

# Planning Staff Analysis

## V26-0002 / QuickTrip-1899 Maximum Parking

### Zoning Board of Adjustment

#### REQUEST:

Tommy Vilbig representing QuikTrip South LLC is requesting approval of a variance from the Denton Development Code Subsection 7.9.4B regarding the maximum amount of parking spaces allowed for an automotive fuel sales development.

#### SITE DATA:

The 2.73-acres subject property is located at the northeast corner of the intersection of University Drive and Cooper Creek Road. There are vacant buildings on-site; however, development plans are under review to redevelop the property for a proposed automotive fuel sales development. University Dr. and Cooper Creek Rd. are classified as primary arterials on the City of Denton Mobility Plan, and a portion of Cooper Creek Rd. would be improved to the City’s roadway standards with the proposed redevelopment.

#### CONSIDERATIONS:

Subsection 7.9.4B of the DDC states that in no case shall any use or development provide more than 125 percent of the minimum number of off-street parking spaces required by Table 7.9-1: Minimum Required Off-Street Parking, unless otherwise provided in the DDC. Per Table 7.9-I, the minimum parking requirement for automobile fuel sales land uses is one vehicular space per 350 square feet of gross floor area. The DDC’s parking requirements and the applicant’s request are summarized below.

Minimum Parking	Maximum Parking (125% of Minimum Required)	Director-modified Maximum Parking (150% of Minimum Required)	Requested Parking	Difference between Requested and Director-modified
15 spaces	19 spaces	23 spaces	39 spaces	+16 spaces

Per Subsection 2.8.1B, any property owner seeking relief from the DDC may request a variance from the strict application of the DDC when said variance would meet the approval criteria listed in DDC Subsection 2.8.1D, and the Zoning Board of Adjustment shall decide all requests for variances. In reviewing a variance application, the Zoning Board of Adjustment shall find that all of the following exist:

1. Special circumstances or conditions apply to the parcel for which the variance is sought, which circumstances or conditions are peculiar to such parcel and do not apply generally to other parcels in the same district or neighborhood and that said circumstances or conditions are such that the strict application of the provisions of this DDC would deprive the applicant of the reasonable use of such parcel;

*The proximity of several major, heavily trafficked roadways adjacent to the site create the special conditions for which the variance is being sought. The site is located on the corner of two Primary Arterials, University Drive and Cooper Creek Road, and is within a half mile of Loop 288 which changes classification from a Primary Arterial to a Freeway at its intersection with University Drive. According to the Denton Mobility Plan, Primary Arterials provide regional connection between different areas of Denton County, and Freeways are controlled access roads designed for high speeds. Arterials are also*

*designed for higher volumes of vehicle traffic than other roads as evident from the requirement for three vehicle lanes in each direction. University Drive is a unique arterial because first, it is a state-owned highway (also known as US 380), and second, it serves as major east-west corridor in the DFW region, not just in the County and is thus heavily trafficked. The importance of both Loop 288 and University Drive in facilitating vehicle travel across the region is evident from plans to expand Loop 288 and improve its connection to University Drive. While said conditions are special to this area and only a few other specific areas of the City, they are not uniquely special to just this site.*

*The applicant submitted a parking demand study (see Exhibit 5) since it would be required for staff to approve any modification to the maximum parking requirement. The study analyzed two gas stations that are part of the same franchise in Fort Worth, TX and Princeton, TX. These gas stations are also located on the corners of busy, federal- or state-owned highways and major city roadways in their respective cities. These gas stations have similar sized buildings to what is proposed but with higher parking space counts with 71 parking spaces at the Fort Worth location and 49 parking spaces at the Princeton location. The study provides evidence that gas stations subject to the special conditions explained above see higher parking space usage than what the DDC would allow onsite. For example, the peak parking demand exceeded the Director-modified parking space maximum allowed for these sites by 29 spaces at the Fort Worth location and by 8 spaces at the Princeton location. The parking demand study also showed that occupied parking spaces exceeded the Director-modified maximum 98 percent of the observed time at the Fort Worth location and 16 percent of the observed time at the Princeton location.*

*While the parcel could develop with the desired use, the DDC applies the same parking standards for all automotive fuel sales uses across the City without consideration for things like adjacent roadway types or traffic counts. The strict application of the DDC would only allow for 23 parking spaces to be approved for this development based on the proposed building's size, which the applicant finds to be insufficient for safe operation of the intended business.*

2. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the district or neighborhood in which the parcel is located; and

*The granting of the variance will not be detrimental to the public welfare. The applicant explains in their project narrative (see Exhibit 4) that similar sites without sufficient parking experience safety risks. They report customers parking in areas not designated for parking such as fire lanes and at fuel islands. While specific safety issues have not been evidenced at this location due to it not yet being developed, the City has seen evidence of safety risks occurring at gas stations in another heavily trafficked area. ZBA approved a variance for a parking lot addition to an existing gas station located along western US 380 facing safety issues from insufficient parking on November 18, 2024 (V24-0130).*

3. The variance granted is the minimum variance that will accomplish the purpose;

*If approved, this variance would allow for an additional 16 parking spaces above the Director-modified maximum that staff can approve for a total of 39 parking spaces. This variance is the minimum required to accomplish the applicant's site development goals since other avenues are either not feasible or not allowed by the DDC. Expanding the building footprint to require 39 parking spaces under the current parking ratio is not reasonable. This would require the building to be 2.7 times larger than what is proposed, which would interfere with a vehicle's ability to safely navigate the site within the existing lot area. Also, the streets fronting the site are not designed to accommodate on-street vehicle parking; therefore, the use of on-street parking to satisfy the request for additional parking is also not possible for this site.*

4. The literal enforcement and strict application of the provisions of this DDC will result in an unnecessary hardship inconsistent with the general provisions and intent of this DDC and that in granting such variance the spirit of the DDC will be preserved and substantial justice done;

*The granting of this variance would be consistent with the intent of the DDC, and more specifically the intent of the DDC's parking standards. Parking is regulated under Section 7.9 of the DDC, which is intended to provide off-street parking and loading facilities in proportion to the generalized parking, loading, and transportation demands of different land uses. Parking requirements are typically based upon industry standards and best practices formulated through the analysis of trip generation for various uses nationwide, so these ratios cannot reasonably be expected to perfectly fit every individual use, for which demand will vary by location and customer base.*

*The applicant claims the maximum parking limit in Subsection 7.9.4B creates an unnecessary hardship and unnecessarily constrains their ability to operate safely by not allowing them to provide sufficient parking for customers. The site could develop as a fuel sales use without the granting of the variance. However, the parking maximums established by the DDC do not take into account a specific business model or a specific location or adjacent roadway types that might lead to an increased parking demand. These unaccounted for conditions prevent the development of the site in an otherwise code-compliant manner and generate potential safety concerns in doing so. The applicant's proposed site design (see Exhibit 6) incorporates the additional parking requested by this variance, satisfies the City's development standards (except for parking), and meets the intent of the DDC. More specifically, the proposed site design meets Section 7.9 of the DDC which is intended to help protect public health, safety, and general welfare by:*

*a. Avoiding and mitigating traffic congestion;*

*The applicant conducted a Traffic Impact Analysis for its site and incorporated recommendations into its site design.*

*b. Providing necessary access for service and emergency vehicles;*

*The site design marks areas for service and emergency vehicle use. The additional parking is intended to allow customers to park in those designated parking spaces as opposed to parking in service and emergency vehicle areas.*

*c. Providing for safe and convenient interaction between motor vehicles, bicycles, and pedestrians;*

*The site design provides marked, on-site sidewalks and bike racks that ensure safe and convenient interaction between motor vehicles, bicycles, and pedestrians.*

*d. Encouraging multi-modal transportation options and enhanced pedestrian safety;*

*The site design is for an auto-oriented land use, so multi-modal transportation is not a priority of the site. However, bike racks and on-site sidewalks/crosswalks are provided to enhance safety and facilitate other modes of transportation.*

*e. Providing flexible methods of responding to the transportation and access demands of various land uses in different areas of the city;*

*This variance is being requested in part because the DDC is not flexible enough to allow staff to approve the total amount of parking requested. Per Subsection 7.9.5, staff is limited to approving up to 23 parking spaces for this site, which is 16 spaces less than the 39 total parking spaces the applicant desires.*

*f. Reducing stormwater runoff, reducing heat island effect from large expanses of pavement, improving water quality, and minimizing dust pollution; and*

*The site design complies with the City's stormwater drainage standards to mitigate the impact of stormwater runoff on other properties. The site design complies with the City's landscaping standards to reduce the heat island effect and dust pollution.*

*g. Avoiding and mitigating the adverse visual impact of large concentrations of exposed parking.*

*The site design complies with the City's requirement for landscaped islands in parking areas to mitigate the adverse visual impact of large concentrations of exposed parking.*

5. The granting of a variance is not solely for the purpose of mitigating a financial hardship; and

*This variance is not solely for the purpose of mitigating financial hardship. The increased parking is for the purpose of designing a site that the applicant believes will avoid safety risks linked to insufficient parking.*

6. The condition or feature that creates the need for the variance did not result from the owner's actions.

*The proximity of several, heavily trafficked roadways to this site is not the result of the owner's actions. However, the site has not yet been developed for automotive fuel sales use, so the safety risks that the additional parking is intended to mitigate for have not been realized for this particular site.*

#### **STAFF RECOMMENDATION:**

Staff does not find that all the criteria are strictly met; therefore staff does not recommend approval of the variance. However, staff has no objection should the Zoning Board of Adjustment find that the request meets the spirit and intent of the DDC and the criteria for approval provided that stormwater discharge created by the additional parking is mitigated as a condition of approval.