allowed “any uses permitted in the “R” Dwelling Districts or the “C-1” Neighborhood Business District” to be developed on C-2 zoned property and therefore permitted multi-family construction. On September 25, 1973, the City Council approved Ordinance No. 458, establishing that no residential dwellings or living quarters shall be constructed or allowed in any “C-2” Community Business District. Following this action, the Brentwood Terrace (Shadow Creek) Apartments became a legally existing non-conforming use.

FINANCIAL CONSIDERATIONS:

Revenue Sources:

Expenditure Accounts:

Budgeted Fiscal Year(s):

Estimated Expenditure:

Over/Under Projection By:

Other Comments:

SUPPORTING DOCUMENTS:

- Resolution No. 12-1395

APPROVED BY:

_____ **LG** _____

City Manager's Office

_____ **KS** _____

City Secretary's Office