



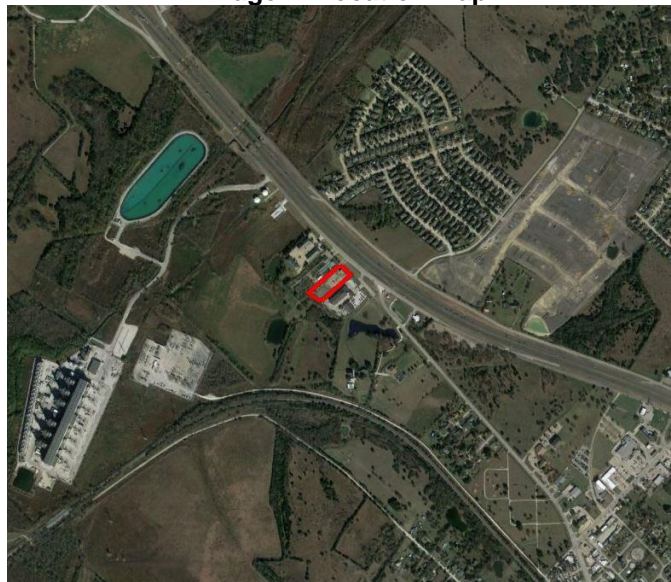
City Council Agenda Item Summary Report

Meeting Date: July 20, 2021			
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 approving a Conditional Use Permit for Heavy Machinery Sales and Storage to operate at 705 W. Broad Street.			
Attachments: Draft Ordinance Site Plan Landscape Plan			

Item Summary:

Eric L. Davis Engineering, representing the property owner, requests approval of a Conditional Use Permit for Heavy Machinery Sales and Storage. The purpose of the request is to expand the existing Kubota dealership business.

Image 1: Location Map



Current Standards:

The two-acre property is located on the west side of the existing Kubota dealership. A conditional use permit for the existing dealership was approved by City Council on March 20, 2018. The property is zoned Mixed Use district, which permits Heavy Machinery Sales and Storage with approval of a Conditional Use Permit. The use is defined by Section 49 of the City of Forney Comprehensive Zoning Ordinance:

“119. HEAVY MACHINERY SALES AND STORAGE - A building or open area used for the display, sale, rental or storage of heavy machinery, tractors or similar machines, or a group of machines which function

together as a unit.”

Requested Use:

The applicant requests to expand the current Heavy Machinery Sales and Storage use to an adjacent two acres. An existing building on the two-acre property will be removed and there will not be a building remaining on the property. The site plan shows a display area along the front of the property and a storage area behind a landscaped four-foot (4’) berm. The display yard is located outside of the required eighteen-foot (18’) landscape buffer and the site plan shows shared access to the U.S. Highway 80 frontage road.

The landscape plan meets the requirements of the Zoning Ordinance. Trees are provided throughout the property and a landscaped berm screens the storage area in the back of the property.

Accessibility:

The property has shared access to the U.S. Highway 80 frontage 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. Staff received one response from an adjacent property owner in support of the request.

Recommendation:

On July 1, 2021, the Planning and Zoning Commission voted 5-0 to recommend approval.