

Agenda Item No. _____
Ward No. All

Department Approval _____

STAFF REPORT
November 28, 2007

To: Mayor and City Council
Through: Charles E. McNeely, City Manager
From: Tara Moran, Assistant Planner
Re: **AT-10-07 (Truck Stops)**
Date: November 2, 2007

Summary: This is a request for a zoning code text amendment to modify Title 18, "Annexation and Land Development," Section 18.08.201 "Permitted Uses by Base Zoning District," Section 18.08.202 "Additional Regulations for Principal Uses," and Section 18.24.203 "Definitions of Words, Terms, and Phrases" to amend the definitions of "Service Station" and "Truck Terminal" and add the definition of "Truck Stop" and other matters properly relating thereto.

The specific amendments are shown on pages 20, 49, 50, 51, 103, 114, of 118 of the attached ordinance.

The Planning Commission recommends approval of the requested text amendment by ordinance.

Previous Council Action:

October 10, 2007 Council voted to continue this request to the second meeting in November to allow staff to address additional Council concerns.

Ayes: Aiazzi, Dortch, Gustin, Hascheff, Sferrazza, Zadra
Nays: None
Abstain: Cashell Absent:

June 13, 2007 Council voted to continue this request to a future meeting to allow staff to address additional Council concerns and allow staff to meet with interested parties.

Ayes: Aiazzi, Dortch, Gustin, Hascheff, Sferrazza
Nays: None
Abstain: Cashell Absent: Zadra

May 23, 2007

Council voted to continue this request for 2 weeks to allow staff to address Council concerns.

Ayes: Aiazzi, Cashell, Dortch, Gustin, Hascheff, Sferrazza, Zadra
Nays: None
Abstain: None Absent: None

Discussion: At the October 10, 2007 City Council hearing ten individuals provided testimony in general opposition of the ordinance pending outstanding concerns. Four individuals representing Flying J also presented their views on the issue. One comment card in general opposition was also received. No one else spoke in favor or against the ordinance.

Staff has researched this item further and also met with the Washoe County Health Department. Revisions have been made to the previously proposed ordinance as noted below.

The ordinance allows for a Truck Stop to be allowed in the I (Industrial) and IC (Industrial Commercial) and HC (Hotel-Casino) zoning districts with a Special Use Permit. The AC (Arterial Commercial) zoning district has been removed from the proposed ordinance. After further research, staff recommends removal of the AC zoning district due to the fact that many residential use types are allowed in the that zoning district, and the inclusion of a multitude of commercial services used by the general public. A truck stop is an industrial use which would not be compatible with other uses allowed in the AC zoning district.

Staff met with the Washoe County Air Quality Management Division (AQMD) on October 9, 2007. After Washoe County staff discussion with their Deputy County Counsel, the AQMD is the sole authority for enforcement of the diesel idling regulations as adopted by the District Board of Health (DBOH). Nevada Revised Statutes (NRS) 439.410 states "The district health department has jurisdiction over all public health matters in the health district". Based on this, the city of Reno is unable to adopt stricter enforceable standards. Therefore regulation "k" has been removed and replaced with "Shall maintain compliance with diesel idling regulations adopted by the Washoe County District Board of Health as amended". It has been noted that the AQMD is considering developing a revision to the existing diesel idling regulation to limit diesel idling to no more than five (5) consecutive minutes at some point in the near future. Staff has incorporated language regarding truck stop electrification to remain consistent with that required of the Boomtown Truck Stop special use permit.

Regulation "j" has been amended to provide a minimum distance from any property zoned Mixed Use (MU) or any residential zone shall be one-quarter mile. Staff received a letter dated October 22, 2007 (Exhibit A) from Noel Bonderson, Air Quality Supervisor for the Washoe County (AQMD). In that letter, it states that the Truckee Meadows (Reno/Sparks area) is considered a "non-attainment" area for particulate matter. "Non-attainment" refers to the Truckee Meadows hydrographic basin where there has been a

violation of the federal air quality standards. Based on the local statistics provided in the letter, the emission rate for a typical truck stop with 200 idling engines would not trigger a violation of the federal standard, however based on complaint history, may result in citizen nuisance/odor complaints. AQMD has record of responding to diesel idling complaints from Sierra Sids truck stop in the past years. Sierra Sids Truck Stop is the only truck stop in the Truckee Meadows which has residential in close proximity. The nuisance complaints originated primarily from the neighboring residential areas, and were due to large numbers of trucks idling overnight during the winter months. Based on this as well as research of other jurisdictions that have regulations specific to a truck stop use, a minimum distance from residentially zoned property shall be appropriate.

The purpose of the MU zoning district is to promote a mixture of land uses with higher densities designed to encourage and facilitate transit-oriented development and promote a pedestrian friendly neighborhood atmosphere. TOD corridors and regional centers allow individual to meet their day-to-day needs within walking distance of their home or place or work, creating a neighborhood environment that increases transit use. Extends hours of activity, and reduces traffic. Development and circulation are designed to accommodate pedestrians and transit stations. A recent study done by The Urban Land Institute and the Center for Transit Oriented Development published in the "Planning and Development Network" found that TOD corridors produce 50% fewer trips than conventional development. These results further emphasize the goal the MU zoning districts are developed to create, less traffic and more walkable neighborhoods. Transit stop in these districts are typically located every half mile. This is related to the concept that generally a person can walk to or from any transit station within a quarter mile of their location. Staff feels a "Truck Stop" use, which generates a high amount of truck traffic would not be compatible within a close proximity of an area designated as MU.

In addition, staff has included a provision which states that regulations of the truck stop ordinance shall only apply to those truck stops constructed or which received entitlement after the effective date of this ordinance, codified in Title 18. The subsection does not apply to existing truck stops or those with previous development entitlement, except in the case of expansions which shall comply with the provisions of this subsection, as applicable.

Regulations which were presented at the October 10, 2007 City Council meeting and not discussed above have remained generally unchanged.

City Councilman Aiazzi requested that staff consider certain issues prior to the next City Council meeting. These items are addressed below.

In regards to prohibiting new truck stops in the city limits, staff has deferred this item to the City Attorney's office for clarification.

City Councilman Aiazzi asked staff to respond to questions regarding size of the diesel fuel tanks. All facilities which dispense fuel consist of an 'underground fuel farm' which houses the diesel or gasoline fuel tanks. The tanks are typically either 10,000 or 20,000

gallon tanks, however may come in varying sizes such as 12,000 gallons. The material used to construct (requirement of double wall construction, etc) the fuel tanks is the same regardless of the size of tank. A facility which sells fuel may have multiple tanks depending on volume of vehicles/trucks they expect to sell to. A typical neighborhood service station may sell 10-15 gallons of fuel for each sale; in contrast a commercial truck may consume 100 gallons of fuel at time of sale, therefore may have more tanks. The option of having 3-20,000 gallon tanks versus 6-10,000 gallon tanks is a choice of the provider, however typically a truck stop operator would choose the first option. Staff feels adding a statement regarding minimum tank size to the definition as a distinguishing characteristic of a truck stop would not be feasible.

In regards to distinguishing between a truck stop and a travel/auto plaza, the definition of the term "Truck Stop" has been revised to include the term "Travel Plaza". This term is used interchangeably by NATSO (National Association of Truck Stop Operators) and the trucking industry, and is being added for clarification. Staff has also added the sentence "This facility allows for the temporary, daily, or overnight parking (excluding for the loading and unloading of cargo) of commercial motor vehicles which are en-route to or from a destination along an interstate freeway system, for free or for a fee that may be independent of any other use on the premises." to the definition for further clarification of truck stop operations.

Staff has contacted 14 other city jurisdictions throughout the western United States, including Nevada, California, Utah and Oregon. Of those 14 jurisdictions, only 2 had a specific truck stop definition. Most of the jurisdictions polled either did not have any truck stops within city limits, or had inherited them through the annexation process. When asked how a "Truck Stop" use would be regulated if a new one was proposed in the jurisdiction of those 12 cities which do not have a classification, staff was informed that most likely it would be placed in the closest category, such as service station, truck wash, truck repair etc as a conditional use. Staff at the other jurisdictions stated they may have to process an amendment to text, such as we are. In a nationwide search, staff did find other jurisdictions which have more onerous laws regarding truck stops. For example, the Town of Davie Florida has a Proposed Planned Truck District. Excerpts from their code require a five mile separation between districts and 2500 feet from residential property. DeKalb County, Georgia, Windsor Township, Pennsylvania and Clark County, Nevada also have truck stop regulations with varying requirements. As applicable, staff has incorporated provisions from these jurisdictions in the proposed ordinance.

In addition, City Councilman Aiuzzi posed the question what would happen if there was not a definition. Reno Municipal Code (RMC) states uses not specifically listed are prohibited, however new and unlisted uses may be permitted by the administrator if it is found the use is similar to other uses listed and allowed in the same zoning district. Staff feels a definition and specific regulations consistent with a truck stop use would allow staff to properly ensure that development is compatible with surrounding land uses and ensures all regulations are mitigated, as necessary.

Staff has sent a copy of the proposed ordinance to the Community Liaison for the Ward One and Ward Five Neighborhood Advisory Boards for distribution prior to the City Council meeting. Per council direction, as done for the previous council meeting, the clerk has noticed the entire McQueen Neighborhood Plan plus 750 feet via postcard of the upcoming November 28, 2007 meeting.

Background: At the May 23, 2007 City Council hearing, one individual provided testimony requesting a continuance of this item. No one else spoke in favor or against the ordinance.

City Councilman Aiazzi asked staff to respond to questions regarding certain criteria stated in the proposed ordinance. The first question was in regards to why a truck stop use would be allowed in the AC (Arterial Commercial) zoning district with approval of a special use permit, in addition to the IC (Industrial Commercial) and I (Industrial) zoning districts. The purpose of the AC zoning district is to provide for commercial and service enterprises that generate large volumes of automobile traffic and are dependant upon direct or indirect access to major arterials. The AC zoning district has a higher commercial intensity and generally does not effect neighborhood or residential uses as closely as other commercial zones would. Staff determined this zone to be appropriate as these are typically larger streets with areas which may be near to a freeway intersection. There is also a requirement that any Truck Stop facility must be located within 1,500 feet of a freeway intersection. This requirement will keep the truck activity that is associated with the business near the freeway and out of neighborhoods and commercial districts. Washoe County development code allows truck stops in the GC (General Commercial) zoning district, which is equal to AC in the City of Reno.

The second question was in regards to the standard that the minimum parcel size for truck stops shall be 10 acres. This minimum is one also incorporated by the City of Sparks. At the time the City of Sparks was reviewing the adoption of this provision in 1995, there was discussion on 10 versus 15 acres for a truck stop. The 10 acre limitation allowed the existing truck stops in that jurisdiction to remain conforming to this provision, and was therefore adopted. Staff has determined that the 10 acre minimum would be substantial enough to provide all the needed services which are typically available at truck stop facilities and limit smaller scale facilities which may not offer all of the required services.

At the May 2, 2007, Planning Commission public hearing, no one spoke for or against the proposal. Staff outlined the general provisions to be associated with the new 'Truck Stop' land use classification, and the requirement for a special use permit in the zoning districts proposed to allow this use. Planning Commission discussed what types of trucks and truck drivers would generally utilize these types of facilities. Planning Commission supported the staff recommendation.

Background: At the June 13, 2007 City Council hearing three individuals provided testimony in general opposition of the ordinance pending outstanding concerns. Two individuals presented their views on the issue. No one else spoke in favor or against the ordinance.

The ordinance allows for a Truck Stop to be allowed in the AC (Arterial Commercial), I (Industrial) and IC (Industrial Commercial) zoning districts with a Special Use Permit. Staff requested a change to the proposed ordinance to allow this use in the Hotel-Casino (HC) zoning district with approval of a Special Use Permit.

City Council members Hascheff, Gustin, Aiazzi & Dortch had questions regarding the proposed text amendment requirements and requested that staff meet with Flying J, Inc and other stakeholders to address their concerns. Staff met with Flying J, Inc. on June 22, 2007 and September 21, 2007 to discuss concerns they have outlined in a letter dated June 13, 2007, and various emails sent to staff. On September 20, 2007 staff made a presentation to the Ward 5 Neighborhood Advisory Board (NAB) regarding the proposed Truck Stop definition and regulations. Members of Ward 1 were invited and were in attendance at that same meeting. Staff reviewed these concerns and helped resolve some of their issues with the ordinance. The main issues are discussed below.

Councilman Aiazzi asked staff to explore whether the plan is consistent with the McQueen Neighborhood Plan. Within the McQueen Neighborhood Plan, the property owned by Flying J is zoned LLR-1 (Large Lot Residential – 1 acre). The LLR-1 zoning district does not allow for the Truck Stop land use. The applicant would have to come forward with a Master Plan amendment and zone change application, which requires a discretionary review public hearing process, by the Planning Commission, City Council and the Regional Planning Commission. If the findings were to be made for a Master Plan amendment and zone change, a special use permit application would then have to be submitted and findings must be met through a discretionary review.

City Council requested additional info and directed staff to prepare a Staff Report detailing the purpose of the requirements:

The first requirement in the proposed ordinance is the requirement for a minimum parcel size of 10 acres. This requirement is one also incorporated by the City of Sparks. The 10 acre minimum conforms to the existing truck stops within Sparks as well as the Boomtown Truck Stop case in the City of Reno. Staff has determined that the 10 acre minimum would be substantial enough to provide all the needed services which are typically available at truck stop facilities. This helps to keep all truck traffic on one site.

The second and third requirement in the initial ordinance reviewed at the June 13, 2007 City Council meeting were in regards to the 80% minimum requirements for parking spaces and fuel dispersed to truckers. These two requirements have been removed due to the difficulty of enforcement of this provision.

Regulation “b” in the proposed ordinance is in regards to the maximum number of motel/hotel rooms in conjunction with a truck stop use within the Industrial (I) and Industrial Commercial (IC) zoning districts. Stand alone motels and hotels are not allowed in the both the I and IC zoning districts. Staff determined that it may be necessary with a truck stop use that a lodging facility would be appropriate to meet the

needs of the trucking industry. The amount of motel/hotel rooms are in direct relation to the amount of truck parking spaces since the allowance for a lodging use in the I and IC zoning districts is geared toward use by truck drivers.

Regulation “c” in the proposed ordinance pertains to other business activities which may be included with a Truck Stop use. These include scales, truck wash, tire repair and sales, barber shop, bar, restaurant, showers, convenience store, truckers lounge (for services such as television/exercise/internet access etc.), motel/hotel, laundry, chain rental and gasoline and propane dispensing. Staff removed the requirement of a minimum of 4 showers from the initial ordinance presented because it was not pertinent, and also clarified the use of a truckers lounge. Staff has also added the clause “Other business activities which are customarily accessory and clearly incidental to the truck stop, may include but not limited to” to allow for discretion on uses considered accessory to a Truck Stop.

At the August 22, 2007 City Council meeting during the public hearing regarding the McQueen Neighborhood Plan, concerns regarding the traffic impact to the area was discussed. A traffic impact analysis is currently only required if the site meets a certain criteria as stated in RMC 18.12.903(a)(1). Due to the nature of a Truck Stop, staff has included the requirement of the applicant to furnish a Traffic Impact Study prepared by a civil engineer registered in the State of Nevada as new additional regulation “d”. In addition staff has added the requirement of a Noise Impact Study prepared by a qualified acoustical consultant as new additional regulation “e”. Any necessary mitigation measures shall be submitted with both of these types of studies.

Since the time of the initial ordinance staff has conducted additional research and has added additional regulations to the proposed ordinance which staff feels is pertinent to a Truck Stop use. Regulations regarding the amount of off-street parking as well the requirement of access to be utilized on arterial streets only have been added as regulations “f” and “g”. Additional regulations requiring vehicle service and/or repair facilities to be conducted within a completely enclosed building and the prohibition of outdoor storage has been added as regulations “h” and “i”.

Regulation “j” addresses a design standard that requires designated commercial truck parking or any truck related activity (including thru lanes) shall be no closer than 200 feet from any residentially zoned property line. Truck stops shall be located in close proximity to an interstate highway interchange, however all of the highway interchanges in the City of Reno are also in close proximity to a residential zoning districts, therefore staff feels regulating the minimum distance between a residential zone and the area used for truck parking would allow the design of the site to create a buffer between the two uses.

Staff has added an additional standard, in support of City Council’s Green Priority, to limit the emissions and impact on air quality which has been added as regulation “k”. The US Department of Energy study shows that a typical long-haul tractor-trailer idles approximately 1,830 hours per year. Across the industry, this practice consumes more

than 800 million gallons of diesel fuel annually. It also contributes to air pollution and noise. Many states and municipalities have enacted laws to reduce idling. Washoe County District Board of Health Regulations Governing Air Quality Sec. 040.200 limits idling of a diesel truck engine to a maximum of 15 consecutive minutes. Anti-idling legislation has been enacted in at least 18 states across the country. For example, effective January 1, 2008, The State of California is enacting anti-idling requirements which would limit engine idling to no more than 5 minutes. Staff proposes to restrict idling to be in closer conformance with the standards established in the State of California and limit idle time for diesel engines to 5 minutes. The proposed ordinance would also prohibit the use of diesel-fueled auxiliary power systems (APS). In the spirit of air pollution prevention, staff encourages the use of zero- and low-emissions technologies such as electric/battery-powered systems and truck stop electrification systems. A provision has been added which shall have the truck stops provide technology to reduce idling emissions such as truck stop electrification, to meet the standards limiting the idling. Therefore if the truck drivers do not utilize the non-diesel technologies, the truck stop shall electrify as necessary to meet these standards. These requirements of truck stop facilities comply with City of Reno Master Plan 'Transportation' policies (T-3, T-4, & T-19) to reduce air pollution and idling. Adequate signage regarding the idling restrictions must be provided on site. These provisions are regulations (k)(1), (2), and (3). These regulations were presented to the Northwest NAB which is in support of staffs above recommendations on this item. Staff also met with a representative from Flying J who stated that most of the APS units are diesel fueled and feels it is an acceptable alternative to idling the main engines. He requested language be changed in regulation "k" to state "A minimum of 15% of truck parking spaces must be equipped with Engine Idle Reduction Technology "plug-in" locations for trucks with sleepers and/or refrigeration to avoid idling engines". A similar standard was required for the Boomtown truck stop which obtained entitlement prior to this ordinance defining a 'truck stop'. Inclusion of this item would replace "(k)(2) and (k)(3) in the attached ordinance.

Regulation "l" in the proposed ordinance is in regards to location requirements. Staff recommends that due to operational characteristics of the trucking industry, truck stops shall be located close to an interstate highway interchange, limiting the possibility of impact of trucks driving through residential neighborhoods. This will also benefit the truck driver to have a quick "on/off" route during their stops. The requirement for one truck stop to have primary access from any interstate highway interchange and minimum distance of 7,000 between truck stops would allow the concentration of truck impact to be dispersed. The initial ordinance presented stated a minimum distance from parks/recreational facilities of 700 feet would alleviate the noise and potential safety issues in the immediate vicinity close to those types of uses. This distance criteria was been increased to 750 feet and 'schools' have been added. This remains consistent with the 'locational criteria" for adult businesses as well as the noticing area for most public hearings.

Staff has also incorporated additional landscaping/screening standards as regulation "m" which would further create a more restrictive buffer, however consistent with current

code requirements for adjacent zoning districts as found in RMC 18.12.1207. A requirement for lighting standards to meet 'dark skies' criteria has also been added as regulation "n". This was a request from the Northwest NAB.

Staff was asked to explore various definitions, such as "Travel Plaza". Staff has researched the amenities at Truck Stops/Travel Plaza//Rest Areas". Staff feels the following definition incorporates all necessary elements and would be appropriate to include in the proposed ordinance:

Travel Rest Area – Designed for use by the interstate highway traveler with services which appeal to a greater amount of non-trucker traffic than truck drivers. These facilities typically offer amenities which include restaurants, restrooms, fuel, convenience store, gift shop, and tourist info stations. These facilities do not offer overnight parking, scales, shower/laundry facilities or service/repair facilities for tractor trucks or similar heavy commercial vehicles.

Based on this definition, any facility which offers these excluded services shall be referred to as a "Truck Stop".

A citizen at the September 20, 2007 NAB meeting suggested a provision which would limit truck stops from being allowed off of highway interchanges which serve as the ingress and egress to residential neighborhoods. In response to this item, all highway interchanges serve as ingress and egress to residential neighborhoods in some form. To be consistent with regulations (l)(1) and (l)(2) staff recommends the 'truck stop' use be limited to only highway interchanges.

Lastly, regulation numbered 18.08.202(f)(13) on the land use table and additional regulations section of Title 18 has been renumbered to be 18.08.202(f)(14) due to a prior text amendment under the Industrial subsection of Title 18 which has been in front of City Council after the initial truck stop ordinance was presented.

Advisory Commission Vote: Seven (7) in favor; none (0) opposed; none (0) absent

Recommendation: The Planning Commission recommends approval of the requested text amendment by ordinance. Discussion concerning

Proposed Motion: I move to uphold the recommendation of the Planning Commission.

Text Amendment

First Reading: I move to refer Bill No. _____ to the Committee of the Whole.