



## **CITY COUNCIL COMMUNICATION**

May 8, 2012

**SUBJECT:** Hold Public Hearing for Specific Use Permit Case No. 11-06-SUP and Consider First and Final Reading of Ordinance No. 1955

**SUBMITTED BY:** Mike Collins, Director of Planning and Economic Development

**REFERENCE NO:** 11-06-SUP

---

### **ACTION REQUESTED:**

Receive public input and motion to approve a Specific Use Permit on Plaza on the Lake Addition, Block A, Lot 1 for Auto Service in Community Business District (C-2) zoning at 401 S. Industrial Boulevard and approve Ordinance No. 1955, concurring with the Planning and Zoning Commission's 5-0-0 recommendation on Tuesday, April 17, 2012.

### **ALTERNATIVES:**

- Open the Public Hearing and continue it to the next meeting.
- Open, conduct, and close the Public Hearing.
- Approve the request with modifications.
- Deny the request.

### **SUMMARY OF SUBJECT:**

**Applicant:** Mr. Tom Kolko, property owner and Riyadh Hossainy representing Ten Minute Oil Change.

**Location / Zoning:** 401 S. Industrial Boulevard zoned as Community Business District (C-2).

**Project Description:** Mr. Kolko is the property owner of 401 S. Industrial Boulevard. The proposed automotive repair service, which would include an inspection and lube service, requires a Specific Use Permit within the C-2 zoning district. The Texas Department of Transportation (TxDOT) has operational control of S. Industrial Boulevard.

Most recently, the property was the location of a former Jiffy Lube and has been vacant with no viable business for well over six months. When the site was first developed in the mid-1980's, F.M. 157 (Industrial Boulevard) was a two-lane road. Since then, many conditions have changed. TxDOT reconstructed the road into a six (6) lane thoroughfare with a continuous center turn lane in the late 1990's. As a result of the reconstruction, the grade of the newly constructed roadway became higher than the subject property. Therefore, vehicles must go up an incline as they make their turning movements onto S. Industrial Boulevard.

In 2005, when no business was in operation at the site, TxDOT installed traffic signalization at the intersection of S. Industrial Boulevard and Signet Drive. This installation included traffic light poles and control equipment within the State right-of-way immediately in front of the 401 S. Industrial Boulevard property and to the south of the existing drive approach. This traffic signalization does not control ingress or egress from the property. The drive approach is also located approximately twenty-five (25) feet south of a drive approach into the Shadow Creek Apartments. Combined with the current position of the drive approach in relationship to the oncoming traffic and the reduced visibility due to the position of the traffic control equipment, it is staff's opinion that the property in its current condition cannot be used safely.

Mr. Kolko first made application for a Specific Use Permit in May 2011, after purchasing the property and negotiating a lease with Absolute Auto Care. Since May 2011, the applicant has had numerous discussions with TxDOT Staff and City Staff. TxDOT who has operational control over S. Industrial Boulevard, has represented that they will neither approve nor deny use of the existing drive approach, and will allow the city to make a determination through consideration of the Specific Use Permit. Staff has made several suggestions to the applicant, which would enhance the safety of traffic movements to and from the site. Mr. Kolko has proposed the installation of additional traffic control devices which would integrate with the existing equipment at the Signet Drive and S. Industrial Boulevard intersection and control ingress and egress from his property.

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. The Planning and Zoning Commission held a public hearing on April 17, 2012 and voted to recommend approval of the Specific Use Permit with the following conditions by a vote of 5-0-0:

1. Tied to the business owner, Mr. Riyad Hossainy / Farabi Investments; and,
2. Tied to the business name: Ten Minute Oil Change; and,
3. Traffic signalization of the intersection of the drive approach and S. Industrial Boulevard be designed, approved, and installed prior to the issuance of a Certificate of Occupancy; and
4. No outdoor storage or display of vehicles will be permitted, and;
5. All work performed on the vehicles will be conducted interior to the building; and
6. Permitted for the period of one year to be renewed through the Specific Use Permit process.

**SUPPORTING DOCUMENTS:**

- Ordinance No. 1955
- Exhibit(s)
- Draft Minutes – P & Z
- Application
- Map 1, Map 2, and Map 3

**APPROVED BY:**

\_\_\_\_\_ **LG** \_\_\_\_\_

City Manager's Office

\_\_\_\_\_ **KS** \_\_\_\_\_

City Secretary's Office