

14-305SU2 Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit to Allow for Additional Fuel Pumps and Car Wash, Located on the Southwest Corner of Westridge Boulevard and Independence Parkway

Ms. Samantha Pickett, Planner II for the City of McKinney, explained the specific use permit request and Staff's concerns. She stated that Staff recommends denial of the proposed specific use permit due to close proximity of the subject property to single family residential uses.

Commission Member Stevens asked for the distances from the proposed gas pumps to the property lines. Ms. Pickett stated that it was approximately 240 feet to the closest lot to the southwest, 200 to the lots on the other side of Independence Parkway; from the car wash it was approximately 130 feet to the west and 160 feet to the east. She stated that Staff was not comfortable with any of these distances.

Mr. Jared Westmoreland, 800 W. Airport Freeway, Irving, TX, explained the specific use permit request and stated that they no longer intent to install a car wash at this site. He stated that four gas pumps were allowed by right on this property. Mr. Westmoreland felt that Independence Parkway would soon become a major arterial through McKinney once it connects with U.S. Highway 380 (University Drive), and discussed recent traffic counts. He felt the growth in this area justified the three additional gas pumps for a total of seven gas pumps at this location. Mr. Westmoreland stated that there were no other gas stations nearby. He stated that Valero was a Fortune 200 company. Mr. Westmoreland stated that their employees have background checks run on them and must pass drug tests prior to employment. He stated that they go through extensive training. Mr. Westmoreland briefly discussed some of the safety measures for their properties.

Chairman Franklin opened the public hearing and called for comments. He read the following names and addresses for residents that turned in a speaker's card and did not wish to speak during the meeting.

- Ms. Mary Metzgar, 9716 National Pines Drive, McKinney, TX, was in support of this request
- Ms. Kathy Henderson, 9717 Bardmore Place, McKinney, TX was in support of this request
- Ms. Jeanne Nowak, 9808 National Pines, McKinney, TX, was in support of this request
- Mr. James Parker, 575 S. Virginia Hills, McKinney, TX, was in support of this request
- Mr. Matthew Gelsomini, 9921 Nixon Drive, McKinney, TX, was in opposition of this request
- Ms. Rachel Matthew Gelsomini, 9921 Nixon Drive, McKinney, TX, was in opposition of this request

Mr. Tony Scalise, 1412 Main Street, Dallas, TX, stated that he was a partner in the ownership of the overall 4.2 acres which this request was associated. He stated that within a mile radius there were approximately 16,000 residents with an additional 3,000 lots presently under construction. Mr. Scalise felt the additional pumps would help with traffic issues so cars do not stack up at the pumps waiting to be filled. He stated that the northwest corner of Westridge Boulevard and Independence Parkway has 12 acres that were zoned in the same manner as this property. Mr. Scalise had heard that six of those 12 acres were currently under contract to a major retailer. He felt the three additional gas pumps on the property would have a lessor impact to the surrounding area compared to the possible retail development of the northwest corner.

Mr. Scalise asked that the specific use permit be granted to better serve the neighborhood.

Mr. Brian Tuggle, 9724 Sand Trap Drive, McKinney, TX, stated that he was a board member of the Fairways Northwest at Westridge Homeowners' Association (HOA). He stated that some people in their community were for the project while others were against it. Mr. Tuggle stated that the proposed car wash was the biggest concern for the surrounding residents. He was glad to see that the applicant had decided against having a car wash on the property. Mr. Tuggle was in support of having a larger gas station at this location if the northwest corner was going to be developed with retail uses.

Mr. Todd Stein, Jordan Realty Advisors, 4631 Elsby Avenue, Dallas, TX, stated that he was working with the applicant and the property owner. He stated that a retail center would be built directly to the south of this proposed development. Mr. Stein felt that there was demand in the area for the additional gas pumps at this location with all of the surrounding residential and future retail development for this area.

Ms. Cindy Durrant, 10200 Collidge Drive, McKinney, TX, stated that her home will back up to this lot. She had concerns regarding increased traffic, excessive noise, screening, decreases property values, and possible deliveries made late at night. Ms. Durrant felt there were plenty of gas stations in the area. She liked that the proposed gas company had high standards.

Ms. Brook Rodriguez, 9861 Old Field Drive, McKinney, TX, expressed concerns regarding increased traffic and safety for children walking to and from the surrounding schools.

Mr. Westmoreland stated that it would be an approximately \$5,000,000 investment for this development. He felt that they would be building it to higher standards than the City's requirements.

Mr. Stein stated that Independence Parkway and Westridge Boulevard were designated as major six-lane arterials on the City's Master Thoroughfare Plan.

Commission Member McReynolds had questions regarding the property being zoned for four pumps. Mr. Michael Quint, Director of Planning for the City of McKinney, did not know why the standard had been set a four gas pumps with anything larger needing a specific use permit. He stated that the standard had been in effect since before he started with the City over nine years ago. Commission Member McReynolds asked if the standard was based on the size of the property. Mr. Quint said no.

Mr. Quint briefly discussed the City's Architectural Standards and screening requirements.

Commission Member Gilmore asked if a signal light was planned for this intersection. Mr. Quint stated that there would be signal lights at this intersection in the future; however, he did not know exactly when they would be installed.

Commission Member Gilmore asked if there were any guidelines on delivery times. Mr. Quint stated that he was not aware of the City having any restrictions governing delivery times.

Commission Member Gilmore asked if the proposed development was planned to operate 24 hours per day. Mr. Quint stated that the City did not limit the hours of operation, so that would be up to the property owner.

Commission Member Zepp had questions regarding the lighting for the project. Mr. Quint stated that the Zoning Ordinance does not treat gas stations any differently than any other use. He stated that there was a foot-candle illumination level standard at the property line that every site must meet.

On a motion by Commission Member Zepp, seconded by Commission Member Gilmore, the Commission voted unanimously to close the public hearing, with a vote of 6-0-0.

Commission Member Gilmore expressed concerns regarding delivery hours at this location and felt a red light was needed at the intersection.

Chairman Franklin felt additional screening was needed in the back near the residential properties. Mr. Scalise stated that most of the screening for the residential lots to the back would come from the other development to the south of this property. He stated that they were willing to increase the screening by the residential lots. Mr. Opiela explained that the proposed development was not directly adjacent to the residential properties.

Mr. Scalise stated that the delivery issue would exist whether there were four or seven gas pumps on the site.

Commission Member Stevens asked if the property to the west was zoned "BN" - Neighborhood Business District. Mr. Scalise said yes. He stated that they had not done any marketing on that site yet and was waiting to see what was being proposed on the northwest corner first.

Commission Member Stevens asked if the gas station would be screened by a future shopping center. Mr. Scalise said yes. He also stated that there was a three-acre tract owned by a daycare center to the south of their property.

Commission Member Stevens ask the applicant if they owned the lot to the south of where the car wash had been proposed. Mr. Scalise said yes. He stated that they were approximately 90% pre-leased in that proposed 8,250 square-foot building. Mr. Scalise stated that if the gas station ends up with only four gas pumps, then they would probably increase the size of the building to the south to 10,000 square feet. He gave examples of some of the other developments they had competed around the City to show their high development standards.

Commission Member Stevens asked if the 7-Eleven at Virginia Parkway and Custer Road (FM 2478) received a specific use permit to allow more gas pumps at their location. Mr. Quint said yes.

Commission Member McReynolds asked if a driving hazard might be caused once all of the proposed seven gas pumps are full and more vehicles are starting to stack up, waiting in line on the property.

Chairman Franklin felt that the same number of vehicles would come to this gas station no matter how many gas pumps it contained. He was in favor of increasing the gas pumps to seven on this location.

Commission Member Zepp expressed concerns about increasing the gas pumps on the property to seven with the residential properties nearby.

Commission Member Stevens asked if a specific use permit would be required if the northwest corner development decided to build a gas station with seven gas pumps. Mr. Brandon Opiela, Planning Manager for the City of McKinney, said yes.

A motion by Commission Member Zepp, seconded by Commission Member McReynolds, to deny the request per Staff's recommendation failed with a vote of 3-3-0. Board Members Chairman Franklin, Gilmore, and Stevens voted against the motion.

The Commission approved the motion by Commission Member Stevens, seconded by Commission Member Gilmore, to recommend approval of the specific use permit as conditioned in the Staff report to allow seven gas pumps to be built on the property and with the exception that the car wash would not be built, with a vote of 4-2-0. Board Members McReynolds and Zepp voted against the motion.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on February 3, 2015.