

Zoning Request

ZC-23-01

FM 1984

SMART Terminal



Summary

Request:	Zoning change from Future Development to Heavy Industrial		
Applicant:	Franklin Mountain San Marcos I LLP 16380 Addison Rd, Addison TX 75001	Property Owner:	Franklin Mountain San Marcos I LLP 16380 Addison Rd, Addison TX 75001

Notification

Application:	12/05/23	Neighborhood Meeting:	N/A <i>Developer led meeting held 3/15 and 3/22</i>
Published:	01/29/23	# of Participants	N/A
Posted:	01/27/23	Personal:	01/27/23
Response:	See attached Written Comments.		

Property Description

Legal Description:	588.821 +/- acres of land, more or less, out of the William Pettus Survey, Abstract No. 21 and the Thomas Maxwell Survey No.17, Abstract No. 188, Caldwell County, Texas.		
Location:	Generally located NW of the intersection between FM 110 and SH80; between FM 110, SH 80, and FM 1984; approximately 4,000 ft northeast of the intersection between SH 80 and Quail Run Road, and between SH 142 and Valley Way Drive.		
Acreage:	588 acres	PDD/DA/Other:	DA – 2023-20R
Existing Zoning:	None (ETJ)	Proposed Zoning:	HI
Existing Use:	Vacant	Proposed Use:	Industrial Park
Existing Occupancy:	N/A	Occupancy:	N/A
Preferred Scenario:	Low Intensity Zone	Proposed Designation:	Same
CONA Neighborhood:	N/A	Sector:	N/A
Utility Capacity:	Extension Required at Developer's Expense	Floodplain:	Yes
Historic Designation:	N/A	My Historic SMTX Resources Survey	No

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	Heavy Industrial	Vacant	Low Intensity Zone
South of Property:	ETJ/Martindale	Vacant/ Cemetery/ Rural residential	Low Intensity Zone
East of Property:	ETJ/ Martindale	Vacant/ Rural Residential/Agricultural	Low Intensity Zone
West of Property:	Future Development	Vacant/ Agricultural	Low Intensity Zone

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Staff Recommendation

<u>X</u>	Approval as Submitted	Alternate Approval	Denial
Staff: Julia Cleary Title : Senior Planner Date: 02/08/23			

History

The site is currently located outside the City limits in the Extra-territorial Jurisdiction (ETJ). An application for annexation is being considered concurrently with this request (AN-22-20). The zoning request is made up of five separate parcels, all of which are part of the San Marcos Air, Rail and Truck ("SMART") Terminal Development Agreement, which was originally approved in 2019 and then amended on January 17, 2023 to include these additional parcels. The request is consistent with the Heavy Industrial uses in the approved Development Agreement.

A full list of uses permitted under the Development Agreement is included in the packet.

On February 14th, P&Z held a Public Hearing and voted to postpone consideration to 03/28 to allow the applicant to undertake additional outreach. The Developer held 2 public meetings at the Martindale School House on Wednesday March 15th and March 22nd.

Additional Analysis

See additional analysis below.

Comments from Other Departments

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

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>The site is shown as "Low Intensity" on the Preferred Scenario map, which per Table 4.1 is a "Not Preferred" area for Heavy Industrial</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>There is no small area or neighborhood plan in effect for this site.</i>

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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 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>The request is consistent with the SMART Terminal Development Agreement as amended by Council on Jan 17, 2023.</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
<u>X</u>			Whether the proposed zoning will reinforce the existing or planned character of the area <i>The zoning is adjacent to the wider SMART Terminal Development Agreement site which was originally approved in 2018.</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>Upon annexation the site shall be zoned "FD" Future Development which is intended to be a temporary zoning district only.</i>
<u>X</u>			Whether there is a need for the proposed use at the proposed location <i>The City has not received a market or needs assessment for this particular development, however the site will benefit from the location adjacent the airport and the railway line.</i>
<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

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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 <i>There are existing residential neighborhoods located across the street from subject property on FM 1984 and on SH 80. However, the Development Agreement prohibits a number of "bad neighbor" uses typically permitted within a HI zoning district including, but not limited to: vehicle wrecking yards; manufacturing or storage of fertilizer; disposal or incineration of solid and hazardous waste, and fat rendering.</i>
		<u>N/A</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 is not a request for a Neighborhood Density District.</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>There is floodway/ floodplain located within the easternmost parcel of this zoning request. Per the approved Development Agreement, post development discharge must be 10% less than pre-development rates considering Atlas 14 precipitation data, compared to the standard code requirement that requires no change.</i>
		<u>N/A</u>	Any other factors which shall substantially affect the public health, safety, morals, or general welfare