

MEMORANDUM

June 9, 1993

TO: Members of the Planning and Zoning Commission

FROM: Julie Couch, City Manager

RE: Planning and Zoning Agenda Items

John Sparks Zoning Request to Light Industrial

As we mentioned at the last meeting, this tract of land is located adjacent to the airport on the west side and the access for the property is Barnstormer Lane. The concern that we had at the last meeting was that of access. The building is adjacent to the airport property and is currently occupied by a building that is used for office and hanger. The applicant wants to construct an additional building that will be used for office and storage facilities. While we do not have a problem with the proposed building a concern was raised with the possibility of an industrial use being built in the future that might result in heavy non-airport related traffic on Barnstormer Lane. Barnstormer Lane is not used as a public street but as access to the airport. There are however, three tracts of land that use Barnstormer Lane for their only access. We therefore cannot absolutely deny access through the road. We can control the type of traffic that can use the road and we can, through zoning, regulate the specific uses that we will permit to take access off of the road.

It would be our recommendation that rather than grant LI zoning to this parcel Planned Development zoning be granted specifically for the office, hanger, and storage use currently existing and proposed; and provide that any additional development or change in use be subject to approval by the Planning and Zoning Commission and City Council. This should protect the City should additional development be contemplated on this site.

Amendment to the Commercial Zoning Classification for Auto Repair

At our worksession the Commission indicated an interest in reviewing not only the requested amendment regarding a CUP for auto repair in Commercial, but also our current language regarding auto repair as an accessory use to a retail use. As we discussed, this language is very vague and difficult to interpret. We have reviewed several other cities regulations regarding auto repair and they provide definitions for minor auto repair and major auto repair.

We have considered several options in further clarifying what we mean by an accessory to a retail use in regard to the current language. Accessory could be defined as a smaller percentage of gross sales, or as a smaller percentage of floor area. Although it is not stated in the ordinance, I believe the original purpose of the use was to permit minor auto repair in

conjunction with a use similar to Sears with an auto repair facility, Walmart with their auto repair uses, or Ace Hardware with their repair. Given the vagueness of the ordinance we also have the Goodyear Tire facility and the Lakeside Tire Center that primarily sell tires but also do minor repair. I do believe that we need to allow minor repair as a use in the Commercial district, either as a permitted use or a conditional use. I do not believe that a use similar to the Goodyear facility is necessarily detrimental to the Commercial classification, although we may want to have the opportunity to review where they are located.

It would be my recommendation that the following changes be considered in the Commercial and the General Retail zoning classifications as well as the following definitions. I have included General Retail because the same language regarding automotive repair as an accessory use is included in that district:

Permitted Uses

Conditional Uses

- A. 1. Minor automotive repair as an accessory to a permitted retail use when the gross floor area of the auto repair and related storage does not exceed 30% of the retail sales floor area.

1. Minor automotive repair

B. Definitions -

1. Automobile Repair, Minor - Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plugs, and filter changing; tire alignment; tuneups, emergency road service; replacement of starters, alternators, hoses, brake parts, mufflers; performing state inspections and making minor repairs necessary to pass said inspection; servicing of air-conditioning systems, and other similar minor services for motor vehicles except heavy land vehicles, but not including any operation named under "Automobile Repair, Major" or any other similar use. All repair work must be performed inside an enclosed building. Vehicles shall not be stored on site for longer than 14 days.
2. Automobile Repair, Major - Major repair, rebuilding or reconditioning of engines, transmissions, or other major components for motor vehicles; collision services including body, frame, or fender straightening or repair; customizing; overall painting or paint shop; automotive glass and upholstery; those uses listed under "Automobile Repair, Minor", and other similar uses. All repair work shall be performed inside an enclosed building. Vehicles shall not be stored no site for longer than 90 days.

C. Conditions -

The following conditions could be considered in relation to s CUP for minor automotive repair:

1. That the bays for such a facility shall not face an arterial or collector street designated on the approved Thoroughfare Plan, unless specifically approved by the Planning and Zoning Commission and City Council.
2. That a site plan and building elevations outlining the proposed development shall be submitted for consideration with any application for a CUP.
3. That no equipment, material, parts or inventory shall be stored outside, unless otherwise authorized by this ordinance.

If the Commission wishes to recommend these changes to the City Council hearings will need to be initiated to consider the changes to the permitted uses under Commercial, the changes in the General Retail district, and the definition sections.

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PART 6: DEFINITIONS

6-100 DEFINITIONS

Certain words in this ordinance are defined for the purpose hereof as follows:

INTERPRETATION OF LANGUAGE: Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of the ordinance. Words used in the present tense shall include the future; the singular number shall include the plural; and the plural the singular; the word "building" shall include the word "structure"; the word "used" shall include "arranged, designed, constructed, altered, converted, rented, leased, or intended to be used", the word "lot" includes the word "plot"; and the word "shall" is mandatory and not discretionary.

ACCESSORY USE OR STRUCTURE: A use or structure subordinate to the principal use of a building or to the principal use of land and which is located on the same lot serving a purpose customarily incidental to the use of the principal building or land use.

ALLEY OR LANE: A public or private way not more than thirty (30) feet wide affording only secondary means of access to abutting property.

APARTMENT: A suite of rooms or a room in a multifamily building arranged and intended for place of residence for a single family or a group of individuals.

Apartment Efficiency: A dwelling unit in a multifamily building consisting of not more than one habitable room, together with kitchen or kitchenette and sanitary facilities, and having no more than one-half wall partitions and no more than 500 square feet.

APARTMENT HOTEL: An apartment house which furnishes services for the use of tenants which are ordinarily furnished by hotels.

APARTMENT HOUSE: See Dwelling, Multi-Family.

AREA OF LOT: The area of the lot shall be the net area of the lot and shall not include portions of streets or alleys.

AUTOMOBILE REPAIR, MAJOR: General repair, rebuilding, or reconditioning engines, motor vehicles, trailers; collision services including body, frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.

AUTOMOBILE REPAIR, MINOR: Minor repair or replacement of parts, tires, tubes, batteries and minor motor services such as grease, oil, spark plug, and filter changing of passenger cars and trucks not exceeding one and one-half ton capacity, but not including any operation named under "Automobile Repair, Major" or any other similar use thereto.

AUTOMOBILE OR TRAILER SALES AREA: A paved, dust free, open area, other than a street, used for display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

AUTOMOBILE SERVICE STATION: An automobile service station shall mean buildings and premises where

Revised: July 11, 1988

PART 6: DEFINITIONS

gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, including the servicing of vehicles designed or calculated to be performed by the customer. In addition, the following services may be rendered and sales made and no other:

Sale and service of spark plugs, batteries and distributors and distributor parts;

Tire servicing and repair, but not recapping or regrooving;

Replacement or adjustment of automobile accessories;

Radiator cleaning and flushing; provision of water, antifreeze and other additives;

Washing and polishing, and sale of automotive washing and polishing materials;

Greasing and lubrication;

Providing and repairing fuel pumps, oil pumps, and lines;

Servicing and repair of carburetors;

Adjusting and repairing brakes;

Emergency wiring repairs;

Motor adjustments not involving removal of head or crankcase;

Truck and trailer rental;

Provision of cold drinks, packaged foods, tobacco and similar convenience goods for customers, but only as accessory and incidental to the principal operation;

Provision of road maps and other information material;

Provision of restroom facilities;

Parking lot as an accessory use;

Wrecker service;

Uses permissible at a service station do not include body work; transmission or brake overhauling; straightening of frames or body parts; steam cleaning, painting, welding, storage of automobiles not in operating condition nor the operation of a commercial garage as an accessory use.

AUTOMOBILE SELF-SERVICE STATION:

Self-service gasoline sales only, excluding all other automobile sales or service.

1. Self-service gasoline sales shall mean gasoline and oil sales in which the customer dispenses same into his automobile and shall not include oil sales in which oil is drained from the automobile (oil changes) but only addition. Water or radiator additives may be sold but no flushing or draining of radiator shall be permitted. Facilities for windshield cleaning may be provided for use by customer with adequate receptacles for cleaning waste material, but no car washing other than windows shall be permitted.

2. All automotive service not herein expressed is declared to be in excess of self-service gasoline sales.

AUTOMOBILE WASH, AUTOMATIC CAR WASH, OR AUTOMOBILE LAUNDRY:

A building or structure where chain conveyors, blowers, steam cleaners, and other mechanical devices, including coin-operated self-service facilities, are employed for the purpose of washing motor vehicles.

BASEMENT: A story whose floor line is below grade at any entrance or exit and whose ceiling is not more than five feet above grade at any such entrance or exit.

BEDROOM UNIT: One or more rooms in a dormitory, fraternity, or sorority house, or multi-dwelling structure, and furnished for the occupancy of not more than two persons.

BEGINNING OF CONSTRUCTION: The incorporation of labor and material within the walls or on foundations of building or buildings.

Revised: July 11, 1988

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16. Antenna, Private

An antenna or facility for transmission or reception of voice or data of (a) noncommercial communications by radio or television within the noncommercial band of the electromagnetic spectrum or (b) private reception of commercial broadcasting.

17. Antenna Tower

A structure, other than an antenna mast placed, erected or constructed to support one antenna mast and/or one or more antennas for the purpose of transmitting and/or receiving any portion of the electromagnetic spectrum.

18. Athletic Club/Instruction - Indoor

An area providing exercise or recreational facilities such as game courts, swimming pools or exercise equipment and whose facilities are entirely contained indoors.

19. Athletic Club/Instruction - Outdoors

An area providing exercise or recreational facilities such as game courts, swimming pools, exercise equipment or areas and playing fields, some of which may be located outdoors.

20. Automobile or Motorcycle Sales, Leasing & Service

A facility for the display, service and retail sale or rental of new or used automobiles or motorcycles. Vehicles that require repair or which can not be legally operated shall not be stored on site for more than 14 days.

21. Automobile Repair, Major

Major repair, rebuilding, replacement or reconditioning of engines or transmissions for motor vehicles; wrecker service with vehicle storage; collision services including body, frame or fender straightening or repair; customizing; overall painting or paint shop; automotive glass and upholstery; those uses listed under "Automobile Repair, Minor"; and other similar uses. All repair work shall be performed inside a structure. Vehicles shall not be stored on site for longer than 90 days.

22. Automobile Repair, Minor

Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plug, and filter changing; tuneups; emergency road service; replacement of starters, alternators, hoses, brake parts, mufflers; automobile washing, steam cleaning, and polishing; performing state inspections and making minor repairs necessary to pass said inspection; 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. All repair work must be performed inside a structure. Vehicles shall not be stored on site for longer than 14 days.

A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, middle schools and high schools.

193. Secondary Use

A use subordinate to the main use on a lot, but not necessarily incidental or related to the main use.

194. Self-Storage Units

An enclosed structure divided into individual or spaces intended for storage of goods, products or equipment. Custodial quarters are permitted as a secondary use within a self-storage unit development.

195. Septic Tank Service

A facility for the storage of equipment and supplies necessary for a business providing for repair and cleaning of private septic tanks or portable facilities and the administrative offices for said business.

196. Service Station

Building, pumps, and other equipment used primarily for the retail sale of gasoline, lubricants and automobile accessories, and conducting minor automobile maintenance.

Vehicles shall not be left on the premises of a service station for more than five (5) consecutive days. One (1) wrecker, designed to haul automobiles, shall be permitted to be based at a service station.

197. Setback

The required minimum distance between any structure and any property line of the lot on which it is located. Setbacks shall be measured perpendicular to lot lines. The terms "setback" and "required yard" shall mean the same and can be interchanged.

198. Sewage Treatment Plant

A facility for receiving and treating sewage from the public sanitary sewer system.

199. Shooting Range, Indoor

A building housing facilities for practicing the discharge of firearms.

200. Shooting Range, Outdoor

A facility for practicing the discharge of firearms including outdoor facilities.

201. Shore Line

The normal edge of the body of water under average conditions of rainfall.

Gross Floor area

Sales area/store

Bay/area

Goodyear

5772.00

3100

2650 = 8 cars
46%
3300/car

30% of Gross floor area = 1731 = ± 5 bays

Quick Lube - equates to service station - now would require a car - no sales/retail area

Muffler shop -

"

"

"

"

Adams

13,400

8000

5000 = 37%

30% of Gross floor area = 4020 sq ft

Walmart

68,600

± 4,000

30% = 20,580 sq ft

Trout

2800

1703 sq ft = 425/bay

840 sq ft = 30%

Western Auto ± 10,200

± 1600 = 1/2 ass bays
2 bays

30% = 3060

CITY OF ROCKWALL
Planning and Zoning Agenda

Agenda Date: May 13, 1993

Agenda No: V. A.

Agenda Item: P&Z 93-22-Z - discuss and Consider Recommending the Initiation of an Amendment to the Commercial Classification of the Comprehensive Zoning Ordinance to Allow Auto Repair as a Conditional Use Under the Commercial Zoning Classification

Item Generated By: Applicant

Action Needed: Consider whether to recommend that hearings be initiated to amend the zoning ordinance.

Background Information:

Under the Commercial zoning classification auto repair is a permitted use as an accessory to a retail use. For example, the Goodyear Auto and Tire Center has auto repair as an accessory to the retail use of selling tires. We have had a request submitted to consider amending our Commercial district to permit auto repair as a conditional use without the attendant retail use. The applicants currently have a tire dealership and auto repair business in Arizona and they would like to move they and their business to Rockwall. The reason they have submitted the request is that they would like to locate their business on White Hills Drive adjacent to the White Hills Cafe and the existing day care center. This site is zoned Commercial and Heavy Commercial zoning in this location is unlikely to be considered. In order for you to see what they would submit for consideration they have had a site plan prepared for this location. They would propose to construct a fenced enclosure for any vehicles that would remain overnight and they are limiting the type of repair work that they perform. Attached is a description of their proposal and a site plan.

The questions that need to be addressed are as follows:

1. Are you willing to amend the Commercial district to permit auto repair as a conditional use. A corollary to that is whether there is a significant distinction between this proposed use and the uses that could occur on the site as an accessory use.
2. If you are willing to consider such an amendment what types of conditions would you want to consider as minimum requirements for such a use. Conditions could include limitations on types of repair operations, setbacks from streets, screening, landscaping and location of overhead doors.

If the Commission is willing to consider amending the district it is likely to assume that other requests may be submitted in the future for the Commercial district.

Attachments:

1. Information from Applicant

Agenda Item: Amendment to Commercial for Auto Repair

Item No: V. A.

**CITY OF ROCKWALL
Planning and Zoning Agenda**

Agenda Date: June 10, 1993

Agenda No: III. B.

Agenda Item: PZ-93-22-CUP - Hold Public Hearing and Consider Recommending Approval of an Amendment to the Commercial Zoning Classification to Permit Auto Repair as a Conditional Use

Item Generated By:

Action Needed:

Background Information: This information will be forwarded to you under separate cover.

Attachments:

Agenda Item: PZ 93-22-CUP Hold Public Hearing re: Amend. Zoning Ord.

Item No: III. B.

CITY OF ROCKWALL
City Council Agenda

Agenda Date: July 19, 1993

Agenda No: V. D.

Agenda Item: PZ-93-22-ORD - Hold a Public Hearing to Consider Approval of an Ordinance Amending the Commercial Zoning Classification of the Comprehensive Zoning Ordinance Regarding Auto Repair as an Accessory to a Permitted Retail Use and to the Definitions Section of the Comprehensive Zoning Ordinance (1st Reading)

Item Generated By:

Action Needed:

Background Information:

SEE ORDINANCE

Attachments:

Agenda Item: Amending Commerical Zoning Ord. re: Auto Repair

Item No: V. D.

CITY OF ROCKWALL
City Council Agenda

Agenda Date: July 19, 1993

Agenda No: V. D.

Agenda Item: PZ-93-22-ORD - Hold a Public Hearing to Consider Approval of an Ordinance Amending the Commercial Zoning Classification of the Comprehensive Zoning Ordinance Regarding Auto Repair as an Accessory to a Permitted Retail Use and to the Definitions Section of the Comprehensive Zoning Ordinance (1st Reading)

Item Generated By: City

Action Needed: Hold public hearing and take any necessary action.

Background Information:

Last month the Council received a recommendation from the Planning and Zoning Commission regarding the possible change to the Commercial zoning classification. Under the current Commercial zoning classification auto repair is a permitted use as an accessory to a retail use. For example, the Goodyear Auto and Tire Center has auto repair as an accessory to the retail use of selling tires. We had received a request to consider amending our Commercial district to permit auto repair as a conditional use without the attendant retail use. The Council has now approved an amendment to permit a CUP application for minor auto repair.

In the review process the Commission studied the current requirements and had some concerns about the current language which allows a very broad range of auto repair uses tied to the requirement regarding the use of retail activities. This language is very vague and difficult to interpret. The Council has also instructed the Commission to review this current language.

The Commission considered several options in further clarifying what we mean by an accessory to a retail use in regard to the current language. Accessory could be defined as a smaller percentage of gross sales, or as a smaller percentage of floor area. Although it is not stated in the ordinance, it was felt that the intent of the ordinance was to permit minor auto repair in conjunction with a use similar to Sears with an auto repair facility, Walmart with their auto repair uses, or Ace Hardware with their repair. Given the vagueness of the ordinance we also have the Goodyear Tire facility and the Lakeside Tire Center that primarily sell tires but also do minor repair. The Commission reviewed several other cities regulations regarding auto repair and they provide definitions for minor auto repair and major auto repair.

After reviewing the existing locations in town and the previously approved site plans the Commission has recommended that the following language be considered for the permitted use:

Minor automotive repair as an accessory to a permitted retail use when the floor area of the repair bays and shop area does not exceed 30% of the gross floor area of the building.

In comparing the proposed language to the existing facilities in town, Walmart, and Western Auto would be permitted uses. The Quick Lube, Goodyear, and Lakeside Tire would be required to obtain a CUP. The Goodyear store has approximately 46% of its floor area in bay and shop area. The other two uses have over 50% of the floor area used in bays or shop area.

The following definitions have also been recommended for consideration:

1. Automobile Repair, Minor - Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plugs, and filter changing; tire alignment; tuneups, emergency road service; replacement of starters, alternators, hoses, brake parts, mufflers; performing state inspections and making minor repairs necessary to pass said inspection; servicing of air-conditioning systems, and other similar minor services for motor vehicles except heavy land vehicles, but not including any operation named under "Automobile Repair, Major" or any other similar use. All repair work must be performed inside an enclosed building. Vehicles shall not be stored on site for longer than 14 days.

2. Automobile Repair, Major - Major repair, rebuilding or reconditioning of engines, transmissions, or other major components for motor vehicles; collision services including body, frame, or fender straightening or repair; customizing; overall painting or paint shop; automotive glass and upholstery; those uses listed under "Automobile Repair, Minor", and other similar uses. All repair work shall be performed inside an enclosed building. Vehicles shall not be stored on site for longer than 90 days.

Attachments:

1. Ordinance

Agenda Item: Amending Commerical Zoning Ord. re: Auto Repair

Item No: V. D.