

PLANNING AND ZONING COMMISSION DRAFT MINUTS OF NOVEMBER 7, 2016

PUBLIC HEARING AGENDA Item #24 – SU161002/S161002 - Specific Use Permit/Site Plan - Murphy Oil (City Council District 2). Senior Planner Denice Thomas presented the case report and gave a Power Point presentation to approve a specific use permit and site plan to construct and operate a convenience store with gasoline sales. The 1.04-acre property located at the southeast corner of the Arkansas Lane/State Highway-161 (SH-161) intersection, is zoned Planned Development 283 (PD-283) District for General Retail and Commercial uses and is within the SH-161 Corridor Overlay District. The agent is Lew Richey, Lew Richey & Associates, Inc.

Mrs. Thomas stated the 1.04-acre property is undeveloped. Two access points have been provided, one to Arkansas Lane and one to the S.H. 161 service drive, which links to a mutual access easement through the property to the east. The site will be developed with a 1,200-square-foot convenience store, gasoline pumps, and associated parking. Article 10 indicates the parking requirement for a service station is one space per 400 square feet with a minimum of six spaces. The statement of operation indicates the service station will operate 24-hours per day, seven days per week selling fuel for automobiles and light trucks; as well as, limited convenience items, including bagged ice and small propane tank exchange. A convenience store with gasoline sales is a permissible use, subject to approval of a specific use permit, within the General Retail District.

Mrs. Thomas noted the subject site is zoned PD-273A for General Retail and Commercial uses. The more restrictive zoning designation is GR. The applicant provided an analysis of the proposal's compliance with the GR District provisions. The proposal meets all applicable minimum dimension requirements outlined in UDC. All of the minimum requirements have been met. The elevations as proposed are consistent with the UDC requirements. The UDC requires façades to be 100% masonry, excluding doors and windows. The project is within the SH-161 Corridor Overlay District and is subject to the provisions contained in Appendix F of the UDC. While, the UDC requires 100% masonry, the Appendix F allows 80% primary masonry and 20% secondary masonry. The applicant is proposing a brick and stone façade. Based on the information submitted by the applicant, the proposal meets the minimum requirements.

Mrs. Thomas noted staff suggests that the proposed convenience store, while compliant with the minimum development standards required for approval, may not be the highest and best use of the property. While the proposal meets the technical requirements of the Unified Development Code, staff are concerned that the potential proliferation of convenience stores with gasoline sales along the S.H. 161 corridor it is not in keeping with the city's vision of establishing a premier retail corridor and destination center (Central Park/EPIC water park & rec. center) that are intended to attract visitors from throughout the Metro-Plex and beyond. Staff further contends that this particular proposal is less desirable, due to its small retail footprint, than many of the modern convenience stores, such as the two noted convenience stores w/gasoline sales that book-end this segment of the S.H. 161 corridor. Modern convenience stores are typically two to three times larger than what is being proposed. They also offer considerable more product selection, including made to order food products, for customers to choose from. In effect, these modern convenience stores, in addition to providing fuel sales to a passing through motorist, serve as a local neighborhood market to nearby residents.

Mrs. Thomas stated the Development Review Committee recommends the following:

1. The site plan shall be consistent with all regulations in the UDC as amended.
2. Construction of the building and the canopy shall comply with the approved site plan package approved by the City Council.
3. All operations shall conform to the site plan and operational plan as approved by City Council under case number SU161002/S161002.
4. Operations must be in compliance with the TDSHS – Texas Food Establishment Rules and local ordinances regarding foot service.

Chairperson Motley noted there were no questions for staff, opened the public hearing, and asked for speakers.

William Lotz, 1420 W. Peachtree Street, Atlanta, GA 30328 was present representing the case and to respond to questions from the Commission.

Commissioner Moser asked if Murphy Oil owned the land.

Mr. Lotz replied no the land would be leased from the property owner.

Commissioner Spare stated this development would not be the best use for this property.

Chairperson Motely stated what is the best use for this site this, this is a premier site along Hwy 161 and he does not feel a Murphy Oil would be best suited for this location.

There being no further discussion on the case, Commissioner Womack moved to close the public hearing and deny case SU161002/S161002. The action and vote being recorded as follows:

Motion: Womack

Second: Moser

Ayes: Johnson, Lopez, Moser, Motley, Dr. Perez, Spare, and Womack

Nays: Connor, Smith

Approved: 7-2

Motion: **carried.**