

PLANNING & ZONING COMMISSION

Monday, December 6, 2016

White Oak City Hall

MINUTES

6:00 p.m.

MEMBERS PRESENT : David Puckett, Mike Spencer, Don Anderson, Kenny Corbell, Joe Stephens, Chris Siegley

MEMBERS ABSENT : Pete Sacciocio

STAFF & GUESTS : Charlie Smith, Sherry Roberts, Jerry Ernsberger, Shane Smart

CALL TO ORDER

Vice-Chairperson David Puckett called the meeting to order at 6:00 p.m.

PRESENTATION/DISCUSSION from ETX Towing & Storage to place a towing and storage business at AB 38 TR 4 Sec 10 of the W. H. Castleberry Survey, or more commonly known as 1701 E. U.S. Highway 80, White Oak, TX.

Jerry Ernsberger explained he was the owner of the property and introduced Mr. Shane Smart.

Shane Smart explains this is not a typical towing company. The business will not have a salvage yard. It is a private towing enforcement company. If a vehicle is left for over 72 hours, a storage lien is placed on it.

OPEN PUBLIC HEARING to receive comments from the public regarding the Application for a Specific Use Provision (SUP) from ETX Towing & Storage to place a towing and storage business at AB 38 TR 4 Sec 10 of the W. H. Castleberry Survey, or more commonly known as 1701 E. U.S. Highway 80, White Oak, TX.

Vice-President Puckett opened the public hearing at 6:03 p.m. for any citizens that would like to speak. No one chose to speak.

Vice-President Puckett asked Mr. Smart if this will be a repossession business. Mr. Smart explained that this is not a repossession business. This is a residential towing company that removes vehicles that are illegally parked at apartment complexes.

Board member Stephens recapped the 72-hour rule. Mr. Smart stated that any vehicles remaining after 72 hours are those in which the owners cannot afford retrieval of the vehicle, which are then auctioned off in approximately 45-60 days. Board member Stephens stated that it was his understanding that the company was in business in a different area. He then asked about the frequency of vehicles that are on premise for the 45-60 days. Mr. Smart answered that vehicles are retrieved 75% of the time.

Board member Spencer asked what kind of fencing will the property has. Property owner Jerry Ernsberger answered it is a R Panel fence that is earth tone colors with access gates. Security is on the entire property. Board member Spencer stated that if you get a permit, what would prevent you from signing from restaurants and retailers. Mr. Smart answered nothing. Board member Spencer asked Mr. Smart that in towns with malls and restaurants, people that park illegal, the business would pick up the vehicles and bring to White Oak and would the business be open 24 hours a day for vehicle retrieval. Mr. Smart stated yes because it is state law that someone

available 24 hours a day. Board member Spencer asked the height of the fence. Mr. Ernsberger answered six feet and will have three strands of barbwire on top of that. Board member Anderson asked if there will be a sign to advertise the lot. Mr. Ernsberger answered that Mr. Smart already has a sign. Board member Anderson asked if the owner will construct an office. Mr. Smart answered that an office already exists. Board member Anderson asked what the largest number of vehicles will be on the lot at one time. Mr. Smart answered thirty. Board member Anderson then asked what the proximity will be to U.S. Highway 80. Mr. Ernsberger answered the setback is 20 feet and there will be another 10 feet after that.

Vice-President Puckett asked City Coordinator Smith if there was anything missing from the City's point of view. City Coordinator Smith read the ordinance relating to fencing regulations for wrecker company storage facilities.

Vice-President Puckett said he noticed some screening going on already. He asked City Coordinator Smith if this met the requirements. City Coordinator Smith answered if the permit is allowed, the screen would be an alternative method.

#### CLOSE PUBLIC HEARING

Vice-President Puckett closed the public hearing at 6:17 p.m.

CONSIDER AND/OR APPROVE Specific Use Provision (SUP) for ETX Towing & Storage to place a towing and storage business at AB 38 TR 4 Sec 10 of the W. H. Castleberry Survey, or more commonly known as 1701 E. U.S. Highway 80, White Oak, TX.

Board member Anderson asked if there have there ever been any problems with aesthetics. City Coordinator Smith answered no. Board member Corbell stated that he knows this is a towing and storage business, he could see ideally getting in and getting out, but it is his opinion that this will just end up being a storage facility.

Board member Spencer stated the way it looks is a concern to him. You cannot make a 6-ft tall fence pretty no matter what. When you start going to the bars and restaurants then start towing in cars, traffic is increased when people start to retrieve their vehicles. Board member Anderson asked how many cars are reclaimed in a month. Mr. Smart answered that 90% of the cars are claimed on the first day. Board member Anderson asked how does the Board know that you will put the eyesores at the back of the lot. Mr. Smart answered it would be a verbal agreement.

Vice-President Puckett stated that an unapproved fence has already been built. City Coordinator Smith explained that he advised Mr. Ernsberger not to do anything before the special use provision was approved because a previous towing company had been turned down. Board member Spencer Mike wanted clarification on what it is that requires this company to become before the board. City Coordinator Smith answered it is the type of business because it falls under auto storage. The property is zoned light industrial.

Motion not to approve made by Board member Siegley, second by Board member Stephens. Carried unanimously.

CONSIDER AND/OR APPROVE minutes from the December 3, 2015 Planning & Zoning Commission meeting.

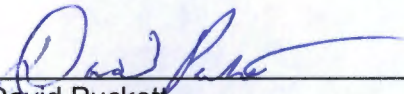
Motion to approve made by Board member Corbell, seconded by Board member Spencer. Carried unanimously.

#### CONSIDER AND/OR APPROVE board member nominations

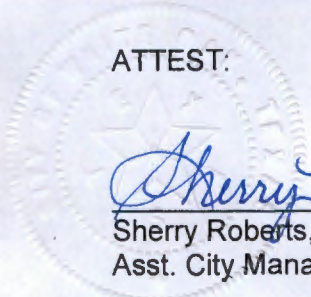
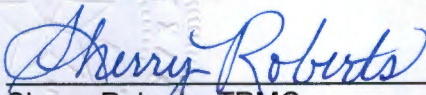
Motion to approve current members made by Board member Spencer, seconded by Board member Corbell. Carried unanimously.

ADJOURNMENT

Motion to adjourn at 6:33 p.m. made by Board member Spencer, seconded by Board member Corbell.

  
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David Puckett  
Vice-Chairperson

ATTEST:

  
  
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Sherry Roberts, TRMC  
Asst. City Manager/City Secretary