



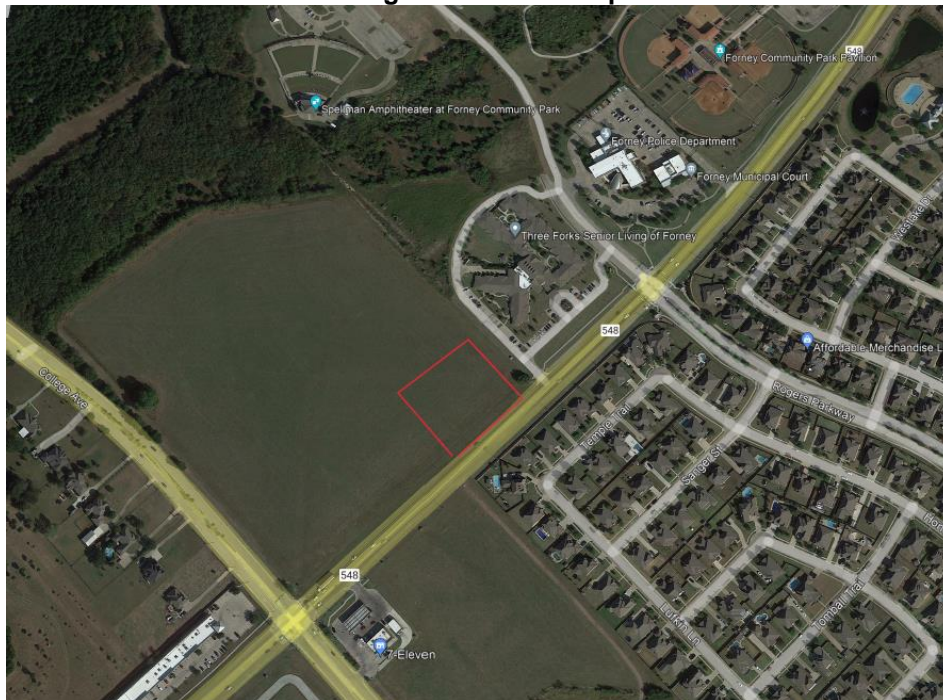
## City Council Agenda Item Summary Report

Meeting Date: July 19, 2022			
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 to allow a Gasoline Service Station to operate as an allowed use on property located north of the S. F.M. 548 and F.M. 741 intersection.			
Attachments: Ordinance Property Description Site Plan			

**Item Summary:**

Kimley-Horn, representing the property owner, requests approval of a Conditional Use Permit. The purpose of the request is to allow for a gasoline service station to operate on property located north of the S. F.M. 548 and F.M. 741 intersection.

**Image 1: Location Map**



**Current Standards:**

The property consists of 16.54 acres of land zoned within Planned Development No. 1126. The base zoning for the property is General Retail, which requires the approval of a conditional use permit for a gasoline service station to operate.

The property is bordered to the north by the Three Forks Senior Living facility. To the east, across S. F.M. 548, is the Fox Hollow single-family residential subdivision. The adjacent property to the northwest is part of a planned development zoning request for a grocery store and retail uses.

**Conditional Use Permit Request:**

The site plan exhibit shows a 3,000 square foot convenience store and six (6) double-sided fuel pumps. Access from S. F.M. 548 is shared with the adjacent proposed grocery store and retail uses. Landscaping is provided in compliance with the requirements for parking areas and the linear street frontage.

**Accessibility:**

The property has direct access to S. F.M. 548.

**Zoning Ordinance Considerations:**

When considering applications for a Conditional Use Permit, the City of Forney Zoning Ordinance provides the following considerations for the Planning and Zoning Commission and 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.

**Recommendation:**

On June 2, 2022, the Planning and Zoning Commission voted to recommend approval.