



CITY COUNCIL COMMUNICATION

August 27, 2013

SUBJECT: Consider a Request for Extension of a Temporary Use Permit.

SUBMITTED BY: Mike Collins, Director of Planning and Economic Development

REFERENCE NO: 13-04-CC

ACTION REQUESTED:

Consider approval of an extension of a Temporary Use Permit for Lacy Construction for a Portable Concrete Batch Plant proposed to be located at the southwest corner of Midway Drive and Bear Creek Parkway for a period of approximately 60 days.

ALTERNATIVES:

- Approve the request with modifications
- Deny the request

SUMMARY OF SUBJECT:

Name of Applicant: Lacy Construction

Request / Location: Extension of a Temporary Use Permit for a concrete batch plant to be located within the Lennar's Dominion single family subdivision. The zoning of the property is (PD) Planned Development. The City Council approved a Temporary Use Permit on June 25, 2013 that contemplated that the Temporary Batch Plant would begin operation on July 29, 2013. Due to a variety of circumstances, the plant will not begin operations until the week of August 26. Granting an extension of sixty (60) days will provide the temporary plant to operate within the ninety (90) day period of time that a Temporary Use Permit is valid.

Lacy Construction has obtained the appropriate permits from the Texas Commission on Environmental Quality for air quality compliance and material handling that is required by the state agency in order to place and operate a batch plant. Location of temporary batch plants on-site of construction projects reduces cost for the developer by having materials mixed on-site and reduces the number of heavy material transportation trips on city roads and infrastructure.

Lacy Construction, in association with the construction of infrastructure and development of Lennar's single family detached housing development in the vicinity of Bear Creek Parkway and Midway Drive has requested approval of a temporary use permit to construct and operate a concrete batch plant. The company intends to begin the operation of the plant

during the last week of August 2013. The company estimates between two and four weeks of operation. The following text is from the City of Euless Unified Development Code regarding temporary uses.

(6) Temporary uses.

The city council may approve the operation of temporary uses on any property for a specific period of time. Such temporary uses are typically associated with an already existing use and are subject to review to ensure adequate facilities exist or will be provided to serve the public and employees of the temporary use.

a. Permit required. Temporary uses such as a carnival, concrete or asphalt batch plant, seasonal, parking lot, sidewalk, truckload and other temporary sales of merchandise may be permitted provided a temporary use permit is first obtained from the city council.

b. Effective period. No temporary use permit shall be valid for more than 90 consecutive days and shall be subject to any and all restrictions, requirements, and safeguards established by city council at the time the temporary use permit is considered.

c. Restrictions and requirements. Such restrictions, requirements or safeguards may include, but are not limited to, hours of operation, duration of the use, parking, setbacks, signage and any other requirement deemed necessary to protect the general welfare of the community and minimize negative impacts on adjacent properties.

The applicant has paid the temporary use permit fee and has provided an application detailing their intended operations. Staff has reviewed the application and recommends approval.

SUPPORTING DOCUMENTS:

- Exhibit(s)
- Temporary Use Permit Request
- Letter: Texas Commission on Environmental Quality
- Map 1, Map 2, and Map 3

APPROVED BY:

_____ **LG** _____

City Manager's Office

_____ **KS** _____

City Secretary's Office