



## Planning and Zoning Commission Agenda Item Summary Report

<b>Meeting Date:</b> May 2, 2019	<b>Submitted by:</b> P. Morgan
<b>Item Title:</b>	
Hold a public hearing and discuss and consider approval of a Conditional Use Permit for a Used Merchandise Store (Thrift Store/Donations) to operate at 10462 E. U.S. Highway 80.	
<b>Public Hearing Item</b> <input checked="" type="checkbox"/> <b>Consent/Action Item</b> <input type="checkbox"/>	<b>Documentation Attached:</b> Application Letter
<b>Item Summary:</b>	

**Purpose:**

Mr. Jason Shane Broseke requests approval of a conditional use permit for a used merchandise store (thrift store/donations) to operate at 10462 E. U.S. Highway 80.

**Image 1: Location Map**



**Request Information:**

The property is currently zoned Commercial, which permits a used merchandise store with approval of a Conditional Use Permit. The use is defined by Section 49, Definitions, of the City of Forney Compressive Zoning Ordinance:

***USED MERCHANDISE STORE (also “Resale Shop” or “Thrift Store” or “Consignment Shop”) - An establishment that generally markets common, contemporary used household goods, clothing or furnishings on a straight “for sale” basis or on a consignment basis. This term includes a used merchandise store that is operated by a non-profit, charitable or religious organization.***

The applicant is also the operator of Rusty by Design, which conducts online estate sales. The business has been located in Forney for over 5 years. The used merchandise store would include

items that do not sell in the auctions and a donation center to recycle unwanted items that people donate. The applicant describes the use as an alternative to a garage sale.

The application letter states that tax deductible receipts will be provided for donations and the business has plans to work with local organizations for fund raisers.

**Image 2: Site Photograph**



**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 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.

**Future Requirements:**

If the request is approved, approval of a certificate of occupancy will be required.