

Conduct a Public Hearing to Consider/Discuss/Act on the Request by the City of McKinney, for Approval of the Request to Amend Chapter 146 – Zoning Regulations of the Code of Ordinances, to Modify the Definitions of Car Wash, Fueling Station or Gasoline Station, and Service Station.

**11-154M
PH**

Mr. Brandon Opiela explained that Staff is proposing to modify the definitions of car wash, fueling station or gasoline station, and service station as found in Section 146-46 (Definitions) of the City of McKinney Zoning Regulations to clearly identify the types of vehicles permitted within each definition. He stated that Staff is of the opinion that the current definitions for car wash, fueling station or gasoline station, and service station should be modified in an effort to remove any uncertainty with regard to permitted/prohibited vehicle types. Mr. Opiela explained the changes to each definition and stated that Staff recommends approval of the proposed amendments to the Zoning Regulations.

Chairperson Robert Clark asked the Commission if there were any comments. Commission Member Rick Franklin asked how the City can control or restrict the use of semi-trucks from using the service stations. Mr. Opiela explained that it could be controlled through code enforcement and site layout/design. Commission Member Larry Thompson stated that basically the request would exclude truck stops in the City of McKinney. Mr. Opiela explained that the proposed amendments did not eliminate a truck stop use, but prohibited semi-trailer trucks from utilizing these three uses. He also explained that the current Zoning Regulations did not have a truck stop use category. Commission Member Rick Franklin confirmed that a truck stop use would not fall under a

zoning classification currently in place. Mr. Opiela agreed. Commission Member George Bush asked Staff to clarify the difference between the vehicles allowed at each of the three uses. Mr. Opiela asked if this is for the existing regulations or the proposed regulations. Commission Member Bush stated the proposed regulations. Mr. Opiela stated that all of the proposed regulations would allow for a myriad of vehicle options, while specifically prohibiting semi-trailer trucks with three or more axels, designed to tow a trailer. Commission Member Thompson stated that it would exclude semi-trucks from being able to refuel at a regular service station. Mr. Opiela stated yes.

Commission Member Lance Lindsey asked how the proposed modification would have affected the rezone for the QuikTrip development previously heard by the Planning and Zoning Commission. Mr. Opiela stated the zoning request was for a truck stop use, which is different from the specific definitions changes being proposed. He stated that future site plans that do not have the components of a truck stop use, but come in with a fueling station that has a large portion of the site being dedicated to only semi-trailer truck traffic, would not be allowed if the definitions were approved as proposed. Commission Member Larry Thompson stated concern that the change to the definitions would prohibit the site plan submitted on October 24, 2011. Mr. Opiela stated that the applicant currently has a site plan in queue and any changes to the definitions would not affect the site plan currently being reviewed by Staff, only affecting future fueling stations and service stations.

Chairperson Clark asked if the City Council is asking for a recommendation from the Planning and Zoning Commission. Mr. Opiela stated that this was a Staff driven proposal to modify the definitions to prohibit facilities designed for high-intensity vehicles from being located in lower intensity districts. Chairperson Clark asked what districts would allow for semi-trailer truck fueling. Mr. Opiela stated that upon approval of the amendments none of the mentioned uses would provide services to semi-trucks. Chairperson Clark stated that as of today a semi-trailer truck is allowed in these districts. Mr. Opiela stated yes. Chairperson Clark opened the public hearing and called for comments. There being none, the Commission unanimously approved the motion by Commission Member George Bush, seconded by Commission Member Lance Lindsay, to close the public hearing.

Commission Member Bush stated concern that there is no place in the City where a truck stop can be built with the amount of goods and services received from the trucking industry. He stated that the only convenient place to put a truck stop would be along U.S. Highway 75 (Central Expressway). Commission Member Bush stated that if this amendment is passed then a truck stop would not be allowed anywhere in the City of McKinney. Vice-Chairperson Lindsay stated that he feels rushed about recommending approval, and agreed with Commission Member Bush's statement. Commission Member Franklin asked if there was a way to get around this with a specific use permit. Mrs. Jennifer Cox stated there was an application for a truck stop that came in previously that the Commission acted on and is currently not allowed in the City

of McKinney. She stated that there is not a use for a truck stop in the "Schedule of Uses" of the City of McKinney Zoning Regulations. Mrs. Cox stated that the current ordinance does have uses such as a fueling station, service station and a car wash that does not specifically allow or disallow semi-trailer trucks, only referring to vehicles. She stated that Staff and the City Attorney have interpreted this to mean semi-trailer trucks can utilize fueling stations. She stated that currently all of these uses allow most types of vehicles in the City's low intensity zoning districts which Staff does not think are appropriate locations for semi-trailer trucks to fuel their vehicles. Mrs. Cox stated that if the Commission is concerned about where truck fueling should go, the Commission could recommend that Staff create a new use category for semi-trailer truck fueling stations by putting this category in the appropriate zoning districts and amend the proposed definition tonight so that semi-trailer trucks are not located where traditional service stations are allowed. Mrs. Cox gave an example of being located at the corner of Ridge Road and Eldorado Parkway. Chairperson Clark stated the Commission would like to work with Staff to find areas in the City that would be appropriate for semi-trailer truck fueling and eliminating areas where semi-truck trailer fueling is not appropriate. Mr. Opiela asked if the Commission wanted Staff to look at multiple uses such as a truck stop use and a truck fueling use that would then have a recommendation for the appropriate districts, or simply look at a truck stop use and the appropriate districts. Chairperson Clark stated that he wanted to have a use for semi-trailer trucks, and wanted Staff to look at what components of the truck stop should be allowed. Chairperson Clark

discussed taxes from this type use. Mr. Opiela stated that the City does not receive taxes for fueling. Chairperson Clark stated that indirectly it comes back as road and use taxes. Commission Member Bush stated he felt fueling stations could be done by right in an agreed upon district and the other items could be done through a specific use permit. He stated that this way the City could look at each site individually and get the feedback from adjacent property owners and then make the determination if we want the trucks to stay overnight or just fuel. Chairperson Clark asked if the Planning and Zoning Commission could appoint a sub-committee to work with Staff on where these uses may be appropriate. Mrs. Cox asked the Commission to act on the definition modifications that have been presented to the Commission which are scheduled to go to City Council on November 15, 2011 for action, and also direct Staff on how the Commission would like Staff to look into the appropriate districts for a truck stop or fueling facility in the City of McKinney. Commission Member Lindsay asked if it be under a different zoning requirement, and if it would be a Specific Use Permit. Ms. Cox stated no. Ms. Cox stated that the definitions proposed would do away with allowing semi-trailer trucks to fuel under these uses as explained, and a requirement for a specific use permit would be at a later date. Mr. Opiela stated that when this comes back to the Commission there would be a new set of definitions of what a truck stop use is and what a truck fueling use is. Commission Member Thompson asked when the next proposal would come back to the Commission. Ms. Cox stated that we would have to work with noticing timelines. Commission Member Thompson stated that he did not want

Staff to forget about it. Commission Member Lindsay asked to revisit the specific use permit idea and asked how it could be worded to further the process rather than it being kicked out completely. The Commission discussed the motion. Mr. Michael Quint stated the best way to mandate a specific use permit is to modify the section of the specific use permit ordinance and or add modify the schedule of the uses to a add truck stop use and or truck fueling use, and then specify what zoning districts are appropriate, whether it is allowed by right, temporary use or specific use. He stated that this could be done by the modification of the Schedule of Uses. On a motion by Commission Member Bush, seconded by Commission Member Thompson, the Commission voted 5-1 to close the public hearing and recommend approval of the proposed amendments and for Staff to bring forth a recommendation for the appropriate districts for a truck stop and truck fueling use by January 10, 2012.

Chairperson Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded on to the City Council meeting on November 15, 2011.