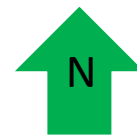


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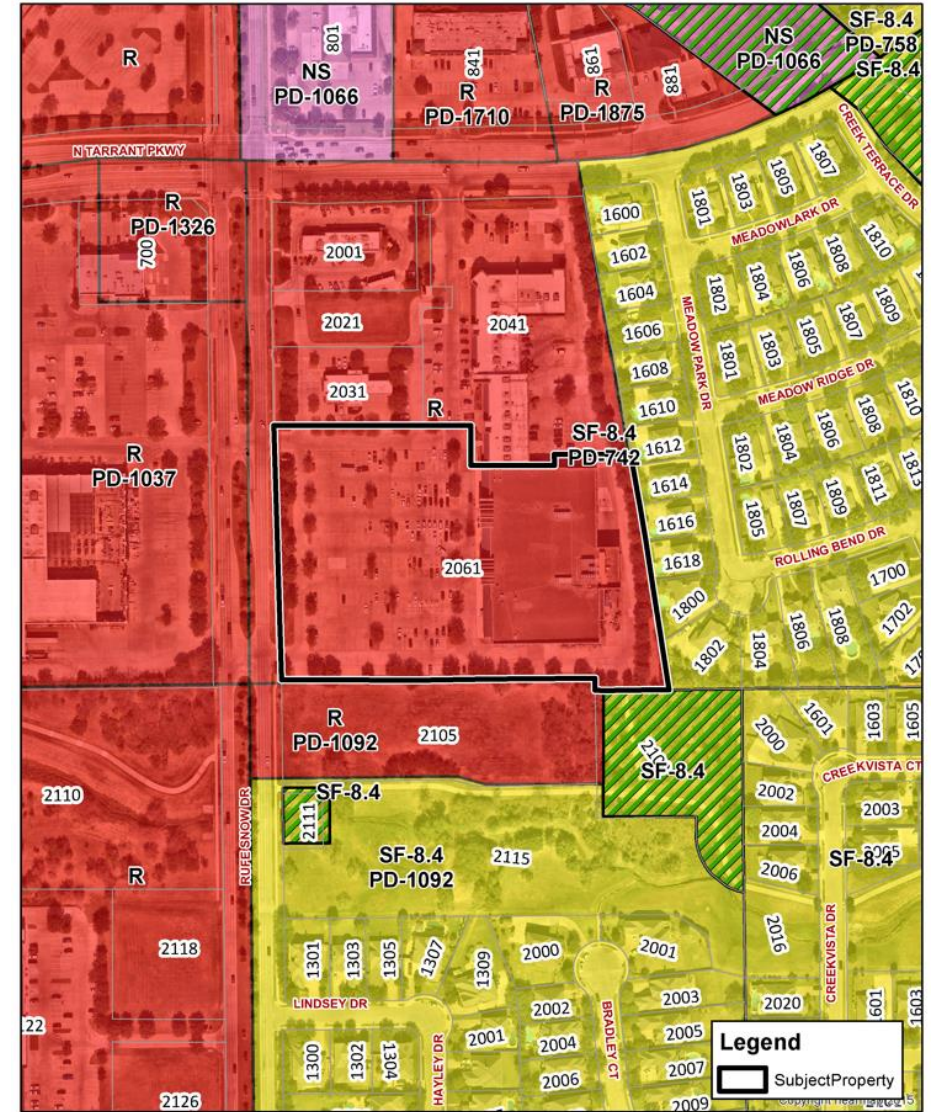
PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) for fuel pumps/sales as an accessory use to a grocery store on 6.6 acres located on the east side of Rufe Snow Drive, approximately 440 feet southeast from the intersection of North Tarrant Parkway and Rufe Snow Drive, legally described as Lot 2R1, Block A of Keller Place Addition, zoned Retail (R) and addressed 2061 Rufe Snow Drive. Whitestone Keller Place, LLC, Owner; Kroger Texas – Richard Binkley, Applicant. (SUP-23-0008)

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Aerial Map



Zoning Map



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Background

The Applicant proposes to add a fuel center to the Kroger at 2061 Rufe Snow Dr. The center will include an approximately 179-square-foot kiosk and five fuel dispensers.

Below is a brief timeline of the Applicant's Specific Use Permit (SUP) requests to date:

- Dec. 13, 2022: Unanimous recommendation by P&Z to approve the Applicant's request for five dispensers with the conditions that the canopy architectural structure match the existing store building and that the columns be masonry.
- Jan. 17, 2023: Tabled by City Council to Feb. 7, 2023 to allow the Applicant time to consider limiting the number of dispensers to four. The Applicant chose to withdraw their request prior to the February meeting.

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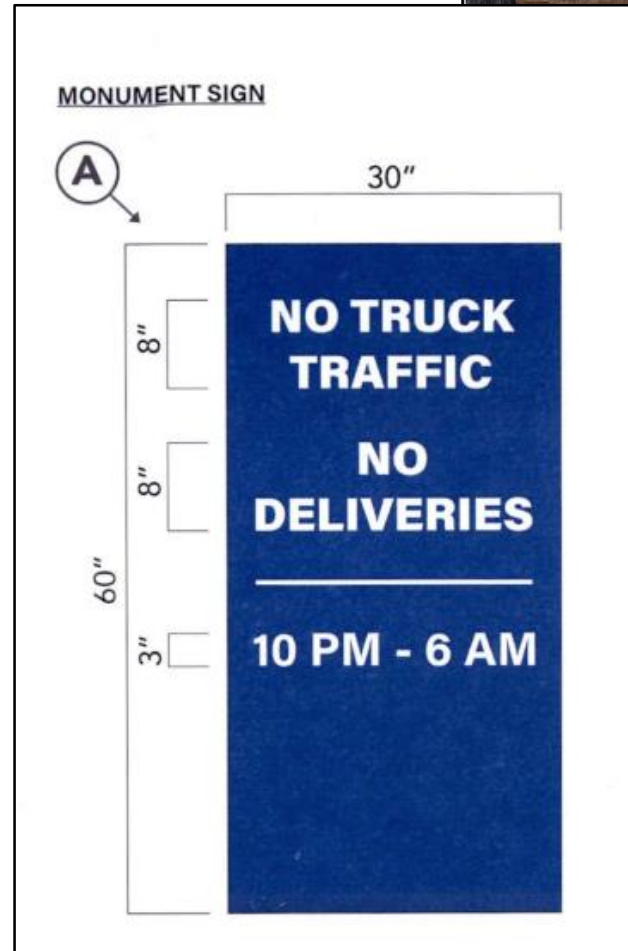
After addressing several concerns related to their existing site, the Applicant resubmitted their SUP request on Feb. 27, 2023.

The Applicant is requesting one SUP:

1. For the Kroger located at 2061 Rufe Snow Drive to operate fuel pumps/sales as an accessory use to a grocery store in the Retail Zoning District with up to 5 fueling dispensers.

Signage:

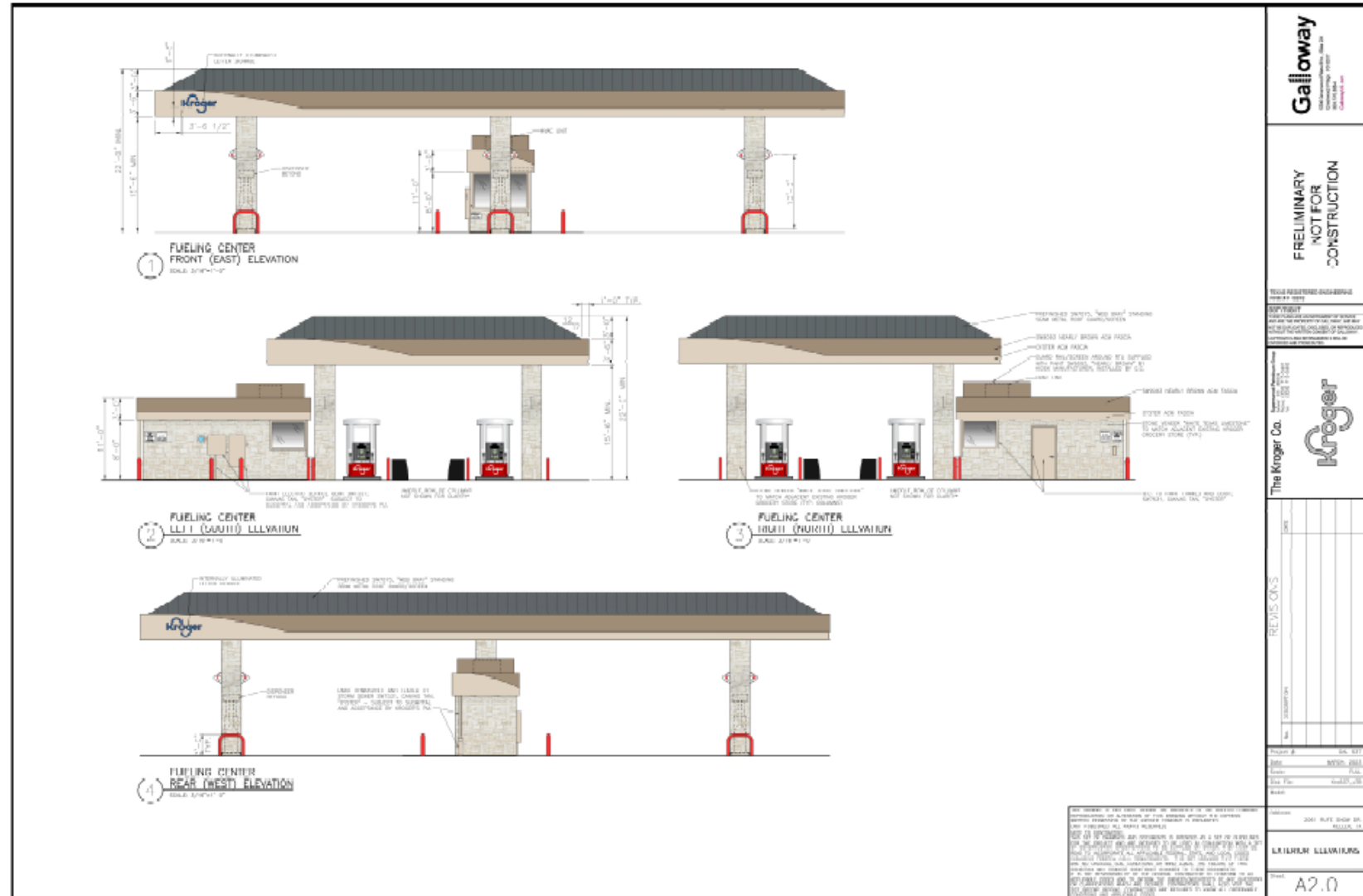
- Kroger installed additional curfew signs on the back of the property.
- Kroger has proposed illuminated monument signs for delivery access that will appear on a future City Council agenda (approval required for size).



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Site Design:

- The proposed kiosk and dispensers will be located under a canopy, which will be aesthetically compatible with the existing grocery store elevations.
- The canopy will have stone columns as previously requested by P&Z, and be no more than 25' in height, according to the UDC supplemental regulations.



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Fuel Tank Installation:

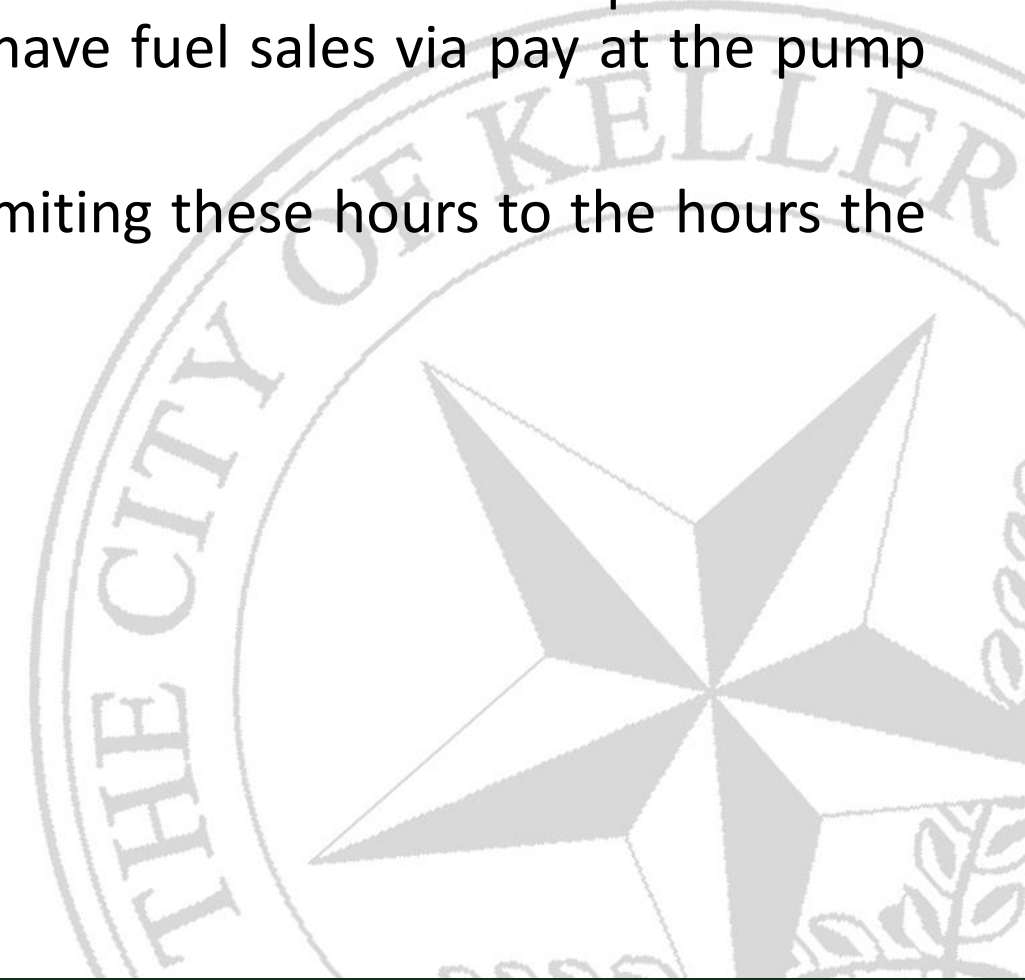
The underground tanks supplying the dispensers must comply with state and federal law related to underground storage tanks as well as adhere to the Fire Department permitting and inspection guidelines, which include:

- Onsite pressure testing before and after installation
- Onsite testing for underground piping
- Cathodic protection for steel tanks to prevent rusting
- Requirement for Automatic tank gauging system with sensors to monitor for and detect leaks

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Proposed Hours of Operation:

- The kiosk will be staffed by an attendant between the hours of 6 a.m. and 10 p.m. for fuel and concession sales. The Applicant is requesting to have fuel sales via pay at the pump available 24/7.
- The Planning and Zoning Commission recommends limiting these hours to the hours the kiosk is manned.

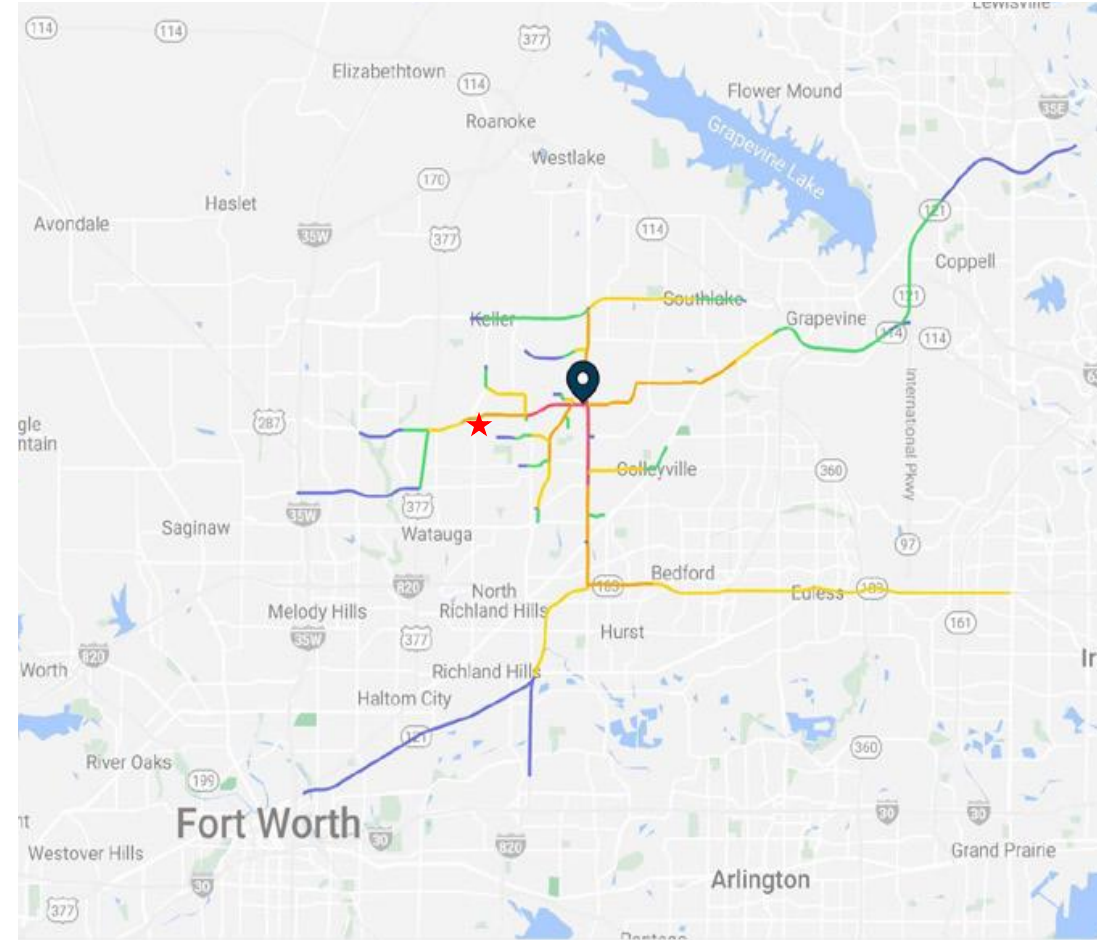



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Mobile Data Analysis

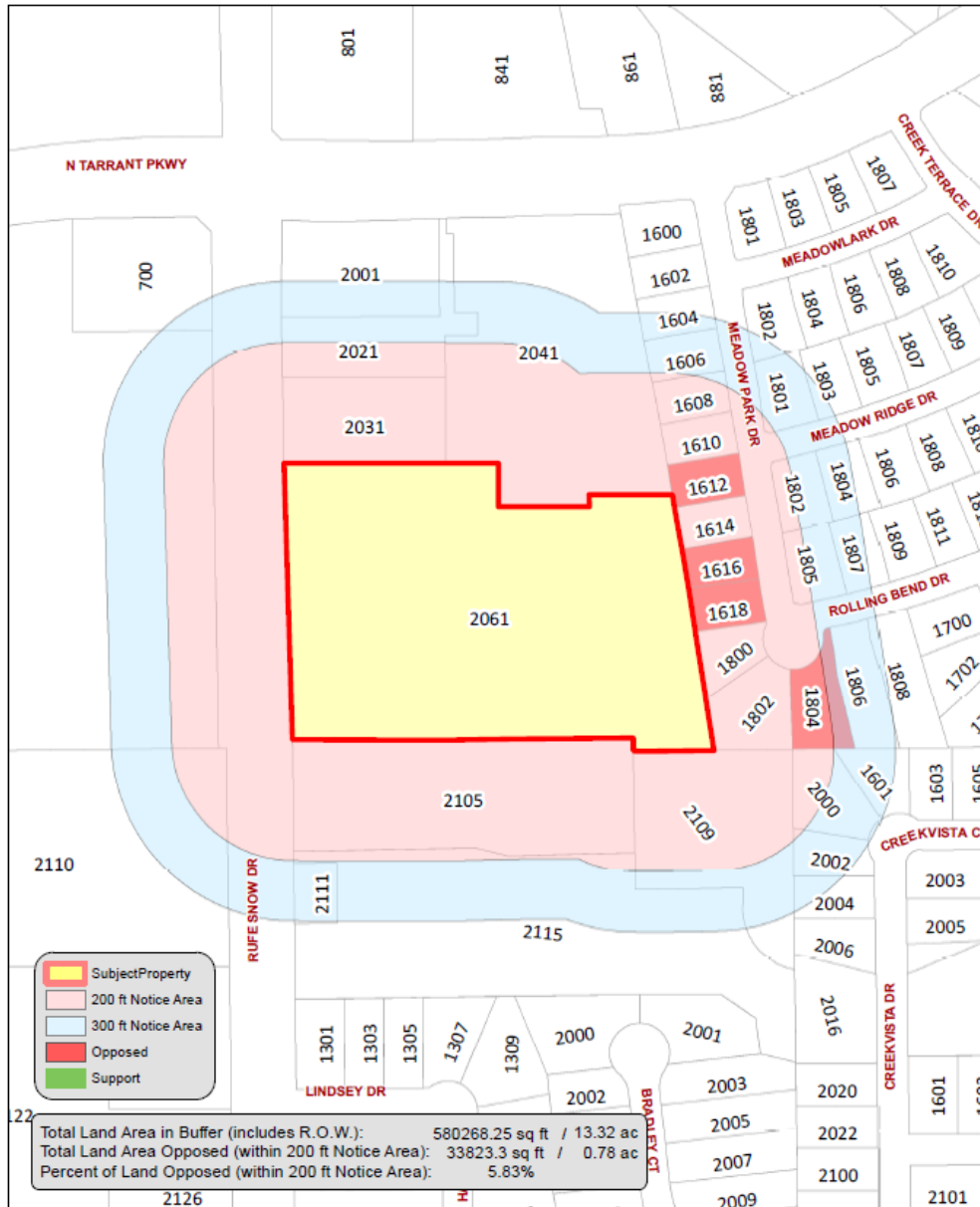
Kroger Fuel Center at 9170 North Tarrant Pkwy.,
North Richland Hills (Calendar Year 2022)

- **Est. # of Visits – 28,100 (6,553)**
- **Est. # of Customers – 18,400 (4,311)**
- **% of Customers from zip code 76248 – 23.43%**
- Visit Frequency – 1.52



Mobile Data Analysis prepared by  TheRetailCoach.

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- On March 2, 2023, the City mailed 36 Letters of Notification for this Public Hearing to all property owners within three-hundred feet (300') of the subject site. A public hearing notice sign was posted on the site.
- As of today, staff has received four opposition letters from property owners within the 200-foot buffer. A fifth opposition letter came from a property owner in the Fall Creek Estates neighborhood to the south, outside the 300-foot buffer.
- At the Planning and Zoning Commission public hearing on this item, eight residents spoke in opposition to the SUP request.

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Planning and Zoning Commission Recommendation:

On March 14, 2023, the Planning and Zoning Commission recommended approval of the SUP request by a vote of 6-1 with two conditions:

1. The Applicant shall be required to participate in the city's Trash Bash and Adopt-a-Spot programs.
2. The hours of operation for fuel pumps shall mirror the hours the kiosk is staffed.

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Section 8.02 (F)(2)(a) of the UDC states that when considering an SUP request, the City Council shall consider the following factors:

- 1) The use is harmonious and compatible with surrounding existing uses or proposed uses;
- 2) The activities requested by the applicant are normally associated with the permitted uses in the base district;
- 3) The nature of the use is reasonable and appropriate in the immediate area;
- 4) Any negative impact on the surrounding area has been mitigated; and
- 5) That any additional conditions specified ensure that the intent of the district purposes are being upheld.

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SUP Request:

1. To operate fuel pumps (5 dispensers)/sales as an accessory use to a grocery store in the Retail Zoning District.

The City Council has the following options when considering a Specific Use Permit (SUP) request:

- 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?
Sarah Hensley
817-743-4130**