

Zoning Change PDD-16-01 Wonder World Drive and Hunter Road



- Summary:** The applicant is requesting a zoning change from “FD” Future Development to “PDD” Planned Development District with a base zoning classification of “GC” General Commercial for 6.4 acres, more or less, out of the J.M. Veramendi Survey, Abstract No. 17, located at the northwest corner of Wonder World Drive and Hunter Road.
- Applicant:** HEB Grocery Company, L.P.
646 South Main Avenue
San Antonio, TX 78204
- Property Owners:** Eric Myers: P.O. Box 1084, San Marcos, TX 78667
Green Gerald Trustee et al: 1314 E. Sonterra Blvd., #5204, San Antonio, TX 78258
City of San Marcos: 630 E. Hopkins Street, San Marcos, TX 78666
- Notification:** Personal notification mailed on July 15, 2016.
- Response:** None at the time of this staff report.

Property/Area Profile:

- Legal Description:** A tract of land containing 6.4 acres out of the J.M. Veramendi Survey Abstract No. 17, situated in the City of San Marcos, Hays County, Texas.
- Location:** The northwest corner of the intersection of Wonder World Drive and Hunter Road
- Existing Use of Property:** Vacant
- Proposed Use of Property:** Commercial
- Intensity:** The property is located within an Area of Stability and Open Space. The applicant is pursuing a Preferred Scenario Amendment (PSA) to change to an Employment District and Open Space. The PSA is scheduled to go before City Council on August 2, 2016; the Commission recommended denial of the PSA at its November 12, 2015 meeting.
- Existing Zoning:** “FD”, Future Development
- Historic District:** None
- Proposed Zoning:** “PDD” – Planned Development District with “GC” General Commercial base Zoning
- Utility Capacity:** Adequate

Area Zoning & Land Use:

	Zoning	Existing Land Use
N of Property	FD & CC	Vacant & Residence
S of Property	FD	Entrance to Purgatory Creek Greenspace
E of Property	MF-18 & GC	Multifamily & CVS
W of Property	FD	Residential

Case Summary

The subject site consists of approximately 6.4 acres, more or less, out of the J.M. Veramendi Survey. The property is located on the northwest corner of Wonder World Drive and Hunter Road, across from the CVS and the Elysian at Purgatory Creek Apartments. The entrance and parking area to the Purgatory Creek Greenspace is located to the south of the property.

This site is identified mostly as an Area of Stability on the Preferred Scenario Map. There is a small area of the northern portion of the site identified as Open Space. However, the applicant is currently in the process of requesting a Preferred Scenario Amendment (PSA) to change from an Area of Stability and Open Space to an Employment Center and Open Space. The PSA is scheduled to go before City Council for a decision on August 2, 2016. Staff's recommendation is to approve the requested PSA with the understanding that the portion of the property identified as Open Space remains as shown on the Preferred Scenario and that the applicant pursues a Planned Development District for the entire property; the Commission recommended denial of the PSA at its November 10, 2015 meeting. Before the request for the PSA was moved to City Council for their decision, and after hearing both the Commission's and City Council's discussions on having more detailed information about proposed developments during the PSA process, the applicant applied for and began negotiations with Staff on the PDD. If the PSA request is granted, the site would be classified as an Employment Center on the Zoning Translation Table (EC). There is no classification of Employment Center on the Land Use Intensity Matrix but there is a 'General Note' that states uses in potential Employment Centers include industrial, office parks, and retail malls with standards; essentially any independent residential use is removed from being requested. Mixed Use (MU) and Vertical Mixed Use (VMU) are zoning classifications that could be requested and both allow residential. However, residential is included in both as part of a mixture of uses that includes retail and office.

Currently the site consists of vacant land and is zoned Future Development (FD). Surrounding land uses include mobile homes, rental homes, multifamily apartments and CVS.

The proposed General Commercial zoning would allow the construction of commercial services such as office, retail buildings, and automotive services. The Planned Development District (PDD), in conjunction with the zoning change, would establish a Land Use Matrix with further restrictions and allowances as well as alternative development enhancements. The PDD is proposing that only a HEB grocery store can be constructed on this site. No building or site plans have been submitted at this time, however, all requirements in the Land Development Code and flood administration will be required to be met, unless specifically noted in the PDD.

If this zoning request is not granted, the applicant would be able to develop the property under the existing zoning category or apply for a zoning change to single family residential zoning districts, up to SF-6.

Planning Department Analysis

The subject property has applied for a Preferred Scenario Amendment (PSA) to change from an Area of Stability / Low Intensity and Open Space to an Employment Center and Open Space. This PSA is

scheduled to go before City Council for action on August 2, 2016. The following analysis is based on the assumption that the PSA is approved.

Vision San Marcos Comprehensive Plan provides the following descriptions of an Employment Center:

- *New development such as large scale industrial, manufacturing, office park and intense commercial uses are appropriate in employment centers.*
- *Businesses that provide long-term sustainable employment opportunities should be encouraged in the employment centers. Typically these uses are located on large sites with access to road and rail transportation and have access to city services such as water, sewer, and electricity.*
- *Specialized uses such as industry, large office parks, retail malls and commercial recreation will be recommended for the potential employment centers in the preferred scenario.*
- *The Preferred Scenario is a recommendation from the public, adopted by City Council which supports development in the intensity zones and guides future economic development decisions supporting industrial, office park, and commercial uses in the employment centers.*

The applicant has stated that the future use of the property is a grocery store, specifically an HEB. Section 3 of the PDD states that “only an HEB grocery store and its typical in-house operations shall be allowed on this site.” The proposed commercial use is consistent with the description of an Employment Center as outlined above in *Vision San Marcos Comprehensive Plan*. Based on the site’s location across the street from a Medium Intensity Zone and at the intersection of two arterials, Wonder World Drive and Hunter Road, the property is a logical location to consider for higher intensity development. Following a review of *Vision San Marcos*, specifically reviewing the Land Use Suitability Map, staff found that the request for a change in intensity at this location as submitted by the applicant was not entirely consistent with the intent of the Environment and Resource Protection section. The majority of the site has a constraint level of five (5) largely due to the location in Purgatory Creek Watershed, the presence of erosive soils, and the possible presence of archeological findings throughout the site. Staff also had concerns with regards to access of the site.

To address these concerns, staff has worked with the applicant to create a brief Planned Development District (PDD) that establishes permitted, conditional, and not-permitted uses that align with the goals of *Vision San Marcos Comprehensive Plan* while addressing the environmental and access concerns stated above. The Texas Department of Transportation (TxDOT), through discussions with the applicant as well as the City, has agreed to the access locations shown on the Concept Plan (Exhibit “B”). This is shown in Exhibit “G” of the PDD.

The proposed PDD was reviewed according to Section 4.2.6 “Planned Development Districts” within the City of San Marcos Land Development Code (LDC). More specifically, Section 4.2.6.1 states:

“PD districts are intended to implement generally the goals and objectives of the City’s Comprehensive Plan. PD districts are also intended to encourage flexible and creative planning, to ensure the compatibility of land uses, to allow for the adjustment of changing demands to meet the current needs of the community, and to result in a higher quality development for the community than would result from the use of conventional zoning districts.”

Furthermore, *Vision San Marcos* states that Employment Centers *will require special development standards to address any issues raised by the intensity of uses*. The attached PDD establishes development standards for the subject property that are intended to yield higher quality development while addressing Staff’s concerns. A summary of the standards are described below:

- The proposed store will not replace the Downtown HEB located at the corner of Hopkins Street and Comanche Street; only an HEB grocery store will be allowed on this site by the PDD.
- While not all the uses described in Exhibit “E” will necessarily be included in this project, the “Land Use Matrix” provides flexibility of permitting or conditionally permitting certain commercial uses. The uses are described in the attached PDD as Exhibit “E”, “Land Use Matrix”, and are typical uses associated with HEB facilities.

- A drainage study, including a 2D flood model based on site build out and storm of record has been submitted and reviewed by the City and has shown no increase in the water surface elevation downstream of the site. A revised drainage study, including a revised 2D flood model, will be submitted and reviewed by the City prior to site permit to ensure that water surface elevation and flow downstream of the site is not increased.
- Enhanced Landscape Standards such as an increase in caliper size of street trees and an increase to the required minimum percent landscaped area for the subject property (15% in PDD versus 10% required by the Land Development Code).
- Full access signalized driveway, aligning with the apartment driveway and interconnected with the signal at Hunter Road and Wonder World Drive, to be installed by developer including any necessary utility relocations along with a right in/right out with raised island driveway on Hunter Road to limit left turns.
- Utilities that are not located within a structure will be located and maintained underground.
- Developer installation of a transit stop along Hunter Road built to City specifications.

The zoning change request has been reviewed using *Vision San Marcos: A River Runs Through Us* as well as the guidance criteria in Section 1.5.1.5 of the Land Development Code. A review worksheet is attached to this report, which details the analysis of the zoning change using Comprehensive Plan Elements.

Staff finds that the zoning change request along with the PDD is consistent with the Comprehensive Plan Elements summarized below:

- The property is located along two major arterials, Hunter Road and Wonder World Drive and is proposed to be located within a designated Employment Center on the Preferred Scenario Map; the PSA will be before the City Council on August 2.
- While the property is located within an area listed as Most Constrained on the Land Use Suitability Map, the applicant applied for a PDD to allow for a more in depth review of proposed site plans and mitigations techniques at the time of development.
- Transportation access to the site appears to be adequate and the language added to the PDD regarding access is proposed to help aid in traffic progression.
- The subject property is not located within a wastewater or water “hot spot”.

Evaluation		Neutral	Criteria (LDC 1.5.1.5)
Consistent	Inconsistent		
X			<p>Change implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps.</p> <p><i>If the PSA is approved by City Council, the change will be consistent with the Preferred Scenario Map and Comprehensive Plan Elements in Vision San Marcos. See the analysis above and the attached Comprehensive Plan Worksheet.</i></p>
		X	<p>Consistency with any development agreement in effect</p> <p><i>No development agreements are in effect for this property.</i></p>
X			<p>Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified</p> <p><i>The proposed PDD establishes an alternate land use matrix to direct growth in this area to a singular use.</i></p>
		X	<p>Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area</p> <p><i>There are no Capital Improvement Plan projects anticipated in the</i></p>

Evaluation			Criteria (LDC 1.5.1.5)
Consistent	Inconsistent	Neutral	
			<i>immediate area.</i>
		X	Other factors which substantially affect the public health, safety, morals, or general welfare <i>None noted.</i>

Additionally, the Commission should consider:

(1) Is the property suitable for use as presently zoned?

Staff evaluation: The property is currently zoned "FD" Future Development. Future Development is a place holder zoning classification that allows very little other than a single family house or agricultural uses. Due to this property's location at a hard corner of Hunter Road and Wonder World Drive, this property is more suitable for commercial uses than a single family dwelling or agricultural use.

(2) Has there been a substantial change of conditions in the neighborhood surrounding the subject property?

Staff evaluation: There have been no substantial changes to neighborhood surrounding the project, however during the 2015 October Flood the northern corner of this property and the surrounding properties, particularly the Purgatory Creek Greenspace, were impacted by the flood. It is due to concerns of the impact that development on this property may have that Staff added enhanced development requirements to the PDD, such as the drainage study that includes a 2D flood model based on the storm of record and complete site build out.

(3) Will the proposed rezoning address a substantial unmet public need?

Staff evaluation: There are multifamily residences in the immediate vicinity of this property as well as residences further north of the property that could benefit from the use of the site as a grocery store.

(4) Will the proposed rezoning confer a special benefit on the landowner/developer and cause a substantial detriment to the surrounding lands?

Staff evaluation: There is no special benefit to the landowner.

(5) Will the proposed rezoning serve a substantial public purpose?

Staff evaluation: A goal of the Comprehensive Plan is to support "An enhanced and diverse local economic environment that is prosperous, efficient and provides improved opportunities to residents." The location of the property at a hard corner is compatible with many uses allowed within the General Commercial district. The proposed rezoning has the opportunity to bring goods and services closer to the vicinity of nearby residents. The addition of another store in a different area of San Marcos could potentially reduce congestion associated with the two current stores.

Staff was able to obtain the 2014 traffic counts for the Wonder World Drive and Hunter Road intersection from the Engineering Department. These counts show that Wonder World Drive West of Hunter Road received 18,745 Average Daily Trips, Wonder World Drive East of Hunter Road received 26,480 Average Daily Trips, Hunter Road/Hopkins Street North of Wonder World Drive received 12,676 Average Daily Trips, and Hunter Road South of Wonder World Drive received 13,840 Average Daily Trips. These numbers are based on City counts as well as TxDOT counts.

Staff was also able to obtain information on the accident reports for the same intersection from the Police Department. The data shows that there were 97 total reported accidents at this intersection from January 2013 to July 24, 2016. The Police Department broke down the severity of these accidents into “No Injury – includes not injured and unknown”, “Minor – includes possible injury”, and “Major – includes non-incapacitating and incapacitating injuries.” Out of the 97, 18 were “No Injury”, 16 were “Minor”, and 10 were “Major.” There were no fatality accidents during the period of time evaluated.

Based on discussions held at the Lunch & Learn on July 26 and the Regular Meeting of the Planning and Zoning Commission on July 27, Staff provides this request to the Council with a recommendation of approval with the following revisions to the PDD:

1. Adding the standards for the fence along the Hike and Bike Trail as shown on the site plan and as presented by the applicant; and
2. Removal of the Nichiha as a Permitted Wall Material in Section 5.i.

Planning Department Recommendation:	
	Approve as submitted
X	Approve with conditions or revisions as noted
	Alternative
	Denial

Prepared by:

Alison Brake, CNU-A	Planner	July 27, 2016
Name	Title	Date