

**CITY OF EULESS
PLANNING AND ZONING COMMISSION
NOVEMBER 15, 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 November 15, 2016 in the Pre-Council Conference Room of City Hall, 201 North Ector Drive. Those present included Chairman Richard McNeese, Vice Chairman LuAnn Portugal, and Commission Members: David Brown, Kenny Olmstead, Ronald Dunckel, Eric Owens and Steve Ellis.

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.

PLANNING AND ZONING CONSIDERATION OF SCHEDULED ITEMS – PRE-COUNCIL CONFERENCE ROOM

The Euless Planning and Zoning Commission continued their meeting in the Council Chambers at 6:33 p.m. for consideration of scheduled items.

STAFF PRESENT:

Mike Collins, Director of Planning and Economic Development
Stephen Cook, Senior Planner
Allen Harts, Senior Civil Engineer
Charles Anderson, Fire Inspector III
Tesla Worth, Administrative Secretary

VISITORS:

David Hensley
Bryan Teeple
Charles Teeple
Robert Stone
James Sosa
Mrs. Sosa

INVOCATION

Commissioner David Brown gave the invocation.

THE PLEDGE OF ALLEGIANCE

Commissioner Kenny Olmstead led the pledge of allegiance.

ITEM 1. APPROVED PLANNING AND ZONING MINUTES

Vice Chairman Portugal made a motion to approve the minutes for the regular meeting of October 18, 2016. Commissioner Dunckel seconded the motion. The vote was as follows:

Ayes: Chairman McNeese, Vice Chairman Portugal and Commission Members: Olmstead, Dunckel, Brown, and Ellis.

Nays: None

Abstention: Commissioner Owens

Chairman McNeese declared the motion carried. (6-0-1)

ITEM 2. HELD A PUBLIC HEARING FOR PLANNED DEVELOPMENT CASE NO. 16-03-PD

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

Senior Planner Stephen Cook gave a brief description of the case. Charles Teeple represents Teeple Partners, the developer and property use owner of the proposed age-restricted multi-family development. The property is surrounded on two sides by the Kensington by the Vineyard multi-family development and by Federal Heath sign manufacturing on the south. The property has been zoned TX-121 since the creation of the district in 1998. Access to this particular site can only be made from northbound traffic along the SH 121 frontage road. There is an access ramp to northbound main lanes of SH 121 at approximately midway along the street frontage of the parcel. The parcel is approximately 1,200 feet from the Mid-Cities Boulevard intersection with FM 157/N. Industrial Boulevard intersection.

Zoning – The proposed Planned Development zoning district would be specifically to allow the development of a four (4) story, surface parked, market rate, multi-family development. The development would specifically be limited to age-restricted residents fifty-five and older. The developer has designed a site plan and elevation of the project which is submitted as exhibits to the proposed zoning change ordinance, thereby, tying the development as conditions of the ordinance.

Structure and Development – The development proposes a total of 151 multi-family units with efficiencies, one-bedroom and two bedroom units. 66.9% (101 one bedroom units) are proposed to be the predominant unit type. The development company has built and managed several multi-family developments and intends to retain ownership and management of this project.

Access and Parking – Access to the property will be made through three drive approaches onto the site. As traffic is northbound only, The most northern and southern access will be exit only to the frontage road. Entry will be made through the center access. There will

be guest parking in the front of the facility and gated access to the remaining parking for residents. Parking will be made through surface parking, tucked under garage parking and some tandem spaces (parking on garage approaches). There is an existing secondary emergency access only drive on the southern portion of the development to the Kensington apartments. This access drive will be reconfigured and maintained to ensure adequate emergency access.

Landscaping and Architecture – The property currently has no indigenous trees. There will be considerable landscaping on-property focused primarily on the streetyard facing the primary view from the public right-of-way. Additional landscaping will be installed throughout the site as foundation planting and planting areas within the parking areas of the site. The structure itself will feature a brick façade with non-flush windows. Access to the units will be internal to the building. A porte-cochere will be installed for resident access to the primary lobby area of the development. The roofline of the development is a 4:12 pitch which brings a residential look to the building. Internally there will be entertainment areas for the residents as well as elevators for the movement of residents.

Age restricted multi-family housing is a growth area of development in the community. There is a demand as our population is aging and retiring within the community they have contributed to for many years. This type of residential development is not intended for assisted living or medical assistance living, rather for active mature adult. The proposed development utilizes the property efficiently and will not significantly contribute to additional congestion in the area.

The Development Services Group (DSG) has reviewed and certified the application has met all of the information required for consideration by the City of Euless. Staff recommends approval of the planned development.

Chairman McNeese asked for the applicant to give his prepared presentation.

David Hensley from HCR Architects spoke briefly about the project, highlighting the new trend and need for active adult living, their previous successes with this type of community, and other details specific to the property.

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

Seeing none, Chairman McNeese closed the public hearing at 6:46 p.m.

Commissioner Owens asked the applicant for the average lease price of a unit.

Charles Teeple of the Teeple Partners said that the price was approximately \$1.60/square foot. 67% of the units are one bedrooms, which are between 750-800 square feet. There will be efficiency units so that they may offer an affordable option at less than \$1,000.00 per month.

Commissioner Olmstead asked if any transportation would be offered to the residents.

Charles Teeple said that their initial plan did not have any offerings for van transportation. He explained that these are active adults that are wanting to be independent, and that their individual cars will be their transportation.

Commissioner Olmstead asked what the population of the residents would be.

Charles Teeple said that based on other properties, the estimate is that it would be 75% single adults.

Vice Chairman Portugal asked what the plan was for the fencing of the property.

Mr. Cook said that a masonry fence would be used.

Commissioner Dunckel asked if there were plans in place to allow a resident to bring in a younger relative to live with them.

Charles Teeple said that exceptions might be made, but the rule is that no one may live as a resident there unless they are 55 years of age or older.

Commissioner Brown asked if pets were allowed, and if so, would there be any connection to the local parks.

Charles Teeple said that pets are allowed.

Mike Collins said that the City would be working towards the walking trail connection, as it is important.

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

Commissioner Owens made a motion to approve Case No. 16-03-PD for a Planned Development to change the zoning of 4.288 acres in the L. Franklin Survey, Abstract No. 513, located on the east side of State Highway 121 frontage road, north of Mid-Cities Boulevard from TX-121 Gateway District (TX-121) to Planned Development (PD) zoning to allow age-restricted multi-family residential, and consider recommendation for an Ordinance. Commissioner Olmstead seconded the motion. The vote was as follows:

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

Nays: None

Abstention: None

Chairman McNeese declared the motion carried. (7-0-0)

ITEM 3. HELD A PUBLIC HEARING FOR SPECIFIC USE PERMIT CASE NO. 16-16-SUP

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

Senior Planner Stephen Cook gave a brief description of the case. The applicant, 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.

Chairman McNeese asked the applicant to speak.

James Sosa briefly explained how he has tried to correct the problems concerning tire storage. He referenced code compliance officers James Patterson and Paul Shafer and the circumstances of one of the citations issued. He also explained the circumstances of another citation issued approximately one month later. He indicated that he is in the process of purchasing the property from Mr. Byers, and would consider selling it in the future.

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

Seeing none, Chairman McNeese closed the public hearing at 7:07 p.m.

Commissioner Brown asked how many citations Mr. Sosa has received.

Mr. Sosa stated that he has received 4 or 5 citations.

Commissioner Brown stated that he has been on the Commission for seven years, was present for the initial hearing for this Specific Use Permit, has consistently heard of Mr. Sosa's violations, and that the Commission has an obligation to the City of Eules to make sure all business owners comply with the conditions set forth. He stated that he is not personally convinced that Mr. Sosa is doing everything he can to comply. He asked how long Mr. Sosa has had to complete the covered storage area, if he is doing his best to comply, and if he is currently in compliance now.

Mr. Sosa stated that he was last asked to build the covered storage at the previous hearing six months ago, that he is trying to comply, and is currently in compliance.

Vice Chairman Portugal expressed the importance of small business in the City of Eules. She asked if Mr. Sosa felt confident that he could comply in the future.

Mr. Sosa stated that he could comply.

Commissioner Olmstead asked if Mr. Sosa understood that he was putting his business in jeopardy if he continued to have code violations.

Mr. Sosa stated that he understood.

Commissioner Owens asked what made Mr. Sosa feel like he could maintain compliance, and stated that compliance is not optional, it is a priority.

Mr. Sosa said the tire storage area was the main issue, and had been resolved.

Chairman McNeese asked Mr. Sosa to elaborate on his offsite storage area.

Mr. Sosa said that he is leasing off-site space for tire storage.

Chairman McNeese asked to review the conditions in the Specific Use Permit.

Mr. Collins outlined the conditions in the Specific Use Permit.

Commissioner Brown stated that Highway 10 Tire Shop is not being singled out, these conditions apply to all automotive repair businesses in the City of Euless, and that all of the other businesses are able to comply. He expressed that he has never heard the staff strongly recommend revocation of a Specific Use Permit before now, and wanted Mr. Sosa to understand that fact.

Mr. McNeese asked how the business was performing, and if it was growing.

Mr. Sosa stated that the business is not doing well, and there is no growth.

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

Commissioner Brown made a motion to approve Case No. 16-16-SUP 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, with the added stipulations that the Commission is made aware of any new violations or formal citations as soon as they occur, and that the case will be immediately brought back to the Commission for consideration at that time, rather than waiting until the end of the time frame set forth by the Specific Use Permit. Commissioner Ellis seconded the motion with the added stipulations. The vote was as follows:

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

Nays: None

Abstention: None

Chairman McNeese declared the motion carried. (7-0-0)

ITEM 4. HELD A PUBLIC HEARING FOR FINAL PLAT CASE NO. 16-18-SUP

Chairman McNeese opened the public hearing at 7:31 p.m.

Senior Planner Stephen Cook gave a brief description of the case. The City of Euless is implementing an electronic meter reading service to the City. In order for accurate information to be broadcast and received through the network adequate receiving antennae are required to be installed within the community. In order for this system to operate efficiently within the southern areas of the City, the City is requesting a Specific Use Permit to construct a telecommunications tower on City property.

The tower location is proposed to be located to the north of the existing Public Works Office building on 1513 Westpark Way. The tower would be located within a grassy median currently existing.

The tower is proposed to be a one hundred foot (100') free standing structure which would not require any stabilization guy wires or attachments outside of its immediate footprint. The tower's use is intended for the exclusive placement of antennae which serves the meter reading information system. The tower is not intended for use as a platform for leasing cellular phone network equipment or other non-city related equipment.

Staff recommends approval of the Specific Use Permit with the following conditions:

- a. The Specific Use Permit is tied to the City of Euless.; and,
- b. 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.
- c. Upon revocation or expiration of the Specific Use Permit, all uses permitted hereunder shall cease.

The Development Services Group (DSG) has reviewed and certified the application has met all of the information required for consideration by the City of Euless. Staff recommends approval of the specific use permit.

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

Seeing none, Chairman McNeese closed the public hearing at 7:32 p.m.

There were no questions or comments presented by the Commission.

Vice Chairman Portugal made a motion to approve Case No. 16-18-SUP for a Specific Use Permit on International Regional Industrial Complex, Block D, Lot 1R, 1513 Westpark Way for Telecommunications Tower in Heavy Industrial District (I-2) and consider recommendation for an Ordinance. Commissioner Olmstead seconded the motion. The vote was as follows:

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

Nays: None

Abstention: None

Chairman McNeese declared the motion carried. (7-0-0)

ITEM 5. HELD A PUBLIC HEARING FOR FINAL PLAT CASE NO. 16-20-SUP

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

Senior Planner Stephen 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 was issued a Specific Use Permit in June 2016 with a six month timeframe in order to gauge whether continued operation of his business would meet the conditions of the Specific Use Permit. 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.

Since the approval of the Specific Use Permit – Mr. Hartman has complied with the conditions set forth in the ordinance. Parking in the front of his business has been limited to his immediate customers and within the designated parking spots. No other violations of conditions have been recorded by City Code Compliance.

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 inoperable or dilapidated vehicles or exterior display of merchandise is not permitted within view of the public right-of-way; and,
- e. All vehicles within view of the public right-of-way must be parked in a parking space fully compliant with Chapter 84, Section 84-201 of the City of Euleless Code of Ordinances; 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 & 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 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.
- h. Upon revocation or expiration of the Specific Use Permit, all uses permitted hereunder shall cease.

The Development Services Group (DSG) has reviewed and certified the application has met all of the information required for consideration by the City of Euless. Staff recommends approval of the specific use permit.

Chairman McNeese asked if the applicant was present.

Mr. Cook indicated that he was not.

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

Seeing none, Chairman McNeese closed the public hearing at 7:35 p.m.

There were no questions or comments presented by the Commission.

Commissioner Brown made a motion to approve Case No. 16-20-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 consider recommendation for an Ordinance. Commissioner Olmstead seconded the motion. The vote was as follows:

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

Nays: None

Abstention: None

Chairman McNeese declared the motion carried. (7-0-0)

ITEM 6. ADJOURN

There being no further business, the meeting was adjourned at 7:39 p.m

Chairman Richard McNeese Date