

CITY OF SULPHUR SPRINGS  
PLANNING AND ZONING  
MEETING MINUTES  
JUNE 17, 2019  
6:00 P.M.

Present: Chairman Mike Horne, Board Member Chuck Sickles, Board Member Tommy Harrison, Board Member Kelly Grimes

Absent: Vice Chairman Craig English

Staff: Tory Niewiadomski, Community Development Director, Jennifer Graham, Admin Asst., Community Development

**CALL MEETING TO ORDER:**

Vice-Chairman Kelly Grimes called the Planning and Zoning Meeting to order at 6:05 P.M.

**DISCUSSION/ACTION SELECTION OF PLANNING AND ZONING CHAIRMAN:**

Consider for approval the nomination of Board Member Mike Horne as the Chairman of the Planning and Zoning Commission. Board Member Chuck Sickles moved to approve the nomination. Vice-Chairperson Kelley Grimes seconded. Motion carried, all voting aye.

*The meeting was turned over to the new elect Chairman Mike Horne.*

**DISCUSSION/ACTION SELECTION PLANNING AND ZONING VICE-CHAIRMAN:**

Consider for approval the nomination of Board Member Craig English as the Vice-Chairman of the Planning and Zoning Commission. Board Member Chuck Sickles moved to approve the nomination. Chairman Mike Horne seconded. Motion carried, all voting aye.

**DISCUSSION/ACTION ON PLANNING AND ZONING MEETING MINUTES OF MAY 20, 2019.:**

Consider for approval the Planning and Zoning meeting minutes of May 20, 2019. Board Member Chuck Sickles moved to approve the meeting minutes. Board Member Kelly Grimes seconded. Motion carried, all voting aye.

**DISCUSSION/ACTION ON A REQUEST TO REZONE ANNEXED PROPERTY IDENTIFIED IN ORDINANCE #2740 GENERALL REFERRED TO AS PIONEER BUSINESS PARK:**

Consider a request by staff to rezone annexed property identified in Ordinance #2740 generally referred to as Pioneer Business Park and adjacent properties located on the west side of CMH Road between Business 67 (Main) and I-30 Frontage Road consisting of 103.05 Acres. This area was annexed on March 5, 2019. When a new property is annexed into the city it is standard to be done so as Agriculture. The next step is to provide the area with a proper zoning designation. Since this area was developed by the EDC as an Industrial Park, it is logical to rezone it with the intended character of the development, that being Heavy Industrial. Mike Wells with Extreme Structures stated he was not opposed to the rezone. Board Member Kelly Grimes moved to approve the zone change to Heavy Industrial. Board Member Chuck Sickles seconded. Motion carried, all voting aye.

**DISCUSSION/ACTION ON A REQUEST TO REZONE ANNEXED PROPERTY IDENTIFIED IN ORDINANCE #2741 GENERALL REFERRED TO AS HERITAGE BUSINESS PARK:**

Consider a request by staff to rezone annexed property identified in Ordinance #2741 generally referred to as Heritage Business Park and adjacent properties located east of Loop 301 on Heritage Parkway, north of the Railroad tracks, west of CR 3501 and south of CR 3502 consisting of 117.33 Acres. This area was annexed on March 5, 2019. When a new property is annexed into the city it is standard to be done so as Agriculture. The next step is to provide the area with a proper zoning designation. Since this area was developed by the EDC as an Industrial Park, it is logical to rezone it with the intended character of the development, that being Heavy Industrial. Board Member Kelly Grimes moved to approve the zone change to Heavy Industrial. Board Member Chuck Sickles seconded. Motion carried, all voting aye.

**DISCUSSION/ACTION - INTERPRETATION REGARDING TRAVEL CENTERS AND TRUCK STOP CENTERS.**

Staff was recently approached about developing a property for a gas station which includes pumps for semi-trucks but would not include overnight parking for trucks or primarily be used for heavy trucks. The issue is the difference in a filling station which is allowed by right in light commercial zoning district and travel centers/ truck stop centers which are allowed by right in light industrial districts. Staff found a definition for travel center/ truck stop center in the Zoning Ordinance and reads as follows:

**Travel Center / Truck Stop Center:** A business which combines two or more of the following uses:

- a) Retail motor fuel sales
- b) Restaurants or cafes
- c) General retail sales
- d) Parking for multiple trucks, truck tractors, and or trailers and or road tractors and or trailers.
- e) Sleeping, bath, and other overnight facilities; and which offers such services in a manner designed to meet the needs not only of passenger car operators, but also the operators of trucks, truck tractors and trailers and or road tractors and trailers. Passenger car, truck tractor and truck road tractor and trailers are used herein shall have the meaning given such term in 541.201 of the Texas Transportation Code. List in Heavy Commercial. Added by Ordinance 2227. Moved from Heavy Commercial to Light Industrial per Ordinance 2282.

In reading this definition, if a place sells fuel and has any kind of general retail sales, it is considered a travel center/ truck stop center. Essentially, this would indicate that any gas station in town would fall under this category as they all have some form of retail associated with them. Staff does not believe this was the intent of the ordinance, however, it may be time to clean up the language and amend the zoning ordinance by altering the definition of travel center/ truck stop center.

In 1999, (Ordinance 2227) was approved to create the definition listed above and to allow it under heavy commercial districts. The minutes indicated a desire for a planned project for Pilot Corporation and a travel center. The representatives of Pilot asked that the use be allowed in light commercial, however, it was approved in heavy commercial with a 5-2 vote.

In 2001 (Ordinance 2282) was approved to move travel center/ truck stop center from heavy commercial to light industrial zoning. The issue was revisited due to travel center looking to locate in town and believed that it would be more appropriate to move the use to Light Industrial. It was indicated that if approved, the City would initiate zone changes for Pilot and Crossroads. The vote was unanimous to approve the ordinance.

This is in response to the heavy truck traffic considerations and concerns, but there should be more delineation a gas station or convenience store and what would be defined as a travel trailer truck stop.

Staff recommends that the Planning & Zoning Commission consider amending the definition of Travel Center/ Truck Stop Center and to read as follows and forward the recommendation to City Council:

**Travel Center / Truck Stop Center:** A business tailored for heavy truck traffic which includes overnight parking for multiple trucks, truck tractors, or road tractors or trailers and includes but is not limited to general retail sales, fuel sales, restaurants or cafes, as well as providing sleeping, bath, and other overnight facilities. Passenger car, truck tractor and truck road tractor and trailers are used herein shall have the meaning given such term in 541.201 of the Texas Transportation Code. List in Light Industrial.

Board Member Chuck Sickles asked if it matter if it's considered or designated Heavy Commercial compared to Light Industrial. At the time we were going through the compressive plan and there were areas like Hwy 19 and the interstate that were designated commercial along that corridor so by moving it to Light Industrial it would eliminate the possibility of a truck stop being considered at that location. The thought is the property was Light Commercial at the time and if they had zoning it to Heavy Commercial it would have supported by the Land Use Plan as a commercial corridor. Light Industrial is going to be more restrictive as far as where they are located. Primarily it's along the I30 interstate where most of the industrial properties are or along railroad tracks. The commercial corridors, some along Broadway and Gilmer so the thought is they did not want to encourage heavy truck traffic going down some of those corridors in town. It may be have been moved from Heavy Commercial to Light Industrial other than the fact that it would further restrict it as to where they could be located.

The inquiry that the city received was that they want to have a 4,000 sq. ft. convenience center with a bunch of gas pumps, something like a Quick Trip with 4 or 5 pumps for trucks but no overnight parking or facilities like showers.

The Pilot was Heavy Commercial when it moved in but then when they decided to move it to Light Industrial to only allowing truck stops in Light Industrial so the City went in and rezoned it for them.

Board Member Tommy Harrison asked what the difference between Light and Heavy. Light Commercial is where gas stations could be located but there is a conflict in the ordinance. That's going to be any commercial corridor in town is where it would be allowed. Light Industrial would be more manufacturing type industries where you are going to have further separation from residential classifications. Heavy Commercial will allow more retail type opportunities where Light Industrial is more for heavy truck traffic. A gas station will still fall under Light Commercial and truck stops/travel stops under Light Industrial.

Board Member Chuck Sickles moved to approve the updated wording of the definition for travel center/ truck stop center. Board Member Tommy Harrison seconded. Motion carried, all voting aye.

**ADJOURN**

With no further business the meeting was adjourned at 6:26 P.M.