

Zoning Request

ZC-22-20

SH 21 & FM 110



Summary

Request:	Zoning change from Public & Institutional (P) to Light Industrial (L)		
Applicant:	Roe Pitstick Northpoint Development 3315 N. Oak Trafficway Kansas City, MO 64114	Property Owner:	James C. Spooner 324 43 rd St Des Moines, IA 50312

Notification

Application:	August 11, 2022	Neighborhood Meeting:	N/A
Published:	August 7, 2022	# of Participants	N/A
Posted:	August 2, 2022	Personal:	August 2, 2022
Response:	None as of the date of this report		

Property Description

Legal Description:	120 acres out of the Juan Martin Veramendi Survey, Abstract No. 17, and the Thomas G. McGehee Survey, Abstract No. 11		
Location:	Northeast of intersection of SH 21 & FM 110		
Acreage:	120 acres	PDD/DA/Other:	N/A
Existing Zoning:	Public/Institutional (P)	Proposed Zoning:	Light Industrial (LI)
Existing Use:	Vacant	Proposed Use:	Industrial
Existing Occupancy:	N/A	Occupancy:	N/A
Preferred Scenario:	Low Intensity	Proposed Designation:	Same
CONA Neighborhood:	N/A	Sector:	6
Utility Capacity:	Extension Required at Developer's Expense	Floodplain:	No
Historic Designation:	N/A	My Historic SMTX Resources Survey	No

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	ETJ	Vacant / Single Family	Low Intensity
South of Property:	ETJ	Vacant / FM110	Low Intensity
East of Property:	P	Airport	Employment Center
West of Property:	P/CD-3	Vacant/Proposed Single Family	Low Intensity

Staff Recommendation

X	Approval as Submitted	Alternate Approval	Denial
Staff: Amanda Hernandez			
Title : Assistant Director of Planning		Date: August 17, 2022	

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Commission Recommendation

X	Approval as Submitted	Approval with Conditions / Alternate	Denial
Speakers in favor or opposed Roe Pitstick Scott Gaughan Lisa Marie Coppoletta			
Recommendation from the Planning and Zoning Commission Meeting held DATE A motion was made by Commissioner Kelsey, second by Commissioner Spell to recommend approval of the request. The vote (passed / failed) with a 7-0 vote For: Spell, Kelsey, Agnew, Garber, Meeks, Case, Mendoza Against: N/A Absent: Costilla, Sambrano			
Discussion Topics: The Commission discussed prior restrictive covenants approved by City Council and unanimously agreed the desire to include similar restrictions on this property (DRAFT COVENANTS ARE ATTACHED) A question was raised regarding the revised boundary and staff assured the Commission the vote was on the smaller boundary with the "cut out." The applicant reaffirmed the cut out area is a runway protection zone easement granted to Hays County which essentially prohibits development, and no improvements are proposed in that area.			

History

The subject property was annexed in 1980.

Additional Analysis

There are two single family properties, adjacent to the subject property, in the ETJ. The nearest home is over 150 feet from the property line of the subject property.

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 <i>Light Industrial is Not Preferred (NP) on the District Translation Table, however the subject property is near the San Marcos Regional Airport and the future extension of FM 110.</i>
		<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 <i>Plans were not complete at the time of the request.</i>
		<u>X</u>	Whether the proposed zoning map amendment implements the policies of any applicable plan adopted by City Council
		<u>X</u>	Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect <i>There is no development agreement for this property</i>
<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 <i>The property is adjacent to FM 110 and across SH 21 from the San Marcos Regional Airport</i>
<u>X</u>			Whether the proposed zoning will reinforce the existing or planned character of the area <i>It is anticipated that properties adjacent to FM 110 will develop with commercial and industrial uses.</i>
<u>X</u>			Whether the site is appropriate for the development allowed in the proposed district
<u>X</u>			Whether there are substantial reasons why the property cannot be used according to the existing zoning <i>The property is currently zoned P which is intended for civic and public uses</i>
		<u>X</u>	Whether there is a need for the proposed use at the proposed location

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<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
<u>X</u>			Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property <i>While there are single family properties in the ETJ, the nearest residential house is over 150 ft. away from the abutting property line</i>
		<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 <i>This request is not for a NDD</i>
<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 <i>The property is not located in an environmentally sensitive area</i>
<u>X</u>			Any other factors which shall substantially affect the public health, safety, morals, or general welfare <i>N/A</i>