



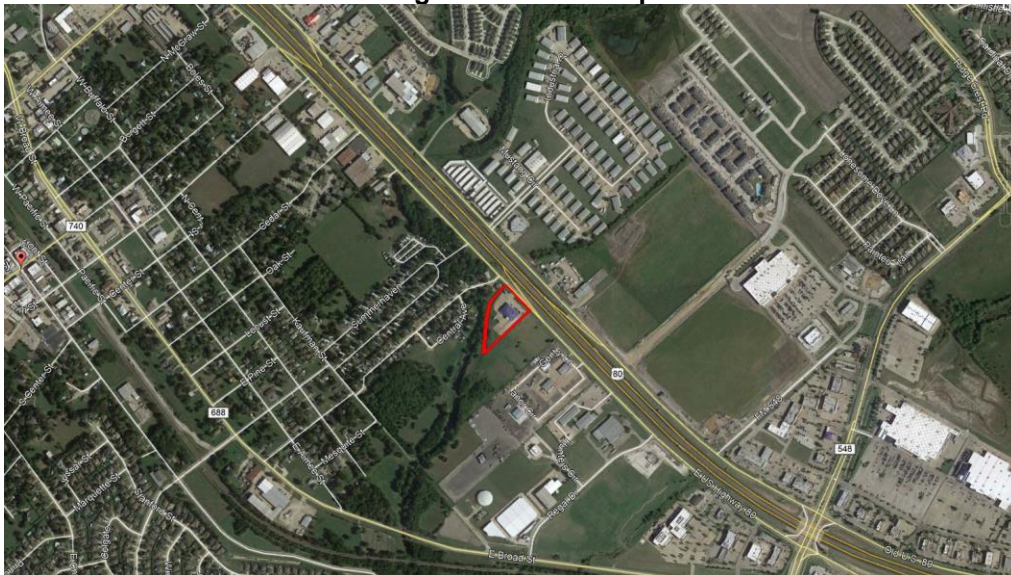
City Council Agenda Item Summary Report

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| Meeting Date: March 17, 2020 | | | |
| 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 auto repair (minor) at 401 East Highway 80. | | | |
| Attachments: Ordinance Site Plan | | | |

Item Summary:

Auto Max requests approval of a conditional use permit. The purpose of the request is to operate an Auto Repair (Minor) business at the existing Auto Max business.

Image 1: Location Map



Current Standards:

The property consists of 2.063 acres of land. A portion of the property is used as a used car lot and a portion of the property was previously used as an auto repair facility. Auto repair (minor) at this property was previously a legal non-conforming use. However, the last tenant who was operating legally with that use ceased operations in January 2019. Another tenant operated at the property without obtained a Certificate of Occupancy for the continued use. As a result, the legal non-conforming use of auto repair (Minor) became abandoned in June 2019. The property is zoned within the H&P Addition Planned Development. The underlying zoning is General Retail District, which only permits auto repair (minor) with a Conditional Use Permit.

Proposed Use:

The request is for a minor auto repair center. Minor auto repair is defined by Section 49, Definitions, of the City of Forney Compressive Zoning Ordinance as:

“AUTOMOBILE REPAIR, MINOR - Minor repair or replacement of parts, tires, tubes and batteries; diagnostic services; minor maintenance services such as grease, oil, spark plug and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses and brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems; and other similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under "Automobile Repair, Major" or any other similar use.”

The portion of the building that is used for auto repair consists of 3,000 square feet. This facility will not have outside storage of vehicles.

The proposed hours of operation are:
Sunday thru Saturday: 9:00am-7:00pm

Zoning Ordinance Considerations:

When considering applications for a Conditional Use Permit, Section 34b of 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; and
 - j. 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.

Accessibility:

The property has shared access to Highway 80 frontage road.

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.

Recommendation:

On March 5, 2020, the Planning and Zoning Commission recommended approval.