

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

**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 Eules 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 the 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)