

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Brandon Opiela, Planning Manager

**FROM:** Steven Duong, Planner I

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by The Dimension Group, on Behalf of Malouf Interests, Inc., for Approval of a Specific Use Permit for a Motor Vehicle Fuel Sales Facility to Fuel a Maximum of 12 Vehicles at One Time, Being Less than 1 Acre, Located on the Southwest Corner of Virginia Parkway and Custer Road

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for consideration at the May 6, 2014 meeting.

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**STAFF RECOMMENDATION:** Staff recommends approval of the proposed specific use permit for a motor vehicle fuel sales facility to fuel a maximum of 12 vehicles at one time, with the following special ordinance provision:

1. The property shall generally develop in accordance with the attached site layout exhibit.

**APPLICATION SUBMITTAL DATE:** March 10, 2014 (Original Application)  
March 24, 2014 (Revised Submittal)  
April 8, 2014 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting a specific use permit (SUP) to increase the maximum number of motor vehicle fuel dispensers from four (4) to six (6) in order to increase the maximum number of vehicles that can be fueled at one time from eight (8) to twelve (12) vehicles.

**ZONING NOTIFICATION SIGNS:** Section 146-164 (Changes and Amendments) of the City of McKinney Zoning Ordinance states that all zoning changes or amendments, including zoning, rezoning, amendments to Planned Developments, meritorious exceptions to the architectural standards, specific use permits and the like shall be required to post zoning change signs. The applicant has posted the required public hearing notification signs on the subject property as specific in Section 146-164.

**SURROUNDING ZONING AND LAND USES:**

Subject Property: “PD” – Planned Development District Ordinance No. 2001-02-024  
(Retail Uses)

North	“PD” – Planned Development District Ordinance No. 2004-11-116 (Neighborhood Business Uses)	Comerica Bank
South	“PD” – Planned Development District Ordinance No. 2001-02-024 (Retail Uses)	Undeveloped Land
East	“PD” – Planned Development District Ordinance No. 2008-02-008 (Neighborhood Business Uses)	CVS Pharmacy
West	“PD” – Planned Development District Ordinance No. 2001-02-024 (Retail Uses)	Sprouts Grocery Store

**SPECIFIC USE PERMITS:** When acting on a request for a specific use permit, the following factors should be considered:

- Compatibility with adjacent and neighboring land uses.
- Adaptability of building structures to the proposed use.
- Infrastructure requirements: roads, sidewalks, access to public streets, parking, and drainage.
- Elements such as screening, open space, building heights, and compatibility of existing buildings to the proposed use.

Staff has evaluated the request based on the above mentioned parameters and feels that the site is appropriate for the proposed additional fueling position and should remain compatible with existing or future developments on the adjacent properties.

**NUMBER OF FUELING STATIONS:** In the “BN” – Neighborhood Business District, four vehicles can fuel at one time regardless of the location of those pumps and eight (8) vehicles can fuel at one time if the pumps are located within 350’ of the intersection of two arterial roadways as shown on the Thoroughfare Plan (Custer Road and Virginia Parkway). A specific use permit may be approved to allow motor vehicle fuel sales with facilities to fuel additional vehicles at one time for facilities which do not conduct major automotive repairs, body and fender work, or automobile painting. The applicant is

proposing six (6) fueling pumps, which can allow twelve vehicles to fuel at one time and will only offer motor vehicle fuel sales in addition to a retail convenience store.

**ADJACENCY TO RESIDENTIALLY ZONED PROPERTIES:** Because the closest residential use to the subject property is approximately 200 feet to the southeast and is separated by Custer Road, a 130' principle arterial roadway, Staff feels that the increase in pumps will not adversely affect the nearby residential subdivision.

**SITE LAYOUT:** The attached exhibit provides a general layout of the proposed fuel station. The site circulation, parking, loading, screening, sanitation, and landscaping requirements are in general conformance with the Zoning Ordinance. If this specific use permit request is approved, the applicant will be required to receive approval of an associated site plan and landscape plan package meeting all regulations stipulated in the Zoning Ordinance and governing Planned Development District Ordinance No. 2001-01-024, prior to issuance of a building permit.

**ACCESS/CIRCULATION:**

Adjacent Streets: Virginia Parkway, 120' Right-of-Way, 6 Lane Major Arterial  
Custer Road, 130' Right-of-Way, Principle Arterial

Discussion: The applicant has proposed indirect access points onto Custer Road and Virginia Parkway via mutual access drives.

**IMPACT ON EXISTING DEVELOPMENT:** Currently, the lots surrounding the subject property are designated for future commercial development. The lot to west is currently developed as a Sprouts grocery store while the lot to the east is currently developed as a CVS pharmacy. The lots to the north and south are currently undeveloped.

With frontage along Custer Road and Virginia Parkway, Staff feels the proposed fuel station will be compatible with the existing and future surrounding commercial uses. Staff does not anticipate that the specific use permit request would have a negative impact on existing or future developments in the area.

**ARCHITECTURAL STANDARDS:** The applicant has indicated that the finishing materials for the proposed building will be 100% masonry. The applicant will be responsible for meeting the requirements of Section 146-139 Architectural and Site Standards of the City of McKinney Zoning Ordinance.

**OPPOSITION TO OR SUPPORT OF REQUEST:** Staff has not received any comments either in opposition to or in support of this request.

**ATTACHMENTS:**

- Location Map and Aerial Exhibit
- Letter of Intent

- Proposed Site Layout Exhibit
- PowerPoint Presentation