



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 03/19/2020	REFERENCE NUMBER: PZ-2020-02 ZTA-2020-01	SUBJECT: Adopt an ordinance amending Chapter 17.79 - Benbrook Boulevard Corridor Overlay District, Title 17 – Zoning, Benbrook Municipal Code, prohibiting minor auto service/repair uses in the Benbrook Boulevard Corridor Overlay District located primarily along Benbrook Boulevard (U.S. Hwy 377) between Winscott Road and I-20/I-820.	PAGE: 1 of 2
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This ordinance amends the land use section of the Benbrook Boulevard Corridor Overlay District (Overlay District) as adopted on April 19, 2018 via Ordinance No. 1426. The Overlay District primarily located along Benbrook Boulevard (U.S. Hwy 377) between Winscott Road and I-20/I-820, restricts and/or prohibits certain commercial land uses deemed incompatible to desired new development and redevelopment along the corridor. The Overlay District further established higher design standards and required the Planning and Zoning Commission to approve Minor Auto Service/Repair uses by conditional use permit.

Unfortunately, during the 86th Texas State Legislative Session, the legislature passed HB 2439 effectively removing municipal authority to regulate exterior building materials and aesthetic methods, directly or indirectly. Because the city’s architectural and aesthetic standards are no longer enforceable, staff recommends added minor auto service/repair to the list of prohibited uses within the Benbrook Boulevard Corridor Overlay District.

Specifically, staff recommends that Section 17.79.040 – Definitions of Chapter 17.79 – Benbrook Boulevard Corridor Overlay District of Title 17 – Zoning of the Benbrook Municipal Code be amended by revising the “Minor auto service/repair” definition, with deleted text shown with a signal line strikethrough, as follows:

“Minor Auto Service/Repair.” The maintenance, repair, or replacement of the alternator, electronic sensors, starter, water pump, battery, brakes, exhaust, tires and wheels or other minor part thereof; minor tune-up (which consists of ignition adjustment, fuel injector cleaning, or spark plug replacement or other minor part adjustment thereof); change of oil and filter, fan belt, or hoses; lamp replacement; repair of flat tires and lubrication; state vehicle inspections and the minor repairs necessary to pass the state requirements; and facilities which sell and install minor automotive accessories for customizing cars and trucks such as mirrors, window tinting or replacement, bumpers, trailer hitches, decals, sound systems, security systems, etc. are also included. Repairs are routinely completed while the customer waits. Minor auto service also includes passenger vehicle wash or car detailing facilities ~~with service attendants~~.

That Section 17.79.050 – Land use standards of Chapter 17.79 – Benbrook Boulevard Corridor Overlay District of Title 17 – Zoning of the Benbrook Municipal Code be amended by revising Section 17.79.050 (C) and (D), with proposed additions of text being shown in underlined print, and deleted text shown with a single line strikethrough, as follows:

- C. Conditional uses. The following uses are permitted land uses in the district with an approved Conditional Use Permit in accordance with Chapter 17.80 – Conditional Uses of the Benbrook Municipal Code.

SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY: CITY SECRETARY
CITY MANAGER		DATE:

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~~3. Minor auto service/repair~~

D. Prohibited uses. The following principle uses are prohibited in the district.

6. Minor auto service/repair

Following the public hearing held on February 13, 2020, the Planning and Zoning Commission recommended approval of the proposed ordinance in a 7-0 decision.

Recommended Motion

The Planning and Zoning Commission recommends that the City Council move to adopt the attached ordinance amending Title 17.