

## **June 6, 2017, Planning and Zoning Commission Meeting Minutes**

Tabled/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. McDermott) (Z-1/19/17-5) [RaceTrac McDermott]

Ms. Madhuri Mohan, Senior Planner, presented the item to the Commission. She stated that this item was a continuation of a Public Hearing for a Planned Development Amendment for a proposed RaceTrac that was tabled from the May 16, 2017, Planning and Zoning Commission meeting.

Ms. Mohan provided a brief recap of the site and reminded the Commission that the main reason for the PD amendment is to modify the western side yard setback to allow 5' instead of the 25' required by the original PD. She reiterated that staff is recommending denial of the request based on the lack of a mansard roof. She provided a recap of the building materials and provided a visual of the building elevations including the main building and canopy components. She provided an example of a mansard roof from another local RaceTrac location. She explained that this is the expectation for fueling canopies in Allen. She indicated that the Commission requested updated elevations at the last meeting showing the tan color rather the red color and presented the revised elevations provided by the applicant with that change. The applicant also added a 6" red strip to the canopy which reflected the development regulations. She reviewed the proposed development regulations and specifically pointed out regulations related to the fueling station:

1. The fueling station band may not be more that 6" wide.
2. The vent stacks for the fueling station shall be enclosed in masonry canopy columns.
3. The fueling station canopy shall be designed and construction with a mansard roof.

In this case, however, the applicant has not agreed to the mansard roof and it is not reflected in the elevations. Therefore, staff is still recommending denial.

Ms. Mohan stated that Allen strives to be distinctive and unique and this location would be at a prominent gateway into the City. She stated flat roofs on canopies can be seen anywhere, but Allen has high standards and requires a higher level of development including mansard roofs. She acknowledged that this is a redevelopment site and therefore has different costs associated with it, but ultimately, staff believes that the mansard roof is worth the investment. She reminded the Commission that a PD amendment allows the City the opportunity to bring standards up to City Code and City Policy. While the mansard roof is not currently an ALDC standard, it is a policy that has been applied for the last several years. Additionally, staff is in the process of amending the ALDC to include mansard roofs for fueling station canopies, as evidenced by the next item on the P&Z agenda for the evening. She stated that the applicant provided updated elevations prior to the meeting that they will pass out to the Commission, but that staff did not have adequate time to review them in detail. She said the applicant also provided two letters that were included in the packets. The first is the same engineering letter provided last time stating that the mansard roof is not feasible with the existing canopy. The second and new letter is from the applicant stating that they are willing to add the mansard roof at a later date when and if a complete canopy replacement is needed or desired by the applicant. She pointed out that the letter is vague and does not guarantee that a mansard roof will be built in the foreseeable future. Ms. Mohan concluded that based on all these factors, staff recommends denial based solely on the lack of mansard roof.

Commissioner Ogrizovich pointed out a typo in the staff report stating that the caption read "masonry" instead of "mansard."

Ms. Mohan replied that she would correct the error.

Commissioner Ogrizovich also asked if the example of the mansard roof was provided in the packet. Ms. Mohan said it was not – she showed it in the presentation as an example of other locations, but did not include this in the packet.

Commissioner Orr asked if the other locations with the mansard roof are renovations or new construction.

Ms. Mohan stated that they were both new construction.

The applicant's representative, Laura Hoffmann, 2728 N. Harwood Street, Dallas, TX, came forward to make a presentation and provided copies of revised elevations for the Commission to review. She stated that the use they are proposing is allowed by right under the existing PD. They are proposing to renovate the existing location and make several notable site improvements. Ms. Hoffman stated that the only difference in RaceTrac's proposal and staff's is that they are asking not to have the mansard style roof. She stated that there were two action items that came out of the last Planning and Zoning Commission meeting. The first was to provide revised canopy elevations with a tan color, which they have done. She said the elevation that she just passed out adds a cornice feature to the top of the canopy. She apologized for the delay in providing them, but stated the revised elevations were received and sent to staff as soon as the structural engineer finished evaluating them. The second action item was to confirm the existing canopy condition with a structural engineer, which they conducted through the process of adding the cornice feature. Ms. Hoffman stated that since Commissioner Hollingsworth was not present at the last meeting she would provide a recap of the applicant's reasoning for requesting that the mansard roof not be required in this case. She stated that mansard roof should not be required for this site because the site is a renovation not new construction. She provided an overview of the costs associated with the redevelopment and that RaceTrac is investing substantially in the site including a masonry building, additional cladding for the canopy (brick and stucco), new tanks, enhanced landscaping, increased building footprint to allow for more store amenities, and a covered patio. She stated that she disagreed with staff that the canopy is the main focal point of the site. On the contrary, the canopy is largely hidden from the site due to the trees and elevation. In her opinion, the store is the main focal point and they are proposing to make substantial improvements to the building and site itself. Ms. Hoffman provided renderings of the new store model and the types of amenities that will be offered inside. She reiterated that with all the upgrades, it is not feasible to include the additional cost of a mansard roof. Their structural engineer has stated that the existing canopy cannot support it, so a full rebuild of the canopy and supporting concrete would be necessary in order to add that feature. She stated that RaceTrac was required to amend the zoning due to increasing the square footage more than 10%, so since they were already going to be required to go through a PD amendment process, they decided to also add the covered patio, which required a modification of the side yard setback. She stated that RaceTrac has built mansard roofs at two other locations in Allen, but those were new construction. She said she would argue that the policy has been used on new construction, not redevelopment. She also reiterated that RaceTrac is willing to build a mansard roof in the future when and if it is necessary due to damage or desire by the company. In conclusion, she provided an elevation showing the proposed cornice feature and new color scheme. She stated that she understood the Commissioners' comments at the last meeting and RaceTrac has attempted to meet the City halfway. After further evaluation from their engineers, they believe this is what can be structurally supported. This roof also meets the ALDC requirements to compliment the main structure. Ms. Hoffman asked that the Commission consider this modification as a compromise to the mansard roof considering all the other site improvements that are proposed.

Chairman Cocking opened the public hearing.

Chairman Cocking closed the public hearing.

Commissioner Hollingsworth stated that he thought there were three RaceTrac locations in Allen and asked what kind of roof the Bethany location had.

Ms. Mohan stated that the Racetrac at Bethany has a flat roof, but was unsure when it was built.

A RaceTrac representative replied from the audience that it was built in 2009 and remodeled a few years ago, which speaks to their commitment to continually improve their stores.

Chairman Cocking said that the Council direction for mansard roofs for gas stations came about around five years ago.

Commissioner Hollingsworth asked if there was a substantial remodel a few years ago, why was the Racetrac at Bethany not required to add a mansard roof?

Ms. Mohan responded that she was not sure of the exact square footage that was added at that time, but said it was not as significant as the one currently proposed.

David Bond from Spiars Engineering, 765 Custer Rd. Plano, TX came forward. He said his company has worked on all the remodels and new builds in the DFW area for RaceTrac. He confirmed that the square footage improvements were very minor. The majority of the work was internal. They did not hit the threshold to have to bring that site fully up to Code, so the roof was not addressed.

Commissioner Hollingsworth asked if RaceTrac would be replacing the fuel tanks and if so, where they are located.

Drew Cunningham, 3225 Cumberland Blvd. Atlanta, Georgia, came forward to address the question. He said that the tanks are located southwest of the canopy.

Mr. Hollingsworth asked if the tank updates affect the canopy.

Mr. Cunningham said that it would not and that the issue with the canopy is the structural changes that would have to be made to the steel and concrete footings to support additional weight.

1<sup>st</sup> Vice-Chair Trahan asked for a RaceTrac representative to confirm what they were trying to convey with the letter.

Mr. Cunningham said that basically what they are trying to convey is that when and if the existing canopy needs to be replaced, then they will add a mansard roof, but they do not want to commit to a certain time frame as it would require shutting down the site to make that kind of improvement. They know that inevitably upgrades and remodels are necessary on all sites and they are willing to make those improvements when they are structurally needed, but do not want to commit to it now when the existing canopy is in stable condition.

Commissioner Hollingsworth asked about the age of the existing canopy.

Mr. Cunningham said he was unsure.

Commissioner Hollingsworth asked what the typical life span of a canopy is barring any kind of structural damage.

Mr. Cunningham stated that he is not sure. He said that RaceTrac typically upgrades their buildings every 6-7 years, but does not like to touch canopies because they have to shut down while upgrading the canopy. He estimates they have a 20 to 30 year life span.

Commissioner Ogrizovich said that he understood the applicant didn't want to have to shut down to do the canopy, but asked if they would have to shut down to move the tanks.

Mr. Cunningham stated that all the remodel work will be completed before they open the store, but if they committed to adding the mansard roof in a specific timeframe, then they would have to close for businesses, which is why they would prefer to leave it open ended and address it when it becomes necessary.

Commissioner Ogrizovich asked if they can't just do the roof with the rest of the work before they open.

Mr. Cunningham said that it is not so much a time issue as it is a financial issue. The redevelopment deal as it is structured does not allow for the extra expense.

Commissioner Hollingsworth asked what the expense of replacing the canopy would be, to which Mr. Cunningham said upwards of roughly \$350,000.

Commissioner Orr asked Mr. Cunningham what exactly they are doing to the canopy.

Mr. Cunningham replied that they will replace the canopy with new ACM metal, add the cornice, and add the brick wraps around the columns.

Chairman Cocking said that last time, they also mentioned they would be replacing the decking, lighting, and basically everything but the structural elements. Mr. Cunningham confirmed that is correct. The recessed LED lights, which do not hang down, and are much more energy efficient.

Commissioner Hollingsworth asked a clarifying question as to why the Bethany location did not require a canopy upgrade and why staff is asking for one at this location.

Ms. Mohan stated that the renovation of the Racetrac at Bethany was minimal and did not require a zoning action so there was not a catalyst to request the change. This one does and thus gives the Commission and Council the ability to require higher standards.

Chairman Cocking also pointed out that the setback triggered the PD amendment and it is common for an applicant to ask for relaxed regulations and the City to ask for something in return, such as an increased development standard elsewhere.

Mr. Cunningham explained that originally, they did not think a PD amendment was required. However, once the 10% expansion triggered it, which did not include the porch addition, they decided to add it. Ms. Hoffmann also added that the setback was not the catalyst for the zoning amendment, but rather it was the increase in the square footage.

Commissioner Ogrizovich said he commends RaceTrac for trying to make this work, but ultimately the mansard roof is going to become the standard in less than a few weeks' time. This is a prominent intersection and he wants RaceTrac there. He went on to say that there are very few cases that reach this point with a recommendation of denial, which speaks to staff's efforts to work with the applicant to reach an agreement before this point. Because of that, he respects staff's recommendation. He also believes

approving this would set a precedence to other remodels. In summary, he said that while he appreciates the efforts made, he cannot support this as presented.

Ms. Mohan came forward to conclude the discussion. She restated that staff understands that this is a redevelopment, but believes this detail is worth the attention. Approving this would certainly set a precedent. She said that the section in the Code that the applicant referenced regarding accessory structures complimenting the main building is accurate, but that there is another section in the Code that specifically addresses fueling stations which are viewed differently from standard accessory buildings. She also stated that RaceTrac knew from the beginning of this process that if they amended the PD to add the additional square footage and setback provision, they would be expected to meet all Codes and policies related to redevelopment including the roof. She further stated that staff did not have adequate time to review the cornice feature, but has some questions as to how it can be attached to the canopy in light of the applicant's concerns regarding increasing weight on the structure. Ultimately, while it is a more decorative element, it is still a flat roof, which does not meet the intent of what the City is trying to achieve through the mansard roof. Again, this is why staff ultimately still recommends denial.

Commissioner Orr stated that this is a predominant corner and he would hate for this deal to go away because the emphasis is on the canopy and not the improvements to the building itself. He does not have a problem with the flat canopy because it will match the building. Additionally, the mansard roof will presumably become code in the near future, it is not right now and he would support the project as presented.

1<sup>st</sup> Vice-Chair Trahan stated that he understands that reconstructing the canopy does not help RaceTrac improve their retail sales, that they are meeting the base code requirement that were in place when they applied for the PD amendment, and the give and take that comes along with requesting a PD amendment. He understands both sides of the case.

Commissioner Hollingsworth stated that this was a hard case and in his three-year tenure with the Commission, he does not remember a time when staff has ever recommended denial.

Chairman Cocking stated that he has been on the Commission for 14-15 years and there have been times when staff has recommended denial and the Commission has sometimes supported and sometimes overruled the denial. The process that is in place is that staff makes their best educated recommendation and the Commission gives their best recommendation and the City Council makes the best decision for the City.

Kevin Laughlin, City Attorney, provided a suggestion that if the motion did include a recommendation for approval, that it also include a provision to treat the canopy as a non-conforming structure so that it can be required by zoning to be replaced in certain conditions. He said that if the letter the applicant provided is going to mean anything, it needs to be enforceable and adding that to the PD would help make it enforceable. He said that if the Commission can provide the basic motion, he can help mold the language to provide adequate protections. He said that he knows the structure is not technically non-conforming but the manner in which the roof is to be replaced could follow the same standards if a provision is put in the PD to enforce the intent of the applicant's letter.

Chairman Cocking said that the letter states that if the applicants choose to replace the fueling station canopy, then they would replace it with the mansard roof.

Mr. Laughlin stated that his recommendation would be to also include an Act of God or any substantial structural improvement provision in order to fully meet the intent.

Commissioner Orr asked if changing the current code would catch that circumstance.

Mr. Laughlin stated that it would not because the PD would trump the ALDC.

Commissioner Hollingsworth asked if that was the case even if the ALDC amendments were made before the PD was approved.

Mr. Laughlin said a PD always trumps ALDC requirements regardless of the order.

**Motion:**        Upon a motion by 1<sup>st</sup> Vice-Chair Trahan, and a second by Commissioner Ogrizovich, the Commission voted 4 IN FAVOR, and 1 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 carried.**