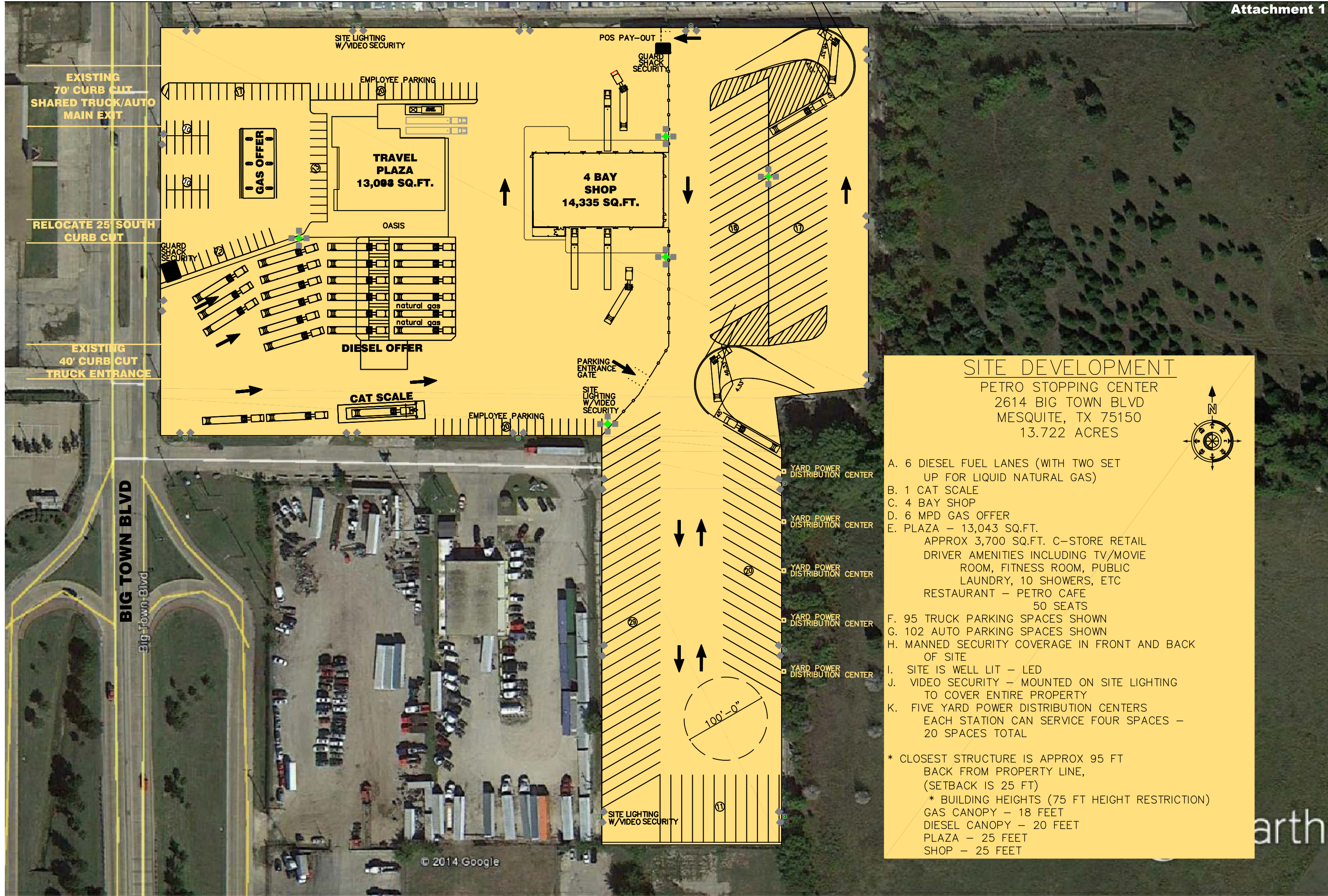

INTEROFFICE MEMORANDUM

TO: SITE PLAN REVIEW STAFF
FROM: JEFF ARMSTRONG, AICP, ASSISTANT DIRECTOR OF PLANNING AND
DEVELOPMENT SERVICES
SUBJECT: CASE #34-46B-2016 TA TRUCK STOP
DATE: MARCH 9, 2017

The TA Travel Center zoning case is on the March 13, 2017 Planning and Zoning Commission agenda. Staff has received a new concept plan (Attachment 1) from the applicant that includes electrification facilities. Specifically, they have proposed five power distribution centers that can each power up to four truck parking spaces. Therefore, 20 of the proposed 95 truck parking spaces would have access to electrification.

JA



**REQUEST FOR ZONING
RECLASSIFICATION**



**PLANNING AND
DEVELOPMENT SERVICES**

FILE NO.: 34-46B-2016

P&Z HEARING DATE:

December 12, 2016

COUNCIL DATE:

January 3, 2017

GENERAL INFORMATION

APPLICANT: Monte Akers on behalf of TA Operating, Inc.

REQUESTED ACTION: Rezone from C, Commercial to PD-C, Planned Development-Commercial to include a Conditional Use Permit for a Truck Stop

LOCATION: 2614 Big Town Blvd.

SITE BACKGROUND

EXISTING LAND USE AND SIZE: The 13.722-acre property is the location of the vacated TA Truck Stop. Existing structures remain, but have become dilapidated. Much of the property is old pavement that has become worn and the property is generally in poor condition. The subject property is on the City's T-25 list of most problematic properties.

SURROUNDING LAND USE AND ZONING (see attached map):

North:	C, Commercial (Pepsi facility)
South:	C, Commercial and PD-C (Hotel and Various commercial uses)
West:	C, Commercial (Various commercial uses)
East:	C, Commercial and TNMR, Traditional Neighborhood Mixed Residential (Vacant)

ZONING HISTORY:

1954:	Annexed and zoned Single-family residential
1964:	Rezoned to Commercial with Special Permit for a Truck Stop (Expired)
2004:	Conditional Use Permit for Truck Parking (Expired)
2012:	Conditional Use Permit for Truck Parking for a 3 month period from November 19, 2012 to January 31, 2013. (Expired)
2013:	Conditional Use Permit for Truck Parking for two 4-month periods (Expired)

PLATTING: Platted as Truckomatic Addition. Will require a replat.

GENERAL: In July 2015, the City Council approved the Skyline Logistics Hub Overlay (SLH), which included specific requirements for Truck Stops and the provision that they be permitted by conditional use permit in the SLH (see Zoning Ordinance section 4-934 below). Travel Centers of America (TA) has owned the subject property for many years and operated a truck stop on the property which closed in 2003. The

applicants propose demolishing all remaining improvements on the site and building a brand new facility that would include six truck fueling lanes, two of which would be for liquid natural gas, six car fueling pumps (12 fueling positions), convenience store, truck parking, truck maintenance, a full service restaurant and facilities for truckers such as showers and laundry. Two structures would be constructed to house the various uses – a 12,500 square foot travel store/restaurant and a 12,000 square foot 4-bay truck service garage (see concept plan).

The applicant proposes meeting the zoning requirements except for the requirement to provide electrification for trucks parked at the facility. The intent is to reduce diesel engine idling, thereby reducing emissions. This is important, particularly considering that the Dallas/Fort Worth area is a non-attainment area, meaning it is an area considered to have air quality worse than the National Ambient Air Quality Standards as defined in the Clean Air Act Amendments of 1970. Cities in the D/FW area need to work together to improve air quality throughout the region. Regulations such as the electrification requirement at truck stops is one way to do this. In 2011, 40 truck stops nationwide had electrification facilities. Today, about 100 have such facilities, including locations in North Texas. The closest truck stop with electrification facilities is the Flying J Truck Stop located at I-20 and Bonnie View Rd. in Dallas.

There is high demand in Mesquite for a truck stop that would allow extended parking for trucks and truckers. The Federal Government mandates minimum rest periods for truckers after a certain number of hours of driving. Other nearby truck fueling businesses are limited on the number of hours that a truck may be parked at those locations to 6 hours. Truckers are required 8 hours of rest before they can return to the road. The large industrial area located in western Mesquite, including the Union Pacific Railroad multimodal facility generates a large number of trucks on a daily basis. A truck stop, properly designed to include full facilities would meet the needs of the trucking industry and reduce the complaints and numerous violations related to truck parking in Mesquite.

Zoning Ordinance excerpt regarding Truck Stops in the SLH Overlay

4-934 REQUIRED CONDITIONS.

Ord.

4371 / 7-20-2015

All establishments in the SLH Overlay District shall meet the following conditions, in addition to any stipulations or conditions of approval under the Conditional Use Permit provisions of this ordinance.

- A. *Site/floor plan.* A site/floor plan of any proposed establishment shall be submitted and approved by the Director prior to the issuance of a building permit or certificate-of-occupancy. The site plan approval shall identify (a) the specific activities approved and (b) any added stipulations or conditions for development or operation. The premises shall be operated and maintained in compliance with the approved site plan and certificate-of-occupancy in perpetuity, until replaced by a new site plan or certificate-of-occupancy, and further, shall be maintained in compliance with applicable provisions of the International Property Maintenance Code, as

amended, during and after the use and occupancy of the premises or any structure thereon.

- B. *Truck stops.* From and after the effective date of this ordinance, a truck stop approved by conditional use permit within the SLH Overlay District shall be subject to all of the following stipulations and requirements:
1. The truck stop shall include electrification for *heavy load vehicles* to operate air conditioning, refrigeration and other systems without idling diesel engines.
 2. Facilities, amenities and services of the truck stop shall include:
 - (a) A dine-in restaurant with a minimum seating capacity of 50 persons, providing table service from a full-service menu for each of the three daily meal periods, and which is operated and managed in compliance with all applicable food and sanitation rules and ordinances so as to maintain a Class I sanitation score of 90 or greater;
 - (b) Striped parking designated exclusively for *heavy load vehicles* while not connected to electrification, located behind the front façade of the primary structure and which can accommodate vehicles with a wheel base up to 67 feet; and
 - (c) 24-hour security personnel and operating security cameras at locations throughout the premises as required by the Building Official.
 3. All activities of the truck stop shall be conducted from approved structures or facilities. The sale of used tires or other merchandise shall require a separate conditional use permit.
 4. Unmounted trailers shall be prohibited on the premises.
 5. The truck stop shall obtain an annual certification of compliance and prominently display the same at its primary entrance. The initial certification shall be issued by the Building Official upon approval of the first full and unrestricted certificate-of-occupancy. It shall be the affirmative duty and responsibility of the owner, operator or manager-in-charge of the truck stop to apply for and obtain subsequent annual recertifications no later than the anniversary date of the certificate-of-occupancy. Application for annual recertification shall be made on forms provided by, and requesting such information, as the Building Official deems appropriate and upon payment of an annual inspection fee as established by the City.

STAFF COMMENTS

In reviewing a request for a zoning change approval, the Planning and Zoning Commission and City Council shall consider:

Mesquite Comprehensive Plan

The subject property is located within an area designated in the Comprehensive Plan as the Big Town Gateway. The Plan indicates that uses should generate high numbers of visitor and patrons. Due to its prominent location as an entryway to Mesquite, the Plan states, "Regardless of the type of use, it must be developed with the highest standards of appearance and give special attention to greening-up an otherwise drab entrance to Mesquite."

Analysis

The proposed use will generate a large number of patrons and employ about 65 people. The requirements of the SLH Overlay are in line with the recommendation of the Comprehensive Plan by requiring additional landscaping beyond what is normally required and includes other aesthetic requirements.

Conditional Use Permit Review Criteria – Mesquite Zoning Ordinance Sec. 5-303

Existing Uses

The Conditional Use will not be injurious to the use and enjoyment of other property in the immediate area for purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.

There are numerous other businesses in the area that are truck oriented and generally heavier commercial uses exist. The truck stop is not likely to negatively affect the existing businesses in the area.

Vacant Properties

The Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

There is vacant property to the east. Currently, Pepsi's facility, including substantial truck activity is adjacent to the vacant land. It is staff's opinion that the proposed use would not impede the future development of that land.

Services

Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.

Adequate utilities, access roads and drainage facilities exist for the site and are sufficient for accommodating the demands associated with the request for a Conditional Use Permit.

Parking

Adequate measures have been or will be taken to provide sufficient off-street parking and loading spaces to serve the proposed uses.

Adequate parking would be provided. Large portions of the subject property will be set aside for parking, 95 spaces for passenger vehicles and 101 spaces for trucks.

Performance Standards

Adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

With proper concrete surfacing and electrification for truckers to not have to idle their trucks there should be no nuisances or disturbance to neighboring properties. The adjacent uses are generally not going to be sensitive to truck activity.

RECOMMENDATIONS

Staff recommends approval of rezoning to Planned Development-Commercial and Skyline Logistics Hub Overlay with a conditional use permit for a Truck Stop with the following conditions:

1. A conditional use permit is hereby granted for a truck stop. It shall meet all requirements of the Skyline Logistics Hub Overlay and meet the requirements of this ordinance.
2. All truck repairs and servicing shall take place within an enclosed structure.
3. Any fencing within 200 feet of Big Town Blvd. shall be constructed of wrought iron or similar decorative metal.
4. All parking and vehicle maneuvering surfaces shall be concrete.
5. All parking spaces for trucks and passenger vehicles shall be striped.

Aerial Map: Zoning Case 34-46B-2016



File No. 34-46B-2016
Request: Zoning Change from C within the SLH to PD-C within the SLH
Location: 2614 Big Town Blvd.
Applicant: Monte Akers, TA Operating LLC

Legend

 Subject Property




Zoning Map: Zoning Case 34-46B-2016



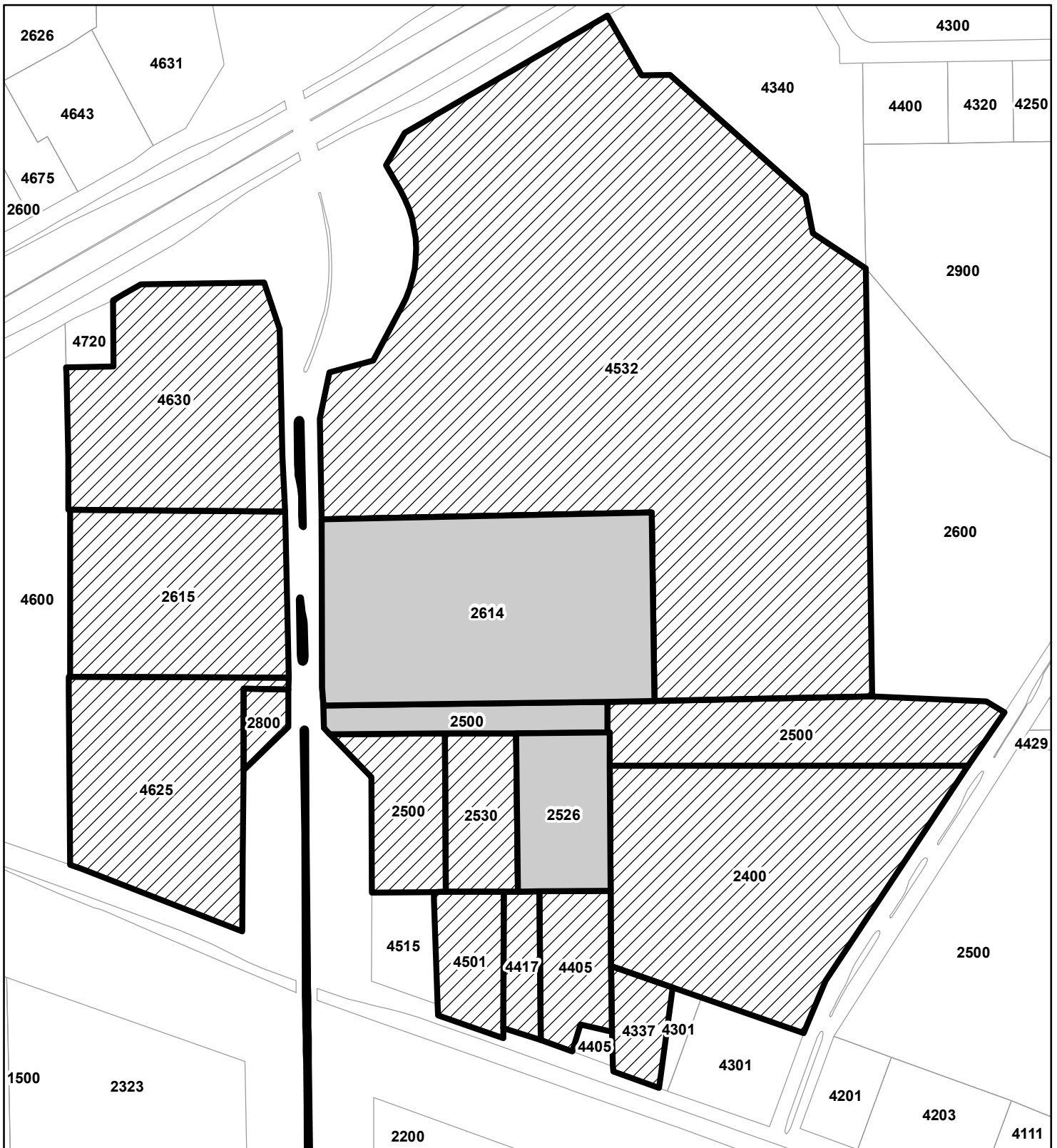
File No. 34-46B-2016
Request: Zoning Change from C within the SLH to PD-C within the SLH
Location: 2614 Big Town Blvd.
Applicant: Monte Akers, TA Operating LLC

Legend

 Subject Property





Notification Map: Zoning Case 34-46B-2016



File No. 34-46B-2016
Request: Zoning Change from C within the SLH to PD-C within the SLH
Location: 2614 Big Town Blvd.
Applicant: Monte Akers, TA Operating LLC

Legend

-  Subject Property
-  200' Noticed Properties



RECEIVED

DEC 12 2016

PLANNING AND ZONING

CITY OF MESQUITE
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING

LOCATION: 2614 Big Town Blvd.
FILE NUMBER: 34-46B-2016
APPLICANT: Monte Akers on behalf of TA Operating, Inc.

REQUEST: From: C, Commercial
To: PD-C, Planned Development-Commercial

The requested Zoning Change to PD-C, Planned Development-Commercial would allow the property to be used for Truck Stop in addition to other uses allowed in PD-C, Planned Development-Commercial Districts.

LEGAL DESCRIPTION

Truckomatic, Block 1, Lots 1-4

PUBLIC HEARINGS

The Planning and Zoning Commission will hold a public hearing on this request at 7:00 p.m. on Monday, December 12, 2016, in the City Council Chambers of City Hall located at 757 N. Galloway Ave.

The City Council will hold a public hearing on this request at 7:00 p.m. on Monday, January 3, 2017, in the City Council Chambers located at 757 N. Galloway Ave.

Questions pertaining to this case may be directed to the Planning Division at (972) 329-8543.

REPLY FORM

As a property owner within 200 feet of the property, you are urged to attend the public hearing to give your opinion on the zoning request. Your written reply is also important and will be considered by the Commission and the Council. The reply form (below) is provided to express your opinion on this matter. This form should be returned to the Planning Division by December 9, 2016, (no faxes, e-mails, or calls).

(Complete and return)

Do not write on the reverse side of this form.

Zoning Case: 34-46B-2016

I am in favor of this request ☒

I am opposed to this request ☐

Reasons (optional):

Name:(required)

Address:(required)

JOSEPH DAMICO
3013 TAOS TR

CARROLLTON TX 75007

Please respond by returning to: PLANNING DIVISION
Jeff Armstrong
CITY OF MESQUITE
PO BOX 850137
MESQUITE TX 75185-0137





CITY OF MESQUITE ZONING APPLICATION

Receipt No. 028058
Fee: 1005.83
Case Manager:

Date Stamp:

RECEIVED

MAR 30 2016

PLANNING AND ZONING

REQUESTED ACTION:

Change District Classification to:
Planned Development District

Conditional Use Permit for:
TravelCenters of America

Amend Special Conditions of
Ordinance # _____
(Explain Below)

Additional explanation of requested action:

Application is for the creation of a planned development district - truck stop, restaurant, repair shop, truck parking and ancillary uses.

SITE INFORMATION/GENERAL LOCATION:

LOCATION/LEGAL DESCRIPTION:

Current Zoning Classification: Commercial
Site Size: 13.722 acres (Acres or Square Feet)
Address (if available): 2614 Big Town Blvd.
General Location Description: _____
Big Town Blvd. Gateway Corridor

Complete one of the following:
1. Platted Property
Addition: Truckomatic
Block: 1 Lot: 1 & 4
2. Unplatted Property:
Abstract: _____ Tract: _____

APPLICANT INFORMATION:

Contact: Monte Akers Phone: (512) 600 - 2304
Company: TA Operating LLC Fax: (512) 233 - 0801
Address: 13809 N. Highway 183, Suite 250 E-mail: makers@txcityattorney.com
Austin, TX 78750 (Required)
Signature: [Signature] Owner ☐ Representative ☒ Tenant ☐ Buyer ☐

OWNER AUTHORIZATION AND ACKNOWLEDGEMENTS:

1. I hereby certify that I am the owner or duly authorized agent of the owner, of the subject property for the purposes of this application.
2. I hereby designate the person named above as applicant, if other than myself, to file this application and to act as the principal contact person with the City of Mesquite in the processing of this application.
3. I hereby authorize the City of Mesquite, its agents or employees, to enter the subject property at any reasonable time for the purpose of 1) Erecting, maintaining, or removing "Change of Zoning" signs, which indicate that a zoning amendment is under consideration and which indicate how further information may be obtained, and 2) Taking photographs documenting current use and current conditions of the property; and further, I release the City of Mesquite, its agents or employees from liability for any damages which may be incurred to the subject property in the erecting, maintaining, or removal of said signs or the taking of said photographs.

Owner: TA Operating LLC Phone: (617) 796 - 8157
Address: 255 Washington St., Suite 210 Fax: () -
Newton, MA 02458 E-mail: myoung@TA-petro.com
Signature: [Signature]

STATE OF TEXAS:
COUNTY OF DALLAS:

UNITED STATES, Trustees of America, Incorporated, is the owner of two tracts of land situated in the W. O. Abbott Survey, Abstract No. 34, Mesquite, Garza County, Texas, and being more particularly described as follows:

WHA, THEREFORE, COME ALL YOU MEN - NEICE PRINCES

Christine Jensen

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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Creative power and *Imaginal Band* come close to being the same thing. The latter designates a more abstract, shadowy, and nebulous power, the former the actual and embodied power of the individual.

8th - 10th January 1947

[Faint handwritten notes]

Journal of Management Studies, 37(6), 809-826.

ALLS are a collection of the
most important and useful
information for the
purpose of the study.
The information is
collected from the
literature and the
field work.

Wm. L. G. L.

[illegible]

1. The following information was obtained from the records of the Federal Bureau of Investigation, Bureau of Prisons, and the United States Department of Justice, Office of the Inspector General, regarding the activities of the following individuals:

[illegible]

Terrie V. Fuller

TRUCKOMATIC ADDITION, SECOND REVISION
A RE-SUBDIVISION OF PART OF TRUCKOMATIC ADDITION AND
PART OF THE W. O. ABBOTT SURVEY ABSTRACT NO. 34
MESQUITE, DALLAS COUNTY, TEXAS

James P. Jones

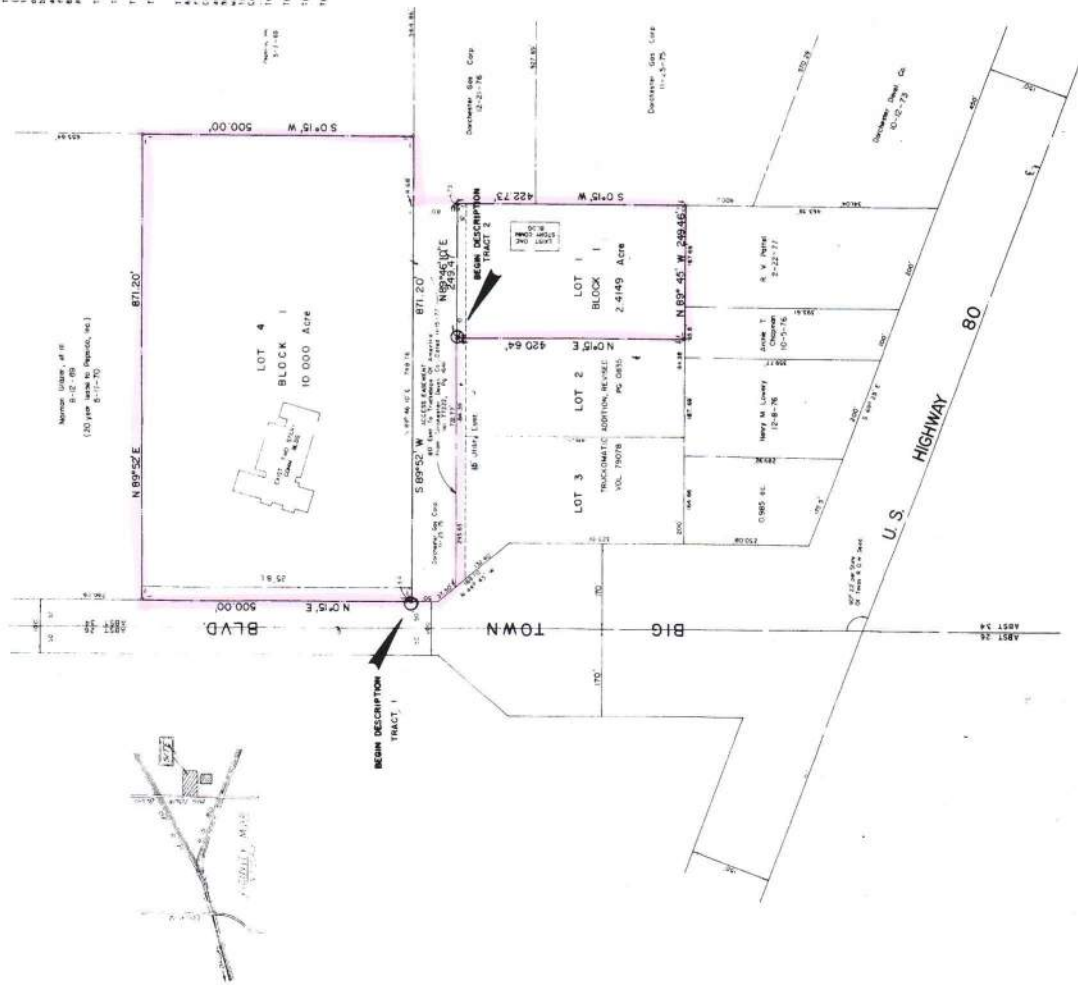
Ellen Bradley

TRUCKSTOPS OF AMERICA, INC.
5042 LINBAR DRIVE NASHVILLE, TENNESSEE 37210

H. LOU HORNE, JR.
1208 GARLAND ROAD DALLAS, TEXAS 75218
ENGINEER
214-324-3435

SCALE: 1" = 100'

SCALE: 1" = 100'



**ADDENDUM TO
ZONING APPLICATION BY
TA OPERATING LLC**

Applicant: TA Operating LLC (TravelCenters of America)
Address: 255 Washington St., Suite 210, Newton, Mass. 02458
Type of Application: Planned Development District
Location: 2614 Big Town Blvd, Mesquite
Purpose of Addendum: To seek waiver of the requirement of Sec. 4-934 B 1 of Ordinance No. 4371, regarding electrification for heavy load vehicles, and to provide additional information regarding the dine-in restaurant required under Sec. 4-934 B 2 of Ordinance no. 4371

1. Request for waiver of electrification for heavy load vehicles.

Section 4-934 B 1 states that a truck stop approved by a conditional use permit within the SLH Overlay District shall be subject to certain stipulations and requirements, including: "The truck stop shall include electrification for *heavy load vehicles* to operate air conditioning, refrigeration and other systems without idling diesel engines."

TA Operating's application is for a Planned Development District rather than a Conditional Use Permit. Accordingly, the City of Mesquite is not obligated by its ordinance to mandate that electrification for heavy load vehicles be installed at the facility planned for 2614 Big Town Boulevard, and TA Operating provides the following information in support of its request that this condition not be included in its application:

Technology for the purpose of providing electrification for large, diesel-powered trucks, in order that air conditioning, refrigeration, and other internal truck systems may operate without the need for idling diesel engines while the vehicle is parked, is relatively new and was met with high expectations for fuel, emission, and noise reduction during the early 2000s. TA Operating, as a major service provider for such trucks, initially embraced the use of such technology and partnered with a handful of the companies that entered into the market soon after the technology became popular. However, neither TA, the companies, nor the technology met with any success in this regard.

In the most recent instance, IdleAir, a company that supplied the technology and facilities, filed for bankruptcy and TA was required to pay the cost of removing the infrastructure that the companies left behind. While IdleAire is in service today after its second bankruptcy, TA believes that its business plan, and others like it, is flawed.

Several of TA's franchisees or independent travel centers whose operations TA is familiar with also have installed electrification services, but usage rates at these locations

for the service is close to zero. Most facilities report having only one or two users every few months.

Another significant problem with the technology is that, while it works to provide electricity for use in the cab of the truck for items like radios, TV's, and computers, it does not work to provide sufficient power for HVAC units. Accordingly, unless the outside temperature is comfortable for sleeping, the trucker will still need to idle his or her engine in order to sleep in the cab, and if a truck is hauling refrigerated or frozen goods, power from an idling engine is needed to support the reefer unit on the cab that also requires additional power in order to keep the cargo cold.

An alternative to electrification is the APU, or alternative power unit. An APU is a small generator-type of equipment that is attached to the bottom of the truck. It runs while the truck is off and it provides power for the cab and HVAC unit. APUs are much more common than electrification and use substantially less fuel than idling the truck engine. TA encourages the use of APU's at all of its locations. Additionally, TA makes available a portion of its truck parking spaces for reservation. By allowing customers to reserve parking spaces, congestion and engine idling is cut while truck drivers search for parking or wait for parking spaces to become available.

The goals and purposes of electrification technology appeared promising at the beginning, and the City of Mesquites' inclusion of it as a requirement for Conditional Use Permits probably appeared reasonable and enlightened, but the technology has not lived up to its promises.

In conclusion, while TA recognizes the good intentions behind the requirement for electrification technology and the apparent advantages it originally touted, reality through use in the field has proven it to be an expensive failure.

2. Information regarding the proposed "TA Café".

Sec. 4-934 B. 1 requires that a truck stop approved by a conditional use permit within the SLH Overlay District have a dine-in restaurant with a minimum seating capacity of 50 persons that will meet other requirements spelled out in that subsection.

TA's prior draft application did not meet the criteria set forth in the city's zoning ordinance in this regard. However, TA's revised application includes a TA Café, which will meet all of the criteria set forth in the city's zoning ordinance, including seating capacity for 50. It is essentially a smaller format version of TA's proprietary "Country Pride" table service restaurant. The menu will be reduced but there will be full service as well as counter service for take-away. It will serve three meals per day (breakfast, lunch, and dinner).

Respectfully submitted:

Kyle Raynor
Acquisitions Manager
TravelCenters of America
Two Newton Place
255 Washington Street, Suite 300
Newton, MA 02458-1634
P: 617.219.1424

Monte Akers
Attorney for TA Operating
Akers & Akers, LLP
13809 Research, Ste 250
Austin, TX 78750
P: 512-600-2304
makers@txcityattorney.com

REDEVELOPMENT PLAN

2614 Big Town Blvd., Mesquite, TX



**TravelCenters
of America**

Background:

1. In 2003, TA closed the truck stop located at 2614 Big Town Boulevard, Mesquite, TX as part of a strategic realignment of resources.
2. The neighborhood has been blighted for the last 12 years with no new development plans being presented that would alter the appearance of the corridor. The surrounding properties are utilized for industrial uses or are zoned for future industrial development.
3. Lacking alternative developments, TA desires to obtain a planned development district zoning designation in order to redevelop this property into a full-service, first-class travel center. In contrast to the prior facility, the planned development is intended to attract a higher percentage of four-wheeled (automobile) customers, thereby serving as a secondary neighborhood market.
4. TA's development plan would improve the appearance of the corridor.
5. TA intends to work with the City on its development plan to meet the City's goals while improving the appearance and employment outlook of the corridor.

TravelCenters of America

Closed Truck Stop



Future TA Travel Center

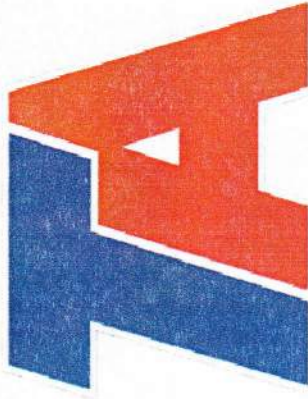
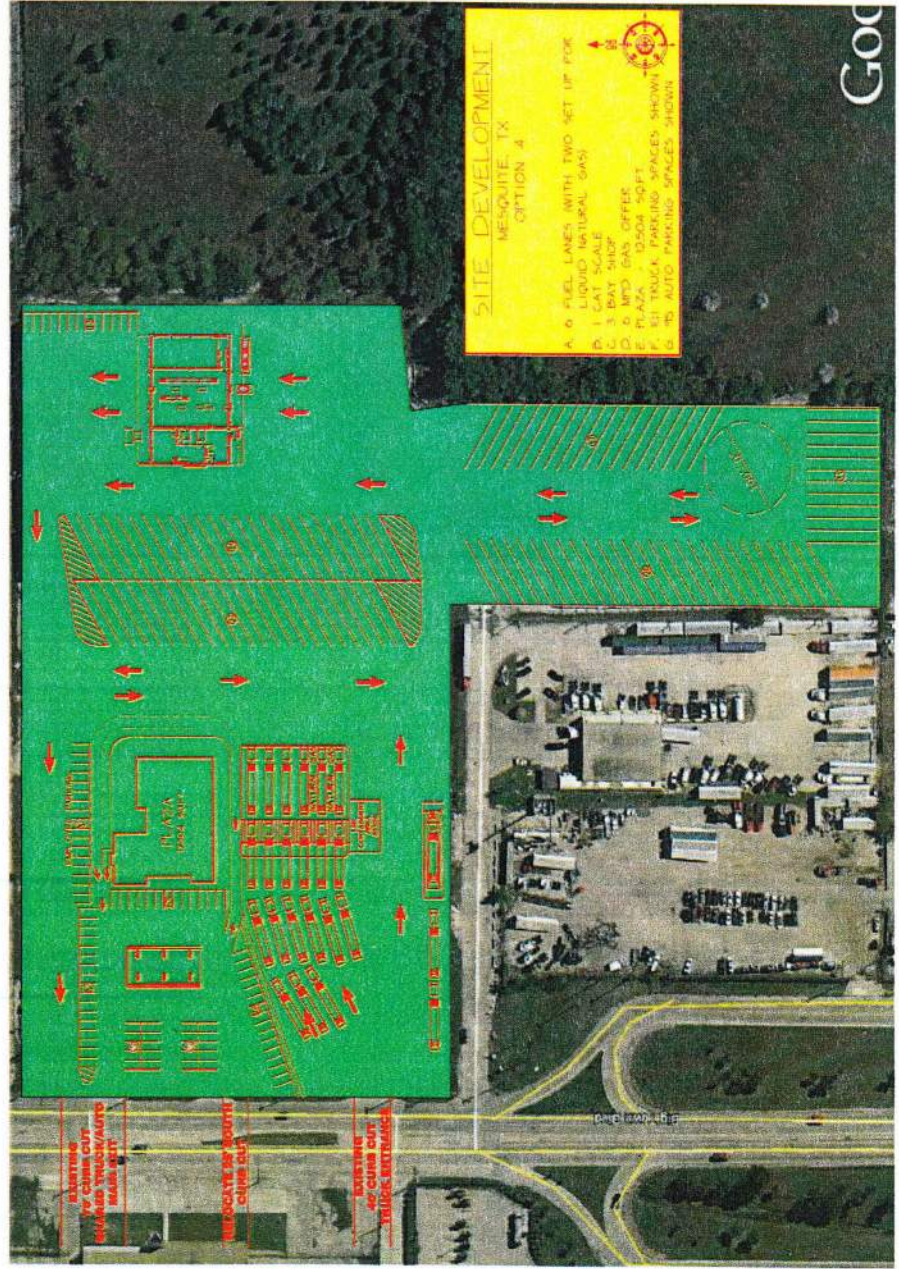


TA Seeks:

Approval from the City for a Planned Development District that would permit the construction and operation of a 25,000 SF travel plaza and repair facility.



1. New travel center to include:
 - a. 12,500 sq. foot travel store/restaurant.
 - b. 12,000 sq. foot, four bay truck service garage.
 - c. Dunkin' Donuts (quick service – Coffee/Doughnuts).
 - d. Nationally-branded gasoline station.
 - e. 10 showers, laundry and drivers lounge.
2. Investment estimated to be \$12-13 million.



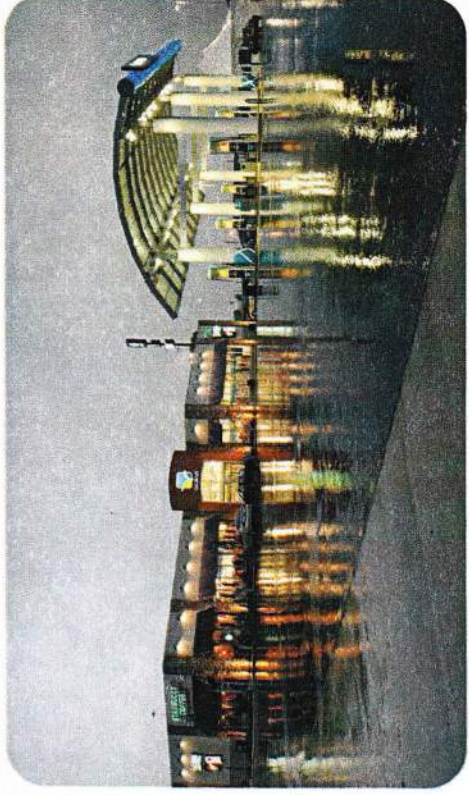
Benefits to Mesquite:

1. Job creation in Mesquite:
 - a. Construction period estimated 10-11 months.
 - b. Total operating personnel when development is complete is estimated at 65 full time equivalent employees.
2. Monetary benefits to Mesquite:
 - a. Higher real estate valuation: Current real estate tax county appraisal is \$399,000, which resulted in \$8,170 paid to Mesquite in 2014. TA's total investment expected to be \$12-13 million.
 - b. Sales/motor fuel tax base increase: Non-fuel sales expected to be \$7-8 million annually. Fuel volume expected to be between 10-11 million gallons annually.
3. Other benefits:
 - a. Curb appeal/landscaping: TA's plans include significant investment in landscaping and other cosmetic changes for the beautification of the site.
 - b. Environmental responsibility: TA's plans include significant investment to install state of the art fuel dispensing, storage elements and monitoring systems.
 - c. Clean and friendly: Today, this location is an old, distressed property. TA's revitalization efforts, coupled with TA's industry leading programs for customer service, will make the newly renovated location a place where people will be proud to work and Mesquite citizens will be pleased to have as part of their City.



Advantages for Customers

TravelCenters of America's facilities offer a modern design and inviting atmosphere.



Large convenience stores and numerous driver special services

Cleanliness of restrooms and showers is a high priority for TA.

Drivers lounges and wide screen theaters, fitness rooms, walking trails, barber shops and medical clinics are offered at many TA's.

Laundry services, ATM machines, scanning and faxing, check cashing, mailing services, CAT scales, WiFi, pet areas, etc.

