



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: June 1, 2020

Re: Reliable Community Bancshares, Inc. – Conditional Use Permit (Case #77-2020)

## Executive Summary

Approval of this request will allow two M-N conditional uses to operate on the subject property with certain conditions.

## Discussion

Crockett Engineering Consultants (agent) on behalf of Reliable Community Bancshares, Inc. (owner) is seeking approval of a conditional use permit to allow both a Light Vehicle Service and Repair use for a gas station and convenience store, and a drive-up facility as an accessory use to a financial institution (bank), on an M-N (Mixed Use-Neighborhood) zoned property. The 2.1-acre subject site is located at the southeast corner of Highway WW and Elk Park Drive.

Associated with this request are three additional items – the annexation (Case #117-2020) and permanent zoning (Case #76-2020) of the property, and the replat of the property into one lot (Case #78-2020).

The applicant is seeking approval to allow the subject site to be improved with two separate land uses that are identified as conditional uses within the M-N district. The use identified as Light Vehicle Service and Repair in the UDC includes the specific use of gas station and convenience store. The second proposed use on the site is a bank with a Drive-up Facility (aka drive-in, drive-through). Drive-up Facilities are a conditional accessory use, which means they must be subordinate to another permitted use, which in this case is a bank.

Approval of a conditional use permit is subject to the provisions of Chapter 29-6.4(m) of the UDC. The attached staff report provides a full analysis of the request and evaluation of the CUP criteria. The CUP process is intended to mitigate potential negative impacts arising from competing, but complimentary land uses within certain contexts and offers an alternative to a traditional PD (Planned Development) zoning approach. A CUP can be approved with additional conditions viewed as necessary to mitigating possible conflicts.

The Planning and Zoning Commission considered this request at their May 21, 2020 meeting. Staff presented its report and the applicant and their representatives gave an overview of the request. No other member of the public spoke during the public hearing.

Citing site visibility and safety reasons, the applicant did not agree with condition #3 recommended by staff and submitted an alternative, revised landscape plan at the meeting.



Commissioners inquired if a car wash was proposed (it was not) and the distance from the site's pavement to the Highway WW curb line (approximately 50 feet). Several Commissioners indicated this distance was adequate and landscaping was not needed. Additional inquiries included questions regarding stormwater issues and lack of screening on other similar sites.

Commissioners discussed the revised landscape plan and indicated that they desired to include the plan as a condition of approval.

Following additional discussion, a motion to approve the conditional use permit with staff conditions #1, #2, and #4 was made along with a motion to amend staff condition #3 to be replaced with applicant's proposed Highway WW landscaping as shown on the attached landscape plan addendum dated 5-19-2020. The motion was approved by the Commission with a (9-0) vote.

The Planning Commission staff report, locator maps, conceptual site plan, traffic impact analysis, applicant CUP documentation, architectural rendering, landscape plan addendum, public correspondence, and meeting minute excerpts are attached.

### Fiscal Impact

Short-Term Impact: None anticipated within the next two years. Public infrastructure extension/expansion would be at the cost of the developer.

Long-Term Impact: Possible impacts could be public infrastructure maintenance such as roads, sewers, and water, as well as public safety and solid waste service provision. Future impacts may or may not be offset by increased user fees and/or property tax collections.

### Strategic & Comprehensive Plan Impact

[Strategic Plan Impacts:](#)

Primary Impact: Economy, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

[Comprehensive Plan Impacts:](#)

Primary Impact: Land Use & Growth Management, Secondary Impact: Livable & Sustainable Communities, Tertiary Impact: Not Applicable

### Legislative History

Date	Action
NA	NA



## Suggested Council Action

Approve the requested conditional use permit for both a Light Vehicle Service and Repair use and a Drive-up Facility as an accessory use to a financial institution (bank) in M-N, subject to the following conditions:

1. The conditional uses will be constructed in substantial conformance with the conceptual site plan, dated 5/13/2020.
2. Landscaping will shield the view of the building, canopy, ITM, dumpster, and parking lot from residential lots located on the south side of Elk Park Drive using a Level 2 landscape buffer. The location of the buffer will be as shown on the site plan. It will not be subject to the location criteria in Section 29-4.4(e).
3. The conditional uses will be constructed in substantial conformance with the conceptual landscape plan submitted at the Planning and Zoning Commission meeting May 21, 2020.
4. Freestanding sign prohibited along Elk Park Drive when across from residential zoning. Building signage prohibited on the south side of the building.