



**AGENDA ITEM SUMMARY FORM**

**PROPOSED MEETING DATE:** June 18, 2024  
**PREPARED BY:** Scott Dunlop, Director  
**DEPARTMENT:** Development Services

**AGENDA ITEM DESCRIPTION:**

Reconsideration, discussion, and possible action on a Specific Use Request for one (1) lot on 1.273 acres, more or less, and being located at 13105 FM 1100, Manor, TX to allow for a 14,020sf general retail / Mexican market building, six MPDs, three diesel MPDs, and associated parking and drive aisles.  
*Applicant: Professional StruCIVIL Engineers Inc.*  
*Owner: Najib Wehbe*

**BACKGROUND/SUMMARY:**

This property is concurrently being annexed and zoned C-2 Medium Commercial. C-2 Medium Commercial zoning requires a Specific Use Permit to be approved for gas station uses.  
 They are proposing a 14,020 sf convenience store and market, 6 MPDs (12 fueling locations), and 3 diesel MPDs.  
 The closest existing gas stations are 8,536 feet to the west and 2,526' to the east. The gas station 8,536' away is on the westbound side of US 290 (the same side as this proposed gas station) and the one 2,526' away is on the eastbound side of US 290 (the opposite side of the road as the proposed gas station).  
 As proposed, the conceptual layout meets the city's requirements for gas stations on US 290:

Gas Station, Limited	<ul style="list-style-type: none"> <li>• See <a href="#">article 4.02</a>, Alcoholic Beverages.</li> </ul>
	<ul style="list-style-type: none"> <li>• Permitted only within 200 feet of the right-of-way lines of intersecting streets, unless the use is an accessory use to a commercial development such as a grocery store or retail center with a gross floor area of 50,000 square feet or more.</li> </ul>
	<ul style="list-style-type: none"> <li>• Permitted at a maximum of two corners at an intersection of two arterial streets; and a maximum of one corner of an intersection with a collector or local street.</li> </ul>
	<ul style="list-style-type: none"> <li>• Automotive repair and automobile washing facilities are prohibited.</li> </ul>
	<ul style="list-style-type: none"> <li>• No more than four multi-fuel dispensers (eight fuel positions) shall be permitted except where one of the following conditions is met:</li> </ul>

	<ul style="list-style-type: none"> <li>◻ The property is located along and has direct access from US Highway 290 East.</li> </ul>
	<ul style="list-style-type: none"> <li>◻ The proposed gas station is an accessory use to a commercial development such as a grocery store or retail center with a gross floor area of 50,000 square feet or more.</li> </ul>
	<ul style="list-style-type: none"> <li>• In no case shall a gas station be permitted more than ten multi-fuel dispensers (20 fuel positions).</li> </ul>
	<ul style="list-style-type: none"> <li>• In the neighborhood business (NB) and light commercial (C-1) districts the canopy and arrangement of multi-fuel dispensers shall be designed in a relatively square pattern as opposed to a linear distribution of the multi-fuel dispensers, as depicted below (where X = one multi-fuel dispenser = two fuel positions):</li> </ul> <p>Acceptable Pump Arrangement</p> <pre>X   X X   X</pre> <p>Unacceptable Pump Arrangement</p> <pre>X   X   X   X</pre>
	<ul style="list-style-type: none"> <li>• Multi-fuel dispensers, air, vacuum, and water stations must be 100 feet from a residential district.</li> </ul>
	<ul style="list-style-type: none"> <li>• Fuel positions, air, vacuum, water stations and other similar equipment is prohibited between the principal structure and the property line of a residential district and shall comply with the building setbacks in all other circumstances.</li> </ul>
	<ul style="list-style-type: none"> <li>• Freestanding light fixtures shall be reduced in height to 15 feet if the use is adjacent to a residential district.</li> </ul>

Staff recommends a discussion on the site’s layout. Our architectural standards state that canopies should be oriented away from intersections. An example gas station layout has been provided in the backup that shows the gas pumps to the side of the building and the diesel pumps in the rear of the building. This allows the front of the building and any retailers who are located in that space to have open access and views to US 290.

It should also suggest discussing limiting or prohibiting the ability for large commercial vehicles/tractor-trailers to park overnight on the property.

When considering a Specific Use Permit, the following are the listed criteria for approval:

*Section 14.03.005:* In recommending that a specific use permit for the premises under consideration be granted, the planning and zoning commission shall determine that such proposed use(s) are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, protective

screening and open space, area or security lighting, heights of structures and compatibility of buildings. The planning and zoning commission and city council shall consider the following criteria in determining the appropriateness of the specific use permit request:

- (1) Whether the use is harmonious and compatible with its surrounding existing uses or proposed uses;
- (2) Whether the activities requested by the applicant are normally associated with the requested use;
- (3) Whether the nature of the use is reasonable; and
- (4) Whether any adverse impact on the surrounding area has been mitigated.

At the April 10, 2024 P&Z, it was recommended:

1. The canopy be turned 90 degrees and placed to the side of the building
2. The diesel pumps be removed
3. Electric charging stations added
4. Overnight truck parking be prohibited
5. A TIA or traffic improvements be shown

The applicant/developer has revised the site to meet some of the recommended changes.

1. They complied with the gas canopy, EV charging stations, overnight parking, and traffic improvements being shown
2. They kept the diesel pumps and would like to continue the discussion on those remaining
  - a. They've added a center turn lane to FM 1100 to widen that road as well as providing for separate left and right turn lanes at the intersection of US 290. This modification was to address the concerns about the turning radius for trucks exiting onto FM 1100 as well as vehicles blocking the turn lane when it was only 1 lane.
3. They also increased the number of fuel pumps from the original request from six (6) to eight (8) and increased the diesel pumps from three (3) to four (4).
  - a. If the City Council is inclined to approve this SUP, the number of gas and diesel pumps must be in the motion

At the April 10<sup>th</sup> P&Z meeting, they made recommendations to the site but postponed action so they can be provided more information on the traffic improvements. At the April 17<sup>th</sup> City Council meeting the P&Z recommendations were discussed, but because a recommendation was not provided, the item was postponed.

This item came back before the Planning and Zoning Commission on May 8th and they voted 4 – 2 to recommend approval with the 8 gas MPDs, 4 diesel MPDs, 3 EV charging stations, canopy turn 90 degrees and to the side of the building, no overnight truck parking, and TxDOT traffic improvements as shown on the conceptual site plan. The request to have no diesel pumps was removed as a SUP requirement because the P&Z considered the additional traffic improvements to FM 1100 satisfactory to alleviate their concerns about large commercial vehicles exiting the property as well as causing delays at the intersection with US 290.

The 2 Commissioners who voted against the recommendation wanted to see the number of gas and diesel pumps reduced to the original request of 6 gas MPDs and 3 diesel MPDs.

At the May 15, 2024, City Council meeting a motion was put forward and seconded to permit 8 gas MPDs and 4 diesel MPDs. The vote was 3-3. A second motion was put forward to reduce the MPDs to 6 gas MPDs and 3 diesel MPDs. The vote was again 3-3 and Assistant City Attorney Veronica Rivera said at that point the vote failed and the item would not proceed to the second and final reading.

Since both motions were tied, it was discussed with Council Member Deja Hill, as a Council Member who voted against one of the motions, if she would sponsor the item for reconsideration at the June 5, 2024 meeting when the Mayor would be present and the full City Council could vote on the item.

This item is the vote on whether or not to bring the Specific Use Permit back for discussion and a vote. An approval of this item is not an approval of the SUP, but would allow the Council to continue discussion of the Permit and to re-vote on the case.

**LEGAL REVIEW:** Not Applicable  
**FISCAL IMPACT:** No  
**PRESENTATION:** No  
**ATTACHMENTS:** Yes

- Letter of Intent
- Aerial Image
- Conceptual Layout
- Distance to Existing Gas Stations
- Example Layout
- Public Notice
- Mailing Labels

**STAFF RECOMMENDATION:**

The City Staff recommends that the City Council approve the reconsideration of a Specific Use Request for one (1) lot on 1.273 acres, more or less, and being located at 13105 FM 1100, Manor, TX to allow for a 14,020sf general retail / Mexican market building, six MPDs, three diesel MPDs, and associated parking and drive aisles.

<b>PLANNING &amp; ZONING COMMISSION:</b>	<b>Recommend Approval</b> <b>X – with conditions</b> <ol style="list-style-type: none"><li><b>1. 8 gas MPDs</b></li><li><b>2. 4 diesel MPDs</b></li><li><b>3. The gas canopy turned 90 degrees and to the side</b></li><li><b>4. No overnight truck parking</b></li><li><b>5. 3 EV charging stations</b></li><li><b>6. TxDOT traffic improvements as shown on the conceptual site plan</b></li></ol>	<b>Disapproval</b>	<b>None</b>
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