

RESOLUTION NO. 2012-02-024 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, DETERMINING THE RECOMMENDED ZONING CLASSIFICATION IN WHICH THE NEW AND UNLISTED LAND USES, "TRUCK FUELING STATION" AND "TRUCK STOP", SHOULD BE PERMITTED AS PRESCRIBED BY SECTION 146-43 (NEW AND UNLISTED USES) OF THE ZONING REGULATIONS

WHEREAS, the City Council of the City of McKinney, Texas, has been asked to make a determination as to the appropriate zoning classification in which the new and unlisted land uses, "truck fueling station" and "truck stop", should be permitted in accordance with the regulations prescribed in Section 146-43 (New and Unlisted Uses) of the Zoning Ordinance; and

WHEREAS, the Director of Planning has referred the question of what zoning districts are appropriate to contain such new and unlisted land uses, "truck fueling station" and "truck stop", to the Planning and Zoning Commission for consideration; and

WHEREAS, the Planning and Zoning Commission has considered the nature and described performance of a "truck fueling station" and a "truck stop" and compatibility with the uses permitted in the various zoning districts in order to determine the zoning district or districts within which said new and unlisted land uses should be permitted; and

WHEREAS, the Planning and Zoning Commission has recommended that the new and unlisted land use identified as a "truck fueling station" be classified as a use in the "ML" – Light Manufacturing zoning district and the "MH" – Heavy Manufacturing zoning district subject to approval of a specific use permit in each such zoning classification; and

WHEREAS, the Planning and Zoning Commission has recommended that the new and unlisted land use identified as a "truck stop" be prohibited in all zoning districts within the City of McKinney; and

WHEREAS, the City Council of the City of McKinney, Texas, after due deliberation and consideration of the recommendation of the Planning and Zoning Commission and all information provided regarding the new and unlisted land uses identified as a "truck fueling station" and a "truck stop", has determined that a "truck fueling station" should be classified as a permitted use subject to approval of a specific use permit in the "ML" – Light Manufacturing zoning district and the "MH" – Heavy Manufacturing zoning district and that a "truck stop" shall be prohibited in all zoning districts within the City of McKinney.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:

Section 1. All of the above premises are found to be true and correct legislative and factual determinations of the City Council of the City of McKinney and are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Section 2. For the purposes of this Resolution the new and unlisted use identified as a "Truck Fueling Station" is hereby defined to be and mean "a retail fuel sales facility selling fuel for motor vehicles and semi-trailer trucks with at least 3 axles that are designed to tow trailers, limited to no more than one fueling pump per semi-trailer truck fueling bay. The truck fueling station may be attended or automated and include accessory truck scales/weigh stations. Off-site stacking for fueling and weighing purposes shall be prohibited."


- Section 3. The Planning and Zoning Commission's recommendation that a "Truck Fueling Station" shall be permitted subject to approval of a specific use permit within the "ML" – Light Manufacturing and "MH" – Heavy Manufacturing zoning districts within the City of McKinney is hereby approved.
- Section 4. For the purposes of this Resolution the new and unlisted use identified as a "Truck Stop" is hereby defined to be and mean "any premises that provides parking facilities for semi-trailer trucks with at least 3 axles that are designed to tow trailers in conjunction with one or more other uses including, but not limited to, the incidental sale of accessories or equipment for such vehicles, fuel sales, truck scales/weigh stations, restroom and showering facilities, restaurant facilities, truck washing facilities, and/or other uses typically associated with semi-trailer truck resting areas."
- Section 5. The Planning and Zoning Commission's recommendation that a "Truck Stop" shall be prohibited in all zoning districts within the City of McKinney is hereby approved.
- Section 6. This Resolution shall take effect immediately from and after the date of passage and it is so resolved.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ON THE 21ST DAY OF FEBRUARY, 2012.

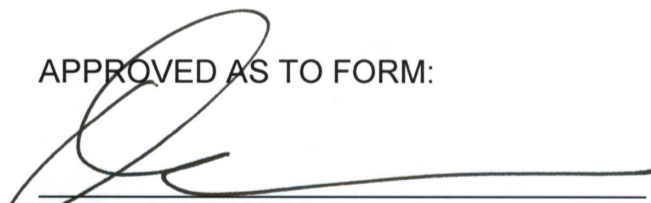
CITY OF MCKINNEY, TEXAS


BRIAN LOUGHMILLER
Mayor

ATTEST:


SANDY HART, TRMC, MMC
City Secretary
BLANCA I. GARCIA
Assistant City Secretary

APPROVED AS TO FORM:


MARK S. HOUSER
City Attorney