

Zoning Request ZC-20-26

Blanco Riverwalk CC to HC 400 Block of Riverway Ave.



Summary

Request:	Zoning change from Community Commercial (CC) to Heavy Commercial (HC)		
Applicant:	Herman Vigil Vigil & Associates 4005 Banister Ln, Ste 225-C Austin, TX 78704	Property Owner:	Robert W. McDonald BR2020 Land Bank, LLC 9811 S. IH-35 Building 3 Ste 100 Austin, TX 78744

Notification

Application:	November 23, 2020	Neighborhood Meeting:	N/A
Published:	December 27, 2020	# of Participants	N/A
Posted:	December 23, 2020	Personal:	December 23, 2020
Response:	None as of the date of this report		

Property Description

Legal Description:	Lot 1, Block F Blanco Riverwalk Subdivision		
Location:	Riverway Avenue and Highway Interstate 35, 400 Block of Riverway Avenue		
Acreage:	15.2331 acres	PDD/DA/Other:	N/A
Existing Zoning:	Community Commercial	Proposed Zoning:	Heavy Commercial
Existing Use:	Vacant	Proposed Use:	Outdoor Storage Facility
Existing Occupancy:	N/A	Occupancy:	N/A
Preferred Scenario:	Low Intensity	Proposed Designation:	Low Intensity
CONA Neighborhood:	N/A	Sector:	7
Utility Capacity:	Developer is responsible for extending utilities	Floodplain:	Yes
Historic Designation:	N/A	My Historic SMTX Resources Survey	No

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	Multifamily-24 (MF-24)/ Heavy Commercial (HC) with Blanco Riverwalk PDD Overlay	Multifamily Apartments/Vacant	Low Intensity/Employment Area
South of Property:	ETJ (Outside City Limits)	Rural/Vacant	Low Intensity
East of Property:	ETJ (Outside City Limits)	Car Dealership	Employment Area
West of Property:	Public and Institutional (P)	Blanco River	Open Space

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Staff Recommendation

Approval as Submitted	☒	Alternate Approval	Denial
- The Development Code states that a request for Heavy Commercial zoning in a Low Intensity Area is "Not Preferred". - The proposed zoning change to Heavy Commercial is generally compatible with the allowed uses in the adjacent Blanco Riverwalk Planned Development District. However, in the adjacent Blanco Riverwalk Planned Development District, the proposed "outdoor storage" use is identified as a conditional use. - Some uses allowed by right in Heavy Commercial districts (such as a landfill, waste incineration, animal waste processing, distribution facility, and a truck or motor freight terminal/service facility) are not compatible with the existing adjacent residential use. - The subject property is partially located within the regulatory floodplain and will be required to meet all water quality and flood prevention requirements of the San Marcos Development Code and Chapter 39-Flood Damage Prevention of the City Code of Ordinances Chapter. Due to the varying factors regarding current and future land configurations around the subject property, staff is providing a neutral recommendation and leaves a decision of approval, denial, or a recommendation of a lesser zoning district up to the Planning and Zoning Commission and City Council.			
Staff: Shavon Caldwell	Title: Planner		Date: January 6, 2021

Commission Recommendation

Approval as Submitted	Approval with Conditions / Alternate	☒	Denial
<u>Planning and Zoning Commission Meeting: January 12, 2021</u>			
Speakers in favor or opposed:			
1. Robert W. McDonald III (in favor)			
Recommendation from the Planning and Zoning Commission meeting held January 12, 2021:			
A motion was made by Commissioner Haverland, seconded by Commissioner McCarty, to deny ZC-20-26. Discussion from the Commission included:			
- Potential impacts to the multifamily use across the street - Potential impacts of allowed uses adjacent to the Blanco River - The potential to prohibit uses via restrictive covenants - Reasons for denial of a Preferred Scenario Map amendment on this property in 2015 - Allowed uses in Heavy Commercial zoned property versus Heavy Commercial zoned property within the Blanco Riverwalk Planned Development District			
The motion carried 7-1.			

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- **For:** (7) Chairperson Kelsey, Vice Chairperson Spell, Commissioner McCarty, Commissioner Haverland, Commissioner Moore, Commissioner Rand, and Commissioner Agnew.
- **Against:** (1) Commissioner Dillon
- **Absent:** (0)

History

The subject property is located within City Limits and is zoned Community Commercial (CC). The district allows primarily for the construction of low-intensity commercial uses and small office or service businesses as outlined on the Land Use Matrix in the San Marcos Development Code.

The purpose of this zoning change to Heavy Commercial is to allow the development of an outdoor storage facility. According to the applicant, the facility would be used for safe and secure storage of RVs and boats. The facility is proposed to include a combination of enclosed and open spaces that range in size from 12 x 24 feet to 13 x 80 feet. A draft site plan showing the layout of 199 enclosed spaces and 116 open spaces is included in this packet. The applicant is also proposing to construct a concrete masonry wall along the Northern and Eastern perimeter of the site.

A previous request in 2015 to change the property from an Area of Stability/Low Intensity Zone to an Employment Center was denied. The request was for the subject property (Blanco Riverwalk, Block F) as well as for Blocks A, B and E of the Blanco Riverwalk Subdivision. The Planning & Zoning Commission provided a recommendation of approval for a PSA change for Blocks A, B, and E and a recommendation of denial for Block F. Subsequent to the approval by City Council of Blocks A, B, and E to an Employment Center, the property owner requested a zone change from Community Commercial (CC) to Heavy Commercial (HC) with an overlay district of Planned Development District (PDD). The request was approved to allow the construction of such commercial services as office, mini storage/self-storage units, retail buildings, and automotive services. The Planned Development District, in conjunction with the zoning change, established a Land Use Matrix with further restrictions and allowances as well as alternative development standards. A graphic showing the above referenced area and a copy of the Blanco Riverwalk PDD are included in this packet.

The City of San Marcos will provide wastewater service and Maxwell Water Supply Corporation will provide water service to this site. If needed, the developer will be responsible for extending water and wastewater facilities through the site. Pedernales Electric Service will provide electric service.

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Additional Analysis

Analysis of the proposed zoning request includes deliberation of existing surrounding land uses, transportation networks, and the goals and policies of the Comprehensive Plan. A few major points for consideration in the analysis are as follows:

- The subject property's request for Heavy Commercial zoning is designated as "NP" or "Not Preferred" within a Low Intensity Area on the Preferred Scenario Map.
- Heavy Commercial zoning is designated as "C" or a zoning to be "Considered" in Employment Areas on the Preferred Scenario Map. The subject property is directly adjacent to the Blanco Riverwalk Employment Area on the Preferred Scenario Map.
- The subject property is directly adjacent to the Blanco Riverwalk Planned Development District. This zoning district has a Heavy Commercial base zoning with a Planned Development District overlay. The PDD overlay prohibits or conditionally permits certain intense uses that would otherwise be allowed in Heavy Commercial Districts. Some examples of uses that are prohibited or conditionally permitted within the PDD but would otherwise be allowed by right or as a limited use in Heavy Commercial districts include truck stops, vehicle repair, RVs and travel trailers (short term stays), manufacturing, and outdoor storage.
- The property is located within the regulatory floodway. Development in the regulatory floodway is prohibited unless the applicant is able to process a Conditional Letter of Map Revision or Letter of Map Revision to remove this area from the floodplain, demonstrate no increase in water elevation, and meet compensatory storage requirements.

Comments from Other Departments

Police	No Comment
Fire	No Comment
Public Services	No Comment
Engineering	No Comment

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
		<u>X</u>	Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map Vision San Marcos Comprehensive Plan states that Low Intensity areas should “generally maintain their existing character”. The proposed HC zoning is generally compatible with the planned character of the surrounding area. The properties directly North and Northeast of the subject property in the Blanco Riverwalk and Whisper North Employment Areas are largely zoned Heavy Commercial and are considered appropriate for industrial, large office park, and intensive commercial uses. The subject property is also located off the I-35 Employment Corridor which is intended to serve major employment related uses and considers a mixture of uses appropriate. Despite this, the Heavy Commercial zoning is “NP-Not Preferred” in this “Low Intensity” area as per the Preferred Scenario Map and the Comprehensive Plan/District Translation table. “Not Preferred” requests require further scrutiny based on the district’s intent statement. The Heavy Commercial district intent states that uses allowed in this district “should not be obnoxious to other nearby residential or commercial users”. With some industrial uses being allowed that would not otherwise be allowed in the “Considered” Character Districts, potential impacts to the nearby multifamily residential use should be considered. Lastly, the Comprehensive Plan states that land use suitability, preservation of agricultural lands and floodplain management are key factors to be considered when analyzing future development requests in Low Intensity areas. The subject property is partially located in the floodplain and is moderately constrained based on the Land Use Suitability map.
		<u>N/A</u>	Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area Studies were not complete at the time of the request.

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Consistent	Inconsistent	Neutral	
		<u>X</u>	Whether the proposed zoning map amendment implements the policies of any applicable plan adopted by City Council None noted.
		<u>X</u>	Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect There is no current or proposed development agreement for this property. A development agreement is not allowed because the property is within City Limits.
		<u>X</u>	Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses shall be appropriate in the immediate area of the land to be reclassified Heavy Commercial zoning primarily allows for commercial and industrial uses with some allowances for agricultural and public/institutional uses. Heavy Commercial zoning is intended to “accommodate auto oriented and other heavy commercial uses” and “should be operated in a relatively clean and quiet manner that is not obnoxious to nearby residential or commercial uses.” The immediate surrounding area is comprised of a mix of existing and planned uses, including multifamily, dedicated public parkland, a car dealership, and currently vacant, Heavy Commercial zoned property with a Planned Development District overlay.
		<u>X</u>	Whether the proposed zoning will reinforce the existing or planned character of the area Approval of this zoning change would allow the property to develop in a manner that is “NP” Not Preferred in this area according to the Comprehensive Plan District Translation table. However, the adjacent Blanco Riverwalk and Whisper North developments are entitled for Heavy Commercial uses and will likely alter the existing character of the surrounding area as they develop.

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			Whether the site is appropriate for the development allowed in the proposed district The property is vacant and in a moderately constrained area on the Land Use Suitability Map. The site is located adjacent to adequate existing services and the property will have access to a major transportation thoroughfare.
	<u>X</u>		Whether there are substantial reasons why the property cannot be used according to the existing zoning The property is currently zoned Community Commercial which is a Legacy District. Existing legacy districts can be developed under as long as the district boundary is not expanded. This zoning designation is entitled to a variety of office, service, and retail type uses. This zoning designation does not allow the use of outdoor storage and therefore does not meet the needs of the applicant's proposed project.
<u>X</u>			Whether there is a need for the proposed use at the proposed location The proposed rezoning would allow primarily commercial and industrial uses. The subject property's location adjacent to an Employment Area and along a major transportation roadway would allow for such uses to be developed in accordance with city standards.
<u>X</u>			Whether the City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, public safety, and emergency services, while maintaining sufficient levels of service to existing development The property is not located within the City's water service area and is serviced by Maxwell Water Supply Corporation. There are existing wastewater facilities in Riverway Avenue and the developer will be required to extend City wastewater through the development as needed.

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
	<u>X</u>		Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property This zoning request allows for some industrial uses not currently allowed under Community Commercial zoning. If approved, the zoning change would entitle the property for uses such as animal waste processing, landfill, waste incineration, and major vehicle repair. These uses could have a significant adverse impact on the existing multifamily use across Riverway Avenue.
		<u>X</u>	For requests to a Neighborhood Density District, whether the proposed amendment complies with the compatibility of uses and density in Section 4.1.2.5 This zoning request is not for a Neighborhood Density District.
	<u>X</u>		The impact the proposed amendment has with regard to the natural environment, including the quality and quantity of water and other natural resources, flooding, and wildlife management The property is located partially within the regulatory floodway. Heavy Commercial uses are not ideal in this location.
<u>X</u>			Any other factors which shall substantially affect the public health, safety, morals, or general welfare None noted.