

**PLANNING AND ZONING
OCTOBER 1, 2013
MINUTES**

The regular meeting of the Planning and Zoning Commission was called to order by Chairman McNeese at 5:45 p.m. on October 1, 2013, in the Precouncil Conference Room of City Hall, 201 North Ector Drive. Those present included Chairman Richard McNeese, Vice Chairman Mennis, Commission Members George Zahn, LuAnn Portugal, Jeremy Tompkins, and David Brown.

During the Precouncil meeting:

- Director of Planning and Economic Development Collins reviewed the regular agenda items.

MEMBERS AND STAFF PRESENT:

Chairman Richard McNeese
Vice Chairman Troy Mennis
Commissioner George Zahn
Commissioner LuAnn Portugal
Commissioner Jeremy Tompkins
Commissioner David Brown
Kim Sutter, City Secretary
Hal Cranor, Director of Public Works
Mike Collins, Director of Planning and Economic Development
Alicia Davenport, Administrative Secretary

MEMBERS ABSENT:

Commissioner Monty Huffman

VISITORS:

Don Dykstra
Michael Marchant
David Montgomery
David Newman
Johnny Stigler
Judy Hansen
Salesi Fono
Louis Bellot

THE INVOCATION AND THE PLEDGE OF ALLEGIANCE: The Invocation was given by Commissioner Tompkins and the Pledge of Allegiance was given by Chairman McNeese.

ITEM 1 CONSIDER APPROVAL OF PLANNING AND ZONING MINUTES
Regular Meeting of September 17, 2013.

Commissioner Tompkins made a motion to approve the minutes for called meeting of September 17, 2013. Commissioner Zahn seconded the motion. The vote was as follows:

Ayes: Chairman McNeese, Commissioners Zahn, Portugal, and Tompkins

Nays: None

Abstention: Vice Chairman Mennis and Commissioner Brown

The motion carried: (4-0-2)

ITEM 2 HOLD PUBLIC HEARING AND CONSIDER A RECOMMENDATION REGARDING CASE NO. 13-06-CC TO AMEND PORTIONS OF CHAPTER 84 “UNIFIED DEVELOPMENT CODE” BY ADOPTING NEW DEFINITION FOR POLITICAL SIGNS

Receive public input and consider a recommendation for an Ordinance to amend the Code of Ordinances Chapter 84 “Unified Development Code” Article IV, “Signs and Street Graphics Regulations”, Division 1, “Generally”, Section 84—232, “Definitions and Requirements”, (68) “Political Signs”, by providing for the placement of political signs on public property in certain circumstances.

Chairman McNeese opened the public hearing.

Kim Sutter, City Secretary, gave a brief description of the case. The City of Euless currently does not permit the posting of political signs on city-owned property. However, with the passage of H.B. 259 during the 83rd regular session of the Texas Legislature, changes to the current code are being proposed

H.B. 259 prohibits a city that owns a building used as a polling location from restricting electioneering while voting is taking place. The Bill also includes a definition for electioneering which now includes the posting, use, or distribution of political signs or literature. Additionally, the Bill permits entities that own or control a public building that is being used as a polling location to enact reasonable regulations concerning the time, place, and manner of electioneering.

Currently, the Euless Public Library is the only public building that is utilized as a polling location for a number of elections. One of the main concerns of staff in allowing signs to be posted in the ground is the potential for damage to the underground utilities, specifically the irrigation system. To reduce the risk of any such damage, staff is recommending restrictions with regard to the size of the sign and the stakes used to support the signs.

Staff is recommending the following proposed amendments to the ordinance:

- **Time:** signs must be removed from the polling site within twenty four (24) hours after the close of the polls on Election Day and within twenty four (24) hours after the close of the early voting period;

- **Place:** the posting, use, or distribution of political signs would be permitted only in designated locations on the City's property that are approved by the City Council and only during the voting period or the early voting period;
- **Manner:** the sign shall not be larger than six (6) square feet (2' x 3') and must be attached to a stake driven into the ground well clear of tree roots, irrigation lines and any other underground vegetation or structures that could be damaged by such a stake. Additionally, each supporting stake(s) must not exceed a 9 gauge diameter as defined by the American Wire Gauge (AWG) standard.

Staff briefed the Planning and Zoning Commission of the proposed amendments at their September 17, 2013, meeting.

Please note that the proposed amendments only affect the placement of political signs on public property when the location is actively being utilized as a polling location.

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

Commissioner Zahn asked for clarification on when the twenty four (24) hours starts for the political signs to be removed.

Mrs. Sutter explained that the twenty four (24) hours would start at the close of the polls.

Commissioner Portugal asked if there will be a map provided to show the approved designated locations.

Mrs. Sutter said that there will be a City Council approved map available.

There were no further questions from the Commission.

Commissioner Portugal made a motion to approve case No. 13-06-CC. Commissioner Brown 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)

ITEM 3 HOLD PUBLIC HEARING FOR SPECIFIC USE PERMIT CASE NO. 13-09-SUP, AND CONSIDER RECOMMENDATION FOR AN ORDINANCE

Receive public input regarding the request for a Specific Use Permit on Texas Continental Express Inc Addition, Lot 1R, Block 1 for an Equipment Rental and Leasing Use in the Texas Highway 10 Multi-use District (TX-10) and Heavy Industrial District (I-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. The applicant is requesting a Specific Use Permit for equipment rental and leasing use at this site for the long-term leasing of construction cranes. The previous use at this location was TJ Lambrecht Construction. The property contains offices, equipment storage and repair buildings, and an outdoor storage yard.

Montgomery Cranes, currently operating in the City of Irving, is seeking approval to move their operation to this site. The site offers the company space to store the crane equipment and booms, as well as provides a sheltered area to repair and maintain equipment. Fleet vehicles, which are used by their staff to make service calls to individual job sites, will be parked on site. The types of cranes that the company leases are used in multi-year construction jobs, and therefore, located off site for long periods of time.

In addition, the company intends to sell specialized crane parts, shipping them domestically and internationally.

Montgomery Cranes has no plans to alter the site from its current configuration. The company will utilize the existing yard and structures. The primary office building has adequate off-street parking. There is an existing fence with gate that screens the storage yard. The property has a berm with landscaping shrubs and trees on top.

The zoning on the property is split between the TX-10 and Heavy Industrial (I-2) zoning districts. The first two hundred fifty feet (250') parallel to W. Eules Blvd is zoned TX-10 and therefore triggers the need for a Specific Use Permit for this use. The use is allowed by right within the I-2 zoning district. A condition of the SUP establishes that the crane equipment and booms for the cranes must only be stored within the area of the storage yard zoned I-2.

Access from the storage yard is provided through a concrete drive approach onto W. Eules Boulevard. Crane equipment movement from the site will be less often than the equipment from the previous property owner and be of a similar nature hauled on flatbed trucks.

The Unified Development Code requires approval of the SUP through the Planning and Zoning Commission and City Council.

Staff recommends approval with the following conditions:

1. The Specific Use Permit is tied to the Business Owner: David Montgomery; and,
2. The Specific Use Permit is tied to the Business Name: Montgomery Cranes, LLC; and,
3. All storage of boom and crane equipment on the site will be placed to the south of two hundred fifty feet (250') from the public right-of-way line of W. Euless Boulevard also known as S.H. 10. This condition shall not preclude the business from moving equipment through the northern portion of the site for ingress, egress or for maneuvering for repair; and,
4. 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.

The applicant, David Montgomery, 3377 Van Zandt, Southlake, TX 76092, addressed the Commission. He explained that their largest client is TXDOT and that they will operate in much the same way as the previous tenants.

Commissioner Portugal asked how many employees they have and their hours of operation.

Mr. Montgomery stated that they have 6 full time employees and 4 part time employees. Their hours of operation will be 7:00 am to 5:00 pm Monday through Friday and a weekend if necessary.

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

Commissioner Zahn made a motion to approve case No. 13-09-SUP. Vice Chairman Mennis 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)

ITEM 4 HOLD PUBLIC HEARING FOR PLANNED DEVELOPMENT CASE NO. 13-01-PD AND CONSIDER RECOMMENDATION OF AN ORDINANCE

Receive public input regarding a request for Planned Development to change the zoning of 5.588 acres of land located in the B. Harrington Survey, Abstract 808, east of Gateway Boulevard, from Planned Development (PD) zoning district into Planned Development (PD) to allow single family residential, 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. This item was before the Planning and Zoning Commission on August 20, 2013. Staff brought forward this item again to the Commission due to a typographical error in the public notification of the public hearing. Since the original public hearing on August 20th, the Applicant has modified the site layout, landscaping and certain development details to accommodate the public input heard at the meeting. The southern street intersection with Gateway Boulevard has been modified to angle slightly to the north to increase the sight visibility of the intersection and to avoid impacting the large oak tree and the existing power pole at the extreme southwest corner of the property. This has had the effect of slightly reducing the square footage of a few of the lots which will face the southern street, but will not reduce any lot less than the required minimum.

Additional berming and a mixture of hardscape and evergreen landscaping will be installed at the open space lot and public parking area in order to block headlights of vehicles from shining into neighboring properties and will be maintained by the Home Owner's Association. Landscaping will also be provided along the southern boundary to screen headlights on the spine road. Several of the larger trees will be preserved on the site, including many of the trees located along the west side of the drainage area which will be the rear yards of many of the lots. Trees located on the east side of the drainage channel and abutting the backyard fencing of the existing subdivision will of course remain.

The developer will also ensure that any new street lighting will not trespass into the rear yards of neighboring properties.

Ordinance 1353 was approved in 1999, which established a Planned Development zoning that permitted an independent or assisted living facility to be constructed on the property.

Bloomfield Homes intends to construct a twenty-six (26) lot single-family detached subdivision with two open space lots. The proposed planned development zoning district will establish enhanced, unique design standards for the project. Creating a layout of developable lots with a street meeting City of Euless Standards was a design challenge. The parcel is bounded by a drainage feature on the north and east sides. The property is also encumbered by an existing wastewater easement on the southern portion of the tract adjacent to Little Bear Addition.

Design Standards

Lots – The proposed development standards are similar to the R-1L standards with some exceptions. To accommodate the constraints of the drainage channel, the minimum lot size of the development is 5,300 square feet. Adjacent to the channel, there is one 5,350 SF lot. The other 25 lots in the development average 6,980 square

feet. Similar to previous developments by this builder in Euless, no sidewalks internal to the subdivision are proposed. Several existing trees on the east side of the tract will be preserved. Enhanced landscaping will be provided along Gateway Boulevard and the southern entry drive between the subdivision and Little Bear Addition.

Front yard setback distances are set at a minimum of 22' to allow for longer vehicle length on the driveway with the exception of Lots 3, 8, 9 and 10 of Block B which will have a 20' building setback and a 22' garage setback. To encourage the development of front porches that can be actually be used, the builder proposes a seven foot encroachment into the front building line.

Architectural Standards – A list of architectural features are established as requirements within the Planned Development ordinance. These include: no two homes with the same design; a minimum roof pitch of 8:12; ornamental lighting; meet the masonry standards of the City with at least 20% stone or detailed brick accents on the front facade; provide aggregate driveways; and have a minimum of 130 square feet of front porch or rear patio/deck.

Building Elevations – Typical building elevations are included as attachments to the Planned Development ordinance which show arrangement of porches and the proportion of fenestration of the building in relation to the building mass. The modified elevations proposed by the builder are unique to this subdivision.

Exterior Enhancements – A masonry wall will be constructed along the Gateway street frontage. A wrought iron fence will be constructed along the rear property line adjacent to the drainage easement. A landscape enhancement will be constructed at the intersection of Gateway Boulevard and Centurion Way. To reduce the amount of on-street parking, additional off-street parking will be constructed that will be maintained by the homeowner's association. The developer has committed to shielding streetlights which might spill onto the rear yards of adjacent subdivisions.

The Development Services Group has worked extensively with the homebuilder to create enhanced development standards for the subdivision which meet or exceed the spirit and intent of the City of Euless Unified Development Code. Staff recommends approval of the Planned Development Ordinance.

The applicant, Don Dykstra, 100 Ridgewood Drive, Euless, TX of Bloomfield Homes presented an overview of the project to the Commission.

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

John Stigler, 2617 Tallow, Euless, Texas, stated that the plan looks good. He wanted to note that the drainage ditch in the green area hasn't been kept up and needs attention. Due to the lack of attention the neighbors have had to deal with rodent issues.

Mr. Collins explained that the area he was referring to belonged to the commercial development and gave Mr. Stigler his contact information and informed him that he would contact him to get the issue resolved.

There were no further questions from the Commission.

Commissioner Zahn made a motion to approve case No. 13-01-PD. Commissioner Portugal 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)

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 be 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 opposition 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.

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. 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)

There being no further business the meeting was adjourned at 8:16 p.m.

Chairman McNeese

Date