

**ITEM 5 HOLD PUBLIC HEARING FOR SPECIFIC USE PERMIT CASE NO. 13-05-SUP, AND CONSIDER RECOMMENDATION FOR AN ORDINANCE**

Receive public input regarding the request for a Specific Use Permit on Cresthaven Addition Lot 19, Block 1, 1000 Cresthaven Drive for a Place of Worship and Pastoral Residence Use in the Community Business District (C-2) and consider recommendation for an Ordinance.

Chairman McNeese opened the public hearing.

Mike Collins, Director of Planning and Economic Development, gave a brief description of the case. Rev. Fono has made an application on behalf of the Church of Tonga to develop a place of worship located at 1000 Cresthaven Drive. The property consists of a wood frame structure that will be used as a pastoral residence and a 2,100 square stucco clad structure that will be converted from a (former) commercial warehouse into a worship center and sanctuary. A maximum occupancy of forty four (44) will be established. The code generally requires that one (1) parking space be provided for every four (4) seats. Because several of its' members are within walking distance from the church, it is staff's belief that the eight (8) parking spaces that will be provided on site will adequately accommodate the parking demand.

There is a cultural uniqueness associated with the Church of Tonga, with visits from the church hierarchy that travel from outside of the Fort Worth area, that creates opportunities for specific events to be held at the church that will exceed the typical occupancy of forty-four (44). To accommodate these special occasions, the SUP contains a provision that would enable the City Manager to consider providing approval for up to six (6) special events in a twelve (12) month period of time. Favorable consideration of these requests would be based on the ability of the neighborhood to accommodate the on-street parking that would allow normal street operations that provides clear passage of emergency vehicles and enables private property owner's use of their own property without being blocked by the on-street parking.

There are several unique conditions that are being recommended for approval. A condition that the SUP be valid for one (1) year is suggested for the purpose of being able to monitor the church operating under these unique conditions and determine if any issues need to be addressed or mitigated. The approval of this SUP would only provide entitlement to the property to be used as a place of worship. All of the construction work must meet all applicable building and fire codes. A Certificate of Occupancy will be issued only after final inspections are completed that verify code compliance.

Staff recommends approval with the following conditions:

1. Tied to the pastor of the church Rev. Salesi Fono; and,
2. Tied to the place of worship name, Church of Tonga; and,
3. Prior to a Certificate of Occupancy being issued by the City of Euless, the Church of Tonga will provide any required construction drawings related to work on the building that is required to meet all applicable building and fire codes. The City

- will also verify that all trades that are required to complete work are licensed by the State of Texas and registered with the City of Euless; and,
4. The parking of the site will show that property will accommodate eight (8) parking spaces; and,
  5. The maximum occupancy of the sanctuary would be capped at forty four (44) persons; and,
  6. The Church of Tonga will be permitted to make application to the City Manager for up to six (6) Special Events per twelve (12) month period of time. During these Special Events, it is acknowledged by the City that the eight (8) permanent parking spaces will not be adequate to accommodate parking demand. In these Special Event instances, managed on-street parking may be permitted as long as the on-street parking does not interfere with normal street operation; and,
  7. The residential structure will only be used for housing of the Church pastor or caretaker or to be used for immediate pastoral care and not to be used as a rental residence or used for overnight group housing; and,
  8. The term of this Specific Use Permit shall be granted for a period of one (1) year in order to gauge the further appropriateness of the use at the specific location; and,
  9. The Specific Use Permit may be revoked if one or more of the conditions imposed by this permit has not been met or has been violated.

Chairman McNeese asked if there were any other proponents/opponents.

Mr. Louis Bellot of Bellot Engineering located at 1002 Cresthaven, Euless, TX said that he is more than happy to allow the Church of Tonga to use the parking on his property as overflow parking. Pastor Fono and the Church of Tonga have always been good neighbors and assist him in looking after his property.

David Newman, 909 Cresthaven, Euless, TX stated that he is opposed to the use of this property as a place of worship. Mr. Newman did state that if the SUP was approved the Church of Tonga may use his property as overflow parking.

Chairman McNeese asked if there were any additional proponents/opponents. Seeing none, the public hearing was closed.

The Commission Members expressed concerns regarding the parking of the property, the condition of the property as it pertains to the issues internal and external to site, the development process for the SUP. The Commission Members recommended that the parking on-site be reduced to six (6) from eight (8) and that additional parking for the church be accommodated through a cooperative parking agreement, providing at least four (4) parking spaces, with the property owner of 1002 Cresthaven. Based on the new parking provisions, Commission Members also recommended allowing the maximum occupancy of the place of worship to be set at fifty-two (52), that being based on four (4) persons per parked vehicle and walk up attendance of twelve (12).

Pastor Fono addressed the Commission Members and explained his religious duties to the church.

Mr. Collins stated that the SUP is going forward per Pastor Fono's request. He also mentioned that all building permits will be required and approved prior to the issuance of a Certificate of Occupancy.

Vice Chairman Mennis asked Pastor Fono if he understood that the two buildings located on the property could not be occupied until all fire and building code requirements were met and until a Certificate of Occupancy had been issued.

Pastor Fono stated he understood.

Pastor Fono acknowledged that the Place of Worship was not being occupied.

There were no further questions from the Commission.

Commissioner Zahn made a motion to approve case No. 13-05-SUP with the staff recommended conditions and the following amendments;

1. The parking of the site will show that property will accommodate six (6) parking spaces
2. A cooperative parking agreement between the Church of Tonga and the property owner of 1002 Cresthaven be signed and recorded with Tarrant County, allowing for members of the Church of Tonga to legally park at 1002 Cresthaven, in at least four (4) parking spaces, during times of worship
3. The maximum occupancy of the sanctuary would be capped at fifty-two (52) persons

Commissioner Tompkins seconded the motion. The vote was as follows:

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

Nays: None

Abstention: None

The motion carried: (6-0-0)