

Date: March 13, 2023

To: City Council Members

SBJ: Kroger RESUBMITTAL of SUP for Addition of a Gas Station at Keller Place Addition (North Tarrant Pkwy and Rufe Snow Dr)

This letter is to inform the Council that we are opposed to the addition of a gas station requested by the subject Special Use Permit (SUP).

This is a resubmittal by Kroger after they withdrew their original request at the January 17th City Council meeting – apparently due to the opposition of the neighbors. It appears that Kroger may have changed the façade a little but is still showing 5 dispensing units (2 pumps per each). To the best of our knowledge this still exceeds the Keller City ordinance that restricts the gas stations to 4 dispensing units which was upheld at the previous Council meeting. It appears that Kroger has merely played a waiting game, hoping there will be less opposition at tomorrow's Council meeting. We interpret that as disregard for the previous opposition and the Council's ruling on the number of dispensing units – this is not acceptable and further proves the point that Kroger is not a good neighbor as discussed by many at the January meeting.

Below is our original letter – the points below remain valid today. The City Council should rule against this request in the best interest of the City and the residents that vote in Keller elections; Kroger does not vote in these elections and appears only interested in profits with disregard to the impact on its neighbors.

I also want to point out that at the end of our original letter we asked the Council to provide a written response to the listed questions – we never received any written response; we again request that the Council provide a written response to these questions.

Original letter:

For background reference, you should realize that Kroger has not been a good neighbor to the residents that border this property since it was built. There have been numerous complaints about noise (trucks idling despite posted signs, violating the City Ordinance for hours when trucks are allowed), smells from the garbage dumpsters, and more. We've been given lip service by Kroger and the City when complaints are made – it gets better for a short time and then back to the same. While the number of complaints may have dropped off, do not interpret that as all are in compliance – rather, it stems from frustrations that nothing really changes. This being said, the point is that there is little faith that Kroger will adhere to conditions of this permit – primarily the traffic pattern shown in the Site Plan (Clay Moore Engineering drawing SP-1, dated 12/5/2022) with the SUP.

Specific reasons for opposing this gas station:

1. The area is saturated with gas stations.

- a. There is a gas station less than ½ mile South from the Kroger location; in fact, there are a total of 6 gas stations south on Rufe Snow in less than 3 miles and more beyond that.
- b. There are 4 more gas stations going West on North Tarrant Pkwy in less than 2.5 miles.
- c. There are 2 more gas stations going East on North Tarrant Pkwy in less than 3.3 miles.
- d. There is 1 gas station North on Rufe Snow Dr about 2.9 miles and then there are 2 other gas stations in less than a ½ mile more if you turn West on Keller Parkway from there.

At the Zoning & Planning Board meeting on December 13th the Engineering Rep for this SUP noted a study was done and persons asked were in favor based on the 'convenience' for this location; no actual study was presented nor found on the City's website to document this claim.

After the meeting in a side conversation with other City planning staff, the point about the area being saturated was reiterated and the planning staff immediately responded that some of those gas stations are not located in Keller. That is irrelevant – the point is to look at this in a geographical distance not city boundaries; that response seems to indicate a focus on tax revenue for the City.

2. **Society and the Federal Government are pushing for more electric vehicles in light of the attention given to climate change.** It would make more sense to have electric vehicle charging stations added to the Kroger parking area than a 14th gas station in approximately a 3 mile radius from this Kroger location.
3. The Site Plan shows the **fuel tanker truck route as driving South bound on Rufe Snow and crossing over to enter the Kroger parking lot and then exiting the Kroger parking lot** using the same driveway and again crossing over Rufe Snow to go South bound again. The concern is the crossing over Rufe Snow and the potential accidents that could occur. The Site Plan is based on an AASHTO WB-50 tanker truck – which is about 50-53ft long. There have been many accidents at the intersection of North Tarrant and Rufe Snow (I hear sirens often and see the wreckage aftermath) and I have witnessed many near misses at this specific Kroger driveway entrance just with cars trying to enter/exit crossing over Rufe Snow. The likelihood of an accident involving a fuel tanker truck is a concern – much more so at this location than other area gas stations.
4. The area where the gas station is proposed is **next to a green area with a creek and walking trail**. No matter how ‘pretty’ the station may be dressed up it will still be unsightly so close to a residential area. There is also a question of that area having once been a water retention depression and what the water table may be. Several houses in the residential area have experienced foundation issues and it is been quite evident that the Kroger store itself has the same problems. Which is likely to have negative effects on this gas station’s construction.
5. The present **truck traffic at Kroger have a poor record of adhering to posted regulations** – it is unlikely that the fuel trucks will adhere to the traffic pattern shown in the SUP and it is likely that the trucks will drive in and out via different paths, one of which would be coming around the back of Kroger between its loading dock and the residential housing.

We hope that the City will review this SUP with the taxpaying/voting residents in mind and seriously ask yourselves these following questions:

- A. What will the City do if the fuel trucks do not adhere to the traffic pattern? Or if larger fuel trucks are used to fill the station’s tanks? Will the City fine Kroger or others? What if the offenses continue, will the City shutdown and have the gas station removed?
- B. What will the City do if there is an increase in traffic accidents in that area (which is a factor that insurance companies use to set rates for car policies for drivers in that area, which would include the City’s vehicle fleet too)?
- C. Will the City require and scrutinize an Environmental Impact Study and a Traffic Study?
- D. If the fuel tanks leak who is responsible for the cost and actual remediation clean up, would the City residents ever have to bear any costs at all?
- E. Residential property values will likely go down due to the negative impact of this gas station (there is already such an impact from the mere fact that this is a commercial shopping plaza adjacent to residents with a natural gas pipe along this property line) which means a loss of revenue for the City and the Keller ISD – has this been considered?
- F. If the City approves this SUP will the developer be required to submit a detailed engineering package and all required impact studies to the City Engineer for approvals? Is there any involvement on a

County, State, or Federal level in this permit/construction design review? Will this engineer design package be available to the public for review?

We respectfully request that the City Council address all points in this letter in writing and at the January 17, 2023 meeting (or whenever this SUP is on the Council's agenda, in case it is rescheduled).

Thank you for your time and attention,

A handwritten signature in black ink, reading "Steven W. Flynn / Catherine M. Flynn". The signature is written in a cursive, flowing style. The first name "Steven W. Flynn" is followed by a forward slash, and then "Catherine M. Flynn" is written.

Steven W. Flynn / Catherine M. Flynn

1612 Meadow Park Drive Keller, TX 76248

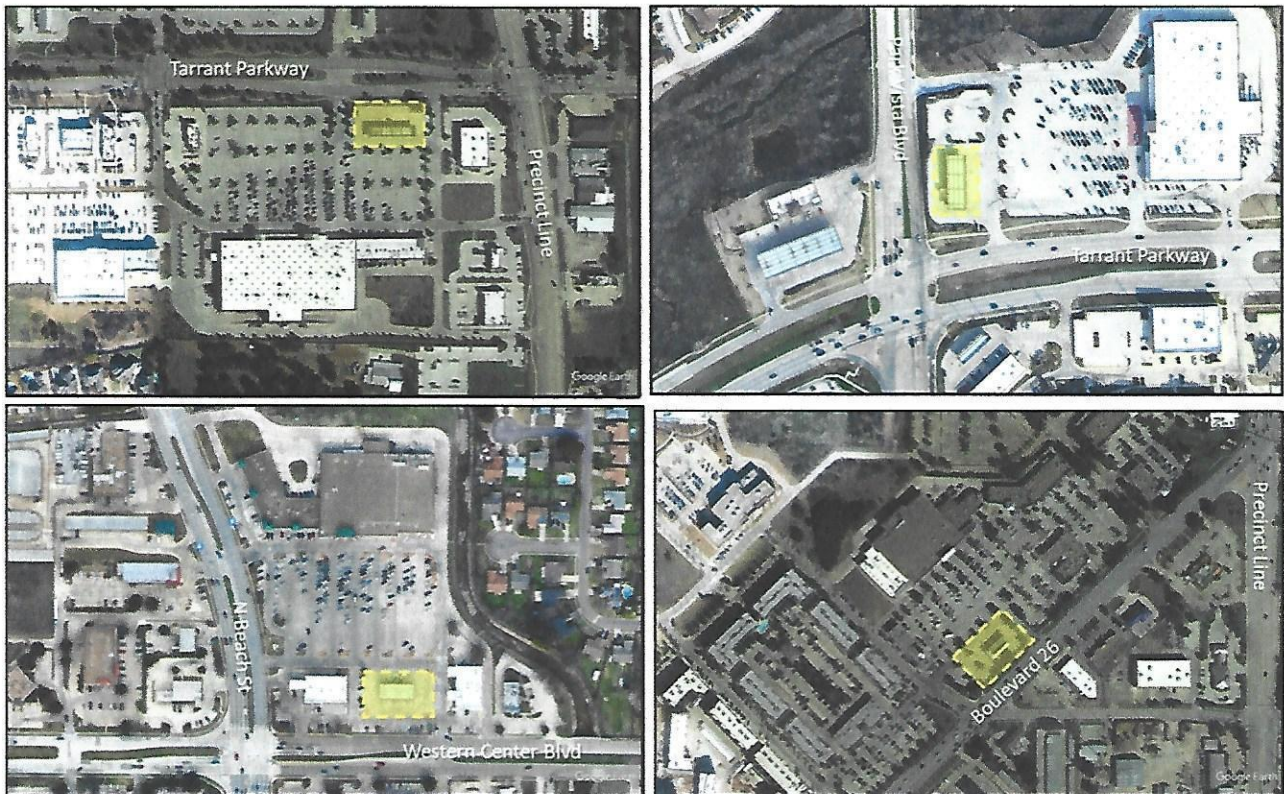
(Residents since 1999)

To the Keller City Council Members:

4 April 2023

We are writing to let you know that we are opposed to the specific use permit you are again considering for a Kroger fuel center at Rufe Snow and North Tarrant Parkway. We do not feel the addition of yet another gas station in our area is a necessary service, nor do we feel it will be worth the aggravation that it will undoubtedly bring to the surrounding neighborhoods and the harm it will bring to the adjacent green belt space.

We attended the Planning & Zoning Commission meeting last month, and were disappointed with the opinions and comments we heard which were dismissive of our concerns. We were told other communities have gas stations next to them, so this case shouldn't be any different. Unfortunately, we were not allowed to respond to those remarks. One case brought up was the QT on Davis and Bear Creek Parkway. Those homes were put in AFTER the QT station – that's a big difference. We bought our houses next to a Kroger that was never designed for a fuel station. The other Kroger stores with fuel stations all had them planned and built from the start. We were also told other neighborhoods had to deal with gas stations, such as the one south of the RaceTrac on Keller Parkway. Again, this is a different situation as those homes were next to an empty commercial property that could have become anything. They had no expectation that a RaceTrac would not be developed there. We moved next to a grocery store, with no expectation it would become a gas station because all the other Kroger locations built the fuel stations and stores at the same time (Tarrant and Precinct Line, Tarrant and Park Vista, North Beach and Western Center Blvd, and Boulevard 26) – these were not afterthoughts.



As residents of Fall Creek Estates, directly south of the proposed fuel center site, we enjoy the walkway along the green belt between our development and the Kroger facility. Although we enjoy the trees and creek area, it is constantly littered with trash which blows in directly from Kroger's parking area. Plastic

bags are caught in the trees and bushes, and other trash makes its way to the creek. After every storm, the creek leaves behind a line of trash marking its high water mark, and is quite disgusting. That rubbish line is not only seen by the area near Rufe Snow, but also along the entire creek path eastward through our community green belt area as all that garbage makes its way downstream. Why should we have a gas station so close to the green belt area? If you look at the other Kroger fuel centers in the area, not one of them is near a green belt or close to residential communities. You can see above where each is surrounded by commercial spaces, or at least separated from residential areas by a four lane highway with a median.

Again, at the Planning & Zoning Commission meeting, we heard nothing but praise from the board because Kroger presented photos of a cleaned up area; the commission commended them for such an outstanding effort. So after hearing of all the complaints of trash at the last City Council meeting, Kroger picks up the trash for a few weeks because they want something, and now they get what they want? They haven't cleaned up for over 10 years, but 6 weeks after all that is forgotten. Why shouldn't they have to prove they can keep it clean first, maybe for a year or so as a probationary period? They haven't had a fuel station since the store opened over 15 years ago. Would it be so terrible for Kroger to wait and prove they are up to the task of keeping the area clean before allowed build it? Kroger hasn't kept trash from filling the green belt and it's only going to get worse with another facility placed even CLOSER to it. Snacks, cigarettes and all the other products sold at the center will just create more trash.

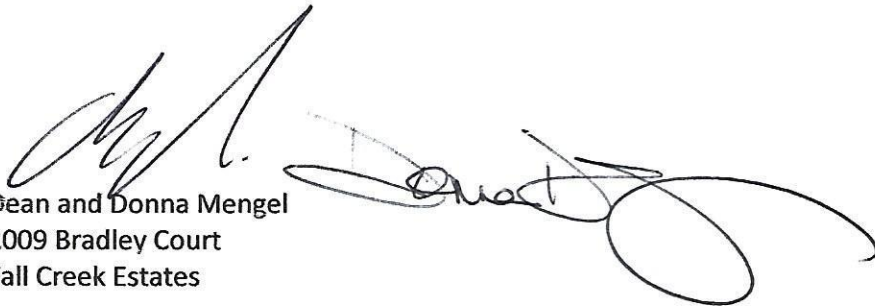
The low area between the parking lot and the green belt walkway fills with water which drains down from the Kroger parking lot on its way to the creek (see area outlined below). It has been reported to the city many times, and they have tried to alleviate the issue by creating paths under the walkway so the water can drain under the concrete and into the creek.



If a gas station is in the parking lot, then all the spilt fuel and other products people drop (oil, washer fluid, anti-freeze, etc) while servicing their car will just be added to the runoff into this area.

We ask that the specific use permit allowing Kroger to build this fuel center not be approved. Our neighborhood is not willing to put up with the extra trash and pollution spoiling our surrounding green belt. Don't allow Kroger to jam in a fuel center where one does not belong. No new shoppers are going to start buying food there because they added a gas station. How many times have you bought gas at Kroger and not gone to the grocery store? The extra traffic entering and exiting the corner entrance from Rufe Snow to the parking lot will be dangerous. At the Planning & Zoning Commission meeting, the commission raised all kinds of concerns about traffic for the incoming Swig franchise and quizzed the representative about the effect traffic would have on TWO entrances. But yet nothing was said about the fuel center being located to utilize a single entrance for entry and exit, along with fuel trucks and grocery patrons. Why does the commission not apply the same traffic concerns for Kroger's request? It appears to be another instance of not holding this request to the same standard of examination.

Thank you for your attention to this matter. We would appreciate it if you would weigh the concerns of the nearby residents who will be affected by this addition.



Dean and Donna Mengel
2009 Bradley Court
Fall Creek Estates

March 11, 2023

From:

Robert , Deborah Gertner
1804 Rolling Bend Dr
Keller TX 76248

To :

City of Keller Community Development Department
PO Box 770
Keller, TX 76244

This letter is submitted as record of our opposition to the Specific Use Permit requested for fuel pumps/sales at 2061 Rufe Snow Drive, per the attached public hearing notice. Our home is within the 200 ft boundary of this property.

There is a gas station located on the corner of Rufe Snow and Bursey that is less than a full block from the proposed new gas station. That existing gas station is not busy, we do not have to wait in line for access to a pump. It is our opinion there is no need for an additional gas station in this area.

Our concerns are the same as identified in the last council meeting, increased noise and traffic, environmental concerns associated with any leakage/spillage, and the impact on existing gas stations (all these business locations need to be profitable and survive).

We feel the lack of need is outweighed by our concerns, and oppose approval of this SUP.

Thank You


Robert G. Gertner


Deborah A. Gertner

P.S.
One Last item we thought of is the radius around
This proposed gas station is built up, there is
not a lot of open areas for additional home/business
construction. From future growth perspective, it does
not seem this is needed.

1618 Meadow Park Dr.
Keller, Texas 76248

March 11, 2023

To the Keller City Council,

We are again expressing our objection to the SUP Kroger is presenting to build a gas station at the 2061 Rufe Snow Dr. store.

Kroger did clean up the back of their store and post signs in an effort to be "good neighbors" but it has only been eight weeks, that is not very much time to see if they are going to continue to do right.

Kroger also stated they had talked to the Fall Creek HOA regarding this gas station, I have it on authority they did not. We had residents from Highland Meadows at the Planning and Zoning Meeting ask for reports regarding the build and nothing has been supplied to date.

This proposed gas station would be attached to a property that is just 200 feet from residences. Homes where children, retirees, and people with existing health conditions live. These same people are now going to be exposed 24 hours a day, 7 days a week to chemicals and pollutants that are associated with gasoline and diesel fuel, some of which are: Benzene, Naphthalene and Ethylene Dichloride (EDC) and which long term exposure to these can cause anemia, various types of cancers and GI diseases.

There will be added noise pollution to this neighborhood, as there will be cars driving up and down the alley, behind Kroger and the houses of the adjacent neighborhoods, to avoid the gas station and get out of the shopping center.

There will be added light pollution because the pumps will be operational 24 hours a day, so there will be the big gas station flood lights shining all night for customers.

Trash will build up again because people dump trash at gas stations and when there is no one monitoring it, people don't care to do things right.

In addition, there is no need for a gas station in the immediate area, there is already a Shell station just a block away.

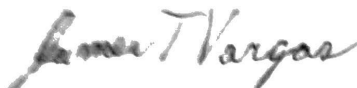
This gas station is not being done as a benefit for the citizens of Keller, as Kroger had tried to lead everyone to believe in a prior meeting, because this store does not cater to Keller proper, this store sees majority Watauga and North Fort Worth shop there.

This fuel station serves Kroger.

Our final objection is that the property values of the neighborhood we live in are going to depreciate, the statistics are there.

Had we bought our house in a neighborhood that had an existing gas station attached to it that would have been our choice and decision. We wouldn't have had anyone but ourselves to blame, if later we had trouble selling our home or we couldn't get the asking price we wanted. But if a gas station goes in now, someone else has made that decision for us. There will be no consideration for the investment and equity we have put into our home or the profit margin we have been working towards because the bottom line of the Kroger corporation supersedes all.

Respectfully,


James Vargas


Samantha Vargas

Re: Proposed Kroger Gasoline Station on Rufe Snow

1/8/2023

Matthew & Amy Cerone
1616 Meadow Park Drive
Keller 76248
Tel: 818-974-5803

Dear Mayor / City Council Member / Directors,

It is with great concern that I write this letter in objection to the poorly proposed gasoline station referenced above. My property line sits within 500 feet of the proposed station. Most importantly there are multiple concerns in relation to pollutants and the short and long term effects of the chemical hazards of living within such close proximity to this gasoline station. While I understand a business' desire to "serve the community", this must not be separated from the undue hardship, decreased health and safety, declining property values, and infringement upon quality of life that this will place upon the immediate surrounding residents of the community including my family. Upon reviewing the City of Keller regulations and codes available online there is a complete lack of wording related to the introduction of such hazardous chemicals in such close proximity to residents, residences, and waterways. My objections are enumerated below:

1. The inherent hazard of chemicals contained in gasoline, known to be worse in vicinities where people spend prolonged time (my wife and kids homeschool and are home most of the time), that lead to various cancers and diseases.
2. The lack of environmental impact reports available as to how the runoff will affect the nearby waterways and greenspace (where I plan to fish occasionally with my children as they grow up).
3. The constant runoff into my property from the Kroger parking lot that keeps my back pad of grass soaked and unusable to my family, in addition this frequently runs through my entire property and underneath my driveway before exiting to the street.
4. The large increase in noise pollution that would occur from 24/7 traffic including customers and fuel trucks that exit along the east side of the parking lot. (We already have grocery trucks parking all night and beginning deliveries at exactly 6am most days of the week).
5. The known decrease in property values that happens with the building of a gas station in close proximity to housing.
6. Behind this Kroger where the walking path exits it is so littered with trash that it looks like the beginning of a homeless camp. How will Kroger handle hundreds of additional customers if they can't manage what they do have well?

Thank you for taking the time to read our concerns and to consider more deeply the effects this poorly proposed gasoline station will have on our family. Please feel free to reach out with any further questions.

Kind Regards,


Matthew and Amy Cerone