

Discuss Amending Chapter 146 - Zoning Regulations of the Code of Ordinances to Modify the Definitions of a Car Wash, Fueling Station or Gasoline Station, and Service Station and to Create a Definition of a Truck Fueling Station or Gasoline Station, and Truck Stop. (Jennifer Cox) (20 minutes)

MEETING DATE: December 6, 2011

DEPARTMENT: Development Services - Planning Department

CONTACT: Jennifer Cox, AICP, Director of Planning

RECOMMENDED CITY COUNCIL ACTION:

Staff requests direction on the following items:

1. Does City Council believe that the current 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 should be modified to clearly identify the types of vehicles permitted within each definition, specifically to exclude semi-trailer trucks with at least 3 axles that are designed to tow trailers? If not, the definitions will remain the same allowing all vehicle types, including semi-trailer trucks with at least 3 axles that are designed to tow trailers, to locate on properties within the "BN" - Neighborhood Business District (car washes require an SUP), "BG" - General Business District, "C" - Planned Center District, "BC" - Commercial Business District, "ML" - Light Manufacturing District, and "MH" - Heavy Manufacturing District.
2. If so, does the City Council want to also create a definition of a truck fueling station and/or truck stop and determine which zoning districts those uses should be allowed?

ITEM SUMMARY:

At the November 15, 2011 City Council meeting, Staff proposed modifying 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.

City Council tabled consideration of that item indefinitely and wanted to further discuss if the definitions should be modified as proposed and further, if and where truck fueling stations and/or truck stops should be allowed in our city.

BACKGROUND INFORMATION:

In July of 2011, a rezoning request was submitted to allow a truck stop use. The Zoning Ordinance's Schedule of Uses does not currently include a truck stop as an allowed use in any zoning district in the City of McKinney. 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ultimately withdrawn after the Planning and Zoning Commission recommended denial of the request on September 27, 2011.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 for the same property included in the earlier rezoning request 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 our commercial and industrial districts. Staff is of the opinion that these types of businesses catering to semi-truck traffic would more closely align with other similar uses only allowed in industrial districts such as shuttle services, truck sales/repair/storage, and truck parking lots, rather than uses found commonly in retail/commercial districts. A majority of our highway corridors, as well as our more internal arterial intersections, such as Virginia Parkway and Hardin Road or Eldorado Parkway and Stonebridge Drive, located near residential subdivisions currently have commercial zoning where car washes, fueling stations or gasoline stations, and service stations would be allowed and if the definitions are not modified, these uses could be constructed to allow for semi-truck traffic.

PROPOSED AMENDMENTS:

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.

OTHER AMENDMENTS:

If the City Council would like to create a definition of a truck fueling station and/or truck stop and determine which zoning districts those uses should be allowed, Staff would suggest the following:

Truck Fueling Station or Gasoline Station

Staff would recommend the definition of a Truck Fueling Station or Gasoline Station to read: "*Truck Fueling Station or Gasoline Station* means a retail fuel sales facility selling fuel for 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.”

Staff would recommend this use be allowed in the “ML” - Light Manufacturing District and “MH” - Heavy Manufacturing District. Staff is of the opinion that this type of business catering to semi-truck traffic would more closely align with other similar uses only allowed in industrial districts such as shuttle services, truck sales/repair/storage, and truck parking lots, rather than uses found commonly in retail/commercial districts that are located along our highway corridors and near our residential subdivisions.

Truck Stop

Staff would recommend the definition of a Truck Stop to read: “*Truck Stop* means any premises where semi-trailer trucks with at least 3 axles that are designed to tow trailers are serviced, repaired, and/or which includes facilities for dispensing fuels and other petroleum products directly into vehicles. Such premises may include the incidental sale of accessories or equipment for such vehicles, overnight parking, and/or restaurant facilities.”

Staff would recommend this use be allowed in the “ML” - Light Manufacturing District and “MH” - Heavy Manufacturing District with approval of a specific use permit. Staff is of the opinion that this type of business catering to semi-truck traffic would more closely align with other similar uses only allowed in industrial districts such as shuttle services, truck sales/repair/storage, and truck parking lots, rather than uses found commonly in retail/commercial districts that are located along our highway corridors and near our residential subdivisions. However, because of the overnight parking provided with a truck stop use, Staff believes that each application should be evaluated on a site specific basis with approval of a specific use permit to ensure there is not a negative impact to adjacent properties.