

ITEM 4 CASE #11-01-UDC – HOLD PUBLIC HEARING REGARDING A UNIFIED DEVELOPMENT CODE AND CONSIDER A RECOMMENDATION FOR AN ORDINANCE

Receive public input and consider a recommendation regarding a request by the City of Euless for an amendment to Code of Ordinances Chapter 84 “Unified Development Code” in order to add Section 84-52 (3) “Exception due to right-of-way acquisition by governmental agency”.

Chairman McNeese opened the public hearing.

Mike Collins, Director of Planning and Economic Development, gave a brief description of the case. When a governmental entity acquires right of way for a public purpose from a property owner, such as TxDOT for the North Tarrant Express project, the city must determine how it will deal with potential nonconforming site development standards. The current process provides the property owner an opportunity to seek a variance before the Zoning Board of Adjustment from site development standards, and if granted, the property would be classified as a legally existing non-conforming status. In recognition that each circumstance is unique to the parcel and land use, and to not further burden the property owner with a legally existing non-conformance status, staff would propose an alternate approach. The City Manager would be provided the authority to consider exceptions from property owners to non-life and safety related site development requirements, such as landscaping, parking, and signage. Requirements related to fire lane and fire hydrants and other traffic or life safety related requirements, would not be eligible for an exemption. Factors are set out in the ordinance that the City Manager would consider in making a decision. If the applicant did not agree with the City Manager’s decision, an appeal would be made to the Zoning Board of Adjustment. If this alternate approach is acceptable, staff would recommend that the Planning and Zoning Commission approve a motion recommending approval of amendments to Section 84-52 of Article III “Non-conformance”.

Chairman McNeese asked for any proponents/opponents to come forward for any comments. Seeing none the public hearing was closed.

Commissioner Portugal asked if with this proposed change, the process would start with the Planning and Development Department.

Mike Collins stated it would start in the Planning and Development Department and would be reviewed by the Development Review Committee before going to the City Manager’s Office.

Chairman McNeese acknowledged receiving an updated draft ordinance during the Pre-Commission meeting, with the provision of the effective date being on or after January 1, 2011.

Commissioner Zahn made a motion to approve case #11-01-UDC. 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)