

Item H-8

PUBLIC HEARING: Consider an ordinance approving amendments to the City of Keller Unified Development Code (UDC), adopted by Ordinance No. 1746 dated July 7, 2015, by amending Article Eight - Zoning Districts, relating to supplemental regulations for fuel pumps in the Retail Zoning District; providing penalties; authorizing publication; and establishing an effective date. (UDC-23-0004)

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Background

In October 2022, City Council approved a UDC amendment that added supplemental regulations for fuel pumps for the Retail Zoning District. The regulations are identical to those in place for the Town Center Zoning District:

- Specific Use Permit (SUP) required
- May only come in as an accessory use with a grocery or food store, fifty thousand (50,000) square-feet or larger in size
- Kiosks allowed (<350 square-feet by right if SUP approved; larger by variance)
- No convenience stores allowed
- Limited to four (4) fueling dispensers

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- On Dec. 13, 2022, P&Z considered a request by the South Rufe Snow Kroger to amend the UDC to permit five (rather than only four) dispensers in the Retail Zoning District. The P&Z recommended an amendment to allow up to six fueling dispensers by a 5-2 vote.
- On Jan. 17, 2023, the City Council denied the request by a 2-4 vote. The Council noted concerns raised by residents from the adjacent neighborhood regarding after-hours deliveries and trash on site, in addition to equity concerns for existing fueling stations with four dispensers.

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- On Feb. 24, 2023, Kroger resubmitted a request for a UDC amendment to the supplemental regulations for the Retail Zoning District to allow up to five dispensers with an SUP. They also resubmitted their SUP request, which is on the agenda as a separate item.
- Staff proposed language for consideration of up to six dispensers through the SUP process given the previous discussions by P&Z and Council.
- The proposed amendments remove language related to pumps to avoid nomenclature confusion and focus only on dispensers. Staff recommends this approach because a single dispenser may have varying number of pumps and types of fuel (regular versus diesel, etc.).

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Summary:

The UDC Amendment only impacts the Retail Zoning District by removing language specifying the number of pumps and permitting up to six dispensers through the SUP process.

The limit of four dispensers with an SUP in the Town Center Zoning District remains the same.

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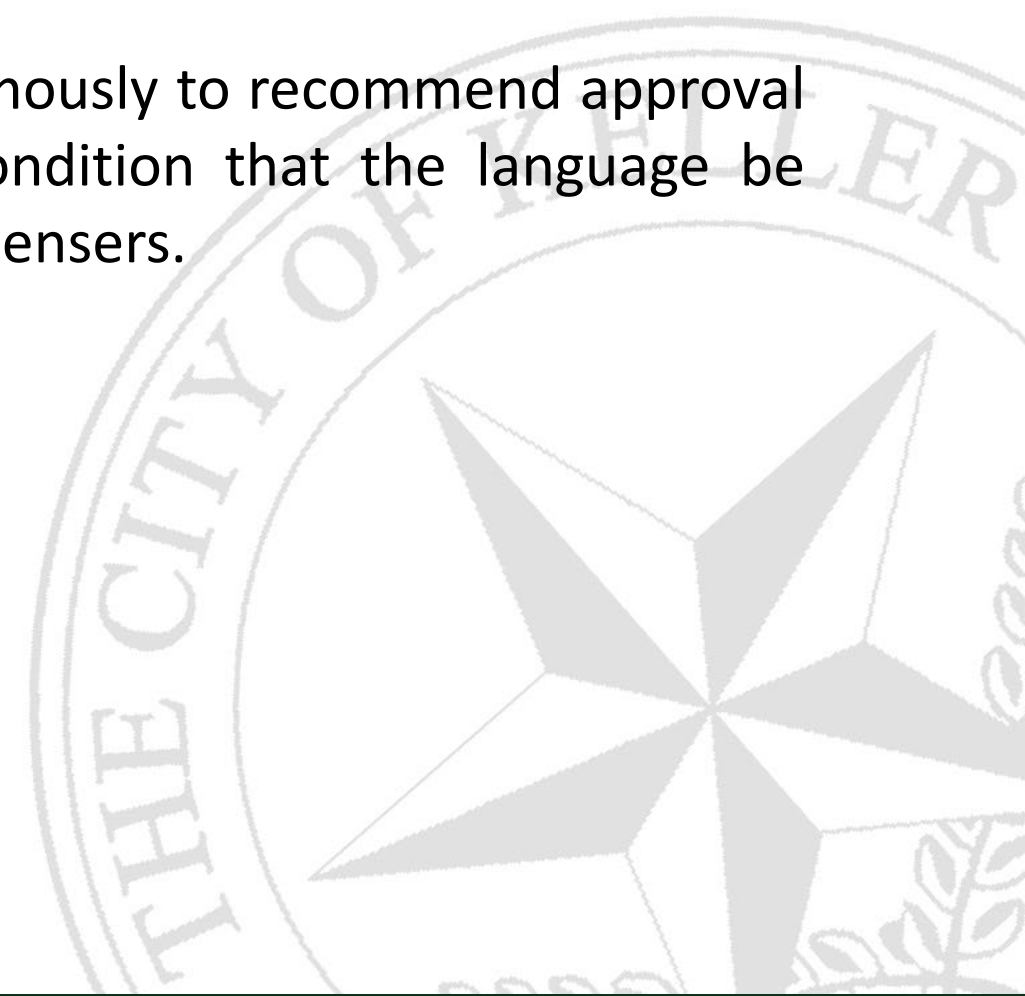
An amendment to the text of the UDC requires a public hearing notice to be published in the local newspaper ten (10) days prior to the scheduled Planning and Zoning Commission meeting date and fifteen (15) days prior to the City Council Meeting Date. Notices were published in the Mar. 3, 2023 and Mar. 21, 2023 editions of the *Fort Worth Star-Telegram* for the respective Planning and Zoning Commission and City Council public hearings.

As of today, staff has not received any written comments from the public on the proposed amendment. Two residents spoke at the Planning and Zoning Commission public hearing. One expressed concern over the notification process for the item, and the other requested clarification on the guidelines for the Town Center Zoning District as they compare to the proposed amendments affecting the Retail Zoning District.

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Planning & Zoning Commission Recommendation:

On March 14, 2023, the Commission voted unanimously to recommend approval of the proposed UDC amendments, with the condition that the language be modified to require a minimum of four fueling dispensers.



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The City Council has the following options when considering a Unified Development Code Amendment:

- Approve as submitted
- Approve as recommended by the Planning and Zoning Commission
- Approve with modifications or additional condition(s)
- Table the agenda item to a specific date with clarification of intent and purpose
- Deny



**Questions?
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