



**REGULAR PLANNING AND ZONING COMMISSION
MEETING MINUTES
JANUARY 8, 2018**

COMMISSIONERS PRESENT: Chairperson Lynn Motley, Vice-Chairperson Joshua Spare, Commissioners, Cheryl Smith, John Lopez, Janie Adhikari, Clayton Fisher, Eduardo Carranza, and Max Coleman.

COMMISSIONERS ABSENT: Shawn Connor

CITY STAFF PRESENT: Bill Crolley, Assistant City Manager, David Jones, Chief City Planner, Charles Lee, Senior Planner, Savannah Ware, Senior Planner, Colby Collins, Planner, Daon Stephens, Transportation Planner, Steve Alcorn, Assistant City Attorney, Mark Dempsey, Deputy City Attorney, and Chris Hartmann, Executive Assistant

Chairperson Motley called the meeting to order in the Council Chambers in the City Hall Building at 6:30 p.m.

PUBLIC HEARING AGENDA Item #14– SU151004D - Specific Use Permit - 309 SE 14th Street (City Council District 5). Chief City Planner David Jones presented the case report and gave a Power Point presentation to approve a six month review of Specific Use Permit for Major Auto Repair uses, including mechanical repairs and auto body repairs. The site is 0.3 acres and is zoned Commercial (C) within Central Business District 3 (CBD 3). The property is generally located south of Jefferson St. and east of Belt Line Rd. The owner is Vincente Duan.

Mr. Jones stated the purpose of this request is for the applicant to renew their existing Specific Use Permit for Major Auto Repair and Auto Body and Paint Uses in the Commercial District. October 2, 2017 the Planning and Zoning Commission recommended approval of Tire Sales and Install with Indoor Display Only. Recommendation included restriction of business operation to Tires only or Major Auto Repair and/or Body and Paint only, with no simultaneous operation of uses, and that any of the uses would be forfeit within 6 months of Council action, if no Certificate of Occupancy was obtained. On October 3, 2017 Code Enforcement conducted additional inspection and found evidence of outside repair. October 4, 2017 business was observed conducting outside repair in front of the building. Mr. Jones noted staff recommends approval of the Specific Use Permit Renewal 978B. Staff further recommends that the Specific Use

Permit come back to the Planning and Zoning Commission in 1 year for an additional review of compliance and site conditions.

Commissioner Coleman asked if the property is currently being occupied.

Mr. Jones stated the property is currently vacant.

Commissioner Carranza asked if all the previous cases related to this address have had violations.

Mr. Jones replied yes, all of them were cited by Code Enforcement with numerous violations.

Chairperson Motley stated it is very clear of what has happen in the past with this property, we have given the owner numerous opportunities to make it right, but still keeps having violations why should we grant him an extension and give him more time.

Commissioner Fisher said it is the owner's responsibility to make sure his tenants are meeting the SUP requirements.

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

Vincent Duan, 2812 Monterey Court, Plano, TX, stepped forward representing the case. He said he has had numerous issues with his past tenants violating the SUP requirements, but with this new tenant he would be in partnership with him as the manager to make sure the business is run correctly, he would be spending more time at the property.

Chairperson Motley asked how often he visits the site as the property owner to make sure there are no violations.

Mr. Duan said he tries to visit the site every day, but cannot stay long sometimes he has to leave early, but he plans on spending more time with the new tenant to make sure there are no more violations on the property.

Commissioner Fisher stated as the owner of the property, why is there a continuation of problems and violations.

Commissioner Spare said as the owner he needs to communicate with his tenants to let them know what they can and cannot do on the property.

Chairperson Motley said he cannot support this request there are hundreds of business in the city who also have SUP's, but they follow the rules, this location has been a failure and a repeated failure.

There being no further discussion on the case Commissioner Coleman noted the property is currently vacant therefore he moved to close the public hearing and deny cases SU151004D, action and vote being recorded as follows:

Motion: Coleman

Second: Spare

Ayes: Adhikari, Carranza, Coleman, Fisher, Lopez, Motley, Smith, and Spare

Nays: None

Denied: 8-0

Motion: **carried.**