



City Council Agenda Item Summary Report

Meeting Date: October 15, 2019			
Submitted by: P. Morgan			
Consent	Discussion Only	Public Hearing X	Action/Discussion
Item Title: Hold a public hearing and discuss and consider approval of an Ordinance for a Conditional Use Permit for an All Terrain Vehicle Dealer/Sales to operate at 10758 E. U.S. Highway 80.			
Attachments: Application Letter Ordinance Site Plan			

Item Summary:

EPIC Distribution, LLC, requests approval of a Conditional Use Permit. The purpose of the request is to allow for the distribution and sales of personal electric vehicles as an approved use at 10758 E. U.S. Highway 80.

Image 1: Location Map



Current Standards:

The property is currently zoned within the Commercial zoning district. 10758 E. U.S. Highway 80 consists of a 10,000 square foot structure located on a 50.06-acre lot. The previous use was boat repair and sales, but the structure has been vacant for approximately 4 months. Parking is legal non-conforming shared parking with adjacent businesses.

Images 2-4: Site Photographs



Proposed Use:

The applicant requests to operate under the zoning classification of All Terrain Vehicle Dealer/Sales. Staff does consider the classification to be compatible with the proposed use. The Zoning Ordinance provides the following use definition:

“ALL TERRAIN VEHICLE - A vehicle that travels on low-pressure tires, with a seat that is straddled by the operator, along with handlebars for steering control. For the purposes of this Ordinance, all terrain vehicle also applies to utility task vehicles, side by sides, personal water craft, and other similar vehicles.”

The application letter provides additional details, including a specific request to use the side of the main structure as an outside display area. The request is to place vehicles at that location for display during business hours. The vehicles would be stored inside the building when the business is not open. Under current zoning, no storage would be permitted at the front of the main structure.

Accessibility:

The property has direct access to the U.S. Highway 80 service road.

Zoning Ordinance Considerations:

When considering applications for a Conditional Use Permit, the City of Forney Zoning Ordinance provides the following considerations for the City Council:

1. The proposed use at the specified location is consistent with the goals, objectives and policies contained in the adopted Comprehensive Plan;
2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
3. The proposed use meets all supplemental standards specifically applicable to the use as set forth in Article V of this Ordinance;
4. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to:
 - a. Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;
 - b. Off-street parking and loading areas;
 - c. Refuse and service areas;
 - d. Utilities with reference to location, availability, and compatibility;
 - e. Screening and buffering, features to minimize visual impacts, and/or setbacks from adjacent uses;
 - f. Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 - g. Required yards and open space;
 - h. Height and bulk of structures;
 - i. Hours of operation;
 - j. Exterior construction material and building design; and
 - k. Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.
5. The proposed use is not materially detrimental to public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.

Notification:

Notification was provided in the newspaper and to property owners within two-hundred feet (200') of the property. As of this writing, staff has received no public comment regarding this request.

Future Requirements:

If the request is approved, only a Certificate of Occupancy (staff inspection) will be required for the business to operate.

Recommendation:

On October 3, 2019, the Planning and Zoning Commission recommended approval by a 6-0 vote, with a condition that outdoor display be allowed on the side of the building only during business hours.