

## **PLANNING AND ZONING COMMISSION DRAFT MINUTES OF AUGUST 31, 2015**

PUBLIC HEARING AGENDA Item #13 - SU141101/S141101 - Specific Use Permit/Site Plan - 1629 E Main Street (City Council District 5). Senior Planner Doug Howard presented the case report and gave a Power Point presentation for a Specific Use Permit for an Automotive Re-Builder and Inoperable Auto Holding Yard uses and to codify existing non-conforming Automotive Related Business uses. The subject site is located at 1629 E Main St and is zoned Light Industrial (LI) District within Central Business District No. 3 (CBD 3). This property is generally located on the south side of E. Main St and east of S.E. 16th St. The agent is Danny Moussavi and the owner is Hamid Moussavi.

Mr. Howard stated HDA obtained their most recent certificate of occupancy in March of 2007 for used auto sales and auto repair/body shop with the following conditions:

- Must Comply with "Auto Related Business" Ordinance #7408
- All Work Must be Performed Inside the Building
- No Painting Outside of Booth and/ or Auto Salvaging Allowed
- No Outside Storage of Parts and/ or Other Miscellaneous Items Allowed
- No More than Two (2) Inoperable Vehicles Stored Outside of Shop
- Return C.O. to Code Enforcement Upon Dissolution of Business

Mr. Howard noted a list of code enforcement violations since 2008 and a list of inspection history from Environmental Services since 2000. The report shows several violations including outside storage of parts, salvaging, excessive inoperable vehicle storage, and outdoor repair. The applicant, in order to run the business as desired, would need to be allowed to perform the activities listed as prohibited on the certificate of occupancy. In order to rectify the situation, code enforcement referred the applicant to the Planning and Zoning Department. Planning staff informed the applicant that an inoperable vehicle holding yard required a Specific Use Permit. Article 30 of the UDC defines an Inoperable Auto Hold Yard. As part of the applicant's desired operations, the rebuilding of inoperable vehicles would also be performed. This may include simple repairs to vehicles or rebuilds of severely damaged vehicles. The UDC allows for an Automotive Re-builder use as defined with approval of a Specific Use Permit.

Mr. Howard noted the applicant has submitted a detailed operational plan, outlining the how HDA Auto wishes to operate. This site has an existing non-conforming used auto sales use. As part of this request, staff will incorporate the auto sales use into the specific use permit. As required by the UDC in Article 4, "If a primary, conforming use is proposed on a lot or tract occupied by a primary non-conforming use, the primary non-conforming use must cease whenever the primary conforming use begins." Staff will recommend this SUP authorize used auto sales in order to bring the property into conformance. The north parking lot will be used for the auto sales inventory of 20 cars. The north building, labeled A, is used as an office for the site, which is roughly 1200sqft. The rear building, about 2300sqft, is used for all the vehicle repairs. Repairs include auto rebuilding, major auto repairs, body and paint shop. The major auto repair, body and paint shop uses are existing non-conforming uses. The UDC today requires a specific use permit. If the auto rebuilder use is to be approved, this would include these uses.

Mr. Howard stated HDA auto buys damaged vehicles and repairs them in the 5-bay garage, labeled "B" on the site plan, for the purposes of resale. They also repair vehicles from the public. Their operations plan states that "H.D.A. is not in the business of selling used or salvaged parts of any kind. Any and all parts located on premises are strictly used in the repair or restoration of company inventory or auto body repair related to client vehicles." Through discussion with the applicant, they have historically bought cars for the purposes of using its parts to repair other cars. The City of Grand Prairie views this activity as salvaging and staff does not support salvaging of any type within a Light Industrial district. The ARB ordinance defines salvaging as "disassembling automobiles, trucks, pickups, or any other motor vehicles for the purpose of resale or reuse of any part thereof." The site is currently screened by an 8ft metal fence. The rear of the lot has several parking spaces specifically for the storage of vehicles awaiting repair or pickup, antique and damaged vehicles, inoperable and operable, or for vehicles being held for sale (inventory overflow). This area is also being requested to be used for the storage of body parts including but not limited to front or rear body clips, purchased for auto repair purposes. Currently, the canopies are being used to cover parts being stored outside. Staff does not support the storage of car parts, as this may lead to salvaging of parts.

Mr. Howard stated the proposed site changes will occur in 2 phases. The first phase will include demolishing part of the existing north building to make room for the required fire lane on the east side of the property. The fire lane will be constructed according to the standards of the UDC. Because of the demolishing of the building, the applicants will build a new canopy behind the main office. The rear parking areas will remain gravel. The applicants did not propose a time frame for the second phase. In this phase the parking areas will be paved and the main access will be moved further east, as shown on the submitted site plan. The area to be paved is about 33,000sqft.

Mr. Howard stated staff does not support any manner of salvaging in a Light Industrial district. Below is an outline of conditions for approval that staff could support for a Specific Use Permit for an Automotive Re-Builder with an Inoperable Vehicle Holding Yard and Used Auto Sales:

1. The applicant must submit a site plan, specifically designating the use of each parking space. The Chief Planner may approve the parking plan;
2. Paving off all parking areas shall be completed within 2 years of the date of approval of this Specific Use Permit.
3. The development shall adhere to the following operational standards:
  - a. All vehicles must be parked within clearly marked parking spaces, as shown on the approved site plan. There shall be no parking within drive aisles or fire lanes. The use of the public rights-of-way for parking, loading, or unloading shall be prohibited;
  - b. No salvaging activities shall take place onsite;
  - c. No vehicle parts may be stored outside;
  - d. All repairs or maintenance to vehicles must be performed indoors;
  - e. A ledger shall be kept on-site and maintain by the business operator and shall be presented upon request by the Police Department and Code Enforcement during inspections or investigations. The ledger shall maintain information and

documentation for each vehicle receiving repairs or services. Items maintained and contained in this ledger shall include:

- i. Date the vehicle entered the site for services, repairs, or storage;
    - ii. Customer Name;
    - iii. Vehicle Identification Number, Make, Model and Year;
    - iv. Type of services or repairs needed and/or performed;
    - v. Estimated time of completion;
    - vi. Date the vehicle was removed from site; and
  - f. All operations shall maintain compliance with all federal, state, and local environmental regulations;
  - g. All operations shall maintain compliance with City Ordinance No. 7408, Automotive Related Business (ARB) regulations;
  - h. Must practice all best management practices listed in its storm water pollution prevention plan; and
4. A Site Plan Mylar must be submitted to the planning department for review and approval. Future changes to the parking or expansions to this facility, regarding this Specific Use Permit, will require the submittal of a revised site plan for review and approval to the Planning Department;
  5. Must comply with any outstanding Development Review Committee comments for the Specific Use Permit found in File No. SU141101/S141101.
  6. This property shall meet the standard Specific Use Permit compliance standards; as follows:
    - a. The City Council shall conduct a public hearing one (1) year after City Council approval of the Site Plan to confirm compliance with all applicable codes which shall include, but not be limited to, the requirements of this SUP Ordinance, the Unified Development Code, the City of Grand Prairie Code of Ordinances, city adopted building codes, city adopted fire codes and with other applicable regulatory requirements administered and/or enforced by the state and federal government;
    - b. This Specific Use Permit shall automatically terminate if a Certificate of Occupancy is not issued for an Automotive Re-builder with an Inoperable Vehicle Holding Yard and Used Auto Sales; within one (1) year after City Council adoption of this Ordinance, or upon cessation of the use for a period of six (6) months or more.
    - c. The operation of this site shall be in strict compliance with the requirements of this SUP Ordinance, the Unified Development Code, the City of Grand Prairie Code of Ordinances, city adopted building codes, city adopted fire codes, and with other applicable regulatory requirements administered and/or enforced by the state and federal government.
    - d. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Grand Prairie. Violation of this provision may be punishable in accordance with Section 1-8 of the Code of Ordinances of the City.

- e. This Specific Use Permit shall run with the land and therefore may be transferred from owner to owner; however, each new owner shall obtain a new Certificate of Occupancy
- f. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its SUP number and title.

Commissioner Womack asked what the property could be used for if this request is denied.

Mr. Howard stated the applicant could conduct auto used sales, an auto body shop, and auto repair, except for auto salvaging.

Commissioner Spare noted salvaging is not permitted and the applicant is currently in violation of the ordinance.

Mr. Howard replied yes they are in violation of the ordinance.

Commissioner Philipp asked what zoning district allows this type of salvaging.

Mr. Howard replied an inoperable auto holding yard would be allowed with a specific use permit in a heavy industrial zoning district.

Chairperson Garrett noted there were no more questions for staff, opened the public hearing, and asked for speakers.

Danny Moussavi, 1629 E. Main Street, Grand Prairie, TX was present representing the case and to respond to questions from the Commission. Mr. Moussavi noted the vehicles shown in the presentation would no longer be used on site they would be removed and sent to a scrap metal facility. He said in 1998 they started their business as an auto rebuilder facility, and they do not sell their parts, but do keep them in a storage area, but this is what Code Enforcement considers auto salvaging.

Chairperson Garrett stated when a vehicle is bought and you take parts from that vehicle to use on another vehicle, this is considered salvaging. Mr. Garrett asked when phase 2 of their request would be completed, the parking areas will be paved and the main access will be moved further east.

Hamid Moussavi, 1629 E. Main Street, Grand Prairie, TX stated they are not conducting an auto salvage yard at their business. Phase 2 will begin as soon as they obtain City Council approval.

Danny Moussavi said they do not want to do away with perfectly good parts therefore they will keep them in storage.

Commissioner Moser stated he appreciates the applicant conducting his business in Grand Prairie, but looking at his business past history he has been in violation for the past fifteen years, it's great that they are trying to keep in compliance, but they have had fifteen years to comply and they have not done so. Mr. Moser stated he would support the one year review of this case and the two year time limit to complete phase 2 of this project, but if they obtain anymore code violations he would be the first to revoke the SUP and shut them down.

Danny Moussavi stated there have been too many changes within the City staff, Code Officers, and ordinances changing. They have been conducting this type of work in the past, but today Code considers what they are doing salvaging when they are a rebuilder of vehicles.

Commissioner Motley stated their business is allowed in heavy industrial zoning district, he should relocate in order to comply with the city ordinances and be able to conduct his business.

Danny Moussavi replied they have been at this address since 1998.

Commissioner Motley stated he understands they are trying to run a business, but this type of business is not allowed in the current zoning district, therefore they need to relocate to the appropriate district.

Danny Moussavi replied they have invested a lot of money at this location if given the opportunity they would come into compliance.

Commissioner Moser said he understands and agrees with Mr. Motley's concerns and feels the applicant should relocate his business to the appropriate zoning district.

There being no further discussion on the case, Commissioner Moser moved to close the public hearing and approve case SU141101/S141101 as presented and recommended by staff, with a one year review after City Council approval of the Site Plan and Paving of all parking areas shall be completed within 2 years of the date of approval of this Specific Use Permit. The action and vote being recorded as follows:

Motion: Moser

Second: Perez

Ayes: Garrett, Johnson, Lopez, Dr. Perez, Philipp, Moser, and Motley

Nays: Spare, Womack

Approved: **7-2**

Motion: **carried.**