

ITEM 4 HOLD PUBLIC HEARING AND CONSIDER A RECOMMENDATION REGARDING CASE NO. 12-13-CC TO AMEND PORTIONS OF CHAPTER 84 “UNIFIED DEVELOPMENT CODE” BY ADOPTING NEW DEFINITIONS, USES AND SPECIAL CONDITIONS BY USE TYPE FOR NON-DEPOSITORY FINANCIAL INSTITUTIONS.

Receive public input and consider a recommendation for an Ordinance to amend Chapter 84 “Unified Development Code” by amending Article I, Section 84-7 by providing a definition for non-depository financial institutions; amending Article IV, Section 84-84 the permitted use table and amending Article IV, Section 84-85 the special conditions by use type.

Chairman McNeese opened the public hearing.

Stephen Cook, Senior Planner, gave a brief description of the case. The City of Euless is requesting a modification to the Unified Development Code to provide specific definitions for non-depository financial institutions, establish locations for those uses to be permitted in and to identify conditions in which the uses must comply with in order to be permitted. The City has determined that a proliferation and clustering of these uses can have an unreasonable adverse effect on the citizens of Euless.

The definition of a non-depository financial institution will include any business which falls under the definition of three categories: check casing businesses, payday/advance loan businesses and car title loan businesses. Each of these categories has been further defined by the ordinance. The primary definition excludes any state or federally chartered bank, savings and loan association, credit union or pawnshop as these are further regulated by the state. The definition also excludes convenience stores, supermarkets or other retail establishments in which retail sales constitutes seventy-five percent of the gross revenue.

The proposed ordinance would require all future non-depository financial institutions to be located within the industrial zoning districts through the approval of a Specific Use Permit.

Additionally, non-depository financial institutions would be required to be setback five-hundred feet from the right-of-way of Airport Freeway, SH 121, Euless Boulevard, and Industrial Boulevard and setback five hundred feet from any residentially zoned property. Lastly, any non-depository financial institutions would be required to be setback one thousand feet from one another.

All existing non-depository financial institutions as defined in the ordinance, if they are not compliant with the ordinance, would become legally existing non-conforming uses. They would be required to register as non-conforming uses and would not be allowed to be issued a new Certificate of Occupancy through ownership change or similar circumstances unless the use is brought into conformance with the ordinance.

Staff recommends approval of the zoning change.

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

There were no comments or questions presented by the Commission.

Commissioner Portugal made a motion to recommend approval of Case #12-13-CC. Commissioner Brown seconded the motion. The vote was as follows.

Ayes: Chairman McNeese, Vice Chairman Mennis, Commissioners Brown, Huffman, Portugal, Tompkins, and Zahn.

Nays: None

Abstention: None

The motion carried (7-0-0)