

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Jennifer Cox, AICP, Director of Planning

**FROM:** Brandon Opiela, Senior Planner

**SUBJECT:** Consider/Discuss/Act on a Resolution Defining Truck Fueling Station and Truck Stop and Establishing which Zoning District(s) are Appropriate for these New and Unlisted Land Uses.

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for action at the February 21, 2012 meeting.

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**STAFF RECOMMENDATION:** Staff recommends that the new and unlisted uses, "*Truck Fueling Station*" and "*Truck Stop*," be defined and permitted as indicated below:

1. A "*Truck Fueling Station*" shall be defined as 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. The truck fueling station may be attended or automated.
2. 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.
3. A "*Truck Stop*" shall be defined as 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.
4. A "*Truck Stop*" shall be prohibited in all zoning districts within the City of McKinney.

**ITEM SUMMARY:** Under the direction of the Planning and Zoning Commission and City Council, Staff is proposing a resolution that provides definitions for two new and unlisted uses, "*Truck Fueling Station*" and "*Truck Stop*," and recommends which zoning district(s) are appropriate for each use.

At the January 10, 2012 Planning and Zoning Commission meeting, Staff presented the recommended definitions for each use as well as the appropriate zoning districts for each use (11-153M). The Commission recommended that the item be tabled to the January 24, 2012 meeting, so that Staff could revise the definition for "*Truck Fueling Station*" in effort to clarify uses allowed in conjunction with said use.

Staff has since modified the definition for "*Truck Fueling Station*" by removing the reference to certain prohibited ancillary services as found in the previously proposed definition. As a result, the new definition simply provides a description of the use. Other uses allowed within the same zoning designation as a "*Truck Fueling Station*" will continue to be permitted by right, except when the combination of uses would change the classification of use to a "*Truck Stop*." Staff feels that the requested changes to the definition for "*Truck Fueling Station*" will reduce uncertainty with future proposals, and has further modified the definition of "*Truck Stop*" to include truck scales/weigh stations and truck washing facilities as common components of a truck stop.

**BACKGROUND INFORMATION:** At the November 8, 2011 Planning and Zoning Commission meeting, the Commission recommended approval of a proposal (11-154M) 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. During the meeting, the Commission requested that Staff bring back a recommendation for new and unlisted uses such as a truck fueling station and truck stop to the January 10, 2012 Planning and Zoning Commission meeting for discussion and potential action.

At the November 15, 2011 City Council meeting, Staff proposed (in concert with the recommendation of the Planning and Zoning Commission) modifying the definitions of car wash, fueling station or gasoline station, and service station (11-154M2). City Council tabled consideration of the 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.

At the December 6, 2011 City Council work session, Staff presented information (11-550) providing definitions for uses such as a "truck fueling station" and "truck stop," along with zoning districts which Staff felt most appropriate for each type of use. Staff also requested direction from City Council regarding the zoning districts most appropriate for each of the new and unlisted uses. Staff received direction to move forward with the additional definitions for "truck fueling station" and "truck stop," along with language to allow truck fueling stations in industrial areas with a specific use permit while prohibiting truck stop uses throughout the City of McKinney.

**NEW AND UNLISTED USES:** The Zoning Ordinance states that "it is recognized that new types of land use will develop and forms of land uses not anticipated may seek to locate in the City. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made..." via the New and Unlisted Use process specified within Section 146-43 of the Zoning Ordinance.

The Zoning Ordinance goes on to state that “the Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts in order to determine the zoning district or districts within such use should be permitted. The Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification for any new or unlisted use. The City Council shall by resolution approve or deny the recommendation of the Planning and Zoning Commission or make such determination concerning the classification of such use as is determined appropriate based on its findings.”

**RECENT APPLICATIONS:** 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 currently defined in the Zoning Ordinance. This site plan was approved on January 9, 2012.

**DISCUSSION:** As discussed previously by City Council and the Planning and Zoning Commission, 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. Staff agrees with both City Council and the Planning and Zoning Commission that since these proposed definitions remove the ability for a semi-trailer truck to purchase fuel, a new definition and use should be provided to appropriately accommodate truck fueling within City limits. As such, Staff recommends the new and unlisted uses, “*Truck Fueling Station*” and “*Truck Stop*,” be defined and permitted as indicated below:

1. A “*Truck Fueling Station*” shall be defined as 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. The truck fueling station may be attended or automated.
2. 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.
  - Staff is of the opinion that businesses catering to semi-truck fueling, closely aligns 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.

- Because there are a number of industrially zoned properties (see attached exhibit) in close proximity to neighborhood commercial and residential properties, the requirement for a specific use permit will give the Planning and Zoning Commission and City Council the discretion to determine if a specific site is appropriate for a truck fueling use, rather than said use being allowed by right on any industrially zoned property throughout the City.
3. A “*Truck Stop*” shall be defined as 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.
4. A “*Truck Stop*” shall be prohibited in all zoning districts within the City of McKinney.

**NEIGHBORING MUNICIPALITIES:** Prior to forming a recommendation, Staff researched typical truck fueling station and truck stop facilities, including the services they provide, while ascertaining where such uses are typically allowed. Staff reviewed the ordinances of Allen, Frisco, and Plano to see where truck fueling stations and truck stops uses were permitted and found the following:

	<b>Name of Use</b>	<b>Zoning Districts where Allowed by Right</b>	<b>Zoning Districts where Allowed by Specific Use Permit (SUP)</b>
<b>Allen</b>	Truck Fueling Station	<ul style="list-style-type: none"> <li>• Use not listed (fueling stations only reference automobile fuels)</li> </ul>	<ul style="list-style-type: none"> <li>• Use not listed (fueling stations only reference automobile fuels)</li> </ul>
	Truck Stop	<ul style="list-style-type: none"> <li>• Use not listed</li> </ul>	<ul style="list-style-type: none"> <li>• Use not listed</li> </ul>
<b>Frisco</b>	Truck Fueling Station	<ul style="list-style-type: none"> <li>• “Convenience Store with Gas Pumps” allow for the retail dispensing of motor vehicle fuels in the following districts (with conditional location and development standards):               <ol style="list-style-type: none"> <li>1. R – Retail</li> <li>2. OTC – Original Town Commercial</li> <li>3. H – Highway</li> <li>4. C1 – Commercial</li> <li>5. C2 – Commercial</li> </ol> </li> </ul>	<ul style="list-style-type: none"> <li>• “Convenience Store with Gas Pumps” does not require an SUP in any of the permitted districts</li> </ul>

		6. IT – Information and Technology 7. I – Industrial 8. TO – Tollway Overlay	
	Truck Stop	<ul style="list-style-type: none"> <li>• Use not listed</li> </ul>	<ul style="list-style-type: none"> <li>• Use not listed</li> </ul>
<b>Plano</b>	Truck Fueling Station	<ul style="list-style-type: none"> <li>• Use not listed (convenience stores with fuel pumps only reference automobile fuels)</li> </ul>	<ul style="list-style-type: none"> <li>• Use not listed (convenience stores with fuel pumps only reference automobile fuels)</li> </ul>
	Truck Stop	<ul style="list-style-type: none"> <li>• Use not listed</li> </ul>	<ul style="list-style-type: none"> <li>• Use not listed</li> </ul>

**ATTACHMENTS:**

- Section 146-43 (New and Unlisted Uses) of the Zoning Ordinance
- Planning and Zoning Commission Staff Report from the 1/10/12 Meeting
- Planning and Zoning Commission Staff Report from the 11/8/11 Meeting
- City Council Agenda Item from the 12/6/11 Work Session
- Map of Parcels with Industrial Zoning
- PowerPoint Presentation