

Nelly R. Stevens said this is a common plant material in the area and that it has been an acceptable material in other communities in which she has worked. Ms. Firgens said that if the Commission chose to recommend approval of this Detailed Site Plan it was within their purview to request the modification of a plant material they deemed more appropriate. Ms. Firgens said during the Study Session, there were concerns expressed regarding the planting of Dwarf Indian Hawthorne and it being able to effectively provide screening. Ms. Firgens said staff could work with the applicant on an alternative plant material. Ms. Firgens said the applicant may be receptive to any suggestions the Commissioners may have regarding plant materials.

Chairman Moore asked for a motion.

**A motion was made by Vice Chairman De Los Santos, seconded by Commissioner Yarbrough that this Detailed Site Plan and associated special exceptions be recommended for approval. The motion carried unanimously.**

**Aye: 6** - Chairman Moore, Commissioner Yarbrough, Commissioner Driskill, Commissioner Bertl, Commissioner Retana and Vice Chairman De Los Santos

**Absent: 2** – Commissioner Sullivan and Commissioner Zavala

Chairman Moore asked when the case would be heard by City Council. Ms. Firgens said it would be November 6, 2018.

### C.3 [18-ZA-09](#)

**Conduct a public hearing and consider a request to amend the Comprehensive Zoning Ordinance including amending Article 2. Zoning District and Uses, Article 4. Site Development Standards, and Article 7. Definitions as it relates to allowing vehicle dispatch and storage uses and establishing related development standards; and take appropriate action.**

This is a city-initiated zoning amendment to amend the Comprehensive Zoning Ordinance (CZO) as it relates to introducing a new land use, vehicle dispatch and storage, and providing associated definitions and development standards related to the use. This amendment was initially prompted by a zoning enforcement action and application for Certificate of Occupancy by a local company that provides transportation services to people and delivers goods on-demand from an off-site place to another. This type of operation is commonly referred to as ride-share service. The unique facet of this amendment is the vehicle storage on-site that is needed for fleet vehicles. This amendment is proposed to address these micro-transit type businesses, as well as other transportation related businesses that share similar characteristics. The zoning districts affected by this amendment include: Commercial District (C), Light Industrial District (LI) and Heavy Industrial District (HI). Staff recommends approval of the proposed Zoning request as presented.

Ms. Jenifer Paz, Senior Planner, gave a brief presentation regarding the applicant's proposal.

Chairman Moore asked for clarification regarding parking requirements for this proposed use category. Chairman Moore cited the example of an employer with all contractors and no permanent employees. Ms. Paz said the parking requirement is based on the larger of the one (1) space per two (2) employees ratio or one (1) space

per 1,000 square feet of gross floor area ratio.

Chairman Moore asked if contract employees were counted in the parking requirement. Ms. Paz said per the ordinance, all employees part of business operations are to be counted in calculating required parking. Ms. Figgins added that in calculating required parking, square footage of the building had to be taken into consideration.

Chairman Moore stated that buildings measuring 10,000 square feet or less require ten (10) parking spaces and that buildings measuring 11,000 square feet or greater require eleven (11) parking spaces in addition to one (1) space per additional 1,000 square feet. Ms. Paz said yes, if this number of spaces was greater than the calculation of one (1) space per two (2) employees.

Chairman Moore asked about the number of buildings in the East Side Business District presently that measured 11,000 square feet. Ms. Paz said she was not sure. Ms. Figgins added, having driven the East Side Business District, that there are many buildings exceeding 10,000 square feet. Ms. Figgins said that Gillis Road features several such warehouse buildings. Ms. Figgins said there are warehouse buildings of varying sizes along Inwood Road. Ms. Figgins said that this proposed CZO amendment would affect several other areas of the City, noting that other properties had Light Industrial (LI) zoning.

Chairman Moore asked for clarification regarding the East Side Comprehensive Plan's use of the word "incubator". Ms. Paz said this is associated with the Creative Center designation of the East Side Business District, specifically referring to businesses and restaurants. Ms. Paz said that the East Side Comprehensive Plan takes into consideration identifying appropriate land uses, noting that the Creative Center identifies having land uses complimentary to dining, services, and entertainment type uses. Ms. Paz said mixed-use must be taken into consideration as well, noting the proximity of the Brookhaven College. Ms. Paz said the Creative Center is intended to be an incubator hub of the East Side Business District. Ms. Paz explained that while Bubbl's business use could be considered an incubator type use, the manner in which the land would be used for this business use is not compatible with the intended land use and building form per the East Side Comprehensive Plan.

Chairman Moore opened the floor for questions from the Commissioners for staff. Commissioner Bertl expressed concerns regarding screening requirements, commenting that a three (3) inch caliper tree every 30 linear feet would not sufficiently screen vehicles parked in the area. Commissioner Bertl commented that she would recommend ornamental trees rather than non-ornamental. Commissioner Bertl commented that three (3) inch caliper trees would take years to grow. Ms. Figgins said that the justification behind the screening requirements was that non-ornamental trees tend to have large canopies and provide more tree canopy than ornamental trees. Ms. Figgins stated that a three (3) caliper tree is typical at the time of initial planting and that time needs to be given in order for these planted trees to mature. Ms. Figgins said she agreed with Commissioner Bertl that three (3) inch caliper trees would not provide sufficient screening at the time of initial planting, but that the plant material had to be given time to mature.

Commissioner Bertl commented that three (3) inch caliper trees would not sufficiently screen a parked car. Ms. Figgins said in determining screening requirements, staff worked to give applicants some flexibility and noted that screening would be combination of both the masonry wall and the trees. Ms. Figgins said the masonry wall

would provide the most effective screening while the trees would provide extra screening for taller vehicles, citing the example of an ambulance dispatch center. Ms. Firgens said Bubbl's vehicles are typically sedans thus the masonry wall would provide sufficient screening for these vehicles. Ms. Firgens said, regarding the trees, staff wanted an option that addressed taller vehicles. Ms. Paz added that the non-visible components of the site such as utilities also had to be taken into consideration. Ms. Paz noted that it can difficult to situate canopy trees in areas with these utilities. Commissioner Bertl commented that Ms. Paz was referring to buried utilities. Ms. Paz said yes.

Commissioner Yarbrough asked how this proposed amendment compared with similar amendments in other cities. Ms. Paz said this proposed amendment is comparable to that of other cities, noting that she looked to the City of Garland's development code as a guide in composing this amendment. Ms. Paz said other cities specifically address vehicle storage and ambulance related uses. Ms. Firgens added that in composing this amendment, staff reviewed the requirements of the CZO pertaining to outdoor storage, noting that vehicles are regarded in the CZO as outdoor storage. Ms. Firgens stated that per the CZO, both the masonry wall and landscaping are required in addressing outdoor storage. Ms. Firgens said staff researched other cities to understand how they addressed this use given that this use was new to the City of Farmers Branch. Ms. Firgens said staff took into consideration other similar parallels in the CZO in order for this proposed amendment for consistency.

Hearing no further questions or comments from the Commissioners, Chairman Moore invited the applicant to approach the podium.

Mr. Eric Shaw, 730 English Channel Lane, Lewisville, Texas and Mr. Paul Adams, 3608 Shenandoah Street, Dallas, Texas, the applicants, approached the podium. Mr. Adams stated that he is the current chief executive officer (CEO) of Bubbl Investments and that the company had been in business for two and a half (2 ½) years. Mr. Adams said the company is an alternative ride share program that offers pre-scheduled service. Mr. Adams said the company specializes in the transportation of: children over the age of eight (8) years old; children with special needs; senior citizens; and women. Mr. Adams said the company has completed over 50,000 rides within the last 24 months. Mr. Adams said the company also engages in small package delivery, and said there are over 7,000 registered customers in the Dallas-Fort Worth metroplex. Mr. Adams said the company expressly uses only active and retired police officers as drivers. Mr. Adams said the business has been operating out of the East Side Business District of the City for 2 years, and apologized for not obtaining a Certificate of Occupancy. Mr. Adams said he is an entrepreneur who owns other businesses and that as a result of this, Bubbl came into fruition. Mr. Adams said that he serves the community, noting that he employs Farmers Branch residents who eat, do business with and pay taxes within the City. Mr. Adams stated that the company has hired 120 employees within the past 24 months. Mr. Adams said the City of Farmers Branch is the perfect location for his business. Mr. Adams expressed concerns regarding having to take the business to another city should this zoning amendment not be approved. Mr. Adams said that he landscapes his property. Mr. Adams said he services his clients along Alpha Road, Omega Road, and Gamma Road, and that his clients share his concerns regarding potentially leaving the City of Farmers Branch. Mr. Adams expressed concerns regarding a recreational vehicle (RV) parked on one of his neighboring properties. Mr. Adams reiterated that he is providing a service to the community, noting that his company has strong relationships with the school districts and senior living facilities, whom also serve as part of Bubbl's customer base. Mr. Adams asked the Commissioners to take his business into consideration in their

decision on whether to approve the zoning amendment. Mr. Adams reiterated that the City of Farmers Branch was an ideal location for this business. Mr. Adams said he takes great pride in his business, noting that some of the neighboring properties are not maintained. Mr. Adams reiterated his desire for Bubbl to remain in the City.

Chairman Moore thanked Mr. Adams, and then asked about the number of vehicles currently in the fleet. Mr. Adams said there is a company owned fleet of 40 vehicles. Mr. Adams said the company is transition into a driver-owned model, and said that the company currently has five (5) service areas in the Dallas-Fort Worth metroplex in addition to an office in Austin, Texas and plans for expansion into four (4) other cities. Mr. Adams said in order to accommodate the expansion, a change to the current business model is necessary. Mr. Adams said it is his intention to phase out the company fleet, but that he would need to retain some commercial vehicles. Mr. Adams said the company provides services to non-profit organizations such as the Incarnation House in Dallas, Texas. Mr. Adams stated that on Mondays through Thursdays at 8:30 PM, he transports 45 homeless kids to a shelter, hotel or the home of a relative. Mr. Adams said he would retain his commercial vehicles for this use.

Chairman Moore asked if the 40 vehicles in the fleet were all parked on-site. Mr. Adams said the company operates on a schedule of 24 hours per day and seven (7) days per week, and that, with the exception of 1:00 AM to 4:00 AM, there is not a period in which the majority of the vehicles are on-site. Mr. Adams said that the vehicles are assigned based on a schedule, noting that there are currently 1,600 rides in the queue. Mr. Adams said the vehicles would be entering and leaving the property on a frequent basis.

Chairman Moore asked about the square footage of the building. Mr. Adams said it was 5,000 square feet, noting that 2,500 square feet was dedicated to office space and the remaining 2,500 square feet was dedicated to warehousing. Mr. Adams said there was an existing enclosed concrete parking lot at the back of the building. Mr. Adams said there was additional employee parking at the front of the building.

Chairman Moore asked about the number of parking spaces. Mr. Adams said the parking lot at the back of the building could accommodate at least 50 vehicles and that the parking lot at the front of the building could accommodate ten (10) vehicles. Mr. Adams said he utilizes the public parking along Omega Road as well.

Chairman Moore stated that the Commission could consider approving this zoning amendment request with the following modification: that the use be permitted in the East Side Business District with approval of a Specific Use Permit (SUP). Chairman Moore said that this would require Mr. Adams to apply for an SUP for his use with special exceptions, noting that Mr. Adams had 50 parking spaces despite not having a 50,000 square foot building. Chairman Moore asked Mr. Adams if he would be receptive to this motion. Mr. Adams said yes, noting that he is currently running a split operation that is disruptive to business flow. Mr. Adams referenced the previous case heard by the Commission involving the warehouse building at Diplomat Drive and said he may be interested as a potential tenant, noting that his business is growing. Mr. Adams said it is important that he be able to conduct his business, and that he desired to stay in the City. Mr. Shaw added that he anticipated the company outgrowing its current location within the next few months, noting that the lease was valid through October 2019. Mr. Shaw said it was his and Mr. Adams' hope to work with the City to find a larger building in which to house Bubbl as well as the other businesses Mr. Adams owns. Mr. Shaw said it was his and Mr. Adams' desire for the Farmers Branch location to become corporate headquarters as the business continues to expand. Mr. Adams said he anticipated the Farmers Branch location becoming the centralized

location for the business' call center and customer service outlet. Mr. Adams said this would require a considerably larger space that could adequately meet the technical requirements necessary to conduct services across the country. Mr. Shaw said the company was looking to build a value proposition for the civil servants under their employ. Mr. Shaw said it was the company's desire to give back to those who serve and protect the community. Mr. Shaw said as part of this, the company desired to purchase better quality vehicles for these individuals. Mr. Shaw said another component would involve providing better than retail-level service to company vehicles. Mr. Shaw said building this value proposition would help as the company considered expanding.

Chairman Moore opened the floor for questions from the Commissioners.

Commissioner Yarbrough asked about the number of Farmers Branch police officers employed by the company. Mr. Adams said he was not sure, and stated that the company employs officers from all over the state of Texas. Mr. Adams said the officers are paid well.

Commissioner Yarbrough asked about the number of employees, other than officers, who are Farmers Branch residents. Mr. Adams said he was not sure. Mr. Adams said the company's largest ambassador is a Farmers Branch resident. Mr. Adams said it was his hope to build a nucleus of employees for this company from the Farmers Branch community.

Commissioner Yarbrough asked Mr. Adams why he felt Farmers Branch was the best location for a call center. Mr. Adams said the City is very manageable and safe.

Commissioner Yarbrough asked Mr. Adams to clarify what he meant by "manageable". Mr. Adams cited the City of Dallas, Texas as an example of a city he believed to be unmanageable, expressing concerns over parking and crime within that City. Mr. Adams stated that he put in offers for three (3) different buildings within Dallas. Mr. Adams said: one (1) of these buildings had a \$25,000 roof issue; another building had an environmental issue; and the third (3<sup>rd</sup>) had severe encroachments or protrusions. Mr. Adams referred to the City of Farmers Branch as his "Mayberry" of Texas. Mr. Adams said a majority of dispatchers are female, noting that many of them work late night hours. Mr. Adams said there are no concerns regarding safety for these dispatchers. Mr. Adams said he valued Farmers Branch for the lack of crime and disruption throughout the City. Mr. Adams said the City has all of the amenities the company requires. Mr. Adams noted that the company provides delivery services for 23 Ebby Halliday realtor offices in the Dallas area. Mr. Shaw added that at the time the company was founded, it was practical to have a company fleet of vehicles given the location. Mr. Shaw said having this location as a central hub would be ideal as the company continues to expand even as people are hired from across the state of Texas. Mr. Shaw said it would be ideal to remain in the City of Farmers Branch from a logistical standpoint. Mr. Adams said the proximity of the Brookhaven College was ideal in reaching out to younger individuals seeking employment. Mr. Adams said the City offers many services that make it an ideal location for his company that he has enjoyed having his company based here. Mr. Adams said he believed the City needed his company, noting that he has been in business for over two (2) years and has invested in the community. Mr. Adams said his employees are concerned over the current state of the company.

Vice Chairman De Los Santos asked if there was room for growth at the current location. Mr. Adams said no. Mr. Adams said he has previously made offers to buy the

building, but the owner has refused to sell. Mr. Adams said he has looked for other locations, but that this process has been encumbered due to the inability to obtain a Certificate of Occupancy as well as the City's zoning requirements.

Vice Chairman De Los Santos commented that it was not practical to have the applicant come back for an SUP if he were to eventually outgrow this space. Vice Chairman De Los Santos commented that the City could help the applicant find a location for this business. Vice Chairman De Los Santos commented that he would encourage the applicant to utilize Farmers Branch police officers. Mr. Adams said officers are recruited from all municipalities.

Commissioner Yarbrough asked Mr. Adams if he has had any conversations with his neighboring properties regarding business operations. Mr. Adams said a couple of his neighbors are customers and that he has personally spoken with them. Mr. Adams said these neighbors like having his business in the area. Mr. Adams said he is aware that other neighbors do not believe his business to be ideal in the area due to the considerable number of vehicles. Mr. Adams said he has worked to develop strong relationships with neighboring properties. Mr. Adams noted that the company performs catering deliveries for: Jen's Bakery, Ebby Halliday, and Roseco as well as diamond transport for a wholesale jeweler. Mr. Adams said there are many customers in the area near his location that he would like to maintain.

Commissioner Bertl asked how the company began, commenting that she believed it to be an ideal business. Mr. Adams said that he and Mr. Shaw had previously been in the service industry and that they had sold their company. Mr. Adams said his idea for Bubbl was inspired by a need to supply transportation for his teenage sons coupled with concerns regarding the transportation companies Uber and Lyft. Mr. Adams said he is a resident of Highland Park, which is referred to by some as "The Bubble", due to the desire for safety within the area. Mr. Adams said he believed this notion was synonymous with his vision for Bubbl. Mr. Adams said Bubbl began out of his garage and in the two (2) years he has been in business, he has had to move the company twice due to growth. Mr. Adams stated that there are no other transportation companies performing the services Bubbl provides. Mr. Adams said the company is currently in the bidding process for the micro-transit and para-transit for Dallas Area Rapid Transit (DART). Mr. Adams said DART's collective bargain agreement is due to expire and that the organization would like Bubbl to help with their ride-share division, noting that this division completes over 4,000 rides per day and that many of these rides involve transporting senior citizens to doctor appointments. Mr. Adams noted that the police officers that work for the company are W2 employees and not 1099 contractors, and said that the company is Health Insurance Portability and Accountability Act (HIPPA) certified. Mr. Adams said the services the company provides regarding the transportation of senior citizens makes them stand out from other transportation companies. Mr. Shaw added that Bubbl began from the idea of a "safer" version of Uber or Lyft. Mr. Shaw said the customer base has helped define the company, citing the example of the company being contacted by officers based out of Round Rock, Texas interested in establishing a Bubbl office for their City. Mr. Shaw said the company now has an office in Round Rock with large customer base, but that this office does not currently service individual families. Mr. Shaw said the Round Rock office came from the need of an HMR who needed assistance in fulfilling their charter to transport patients to their therapy appointments. Mr. Shaw said such opportunities exist in the Dallas area. Mr. Shaw said he and Mr. Adams did not envision the company growing and providing services in areas that the customer base have helped define, and that this was ideal.

Commissioner Driskill commented that he appreciated the applicant's business, noting his experience in teaching those with disabilities as well as senior citizens.

Commissioner Driskill commented that he believed the applicant to be providing a superior service to the City of Farmers Branch. Commissioner Driskill commented that it was his hope that the applicant would work with staff to remain and grow within the City. Mr. Adams thanked Commissioner Driskill for his comments, and said that he views the company's services as door-to-door instead of curb-to-curb. Mr. Adams said the testimonials from customers have been ideal.

Commissioner Bertl commented that she would recommend the applicant contact the police officer assigned to his area of the City and have him come see the business. Commissioner Bertl commented that this officer would check in on a regular basis, such as when the dispatchers are working during the late night hours. Mr. Shaw said he was not aware of this service. Mr. Shaw said, as part of hiring police officers, the company has established a recruiter division in order to cultivate relationships with local police departments. Mr. Shaw said he would like this division to approach the Farmers Branch police department as well as those of other local municipalities like Carrollton and Plano. Mr. Shaw said the company would like to continue to reach out to off-duty and retired police officers as well.

Commissioner Yarbrough asked Mr. Adams why the company had to move out of his garage. Mr. Adams said when the company began, it offered a friends and family program which offered free rides and the officers hired as drivers worked for free. Mr. Adams said in speaking with families regarding this program, there was an overwhelming response that they would utilize this service. Mr. Adams said because of this, the company began providing a considerable number of more rides thus the decision to move the company from out of Mr. Adams' garage and into the City of Farmers Branch.

Commissioner Yarbrough commented that the applicant was currently experiencing more growth. Mr. Adams said yes. Mr. Shaw added that company has increased revenue every quarter since it began. Mr. Shaw said this has been the result of word-of-mouth, referrals, and organic growth as opposed to advertising.

Commissioner Yarbrough commented that the applicant may be reaching a point where it is necessary to move the company again due to an increased growth in business. Mr. Adams said he acknowledges eventually needing a larger space for the business, but that technology will help manage corporate infrastructure. Mr. Adams said the company will be able to offer a "business in a box" model to other cities which will not require these cities to establish their own Bubbl offices. Mr. Adams said all company activity would be centralized at the Farmers Branch location. Mr. Adams said future growth may eventually require the company to establish a call center on the west coast of the country. Mr. Adams said currently, the company effectively manages 50,000 rides per day with 120 employees. Mr. Adams said it would be a considerable amount of time before he anticipates the company outgrowing this current location.

Hearing no further questions or comments from the Commissioners, Chairman Moore opened the public hearing. No one came forward to speak to this agenda item. Chairman Moore closed the public hearing and asked for any additional questions or comments from the Commissioners.

Commissioner Yarbrough commented that he liked the applicant's business and that it provides a great service for the community. Commissioner Yarbrough commented that he believes the Commission must not only consider the applicant, but the community

as a whole in deliberating on cases. Commissioner Yarbrough commented that he struggled to see the correlation between the East Side Comprehensive Plan's recommendations for land uses and the ability for businesses such as Bubbl to operate in this area of the City.

Chairman Moore stated that he liked the idea of approving this zoning amendment with the exception that the applicant be permitted to pursue an SUP for this business within the East Side Business District. Chairman Moore said this would retain control regarding this and other such uses at the Planning and Zoning Commission and City Council level. Chairman Moore said this would also give some flexibility for the applicant as they decide how to move forward. Chairman Moore said that it was his understanding that if the Commission were to approve this zoning amendment as presented, the applicant would be forced to move his business immediately. Chairman Moore said, as a result of this, the applicant would likely not be happy with the City and decide to leave altogether. Chairman Moore said he is trying offer a compromise that will permit the applicant's company to remain within the City and give them some flexibility as they search for another location.

Vice Chairman De Los Santos commented that he agreed with Chairman Moore, but that he believed the applicant would eventually run out of space. Vice Chairman De Los Santos commented that he agrees with giving the applicant the option of pursuing an SUP as it would give the applicant time to identify another location and that staff and the Commission could work with the applicant on this. Vice Chairman De Los Santos commented that he agrees with the zoning amendment as presented.

Vice Chairman De Los Santos made a motion to recommend approval of this Zoning Amendment with the exception that the applicant be permitted to pursue a Specific Use Permit.

Chairman Moore stated that Vice Chairman De Los Santos has made a motion to recommend approval of this Zoning Amendment with the exception that the applicant be permitted to pursue a Specific Use Permit for this use within the East Side Business District. Chairman Moore asked for a second to this motion. Commissioner Driskill seconded the motion.

Referring to Vice Chairman De Los Santos' motion, which was not specific to which base zoning district, Ms. Paz asked for clarification regarding whether the motion was for both the Major and Minor categories of this use. Chairman Moore said yes.

Ms. Firgens stated that since this motion differs with what staff has proposed, staff sought further clarification to understand the motion. Ms. Firgens said regarding the Minor category of this use, staff is intending to allow this by right in areas of the City with Light Industrial (LI) zoning, with the exception of the East Side Business District where this is prohibited. Ms. Firgens said this needs to be addressed and that the Commission needed to clarify whether to not the motion would regard both the Minor and Major Vehicle Storage.

Vice Chairman De Los Santos asked for clarification regarding the Major and Minor categories. Ms. Firgens said the Commission needed to keep in mind that the LI zoning covered a portion of the City much larger than the East Side Business District. Ms. Firgens said, regarding Minor Vehicle Storage, that staff is proposing to allow this by right in all areas of the City zoned LI except the East Side Business District where this would be prohibited.



Ms. Firgens asked for clarification regarding the Commission's motion related to Minor Vehicle Storage and requested each use be addressed separately.

Commissioner Bertl commented that Bubbl currently has 40 vehicles in their fleet. Ms. Firgens said yes. Commissioner Bertl commented that this would place Bubbl in the Major Vehicle Storage category. Ms. Paz said this was her point of clarification.

Commissioner Retana commented that the intent of Commission's motion was to provide the opportunity for Bubbl to pursue an SUP in the East Side Business District given that they would be categorized as Major Vehicle Storage. Commissioner Retana commented that the Commission had the option of revising the motion to address Major Vehicle Storage and leaving the provisions for Minor Vehicle Storage as presented in the amendment.

Ms. Firgens said that while this was an option, she is not certain if that is the Commission's intent. Ms. Firgens said the revised motion would mean that Minor Vehicle Storage would be prohibited in the East Side Business District, but that the more intensive Major Vehicle Storage would be permitted via approval of an SUP.

Commissioner Driskill commented that perhaps the Minor Vehicle Storage use should be allowed by right within the East Side Business District.

Ms. Firgens stated that leaving the zoning amendment as presented would permit Bubbl to remain within the City while recognizing that the company will eventually outgrow their current location. Ms. Firgens said there were other areas in the City where the company could relocate, given the areas of the City with LI zoning outside of the East Side Business District. Ms. Firgens said that if the company could reduce its fleet to ten (10) or fewer vehicles their use would be allowed by right. Ms. Firgens said if the company retained eleven (11) or more vehicles they could still be permitted pending approval of an SUP.

Vice Chairman De Los Santos cited Industry as an example of an area where the company could relocate. Ms. Firgens asked for clarification on Vice Chairman De Los Santos's comment. Vice Chairman De Los Santos referenced the map of the East Side Plan provided during the Study Session. Ms. Firgens said the zoning districts are based on those identified in the CZO, not the map. Ms. Firgens said all SUP requests are evaluated based on the recommendations of the corresponding comprehensive plan regardless of area the City. Ms. Firgens said if the Commission desired to allow for this use within the East Side Business District, a better solution would be to allow Major Vehicle Storage within this district. Ms. Firgens said Minor Vehicle Storage still needed to be addressed.

Vice Chairman De Los Santos asked if modifying the definitions of Major and Minor Vehicle Storage and dispatch would help.

Commissioner Driskill commented that the Commission needed another motion.

Referring to Commissioner Driskill's suggestion, Ms. Firgens said that she would request that Vice Chairman De Los Santos' motion be rescinded first.

Vice Chairman De Los Santos commented that he would like to revise the motion.

Chairman Moore stated that Vice Chairman De Los Santos has rescinded his original motion.

Vice Chairman De Los Santos made a motion to recommend approval of this Zoning Amendment with the modification that only Minor Vehicle Storage be permitted with approval of a Specific Use Permit.

Ms. Paz asked for clarification regarding the intended zoning district of the motion.

Ms. Figgins stated that Vice Chairman De Los Santos' motion was to recommend approval of this Zoning Amendment with the modification that only Minor Vehicle Storage be permitted with approval of a Specific Use Permit. Ms. Figgins asked Vice Chairman De Los Santos if his recommendation was to permit Minor Vehicle Storage in the East Side Business District with approval of an SUP for the Light Industrial category. Vice Chairman De Los Santos said yes.

Ms. Figgins then asked Vice Chairman De Los Santos what he would recommend for the Major Vehicle Storage category. Ms. Figgins said, per the proposed amendment, Major Vehicle Storage is prohibited in the East Side Business District. Ms. Figgins asked vice Chairman De Los Santos if he recommended that Major Vehicle Storage be permitted with approval of an SUP in the East Side Business District. Vice Chairman De Los Santos said yes.

Ms. Figgins said that Vice Chairman De Los Santos' motion was to recommend approval of this Zoning Amendment as proposed with the following modifications: that within the Light Industrial zoning district, Vehicle Dispatch and Storage Minor be permitted with approval of a Specific Use Permit and be permitted in the East Side Business District; and for the Light Industrial zoning district, Vehicle Dispatch and Storage Major be permitted with approval of a Specific Use Permit and be permitted in the East Side Business District. Vice Chairman De Los Santos said yes.

Commissioner Driskill commented that the provision for the Major category would be City-wide. Ms. Figgins said yes and it would be the same for the Minor category as well. Ms. Figgins said that Vice Chairman De Los Santos' motion was to allow for both the Minor and Major categories subject to approval of a Specific Use Permit. Ms. Figgins said Vice Chairman De Los Santos' motion negates the distinction between the Major and Minor categories. Ms. Figgins asked for a consensus from the Commissioners regarding understanding the intent of Vice Chairman De Los Santos' motion with consensus given.

Chairman Moore stated that Vice Chairman De Los Santos' motion was to recommend approval of this Zoning Amendment with the modification that within the Commercial and Light Industrial zoning districts, Vehicle Dispatch and Storage, including both Major and Minor, be permitted subject to approval of a Specific Use Permit including within the East Side Business District. Chairman Moore asked for a second to this motion.

**A motion was made by Vice Chairman De Los Santos seconded by Commissioner Driskill that this Zoning Amendment be recommended for approval with the modification that within the Commercial and Light Industrial zoning districts, Vehicle Dispatch and Storage, including both Major and Minor, be permitted subject to approval of a Specific Use Permit including within the East Side Business District. The motion carried by the following vote:**

**Aye: 5** - Chairman Moore, Commissioner Yarbrough, Commissioner Driskill, Commissioner Bertl, and Vice Chairman De Los Santos

**Nay: 1** – Commissioner Retana

**Absent: 2** – Commissioner Sullivan and Commissioner Zavala

Chairman Moore asked when this case would go before City Council. Ms. Paz said it would be November 6, 2018.

#### **D. ADJOURNMENT**

Being no further business, Chairman Moore requested for a motion to adjourn the meeting.

**A motion was made by Commissioner Yarbrough seconded by Commissioner Retana, that the meeting be adjourned. The motion carried unanimously.**

**Aye: 6** - Chairman Moore, Commissioner Yarbrough, Commissioner Driskill, Commissioner Bertl, Commissioner Retana and Vice Chairman De Los Santos

**Absent: 2** – Commissioner Sullivan and Commissioner Zavala

The meeting was adjourned at 8:58 PM.

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Chairman

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City Administration