

**CITY OF EULESS
PLANNING AND ZONING COMMISSION
MAY 17, 2016
MINUTES**

A regular meeting of the Planning and Zoning Commission was called to order by Chairman Richard McNeese at 5:30 p.m. on May 17, 2016, in the Pre-Council Conference Room of City Hall, 201 North Ector Drive. Those present included Chairman Richard McNeese, and Commission Members: Eric Owens, Kenny Olmstead, Ronald Dunckel, and Steve Ellis. Vice Chairman LuAnn Portugal and Commissioner Brown were not in attendance.

During the Pre-Session Meeting:

- Senior Planner Stephen Cook reviewed the regular agenda.
- Director of Planning and Economic Development Mike Collins presented the Development Update including Glade Parks, Glade Parks South, Mid-Town, Gala at Oak Crest, and Riverwalk!

PLANNING AND ZONING CONSIDERATION OF SCHEDULED ITEMS – COUNCIL CHAMBERS

The Euleless Planning and Zoning Commission continued their meeting in the Council Chambers at 6:34 p.m. for consideration of scheduled items.

STAFF PRESENT:

Mike Collins, Director of Planning and Economic Development
Paul Smith, Fire Marshall
Stephen Cook, Senior Planner
Mollie Snapp, Administrative Secretary
Michele Crooks, Development Secretary

VISITORS:

Roxanne Laney
Jim Laney
Kelly Roberts
Matt Moore
Brian Cotter
James Hartman Jr.

INVOCATION

Chairman McNeese gave the invocation.

THE PLEDGE OF ALLEGIANCE

Commissioner Dunckel led the pledge of allegiance.

ITEM 1. APPROVED PLANNING AND ZONING MINUTES

Commissioner Dunckel made a motion to approve the minutes for the regular meeting of May 3, 2016. Commissioner Olmstead seconded the motion. The vote was as follows:

Ayes: Chairman McNeese and Commission Members: Owens, Olmstead, Dunckel and Ellis.

Nays: None

Abstention: None

Chairman McNeese declared the motion carried. (5-0-0)

ITEM 2. APPROVED FINAL PLAT CASE NO. 14-06-FP

Senior Planner Cook gave a brief description of the case. Ricochet Fuels has constructed a new office building at 1201 Royal Parkway. The property containing the new construction is proposed to be platted with the original lot.

The Development Services Group (DSG) has reviewed and certified the application has met all of the requirements for consideration by the City of Euless. Staff recommends approval of the final plat.

Chairman McNeese welcomed the owner of Ricochet Fuels, Kelly Roberts, and wished her business continued success.

Kelly Roberts, owner of Ricochet Fuels, 1201 Royal Parkway, Euless, Texas thanked the staff and stated that she was available for any questions from the Commission.

There were no questions or comments presented by the Commission.

Commissioner Olmstead made a motion to approve Case No. 14-06-FP for a Final Plat to be located on 3.025 acres out of the Kitty House Survey, Abstract 678, to be platted as Block A, Lot 10 International / Regional Industrial Complex located at 1201 Royal Parkway. Commissioner Owens seconded the motion. The vote was as follows:

Ayes: Chairman McNeese and Commission Members: Owens, Olmstead, Dunckel, and Ellis.

Nays: None

Abstention: None

Chairman McNeese declared the motion carried. (5-0-0)

ITEM 3. HELD PUBLIC HEARING FOR ZONING CHANGE CASE NO. 16-01-ZC AND TABLED RECOMMENDATION OF AN ORDINANCE.

Chairman McNeese opened the public hearing at 6:40 p.m.

Senior Planner Cook gave a brief description of the case. The property owner of the subject parcel has requested to rezone a neighborhood business district to be developed as two single family lots, which will be constructed under the straight (R-1) single family detached dwelling district. The owner is in discussions with several custom home builders. During the last decade, the property has been marketed to potential commercial end users and a potential commercial development on this site is still a possibility. The applicant is requesting that the Commission table this item to a future date.

Chairman McNeese asked to hear from any proponents/opponents wishing to speak.

Seeing none Chairman McNeese closed the public hearing at 6:41 p.m.

Commissioner Ellis made a motion to table Case No. 16-01-ZC for a Zoning Change for approximately 1.38 acres of Harwood Crossing Block 1, Lot 5, to be changed from Neighborhood Business District (C-1) into Single Family Detached Dwelling District (R-1) zoning to allow single family residential, and the recommendation for an ordinance. Commissioner Dunckel seconded the motion. The vote was as follows:

Ayes: Chairman McNeese and Commission Members: Owens, Olmstead, Dunckel, and Ellis.

Nays: None

Abstention: None

Chairman McNeese declared the motion carried. (5-0-0)

ITEM 4. HELD PUBLIC HEARING FOR ZONING CHANGE CASE NO. 16-06-SUP AND APPROVED RECOMMENDATION OF AN ORDINANCE.

Chairman McNeese opened the public hearing at 6:43 p.m.

Senior Planner Cook gave a brief description of the case. Shoot Smart's business is open to the public as primarily a daily rental shooting range and firearm training facility, with ancillary retail sales. There are two other existing locations in the cities of Fort Worth and Grand Prairie. The company proposes to open a third location in Euless within the currently vacant property previously occupied by Al's Formal Wear.

Originally consisting of two primary buildings, the north building was demolished due to the widening of West Airport Freeway. The remaining building has two floors which

consist of 30,894 s.f. The uses will include the shooting range lanes, training classroom area, offices, and a sales/common area.

The exterior of the building will be rebranded to the Shoot Smart color scheme and a new entrance and vertical element included in the redesign of the building.

Sixty parking spaces will be restriped on the existing pavement. An existing covered parking area will remain. The front area will be re-landscaped to include new trees and shrubs as well as new turf.

The building will be reconfigured and appropriate safety materials installed in the ranges to ensure safe operations of firearms as well as noise attenuation of all firearm discharges in the building.

Shooting Range is an Amusement Service not elsewhere listed which requires a Specific Use Permit within the C-2 zoning district. Staff recommends approval with the following conditions:

- a. The Specific Use Permit is tied to the Business Owner: Roxanne and James Laney; and,
- b. The Specific Use Permit is tied to the Business Name: Shoot Smart Enterprises, LLC, DBA Shoot Smart; and,
- c. 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.

Roxanne Laney, co-owner of Shoot Smart Enterprises LLC, 5901 Riverbend Place, Fort Worth, Texas gave an overview of the business and operations.

Chairman McNeese asked to hear from any proponents/opponents wishing to speak.

Seeing none Chairman McNeese closed the public hearing at 6:50 p.m.

Commissioner Ellis asked the minimum age allowed.

Ms. Laney responded that eight years of age was the minimum.

Commissioner Olmstead asked a series of questions pertaining to the allowed firearms, and restrictions, range length, available ammunition on site, facility operations and fees.

There were no further questions or comments presented by the Commission.

Commissioner Brown made a motion to approve Case No. 16-06-SUP for a Specific Use Permit on 1.966 acres out of the Jasper Addition Portions of Lots 5D, 5F and 5F1A, 2021 W. Airport Freeway for a Shooting Range and Firearm Training Facility with Ancillary Retail Sales in the Community Business District (C-2) and approved a recommendation for an ordinance. Vice Chairman Portugal seconded the motion. The vote was as follows:

Ayes: Chairman McNeese and Commission Members: Owens, Olmstead, Dunckel, and Ellis.

Nays: None

Abstention: None

Chairman McNeese declared the motion carried. (5-0-0)

ITEM 5. HELD PUBLIC HEARING FOR SPECIFIC USE PERMIT CASE NO. 16-09-SUP AND APPROVED RECOMMENDATION OF AN ORDINANCE

Chairman McNeese opened the public hearing at 6:56 p.m.

Senior Planner Cook gave a brief description of the case. Mr. Aljabban is the business owner at 401 S. Industrial Boulevard. This Specific Use Permit (SUP) was originally approved on April 9, 2013, and renewed on December 9, 2014. Mr. Aljabban requests that the Specific Use Permit be renewed. There have been some minor requests by the City to ensure that merchandising and tire storage remain interior to the building. During the last month, there have also been some minor issues with the business owner placing vehicles out front for sale which is not allowed through the SUP. The applicant has complied with those requests.

The Development Services Group (DSG) has reviewed and certified the application has met all of the requirements for consideration by the City of Euless. Staff recommends approval with the following conditions:

- a. The Specific Use Permit is tied to the Business Owner: Saad Aljabban; and,
- b. The Specific Use Permit is tied to the Business Name: Ten Minute Oil Change; and,
- c. All repair of vehicles, including but not limited to, mechanical repair and maintenance operations, will be conducted within the building. No work will be conducted exterior to the building; and,
- d. Outdoor storage of vehicles or exterior display of merchandise, including tires are not permitted; and,
- e. 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 interior to the building so as to not allow the collection of rainwater in the tires; and,
- f. The services allowed at this facility are as follows: Oil Change, Brake Repair and Replacement, Tire Repair and Replacement, Engine and Radiator Flush, Air Conditioning Service, Tune Ups, Engine Diagnostic Service, State Inspection, Light Mechanical Repair. Auto services not listed here are thereby prohibited; and,
- g. The term of this Specific Use Permit shall be granted for a period of one year in order to gauge the further appropriateness of the use at the specific location; and,

- h. 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 to hear from any proponents/opponents wishing to speak.

Seeing none Chairman McNeese closed the public hearing at 6:57 p.m.

Commissioner Dunckel inquired about the code compliance issues.

Mr. Cook stated that the code compliance issues included For Sale signs placed on vehicles on site.

Commissioner Ellis inquired as to who owned the he vehicles that were being sold on the site.

Mr. Collins explained the process that Code Compliance used to procure that information.

Commissioner Olmstead inquired as to the organizational reporting structure within the city for the Code Compliance department.

Mr. Collins stated that while under the Police department they all work together to monitor the conditions.

There were no further questions or comments presented by the Commission.

Commissioner Ellis made a motion to approve Case No. 16-09-SUP for a Specific Use Permit on Plaza on the Lake Addition, Block A, Lot 1, 401 S. Industrial Boulevard for an Automotive Repair Shop proposed to be located in Community Business District (C-2) zoning and approved recommendation for an Ordinance. Commissioner Dunckel seconded the motion. The vote was as follows:

Ayes: Chairman McNeese and Commission Members: Owens, Olmstead, Dunckel, and Ellis.

Nays: None

Abstention: None

Chairman McNeese declared the motion carried. (5-0-0)

ITEM 6. HELD PUBLIC HEARING FOR SPECIFIC USE PERMIT CASE NO. 16-11-SUP, AND APPROVED RECOMMENDATION FOR AN ORDINANCE

Chairman McNeese opened the public hearing at 7:01 p.m.

Senior Planner Cook gave a brief description of the case. In 2013, Mr. Hartman Sr. had been issued a Specific Use Permit (SUP) to allow an auto repair shop at 230 Vine Street. In 2014, Mr. Hartman Jr. became the owner, with a new SUP approved in September of 2014 that enabled him to operate the business in the same manner and under the same conditions that were included in the previously approved SUP. Mr. Hartman would continue to operate the business from the rear portion of the building for mechanical work and utilize the front of the building as office and storage. Mr. Hartman proposes to continue to provide automotive repair services which have been specifically listed in the SUP. These activities are included in the Auto Repair and Tire Repair definitions.

The business owner will be required to perform all work internal to the structure. The rear of the building contains several bays with overhead doors. In addition, no vehicles will be stored exterior to the building overnight and exterior display of merchandise would not be allowed.

There have been multiple occurrences in which Mr. Hartman has been in violation of storing vehicles outdoors, to the extent that the front lot cannot function as a parking lot. In addition, vehicles posted with For Sale signs would also be placed outdoors. Staff has worked patiently with professional courtesy in the last 12 months to gain compliance. Efforts by staff to enforce the condition of no outdoor storage of these vehicles would result in Mr. Hartman coming into compliance for a short period of time, only to return to the condition of being in violation once again. It appears that perhaps the property is not adequate in size to support the level of business being conducted. To provide Mr. Hartman the benefit of the doubt, staff is recommending that renewal of the SUP be considered as valid for a six month period of time. Based on representations made by Mr. Hartman, this would enable him the opportunity to prove his ability to operate the business in compliance with the conditions established in the SUP. If the SUP is approved, Mr. Hartman has been told that the SUP will be revoked at any time during the six month period of time if one or more of the conditions imposed by this permit has not been met or has been violated.

Auto Repair uses require a Specific Use Permit within the TX-10 zoning district. Staff recommends approval with the following conditions:

- a. The Specific Use Permit is tied to the Business Owner: James Hartman, Jr.; and,
- b. The Specific Use Permit is tied to the Business Name: JR's Euleless Transmission; and,
- c. All repairs of vehicles, including but not limited to: mechanical repair and maintenance operations will be conducted within the building. No work will be conducted exterior to the building; and,
- d. Outdoor storage of vehicles or exterior display of merchandise is not permitted within view of the public right-of-way; and,
- e. The double parking of vehicles in the front parking area shall be prohibited and,
- f. The services allowed at this facility are as follows: Brake Replacement, Timing Belt Replacement, Water Pump Replacement, Power Steering Pump Replacement, Belts and Hoses Replacement, Fuel Pump Replacement,

Transmission Rebuild, Strut Replacement, Shock Replacement, Distributor Replacement, Tune Ups, Front and Rear Suspension Repair, Axle Replacement, Rack and Pinion Replacement, Air Conditioning Service, Heater Core Replacement, Instrument Cluster Replacement, Window Motor and Regulator Repair, Transmission Control Module Repair, Engine Control Module Repair, Differential Service, Head Gasket Replacement, Intake Gaskets, O/2 Sensor Replacement, Fuel Filter Service, Oil Changes, Transmission Service, and Computerized Diagnostics. Auto services not listed here are thereby prohibited; and,

- g. The term of this Specific Use Permit shall be granted for a period of six months in order to gauge the further appropriateness of the use at the specific location; and,
- h. 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 to hear from any proponents/opponents wishing to speak.

James "Jimmy" Hartman Jr., 712 Spring Lake Dr, Bedford, Texas explained that business has greatly increased; updates have been made as staff has requested and inquired about the process of the current Specific Use Permit.

Chairman McNeese explained the SUP process and reviewed the parking conditions.

Mr. Hartman confirmed that since the SUP has been approved the parking conditions have not been met. He also stated that the parking lot has just been restriped and the parking lot will be better kept.

Director of Planning and Economic Development Collins gave an overview of the conditions regarding parking, overnight parking, and where work is being conducted.

Mr. Hartman asked for further explanation regarding the overnight parking as he understood that once the parking lot was restriped, overnight parking would then be allowed.

Mr. Collins confirmed that overnight parking would continue to be prohibited and explained further the conditions and compliance of those conditions for the current SUP.

Commissioner Olmstead stated that as a fellow property owner on West Euless Boulevard and one who also must comply with code requests that Mr. Hartman do his part to be a good neighbor.

Mr. Hartman stated that after restriping his lot he was then in compliance. He stated that he misunderstood the conditions.

Mr. Collins suggested that they confirm that Mr. Hartman now understands the current conditions.

Mr. Hartman stated that it would be impossible to get all the cars in the front lot moved to the back.

Chairman McNeese sought confirmation that Mr. Hartman fully understood the current conditions.

Mr. Hartman confirmed that he now understood the conditions while stating that he would not be able to meet them.

Mr. Collins stated that as the business has grown the use of the building has changed from when the SUP was originally issued. The condition of no overnight parking of vehicles is now a condition that cannot be met.

Mr. Hartman stated again that he did not understand the overnight parking condition.

Mr. Collins explained that there is a reasonable expectation that the vehicles would vacate after the business is complete. Code Compliance would not police which vehicles are operational on his lot so the overnight parking would continue to be prohibited.

Chairman McNeese explained the recommendation process of the Planning and Zoning Commission.

Chairman McNeese closed the public hearing at 7:34 p.m.

Commissioner Ellis commented that two of his greatest joys of being on the Commission is when a small business owner meets all the conditions of the SUP so the expiration date is removed and the business continues in its specific use state and when a small business does so well under an SUP that they move to a larger site to accommodate their increased business.

There were no further questions or comments presented by the Commission.

Commissioner Olmstead made a motion to approve Case No. 16-11-SUP for a Specific Use Permit on Oakwood Terrace Addition Block 1, Lot A43R, 230 Vine Street for Automotive Repair Shop in Texas Highway 10 Multi-Use District (TX-10) and approved recommendation for an Ordinance. Commissioner Ellis seconded the motion. The vote was as follows:

Ayes: Chairman McNeese and Commission Members: Owens, Olmstead, Dunckel, and Ellis.

Nays: None

Abstention: None

Chairman McNeese declared the motion carried. (5-0-0)

ITEM 7. ADJOURN

There being no further business, the meeting was adjourned at 7:38 p.m.

Chairman Richard McNeese

Date