



## PLANNING AND ZONING COMMISSION COMMUNICATION

November 15, 2016

**SUBJECT:** Hold Public Hearing for Specific Use Permit Case No. 16-16-SUP, and Consider Recommendation for an Ordinance.

**SUBMITTED BY:** Stephen Cook, AICP – Senior Planner

**REFERENCE NO:** 16-16-SUP

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### **ACTION REQUESTED:**

Receive public input regarding the request for a Specific Use Permit on J. P. Halford Addition, Block D, Lot 7, 116 W. Euless Boulevard for a Tire Repair Shop in the Texas Highway 10 Multi-Use District (TX-10) and consider recommendation for an Ordinance.

### **ALTERNATIVES:**

1. Open the Public Hearing and continue it to the next meeting.
2. Open, conduct, and close the Public Hearing.
3. Recommend approval of the request – *simple majority*.
4. Recommend approval of the request with modifications – *simple majority*.
5. Recommend denial of the request – *simple majority*.

### **SUMMARY OF SUBJECT:**

**Applicant:** Mr. James Sosa, representing Hwy 10 Tire Shop.

**Location / Zoning:** 116 W. Euless Blvd. The property is zoned Texas Highway 10 Multi-Use District (TX-10).

**Project Summary:** Mr. Sosa was issued a Specific Use Permit (SUP) for the operation of a Tire Repair Shop in November 2010 with the following conditions:

- The Specific Use Permit is tied to the Business Owner: James Sosa; and,
- The Specific Use Permit is tied to the Business Name: Hwy 10 Tire Shop; and,
- All tires stored on site whether new or used, shall be stored in a manner that is screened from public view from the right-of-way and shall be stored under cover so as to not allow the collection of rainwater within the tires; and,
- All repair of tires shall be conducted within the building or within the fenced area behind the building; and,

- Outdoor storage is prohibited in front of the building; and,
- The auto repair services provided by this establishment are tire repair and wheel-related repairs. Any other auto repair services are in violation of this Specific Use Permit.; and,
- 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.
- Upon revocation or expiration of the Specific Use Permit, all uses permitted hereunder shall cease.

The last renewal of the Specific Use Permit occurred on June 28, 2016 and included a stipulation that it was valid for a period of six (6) months in order to gauge the further appropriateness of the use at the specific location due to numerous issues of non-compliance of the above conditions.

Since the latest renewal, three citations have been issued related to violations of the SUP conditions in addition to several verbal notices of violation. These violations were for outdoor storage and display of the tires and repairs external to the building.

Based on the history of non-compliance with the conditions set forth by the City Council, staff recommends the Specific Use Permit not be renewed and the use cease within sixty (60) days of the expiration of the SUP.

In recent discussions with Mr. Sosa, he represents that offsite storage has been secured to house used tires and that he has increased the amount of interior space dedicated to storage.

If the Commission determines that the changes Mr. Sosa has made are adequate to support renewal, staff would recommend that the same conditions be applied including a 6 month time limit in order to gauge the further appropriateness of the use at this specific location.

#### **SUPPORTING DOCUMENTS:**

- Draft Ordinance
- Application
- Map 1, Map 2, and Map 3

#### **APPROVED BY:**

**Mike Collins**

Director of Planning and Economic Development

**Stephen Cook**

Senior Planner