



PLANNING

To: Planning & Zoning Commission

From: Suzanne Porter, AICP, Planning Manager

Through: David Hoover, AICP, Director of Development Services

Re: Planning & Zoning Commission Meeting – January 2, 2024

Item No. 6

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:

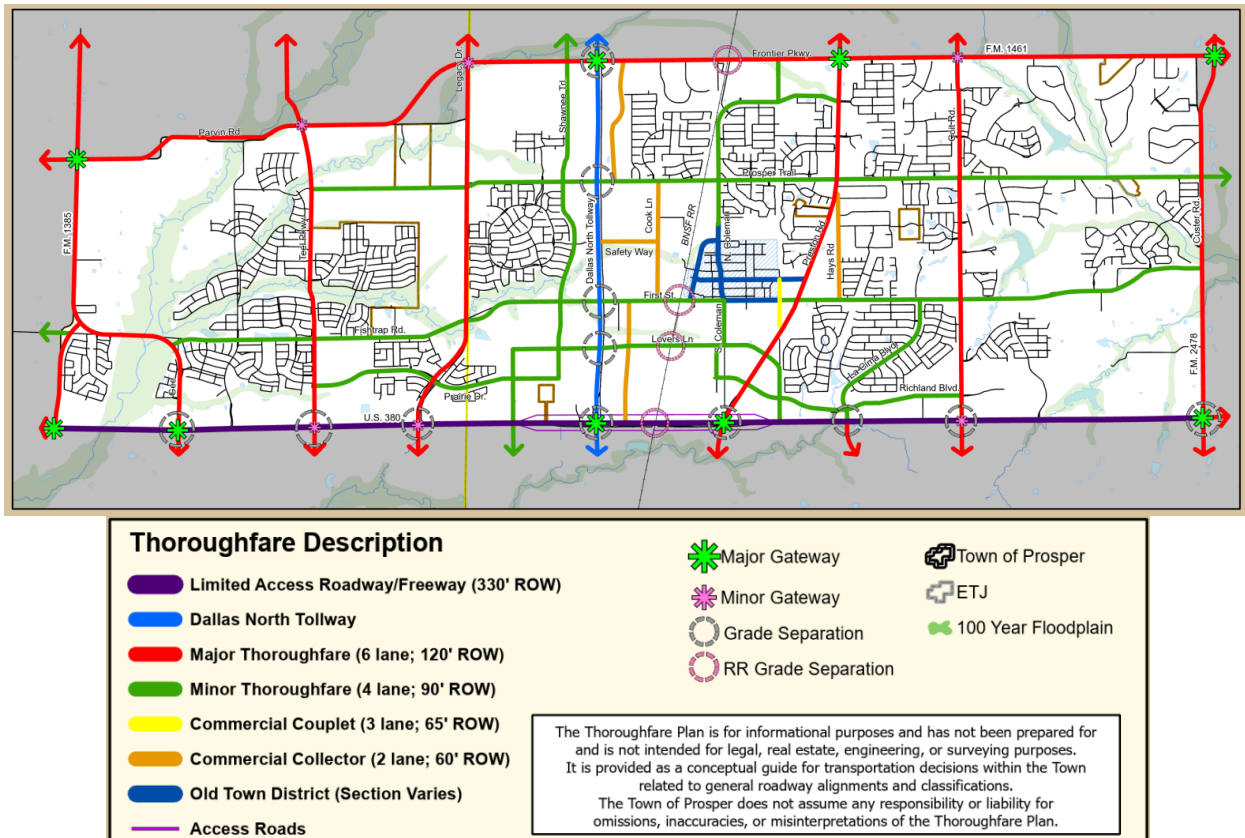
The Zoning Ordinance places conditions on the location of gas pumps. The pumps and associated canopies are required to be within 200 feet of an intersection of major thoroughfares, per the Town's Thoroughfare Plan. Only two fueling stations are permitted at the intersection.

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.



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.

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.

Town Council Public Hearing:

Upon a recommendation by the Planning & Zoning Commission, a Public Hearing for this item will be scheduled for the Town Council at their Regular meeting on January 9, 2024.

Attachment No. 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.

Chapter 3 PERMITTED USES AND DEFINITIONS

SECTION 1. USE OF LAND AND BUILDINGS

1.4 CONDITIONAL DEVELOPMENT STANDARDS

3. **Gas Pumps.** Gas pumps shall be subject to the following development standards:

- a) Gas Pumps are permitted only within 200 feet of the right-of-way lines of intersecting major thoroughfares. When Gas Pumps are associated with a minimum 50,000 square foot grocery store or Big Box, the gas pumps may be a distance greater than 200 feet from the right-of-way lines of intersecting major thoroughfares;
- b) Gas Pumps are permitted at a maximum of two corners at an intersection of two major thoroughfares;
- c) Canopies shall have pitched roofs;
- d) Canopy support columns shall be entirely masonry encased;
- e) A raised landscape planter of the same material as the masonry columns shall be provided at both ends of all pump islands. Raised landscape planters shall be between 18 inches and 24 inches tall and a minimum of four feet wide and four feet long;
- f) Raised planters shall be landscaped with a combination of shrubs and ground cover as approved by the Director of Planning, or his/her Designee.
- g) Landscape island(s) totaling a length equal to 50 percent of the canopy perimeter and a minimum of six ~~feetwide~~ feet wide shall be provided for screening and traffic flow purposes. These areas shall have a minimum of one ornamental tree per 12 linear feet or portion thereof and one five-gallon shrub per one linear foot arranged as approved by the Director of Planning, or his/her Designee.
- h) Use shall be removed if closed for more than six months; and
- i) The canopy band face shall be of a color consistent with the main structure or an accent color and may not be backlit.

17. **Convenience Store With Gas Pumps.** Convenience Stores with Gas Pumps shall be subject to the following development standards:

- a) Permitted in the designated districts only within 200 feet of the right-of-way lines of intersecting major thoroughfares. When the Convenience Store with Gas Pumps is associated with a minimum 50,000 square foot grocery store or Big Box, the gas pumps may be a distance greater than 200 feet from the right-of-way lines of intersecting major thoroughfares;

- b) Gas Pumps are permitted at a maximum of two corners at an intersection of two major thoroughfares;
- c) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.
- d) Canopies shall have pitched roofs;
- e) Canopy support columns shall be entirely masonry encased;
- f) The canopy band face shall be a color consistent with the main structure or an accent color and may not be backlit; and
- g) Use shall be removed if closed for more than six months.

Attachment No. 2

A final version of the proposed text amendments.

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- f) Raised planters shall be landscaped with a combination of shrubs and ground cover as approved by the Director of Planning, or his/her Designee.
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