



City Council Agenda Item Summary Report

Meeting Date: September 20, 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 approving a conditional use permit to allow a full-service car wash with self-service options to operate on 1.76 acres of property located west of S. F.M. 548 and east of Forney Community Park.			
Attachments: Draft Ordinance Application Letter Site Plan Equipment Details Response Letter			

Item Summary:

Mr. Ibrahim Kassem requests approval of a Conditional Use Permit. The purpose of the request is to allow for a car wash to operate as an approved use west of S. F.M. 548 and east of Forney Community Park. This request is an appeal of a recommendation of denial made by the Planning and Zoning Commission.

Image 1: Location Map



Current Standards:

The 1.76-acre property is currently zoned within the Fox Hollow Planned Development zoning district. The base zoning district for the property is Commercial and the property is bordered by the Jack’s Quick Stop gasoline service station to the south and medical/dental professional buildings to the north.

Proposed Use:

The applicant requests to operate under the zoning classification of full-service car wash with self-service

options. The Zoning Ordinance allows a full-service car wash to be permitted by right on this property, but it does require approval of a Conditional Use Permit (CUP) for self-service.

The Concept Plan shows the proposed site design. A driveway connection to S. F.M. 548 provides access to the property. Twenty (20) self-service vacuum canopy stations are provided at the front of the property. The CUP is required because of the self-service options. The site design shows that behind the vacuum canopies is where a customer will be able to pull up to receive the full service option.

The application letter provides additional details. Mr. Kassem owns a car wash in Terrell and has a car wash under contract in Rockwall.

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 one phone call in opposition of the request from Mr. Keith Jones. Mr. Jones is the owner of a car wash located on F.M. 1641.

Recommendation:

On August 4, 2022, the Planning and Zoning Commission voted to recommend denial by a 5 (McGee, Lemons, Helm, Wilson, Carrasco) to 1 (Bingham) vote. The Commission stated concerns for traffic on

South F.M. 548 and the appropriateness of the use. Ultimate approval of any zoning request which was recommended for denial by the Planning and Zoning Commission will require a three-fourths (3/4) majority vote of the full City Council.

The City Council is the final decision-maker on applications for conditional use provisions. Following the public hearing and in consideration of the Planning and Zoning Commission's recommendations, the City Council shall approve, modify, or deny the proposal for a conditional use provision in accordance with Section 10 of the Zoning Ordinance. If the appropriateness of the use cannot be assured at the location, the application for conditional use provision shall be denied as being incompatible with existing uses or with other uses permitted by right in the district.