

PLANNING & ZONING COMMISSION MEETING OF 11/8/11 AGENDA ITEM #11-154M

AGENDA ITEM

TO: Planning and Zoning Commission

THROUGH: Jennifer Cox, AICP, Director of Planning

FROM: Brandon Opiela, Senior Planner

SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on the Request by 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.

APPROVAL PROCESS: The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the November 15, 2011 meeting.

STAFF RECOMMENDATION: Staff recommends approval of the proposed amendments to Section 146-46 (Definitions) of the Zoning Regulations.

ITEM SUMMARY: 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.

BACKGROUND INFORMATION: In July of 2011, a rezoning request (11-116Z) was submitted to allow a truck stop use. This request was ultimately withdrawn after the Planning and Zoning Commission recommended denial of the request on September 27, 2011.

On October 24, 2011, a site plan (11-159SP) for the same property included in the earlier rezoning request (11-116Z) was submitted to Staff for approval of a convenience store with automobile and semi-trailer truck fueling stations. With the previously shown truck parking areas and truck scales removed from the site plan, the use is no longer classified as a truck stop use, and would fall under the fueling station or gasoline station category as defined in the Zoning Ordinance.

It is Staff's 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. These three uses are currently allowed in industrial districts as well as lower intensity commercial districts such as "BN"

-Neighborhood Business District (car washes require an SUP), “BG” - General Business District, and “C” – Planned Center District.

The definition for gasoline station or fueling station uses the word “vehicle,” which currently allows for all vehicle types to fuel without prohibiting higher intensity uses such as a semi-trailer truck fueling facility from locating on properties within these districts. Although the definitions for both car wash and service station use the word “automobile” (usually associated with a passenger vehicle), which carries less flexibility than the term “vehicle,” Staff felt as though all three definitions should be clarified to prohibit specific vehicle types, thus removing any further ambiguity with regard to permitted vehicle types.

Section 146-46 (Definitions) of the Zoning Ordinance defines Car Wash, Fueling Station or Gasoline Station, and Service Station as follows:

“(22) *Car Wash* means a building or portion thereof, containing facilities for washing automobiles using automated or manual methods including chain conveyor, blower, steam cleaning device, or other mechanical device. A car wash may also be referred to as an auto laundry.”

“(47) *Fueling Station or Gasoline Station* means a retail fuel sales facility with no ancillary services such as vehicle service, vehicle repair, or sale of items other than fuel. The fueling or gasoline station may be attended or automated.”

“(98) *Service Station* means any building or premises used for the dispensing, sale, or offering for retail sale of any automobile fuels or oils. If the dispensing, sale or offering for sale is incidental to a public garage, the premises shall be classified as a public garage, and not as a service station.”

PROPOSED AMENDMENTS:

Section 146-46 (Definitions) of the Zoning Regulations.

- Staff is proposing to amend the definition of a *Car Wash* to read:

“(22) *Car Wash* means a building or portion thereof, containing facilities for washing motor vehicles including, but not limited to, automobiles, motorcycles, buses, or recreational vehicles (excluding semi-trailer trucks with at least 3 axles that are designed to tow trailers) using automated or manual methods including chain conveyor, blower, steam cleaning device, or other mechanical device. A car wash may also be referred to as an auto laundry.”

- Although the current definition for car wash uses the word “automobile,” which is typically used in reference to a passenger vehicle, Staff felt as though the definition should be further clarified to prohibit semi-trailer trucks. Staff is proposing to modify the definition to prohibit these facilities

from providing washing services to semi-trailer trucks, thus removing any uncertainty with regard to permitted vehicle types.

- Staff is proposing to amend the definition of a *Fueling Station or Gasoline Station* to read:

“(47) *Fueling Station or Gasoline Station* means a retail fuel sales facility selling fuel for motor vehicles including, but not limited to, automobiles, motorcycles, buses, or recreational vehicles (excluding semi-trailer trucks with at least 3 axles that are designed to tow trailers) with no ancillary services such as vehicle service, vehicle repair, or sale of items other than fuel. The fueling or gasoline station may be attended or automated.”

- The current definition allows a fueling station or gasoline station to provide service to any vehicle type, including a semi-trailer truck. Based on the intended intensity levels of some of the commercial zoning districts that currently allow a fueling station or gasoline station, Staff is proposing to modify the definition to prohibit the sale of fuel to semi-trailer trucks, thus removing any uncertainty with regard to permitted vehicle types.
- Staff is proposing to amend the definition of a *Service Station* to read:

“(98) *Service Station* means any building or premises used for the dispensing, sale, or offering for retail sale of any fuels or oils for motor vehicles including, but not limited to, automobiles, motorcycles, buses, or recreational vehicles (excluding semi-trailer trucks with at least 3 axles that are designed to tow trailers). If the dispensing, sale or offering for sale is incidental to a public garage, the premises shall be classified as a public garage, and not as a service station.”

- Although the current definition for service station uses the word “automobile,” which is typically used in reference to a passenger vehicle, Staff felt as though the definition should be further clarified to prohibit semi-trailer trucks. Staff is proposing to modify the definition to prohibit the provision of fuel and oil products to semi-trailer trucks, thus removing any uncertainty with regard to permitted vehicle types.

OPPOSITION TO OR SUPPORT OF REQUEST: Staff has received no comments in support of or in opposition to this request.

ATTACHMENTS:

- Proposed 146-46 (Definitions) Changes
- PowerPoint Presentation