



## PLANNING

**To: Mayor and Town Council**

**From: David Hoover, AICP, Director of Development Services**

**Through: Mario Canizares, Town Manager  
Chuck Ewings, Assistant Town Manager**

**Re: Zoning Ordinance Amendment – Location of Gas Pumps**

**Town Council Meeting – January 9, 2024**

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**Strategic Visioning Priority: 4. Provide Excellent Municipal Services**

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**Agenda Item:**

Conduct a public hearing to consider and act upon amending Chapter 3, Section 1.4 – Conditional Development Standards of the Town of Prosper Zoning Ordinance to modify requirements related to gas pumps. (ZONE-23-0039)

**Description of Agenda Item:**

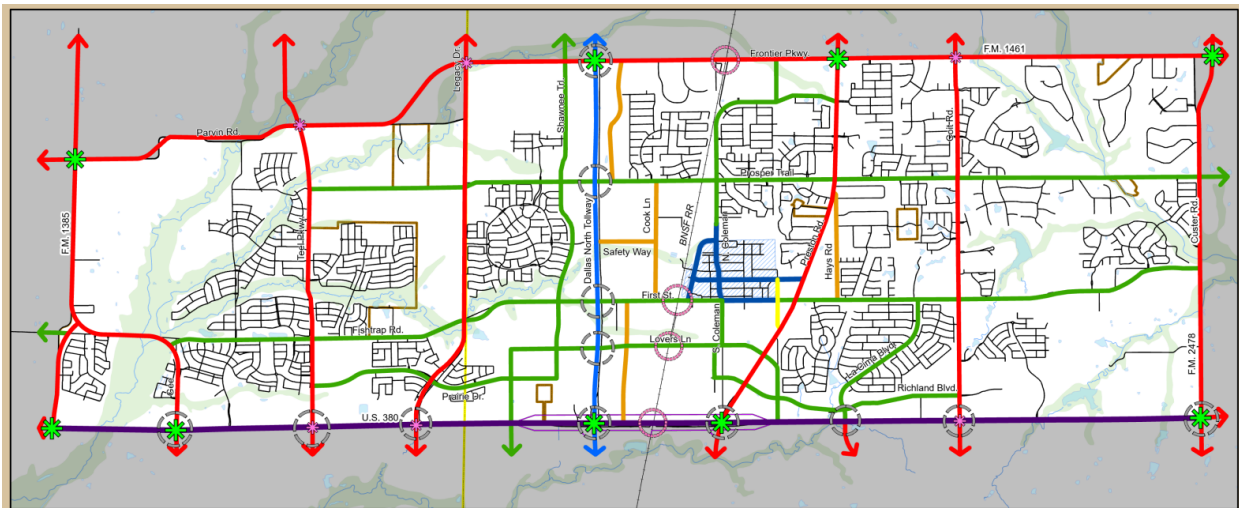
The Zoning Ordinance places conditions on the location of gas pumps. The pumps and associated canopies are required to be within 200 feet of an intersection of major thoroughfares, per the Town's Thoroughfare Plan. Only two fueling stations are permitted at the intersection.

Grocery stores often provide gas pumps as part of their operations. As shown below, Walmart, Kroger, HEB, and Costco have pumps that are more than 200 feet from the nearest major intersection. This was permitted as part of the property's Planned Development standards.

- Costco – 690 feet from the intersection of US 380 and a major thoroughfare (FM 1385).
- HEB – 310 feet from the intersection of the Dallas North Tollway and a major thoroughfare (Frontier Parkway).
- Kroger – 600 feet from the intersection of a major thoroughfare (Preston Road) and minor thoroughfare (Prosper Trail)
- Walmart – 525 feet from the intersection of a major thoroughfare (Preston Road) and minor thoroughfare (Richland Boulevard)

Staff proposes an amendment to the standards for gas pumps and convenience stores with gas pumps that would allow the pumps and associated canopy to be further than 200 feet from an intersection of major thoroughfares provided that the pumps are associated with a grocery store that is a minimum 50,000 square feet or a Big Box. (A Big Box means a retail building over 80,000 square feet where the primary tenant occupies at least 80 percent of the building.)

The gas pumps can be on the same lot or a separate lot from the associated grocery store or Big Box. There is no modification to the maximum number of fueling stations at an intersection. Additionally, the separation requirement of 200 feet is still applicable between buildings, gasoline pump islands, vacuums, outdoor speakers, gasoline or fuel storage tanks, air and water dispensers, and other structures in conjunction with any automotive use and property zoned or designated on the Future Land Use Plan for residential uses.



Thoroughfare Description		Major Gateway	Town of Prosper
Limited Access Roadway/Freeway (330' ROW)		Minor Gateway	ETJ
Dallas North Tollway		Grade Separation	100 Year Floodplain
Major Thoroughfare (6 lane; 120' ROW)		RR Grade Separation	
Minor Thoroughfare (4 lane; 90' ROW)			
Commercial Couplet (3 lane; 65' ROW)			
Commercial Collector (2 lane; 60' ROW)			
Old Town District (Section Varies)			
Access Roads			

The Thoroughfare Plan is for informational purposes and has not been prepared for and is not intended for legal, real estate, engineering, or surveying purposes. It is provided as a conceptual guide for transportation decisions within the Town related to general roadway alignments and classifications. The Town of Prosper does not assume any responsibility or liability for omissions, inaccuracies, or misinterpretations of the Thoroughfare Plan.

**Comprehensive Plan:**

Staff finds that the proposed modification is compliant with the following guiding principle and goals of the Comprehensive Plan:

**Guiding Principle:** *Quality Development - Maintain the community's small-town feel by ensuring quality development occurs in a cohesive manner, compatible with neighboring developments.*

**Goal 4:** *Require high-quality and visually attractive characteristics in both residential and nonresidential developments.*

Allowing the flexibility for the fueling station to be further from the intersection when associated with a 50,000 square foot grocery store or Big Box allows greater flexibility in design of the nonresidential development.

Gas pumps and a convenience store with gas pumps that are not associated with a 50,000 square foot grocery store or Big Box are still required to maintain a maximum distance of 200-feet from the major thoroughfare intersection.

**Goal 5:** *Develop quality, open roadways that enhance compatibility with adjacent development and provide safe and convenient traffic movements.*

The volume of traffic will increase at a major intersection with the construction of a large grocery store and its associated fueling station. Shifting the gas pumps away from a major intersection can reduce the traffic movements at the intersection.

Staff finds that the proposed amendments uphold the Town's Comprehensive Plan.

**Budget Impact:**

There is no budgetary impact affiliated with this item.

**Legal Obligations and Review:**

Notification was provided as required by the Zoning Ordinance and State law. Staff has not received any response to the proposed zoning text amendment to date.

**Attached Documents:**

1. A red lined version of the current Zoning Ordinance sections that are proposed to be amended with additions shown in blue and underlined, and the deleted sections shown in red with ~~strike through~~.
2. A final version of the proposed text amendments.

**Town Staff Recommendation:**

Town Staff recommends approval of the amendment to Chapter 3, Section 1.4 – Conditional Development Standards of the Town of Prosper Zoning Ordinance to modify requirements related to gas pumps. Due to this item being on the Planning & Zoning Commission agenda for January 2, 2024, this staff report was completed prior to their recommendation.

**Proposed Motion:**

I move to approve/deny the ordinance amending Chapter 3, Section 1.4 – Conditional Development Standards of the Town of Prosper Zoning Ordinance to modify requirements related to gas pumps.