

**Zoning Request
ZC-24-01**

**2420 S IH 35
Proposed Hotel (HC to CM)**



Summary

Request:	Zoning change from Heavy Commercial "HC" to Commercial "CM"		
Applicant:	Randy Warner 1909 Woodall Rodgers Frwy., 3 rd floor Dallas, TX 75201	Property Owner:	Daniel McCutchen 125 Ash Juniper Dr. New Braunfels, TX 78132

Notification

Application:	November 27, 2023	Neighborhood Meeting:	None required
Published:	January 28, 2024	# of Participants	N/A
Posted:	January 2, 2024	Personal:	January 26, 2023
Response:	None as of date of this report		

Property Description

Legal Description:	Thermon Industrial Park No. 2, Unit 1, Lot 2-B, Block 2		
Location:	Located between S IH 35 and Barnes Dr. frontages, approx. 960 ft. southwest of Barnes Dr. and Thermon Dr. intersection		
Acreage:	3.04 acres	PDD/DA/Other:	N/A
Existing Zoning:	Heavy Commercial	Proposed Zoning:	Commercial
Existing Use:	Vacant land	Proposed Use:	Hotel
Existing Occupancy:	Restrictions Do Not Apply	Occupancy:	Restrictions Do Not Apply
Preferred Scenario:	Employment Center	Proposed Designation:	Same
CONA Neighborhood:	N/A	Sector:	4
Utility Capacity:	TBD – Currently assessing an increase in wastewater line size	Floodplain:	Yes – 100-yr. floodplain
Historic Designation:	N/A	My Historic SMTX Resources Survey	No

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	LI	Office	Employment Center
South of Property:	GC	IH 35/ Industrial	Employment Center
East of Property:	LI	Manufacturing	Employment Center
West of Property:	HC	Office	Employment Center

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Staff Recommendation

X	Approval as Submitted	Alternate Approval	Denial
Staff recommends <u>approval</u> of ZC-24-01.			
Staff: Lauren Clanton, AICP		Title: Chief Planner	Date: February 28, 2024

Commission Recommendation

X	Approval as Submitted	Alternate Approval
<p>Speakers in favor or opposed Randy Warner (applicant) – in favor Andrew Dobroski – in favor Lisa Marie Coppoletta – general comments on location</p> <p>Recommendation from the Planning and Zoning Commission Meeting held February 13, 2024. A motion was made by Commissioner Case, second by Commissioner Dunn, to recommend approval of the request. The vote passed with an 8-0 vote For: 8 (Agnew, Burleson, Case, Dunn, Garber, Kelsey, Meeks, Spell) Against: 0 Absent: 0</p> <p>Discussion Topics:</p> <p>Floodplain – Commissioner Agnew asked whether the presence of floodplain on the southeast portion of the site had prevented development in the past or would interfere in the future. Staff clarified that the floodplain will need to be accommodated by the site plan but will not entirely prevent development and further noted that the environmental analysis conducted as part of assessing the zoning change indicated high suitability for developing the site.</p> <p>Parking Requirements – Commissioner Agnew asked whether the prohibition on parking in the first layer stipulated by CM zoning would be feasible for the applicant. Staff responded that the combined requirements of no parking in the first layer and the build-to zone created the necessity for an alternative compliance related to this case. Staff acknowledged that positioning parking behind the building creates a unique challenge that has been attempted by the applicant through their submitted site plan.</p> <p>Cross access easement - Commissioner Agnew asked whether an existing driveway along IH 35 serving an adjacent site through the subject property would be utilized. Staff deferred to the applicant, who stated intent to use the shared drive in cooperation with neighboring properties.</p> <p>Need for CM zoning - Commissioner Spell asked the motivation for the zoning change. Staff responded that a hotel is not allowed in existing HC zoning.</p>		

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History

The property was platted as part of Thermon Industrial Park No.2 in 1984 and replatted as Lot 2-B in 2018. The area was zoned Light Industrial as part of the 2005 citywide rezoning effort. In November 2005, the property was rezoned again by a private owner to Heavy Commercial and has remained so. As part of the zoning change from LI to HC, a restrictive covenant was placed on the land limiting possible uses on the property and eliminating the possibility of mobile home sales.

This zoning change request is one of two applications submitted by the applicant for this site:

- Alternative Compliance to position the building behind the build-to zone (AC-24-01)
- ~~Variance to the maximum setback requirement of 20 ft.~~

Additional Analysis

Nearby uses are medium-intensity commercial and industrial businesses. These include Mensor instrument manufacturer, a construction contractor, an engineering consulting office, a paint store, and an optician and eyewear store. The El Milagro tortilla chip factory is located along Barnes Dr. to the southwest. Nearby operations are typically more intense than the proposed use of a hotel but enclosed within existing buildings, which may mitigate nuisances. Hotels are consistently spaced along this section of IH 35 leading into Downtown San Marcos, averaging about 0.75 mile apart.

The property is surrounded by Heavy Commercial, Light Industrial, and General Commercial zoning on all sides. Nearest residential uses are more than 0.5 mile away, limiting the impact of the hotel on neighborhoods.

See additional analysis below.

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>Commercial zoning is appropriate for the Employment Center preferred scenario type.</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>Studies 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>N/A</u>	Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect. <i>There are no development agreements in effect for this site.</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>Surrounding uses are consistent with the proposed use.</i>
<u>X</u>			Whether the proposed zoning will reinforce the existing or planned character of the area. <i>The proposed zoning is consistent with the existing commercial and industrial uses and the characterization of the area as an industrial park.</i>
<u>X</u>			Whether the site is appropriate for the development allowed in the proposed district. <i>No known issues.</i>
<u>X</u>			Whether there are substantial reasons why the property cannot be used according to the existing zoning. <i>The proposed use of hotel with more than 30 rooms is not permitted in existing HC zoning.</i>

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	Evaluation		Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
		<u>X</u>	Whether there is a need for the proposed use at the proposed location. <i>A hotel is an appropriate use for highway frontage but is not essential to fill a need for lodging where other hotels exist.</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 <i>Existing City utilities, roads, and emergency services serve the site.</i>
<u>X</u>			Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property. <i>Adjacent uses are similar or higher intensity. Sizeable side setbacks are proposed on the site plan.</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>The presence of 100-year floodplain in the southeast portion of the parcel requires that the site be designed around this constraint. The proposed site plan places a detention/ water quality pond on the southeast side of the site in front of the building facing IH 35.</i>
<u>X</u>			Any other factors which shall substantially affect the public health, safety, morals, or general welfare <i>Staff is not aware of any other factors which would substantially affect the public health, safety, morals, or general welfare.</i>