

Draft Planning and Zoning Commission Meeting Minutes of July 12, 2022:

- 22-** Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use
0006SUP Permit Request for a Convenience Store with Fuel Sales (7-Eleven),
Located on the Southwest Corner of Wilmeth Road and Hardin Boulevard.

Ms. Lexie Schrader, Planner I for the City of McKinney, explained the proposed specific use permit request to allow a convenience store with fuel states. She briefly discussed the zoning on the subject property and adjacent properties, required screening requirements, and the location of the proposed fuel pumps. Ms. Schrader stated that Staff feels the proposed use is appropriate for the site and will provide a use for the existing and future neighborhoods in the area. She stated that Staff recommends approval of the request and offered to answer questions. Vice-Chairman Mantzey asked if a specific use permit would be required if another convenience store or fuel station wanted to go nearby properties. Ms. Schrader stated that the property directly to the north is in McKinney's extraterritorial jurisdiction (ETJ) and outside of McKinney's city limits. She stated that the City of McKinney does not regulate uses within the ETJ. Ms. Schrader stated that the properties to the south and west are in the Painted Tree Planned Development. She stated that the property to the south has the same zoning designation as the subject property and would require a specific use permit for a convenience store with fuel sales use. Ms. Schrader stated that the property to the west is zoned for residential uses and would need to be rezoned entirely for a convenience store with fuel sales use to be allowed on the property. Vice-Chairman Mantzey asked about the properties across the intersection. Ms. Schrader stated that the property directly across Hardin Boulevard is zoned for a less intense commercial use, mainly oriented towards neighborhood services; however, later corrected that the properties across the intersection are zoned Planned Development with a base zoning of Planned Center which permits fueling stations by right. Ms. Matthew Smith,

Vaquero Ventures, 2627 Tillar Street, Ft. Worth, TX, explained the proposed specific use permit request to allow a convenience store with fuel states and the new 7-Eleven prototype that is run by corporate. He offered to answer questions. Commission Member Woodruff asked how many fuel pumps were proposed at this location. Mr. Smith stated that they were proposing 12 fueling spots. Commission Member Woodruff asked about the patio location. Mr. Smith stated that it would be on the south side of the building, and they would slide the parking down slightly. Alternate Commission Member Buettner asked what is going in to the south of this lot. Mr. Smith stated that they were planning to purchase that property as well. He stated that it falls under the same underlying zoning as the subject property. Mr. Smith stated that they had not marketed the property yet, so he was not sure what the use would be for it. Chairman Cox opened the public hearing and called for comments. Ms. Doreen Tracy, 3201 Hickory Bend Trail, McKinney, TX, spoke in opposition to the request. She expressed concerns regarding gas fumes, light pollution, noise, increased traffic, environmental safety with a cattle farm nearby, four fuel stations currently within two miles of this location, proposed round-about, and increase in crime for the area. Ms. Tracy suggested that a gym or restaurant would be a good use for this location and the surrounding neighborhood. On a motion by Vice-Chairman Mantzey, seconded by Commission Member Doak, the Commission unanimously approved the motion to close the public hearing, with a vote of 7-0-0. Vice-Chairman Mantzey asked Staff for clarification on why they recommend approval of the request. Ms. Schrader stated that Staff looks at four criteria when they evaluate whether they are appropriate for a site. She stated that compatibility with adjacent and neighboring land uses is reviewed by Staff. Ms. Schrader stated that there is commercial zoning in place for this location, directly to the south, and on the hard corners within the city limits. She stated that Staff considered this to be a service to the residential uses in the area. Ms. Schrader stated that the closest fuel station that Staff found was approximately 1 ½ miles away from this site. She stated that infrastructure is reviewed by Staff. Ms. Schrader stated that Staff looks at access to public streets and if there are adequate roadways present.

She stated that this site is at the corner of two major arterials. Ms. Schrader stated that the proposed round-about is part of a City of McKinney project and that the roadways would be improved. She stated that screening, open space, and heights are reviewed by Staff. Ms. Schrader discussed the required screening requirements for this project. Vice-Chairman Mantzey asked if Staff considered the hours of operation. Ms. Schrader stated that Staff mainly looks to see if the proposed use is appropriate with the surrounding uses, adequate buffering, and that it is not a too intense use for the area. Commission Member Kuykendall asked if Staff looked at the fact the use is open 24 hours a day. Ms. Schrader stated that Staff looks at the intensity of the use. She stated that there are ordinances in place to protect neighbors in the area from excessive lighting or noise. Commission Member Kuykendall asked if Staff looks at loitering or being in the parking lots at all hours of the night. Ms. Caitlyn Strickland, Planning Manager for the City of McKinney, stated that the Police Department could be contacted if any issues need to be addressed. Vice-Chairman Mantzey briefly wanted to clarify nuisance issues and who would be responsible for addressing them. Ms. Jennifer Arnold, Director of Planning for the City of McKinney, reiterated that the Police Department would be responsible for addressing any crime, loitering, and/or mischievous behavior. Commission Member Woodruff asked if a fast-food restaurant would be allowed under the current zoning without having to ask for a variance. Ms. Arnold stated that was correct. Commission Member Woodruff asked for the approximate size that Laredo Taco would occupy inside the proposed convenience store. Mr. Smith stated that it would depend on the floor plan. He thought it could be approximately 800 square feet. Chairman Cox asked about the location of the proposed round-about. Ms. Schrader stated that it would be in the center of this intersection. She stated that this is a Capital Improvements Plan (CIP) project that the Engineering Department for the City of McKinney is currently working on. Ms. Arnold stated that the round-about is a City project and not something the applicant is requesting. Vice-Chairman Mantzey discussed some of the previous fueling stations that we voted in favor of the requests. He felt that we are not short of fueling stations in

McKinney. Vice-Chairman Mantzey preferred having intensive uses at the back of residential uses to preserve the quality of life for those citizens. He was aware that the residential uses were currently not built at the adjacent property. Vice-Chairman Mantzey stated that the property across the street has zoning to allow for a convenience store with fuel sales. He stated that he was concerns about having two at this corner. Commission Member Woodruff felt that the proposed uses were fine at the subject property. He stated that there are other uses that could be open 24 hours a day allowed under the current zoning for this site. Commission Member Woodruff stated that there were not a lot of amenities on the north side of State Highway 380 (University Drive). He was in favor of the request. Commission Member Kuykendall concurred with Vice-Chairman Mantzey's comments. She stated that there is a need there. Commission Member Kuykendall did not feel this was an appropriate location for the intensity near the neighborhood and drawing people at all hours. She was not in favor of the request. Commission Member Doak concurred with Commission Member Woodruff's comments. He stated that under the current zoning there could be uses open 24 hours a day. Commission Member Doak stated that there are not that many gas stations north of State Highway 380 (University Drive). He felt the proposed use was appropriate for the site. Alternate Commission Member Buettner stated that a lot of residential homes planned to be developed nearby and there were not a lot of services in the area. He stated that he was in support of the request. Chairman Cox agreed with the applicant that the buffering was in place. He stated that this was a major intersection in McKinney. Chairman Cox concurred with Commission Member Woodruff's comments. He stated that he was in favor of the request. On a motion by Commission Member Doak, seconded by Commission Member Woodruff, the Commission voted to recommend approval of the request, with a vote of 5-2-0. Vice-Chairman Mantzey and Commission Member Kuykendall voted against the motion. Chairman Cox stated that the recommendation of the Planning and Zoning Commission would be forwarded to the August 2, 2022 City Council meeting.