



## Legislation Text

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**File #:** 22-0278, **Version:** 1

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Hold a public hearing on a request for a Special Use Permit, SUP-21-0005, (Prime Spot Fuel), for a “vehicle fueling station” use in a “CG” (General Commercial) zoning district, generally located on the northwest corner of East FM 518 and Lawrence Road, with an address of 1210 East FM 518 (Executive Director of Development Services)

A public hearing is required to consider this Special Use Permit for a “Vehicle Fueling Station” use (Prime Spot Fuel).

### Project Timeline:

**December 22, 2020** - A Special Use Permit was approved at this location for a 7-11 gas station. The applicant for the 7-11 gas station decided not to move forward with the project.

**October 13, 2021** - The applicant held a neighborhood meeting to discuss a new Special Use Permit application for Prime Spot Fuel with property owners within 200 feet of the subject property. There were no meeting attendees.

**October 26, 2021** - An application for a Special Use Permit was submitted for Prime Spot Fueling Station and Convenience Store.

**May 19, 2022** - Public notice of the Planning and Zoning Commission and City Council meetings were sent to property owners within 200 feet of the subject site, sent to the newspaper for publishing, and posted on the subject property.

**June 6, 2022** - The Planning and Zoning Commission held a public hearing and recommended approval, 6-0-0.

**June 28, 2022** - City Council will hold a public hearing and potentially take action on the Special Use Permit request.

**July 12, 2022** - City Council will take final action.

### Project Summary:

The applicant is proposing to construct a Prime Spot Fuel gas station on a 1.9-acre parcel located on the northwest corner of East FM 518 and Lawrence Road. The property is zoned “CG” (General Commercial), which requires a Special Use Permit for a vehicle fueling station.

The proposed 7,900 square-foot building will consist of 5,500 square feet of convenience store, 1,200 square feet of restaurant space, and 1,200 square feet of retail space. The site will have 10 fueling pumps with 37 parking spaces. A drive-thru is proposed on the west side of the property.

The exterior of the building is proposed to be constructed of 100% masonry products including brick, stone, and stucco. There will be minor metal accents along the roof line and used as awnings. The fuel pump canopy poles and dumpster enclosure will be wrapped in masonry material to match the building. The proposed monument sign will also have a masonry base to match the building.

A request was approved by the City Council for a 7-11 Gas Station at this location in 2020. The applicant decided not to move forward with the project and Prime Spot Fueling is requesting a new Special Use Permit

(SUP) to operate at this location. Special Use Permits are specific to the user of the property and their specific design. Changes were needed to both the site plan and elevations from what was previously approved, therefore, a new application was required. The proposed gas station has provided additional upgrades to the site beyond what the previous SUP had required. Enhancements include landscaping, building materials, signage material and style, and walkability upgrades. A table comparing the previously approved SUP (7-11) and the proposed SUP (Prime Spot) can be referenced in the Planning and Zoning Commission Report.

The site has access to East FM 518 and Lawrence Road, both arterial roadways. A shared access drive on each roadway will serve the development. The applicant has indicated that the grade change and existing access points are sufficient to handle 18-wheeler traffic for fuel deliveries. The applicant has also proposed to construct a deceleration lane on East FM 518. Both roadways are functionally classified to handle the proposed traffic from a gas station.

Four notices were mailed to surrounding property owners and there have been no communications in opposition of this request.

On June 6, 2022, the Planning and Zoning Commission held a public hearing and recommended approval of the Special Use Permit subject to the conditions proposed by staff, 6-0-0 with one member absent. No people spoke during the public hearing.

Staff recommends the City Council approve the request for a Special Use Permit subject to the following conditions:

1. The SUP shall expire after a period of 12 months beginning upon the date of adoption of the SUP ordinance by City Council if no formal application is submitted to the City for development of the site.
2. The uses permitted on site will be limited to those permitted in the base zoning district and a “Vehicle Fueling Station” use. Specifically, Prime Spot Fueling.
3. The site layout shall be substantially similar to that which is displayed on the site plan, landscape plan, and elevations.
4. Screening of Structures:
  - a. Dumpster enclosures shall be screened with a masonry wall consistent with the material used on the primary structure. In addition, a continuous, evergreen hedge not less than three (3) feet tall spaced not less than three (3) feet on center shall be installed around the structure.
  - b. All mechanical equipment (a/c units, electrical boxes, pad-mounted transformers) shall be screened with either a parapet wall or a continuous, evergreen hedge not less than three (3) feet tall spaced not less than three (3) feet on center.
5. Lighting: All lighting must comply with Chapter 125, Article 4, Section 4.8 of the Unified Development Code:
  - a. Canopy Lights. Light fixtures mounted on canopies or vehicle fueling station islands shall be recessed so that the lens cover is either recessed or flush with the bottom surface (ceiling) of the canopy.
6. The exterior elevations shall be consistent with the Covenants, Conditions and Restrictions.
7. Signage: The project shall comply with the Article 8, Signs of the Unified Development Code with the following exception:
  - a. The only free-standing sign permitted on this site is a monument sign placed along East FM 518 and the base materials must be complementary of the primary building in keeping with the Covenants, Conditions and Restrictions.

Attachments:

1. Data Sheet
2. Excerpt Minutes from the June 6, 2022, P&Z Meeting
3. Planning and Zoning Commission Staff Report

CONTRACT ORIGINATION:

Development Services

Applicant: Mario Ipina, Bovay Engineers, Inc.

Owners: Salim Charolia, Prime Spot Fuels

FUNDING

{ } Funds are available from Account # \_\_\_\_\_

{ } Requires Budget Amendment to transfer from Account # \_\_\_\_\_ to Account # \_\_\_\_\_

{ x } NOT APPLICABLE

STRATEGIC PLANNING

{ } Addresses Strategic Planning Critical Success Factor # \_\_\_\_\_ and Initiative # \_\_\_\_\_

{ x } NOT APPLICABLE