

### **May 16, 2017, Planning and Zoning Commission Meeting Minutes**

Public Hearing – Conduct a Public Hearing and consider a request to amend the development regulations for Planned Development No. 54 and adopt a Concept Plan and Building Elevations relating to the use and development of Lot 8R, Block D, Bray Central One Addition; generally located at the northwest corner of US Highway 75 and McDermott Drive (and commonly known as 802 W).

Ms. Madhuri Mohan, Senior Planner, presented the item to the Commission. She stated that the item is a Public Hearing for a Planned Development Amendment for a proposed RaceTrac.

The property is generally located at the northwest corner of US Highway 75 and McDermott Drive (and commonly known as 802 W. McDermott). The properties to the north and west are zoned Planned Development PD No. 54 Corridor Commercial CC. The property to the south (across McDermott Drive) is zoned Planned Development PD No. 8 General Business GB. The properties to the east (across US Highway 75) are zoned Shopping Center SC. Ms. Mohan explained that the applicant is requesting to amend the Development Regulations, adopt a Concept Plan, and Building Elevations for the property in order to redevelop the site as a RaceTrac gas station. She noted upfront that staff would be recommending denial solely based on one item that she would explain in greater detail later in the presentation.

Ms. Mohan provided an overview of the Concept Plan indicating that the site currently houses a Golden Chick Restaurant (no longer in operation), a Texaco gas station, and an ancillary car wash. The applicant is proposing to expand the building on both sides for a total of 4,921 sq. ft., which would include additional building space on the eastern side and an outdoor seating area on the western side of the building. The car wash would be removed in the redevelopment process. She said that the impetus for the PD amendment is the side yard setback and building expansion. The PD currently requires a 25 ft. side yard setback, but with the addition of the outdoor seating area, the applicant is requesting that the setback be reduced to 5 ft. The existing fueling station canopy will remain and the parking would be restriped and modified in order to meet current Allen Land Development Code (ALDC) parking standards. She stated that the main access points to the site will remain the same and landscaping will meet the ALDC standards.

Ms. Mohan then presented the elevations and outlined the exterior building materials for both the building and fueling station canopy. She noted that the red stripe will be in keeping with the other RaceTrac locations in the City and is restricted to 6 inches, which is not reflected on the fueling station elevations, but is reflected in the Development Regulations. She then stated that, as proposed, this location would not have a mansard roof as the applicant has refused to provide one, which is the main reason why staff is recommending denial of the request. She provided an example of a mansard roof at the RaceTrac location located at Exchange and US Highway 75 and stated that mansard roofs have become the City's standard in recent years and are utilized on two other RaceTrac locations in Allen as well as the AISD service center. This is the reason that staff would want to see a mansard roof at this location, especially with this development being on such a visible and prominent corner.

Ms. Mohan then presented the Development Regulations and formally recommended denial. She concluded that staff acknowledges that this is a redevelopment site; however, when redevelopment occurs, it gives the City an opportunity to require existing conditions to be brought up to current code. In addition, RaceTrac has developed two sites in Allen with a mansard roof so it is not unreasonable to require it at this location. She said that a letter was included in the packet from RaceTrac's Engineer stating that the current canopy would not support the addition of a mansard roof. However, from staff's perspective, modifications can be made to provide additional support or the canopy can be reconstructed completely to provide for the mansard roof. These options lead staff to believe that the refusal to install a

mansard roof is purely financial, not a structural hardship. She stated that the plans overall meet the ALDC standards and staff is pleased that this location is being considered for redevelopment; however, ultimately staff recommends denial based on the applicant's refusal to construct a mansard roof.

Commissioner Ogrizovich asked how long a mansard roof has been the City's standard.

Ms. Mohan stated that she did not know for sure, but that she estimated at least the last four years since the development of the other RaceTrac locations.

Commissioner Ogrizovich then asked how many exceptions had been made within that timeframe.

Ms. Mohan stated that she was not aware of any exceptions.

Chairman Cocking commented that requiring the mansard roof style of canopies was a directive from the City Council and has been the accepted standard for four to five years.

1<sup>st</sup> Vice-Chair Trahan asked if staff had asked the applicant to reconsider their proposal.

Ms. Mohan answered yes, staff has requested the mansard roof from the beginning and the applicant has refused to amend the proposal to include it.

Chairman Cocking confirmed that any applicant has the option to request a change to ALDC requirements through the PD process, and can request it with or without staff support.

Commissioner Ogrizovich asked if the current canopy meets current building code standards.

Ms. Mohan stated that based on the applicant's letter, she does not think it does because it was built 15 years ago.

The applicant's representative, Laura Hoffmann, 2728 N. Harwood Street, Dallas, TX, came forward to speak. She reiterated the current site conditions and RaceTrac's desire to renovate and redevelop the site. She provided renderings of the new store prototype and stated that the applicant considers this a major site improvement to what exists today. She showed pictures of the inside of the store and stated that they are requesting to enlarge the building to accommodate these improvements in keeping with the amenities and products provided in all RaceTrac locations. She stated that if they were not enlarging the building, then a PD amendment would not be needed because the use is allowed by right. Ms. Hoffmann presented the Site Plan. She stated that the ALDC requires a zone change when increasing a legal non-conforming building by more than 10%, which this proposal does. Once the applicants realized a zone change would be required, they decided to add the covered patio area and requested an amendment to the side yard setback since they would be going through the process anyway. She then addressed the mansard roof. She stated that RaceTrac has added a mansard roof on their new construction sites in Allen, but that their other redevelopment site on Bethany Drive did not require a zone change and retained a flat roof. She said that redevelopment sites have additional costs associated with them more so than new construction. She also stated that this is a prominent corner for the City and RaceTrac is providing substantial improvements. If it remains vacant, then another fueling company could be proposed and simply repaint and leave the site virtually the same since the use is allowed by right. RaceTrac wants to make substantial improvements because they are invested in the long-term longevity of their stores, but those improvements come with additional square footage, which requires the zone change. She stated that per their Engineers, the canopy cannot be reinforced to support a mansard roof. Thus, they would have to replace the entire canopy to meet that requirement, which would cost an additional \$300,000 to the project, which makes it economically unfeasible with all the other site improvements that are proposed. Instead, they are

proposing to redo the existing canopy. She stated that some of their stores use a tan canopy instead of the red stripe, which they are open to changing in this location should the Commission and Council desire. She also stated that should the canopy ever be destroyed beyond repair, then RaceTrac would replace it with a mansard roof and is willing to put that requirement in the PD Development Regulations. She asked the Commission not to let the perfect get in the way of the good and reiterated that as proposed, the RaceTrac would be a significant improvement of the site. She also stated that while the mansard roof is considered City policy and is a desired feature, it is not required in the ALDC and RaceTrac is meeting the ALDC requirements in regards to the canopy with this proposal.

Chairman Cocking opened the public hearing.

Chairman Cocking closed the public hearing.

1<sup>st</sup> Vice-Chair Trahan asked Ms. Mohan to confirm if the mansard roof is in the ALDC or a policy/preference.

Ms. Mohan stated that it has been a recognized policy for some time, but does not appear in the ALDC as of yet. An amendment is forthcoming, but to date, is not a mandatory requirement.

Mr. Lee Battle, Assistant Director of Community Development, clarified that a mansard roof is a standard that staff and the Council like to see with new fueling stations, and within the last four to five years, all fueling stations that have come through have required a PD or Specific Use Permit (SUP), which has allowed the Council to request the higher standard of roof with the approval of the zoning action. To date, all new fueling stations requiring a zone change have complied with the mansard roof and staff is in the process of bringing forward a formal amendment to the ALDC to require mansard roofs for fueling station canopies.

1<sup>st</sup> Vice-Chair Trahan asked if a competitor like Murphy Oil came in and strictly read the ALDC, would they build a mansard roof or flat roof canopy taking into consideration that they have never built anything in the City before.

Ms. Mohan stated that it depends on if they are required to do a PD or not, but if it were a PD, staff would request a mansard roof.

1<sup>st</sup> Vice-Chair Trahan asked for confirmation that this is a PD amendment and Ms. Mohan confirmed that it was. With that, he stated that he believes there are significant site improvements as proposed and would support the proposal as presented without the mansard roof.

2<sup>nd</sup> Vice-Chair Platt asked if this is the first time that a redevelopment is being asked to change the roof of an existing canopy or if it has come up before. He said he cannot remember it coming up before and was conflicted because they are making so many improvements to what is an existing ugly building and he understands the applicant's point about increased construction costs. He also noted that when traveling southbound on the US 75 service road, the tree line blocks the canopy, so from a visual standpoint, the flat roof is not that visible. He stated that he likes the idea of the tan color versus the red.

Ms. Mohan confirmed that there has not been a redevelopment site like this in the past.

Commissioner Orr stated that there was going to be work done to the canopy regardless of the mansard roof, and asked the RaceTrac representative to what extent the canopy would be changed to improve it as presented.

Drew Cunningham, 3225 Cumberland Blvd. Atlanta, Georgia, Applicant, came forward to speak for RaceTrac stating that they would be adding masonry columns that do not require any additional structural support. They would also rebrand by painting the canopy as previously discussed, as well as redo the decking to provide recessed LED lighting instead of the existing drop lights.

Commissioner Orr then asked if there was any additional steel required to meet code.

Mr. Cunningham stated that their structural engineer has indicated that there is no need for additional steel as long as they do not increase the height of the canopy. He went on to explain that it is not as much about the weight of the mansard roof, but rather the height and that a kite effect would be created by providing extra height and space for wind to blow under the roof, which is why more structural support would be needed. He stated that the roof itself is not expensive, but the complete rebuild of the canopy would be.

Commissioner Orr asked if any additional vents would be installed.

Mr. Cunningham stated that they would just use the vent stacks, which would be hidden in the masonry columns and would stick out a few feet above the roof line per fire code requirements.

2<sup>nd</sup> Vice-Chair Platt asked a question regarding the mansard roof and wind shear, wondering if the underside of the mansard roof is flat or vaulted up.

Mr. Cunningham stated that it is open in the middle.

Chairman Cocking stated that the engineering report submitted in the packet is basic in nature and asked how the actual costs were figured without a more detailed analysis.

Mr. Cunningham stated that knowing the previous building code criteria from 15 years ago versus the current code and the requirements to support the mansard roof, they are able to figure out that what is out there today cannot support the addition of the mansard roof.

2<sup>nd</sup> Vice-Chair Platt asked if there was anything they could do without structural improvements to provide a roof that would come closer to the look of a mansard roof without being a true mansard roof.

Mr. Cunningham referred to a picture on the screen and stated that they have looked into adding a cornice feature to the canopy's roof as a compromise, but structural engineers have said that even a slight height increase would require structural changes so it is not possible. He also reiterated that RaceTrac intends to be on this corner for a long time and is very open to replacing the canopy with a mansard roof when and if other structural changes are necessary or they decide to do additional upgrades to the site, but that right now, this is a unique redevelopment site and they want to use the canopy as is since it is structurally sound.

1<sup>st</sup> Vice-Chair Trahan asked if they have checked the integrity of the gas tanks underground.

Mr. Cunningham said that they are in the process of verifying that.

Commissioner Orr asked if the structural engineer will evaluate the current canopy (since it is 15 years old) for any defects that need to be addressed.

Mr. Cunningham responded that if in the future the canopy is deemed to not be structurally sound and they have to replace it for their own liability reasons, then they will replace it with a mansard roof, but to date no structural defects have been discovered.

Commissioner Ogrizovich commented that RaceTrac is a great facility, but that Council has said they want mansard roofs. He went on to say that three out of four of the corners in this area have dated fueling stations that are likely to be redeveloped in the future, so if they set a precedence of not requiring a mansard roof for RaceTrac, then what will happen when the other sites redevelop. An ALDC amendment is in the works and this will be a requirement in the future, which is why he believes the Commission should support the recommendation of denial if the applicant will not do the mansard roof.

Ms. Hoffmann asked to address the Commission and stated that if those other corners redeveloped or remodeled and did not increase the square footage of the building, then they would not have to install a mansard roof because it is not a Code requirement as of now.

Chairman Cocking said that there are many items that have come before the Commission such as urban apartments, curvilinear streets, etc. that are considered standard policy and are encouraged by staff, but which are not directly stated in the ALDC. A lot of the direction for the City comes from policy practices that are not outlined in the ALDC.

Mr. Battle stated that the bottom line on the authority is that this is a PD and the Commission and ultimately the City Council has full authority to make recommendations and decisions as to what they think is most fitting and in the community's best interest based on the intent of our Codes and the standard practices established over time that have influenced the City's development patterns. It is fully within the Commission's authority to make a recommendation as to what is the best fit for this location. Staff's opinion is that this is a highly visible location right on US Highway 75 and it makes a statement about the quality of development and redevelopment in the City of Allen and what we expect moving forward. Since there is the opportunity at this time to require a higher standard, we think it is appropriate to request it.

Chairman Cocking followed up by stating that most fueling stations in the City require an SUP or PD which creates an opportunity to reevaluate development standards when redevelopment occurs. He added that there are a lot of high producing businesses on that stretch of McDermott between US 75 and Alma that brings in significant money to the City and that he totally supports having a RaceTrac in that location and the building expansion, but does believe that it needs to be done without the mansard roof. This will be a profitable corner. He reiterated that if they do not expand the building and just want to paint it and move on, then they have every right to do so, but with the expansion of the building and the request to reduce setbacks comes the requirement to amend the PD and opens up the possibility for higher standards. He sees the mansard roof as an appropriate tradeoff.

Mr. Cunningham asked to address the Commission again and stated that while he understands where the Commission is coming from, it is RaceTrac's stance that this project is unique. They have proven to do quality work throughout the City and take pride in that. However, when the mansard roof is referred to as a minimal requirement or small add on, it is not. It is a substantial improvement and added cost onto the project. The canopy improvements alone as proposed will be around \$60,000 for the masonry columns, decking, and light improvements in addition to all the other site improvements that will come along with the redevelopment. He said the trouble that RaceTrac is having is that if they made a minimal investment in the property and only used the existing structure, then they could do that by right. However, because they are making a more substantial investment and enlarging the store, they are being asked to make an even more substantial investment in the canopy.

Chairman Cocking said that the Commission is not under the impression that all developers have deep pockets. They try to be good stewards of both tax payers and business owner's money. Conversely, the Commission does not respond well to threats that the City should accept something less than ideal because

"you never know what you could get there." The City has high standards and demands excellence. He stated that there is obviously differing opinions amongst the Commissioners. He reiterated that overall, they love the concept and want RaceTrac in that location, but thinks the one little tweak on the roof would make it better. He said that staff typically works very well to work out a happy medium and weigh both sides, but at times, those discussions come to an impasse, which is why the boards and commissions exist.

1<sup>st</sup> Vice-Chair Trahan asked if the applicant wanted the option to table the item and go back and discuss the mansard roof again or proceed with a vote.

Mr. Cunningham and Ms. Hoffmann both stated that at this time they felt this needed to go to a vote because they have done everything they can to address the concern.

Chairman Cocking reviewed the voting process and told them that if the Commission makes a recommendation for denial, then it will require a super majority vote from the City Council.

Commissioner Orr stated that from an architectural standpoint, a mansard roof is one style of roof that does not fit every building and this is a more modern design so it may not fit at this location.

Chairman Cocking stated that the applicant had not presented an alternative and is investing significant money into the existing canopy.

1<sup>st</sup> Vice-Chair Trahan asked staff if the mansard roof is the only reason for recommending denial or if there are any other reservations.

Ms. Mohan stated that the lack of mansard roof is the sole reason for recommending denial.

Chairman Cocking reviewed the fact that this corner in general is not in full conformance and this proposal will help to clean it up and bring it closer in line with the Code.

2<sup>nd</sup> Vice-Chair Platt said that was his struggle - the proposal would make significant improvements to that corner and he had to drive by the Exchange location just to observe the mansard roof that he had never noticed before. He is conflicted because as much as he wants to support the City, he believes the building is the main focal point, not the canopy. Similar to Commissioner Orr, he would like to see some non-structural improvements made to come closer towards the mansard roof style even if it cannot be fully achieved, but the overall change to the corner is the majority of the impact.

1<sup>st</sup> Vice-Chair Trahan reiterated that for him, the opportunity costs are outweighed by the nicer building and improvement to the corner. He said Mr. Battle had a good point that this is the gateway to Allen, but from his perspective, this is a significant improvement over what is there now.

Commissioner Ogrizovich wondered if the Commission would make the other three fueling stations on the corners make additional improvements if they came back for redevelopment. He reiterated that the mansard roof has been a Council directive and a Council policy and that he would not support a proposal that chips away at the ultimate desired outcome.

Chairman Cocking stated that he wished they could have seen some canopy options in different color schemes and designs to fully understand what they are voting for as an alternative to what is proposed.

**Motion:** Upon a motion by Commissioner Ogrizovich, and a second by Chairman Cocking, the Commission voted 2 IN FAVOR, and 3 OPPOSED to recommend denial of the request to amend the development regulations for Planned Development No. 54 and adopt a Concept Plan and Building Elevations for RaceTrac McDermott.

**The motion failed.**

Mr. Battle clarified the voting options available to the Commission as follows: recommendation for denial, recommendation for approval as proposed or with conditions, or a tabling of the item.

Commissioner Ogrizovich asked if they could make conditions even if the applicant is not interested in meeting those conditions, and Mr. Battle said yes, that is an option.

Chairman Cocking stated that based on the previous vote, there are at least three commissioners interested in allowing Racetrac to move forward with the canopy without a mansard roof, so that could be one of the recommendations. He said he would be cautious to say “as presented” because what was presented is not necessarily the only option as they said they could do a tan canopy instead of the red stripe.

2<sup>nd</sup> Vice-Chair Platt asked how they could get a better understanding about what the canopy would look like because as much as he wants to support it, he needs more detail to be comfortable.

Chairman Cocking said they have the option to table this item and come back with more specific renderings of the canopy. With that option, Chairman Cocking said it would be best to reopen the public hearing so they can take additional input at the future meeting.

1<sup>st</sup> Vice-Chair Trahan agreed that a tabling would be a good option to allow the applicant time to produce detailed renderings of the canopy that accurately reflect the colors and materials that will be used at this particular location.

Commissioner Ogrizovich then commented that he would like to see a more detailed engineering analysis if that was reasonable, but would defer to the other Commissioner’s expertise.

Chairman Cocking said that from an Engineer’s perspective, they have stated in the letter that a mansard roof would not be reasonable as the entire structure would have to be rebuilt.

1<sup>st</sup> Vice-Chair Trahan asked if staff understood what was being asked. Ms. Mohan said yes and Mr. Battle restated that the Commission wants to see more accurate elevations reflective of what will be specifically at this store in regards to color schemes versus just seeing the standard prototype.

**Motion:** Upon a motion by 1st Vice-Chair Trahan, and a second by 2nd Vice-Chair Platt, the Commission voted 5 IN FAVOR, and 0 OPPOSED to continue the public hearing and table the request to amend the development regulations for Planned Development No. 54 and adopt a Concept Plan and Building Elevations for RaceTrac McDermott to the June 6, 2017, Planning and Zoning Commission meeting.

**The motion carried.**

DRAFT