



PDA-22-07 (B)

SMART Terminal

Development Agreement Amendment

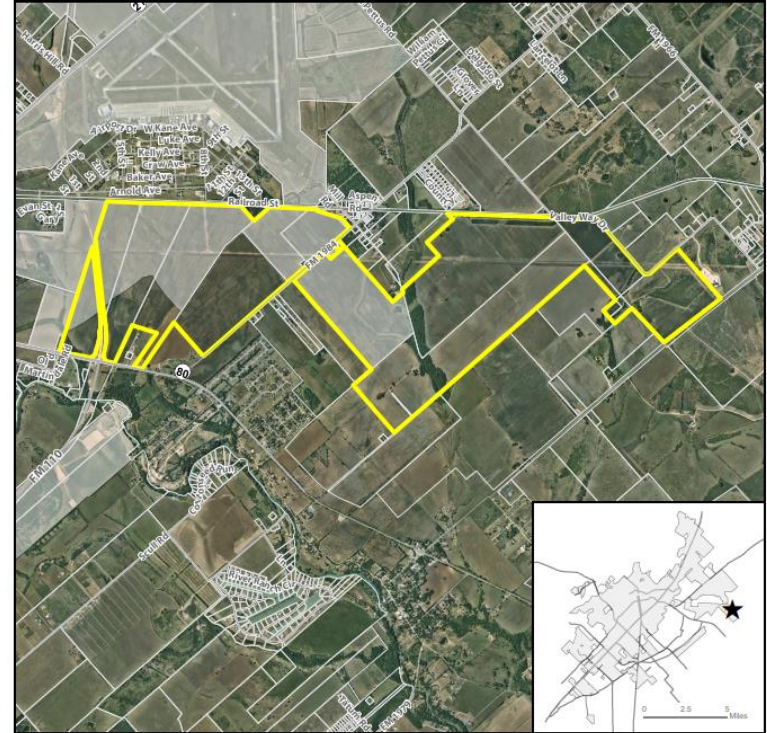
Receive a staff presentation, hold discussion, and consider approval, by motion, initiating a review of the development agreement, providing direction on topics for discussion with the developer, and authorizing negotiations with Franklin Mountain San Marcos I, LP, if desired, to amend the SMART Terminal Development Agreement.



Property Information

- Approximately 1,987 acres
- Located along the Railroad south of the San Marcos Regional Airport, generally north of SH 80

PDA-22-07 (B) Aerial View SMART Terminal (I-Zone) Amendment — FM 1984



- ★ Site Location
- Subject Property
- Parcel
- City Limit

0 2,000 4,000 8,000 Feet

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Imagery from 2017.

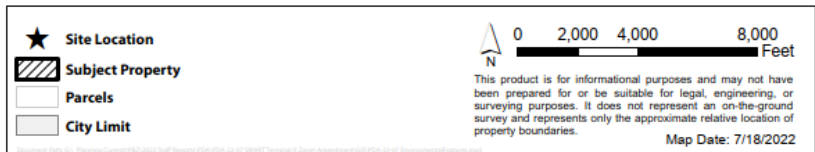
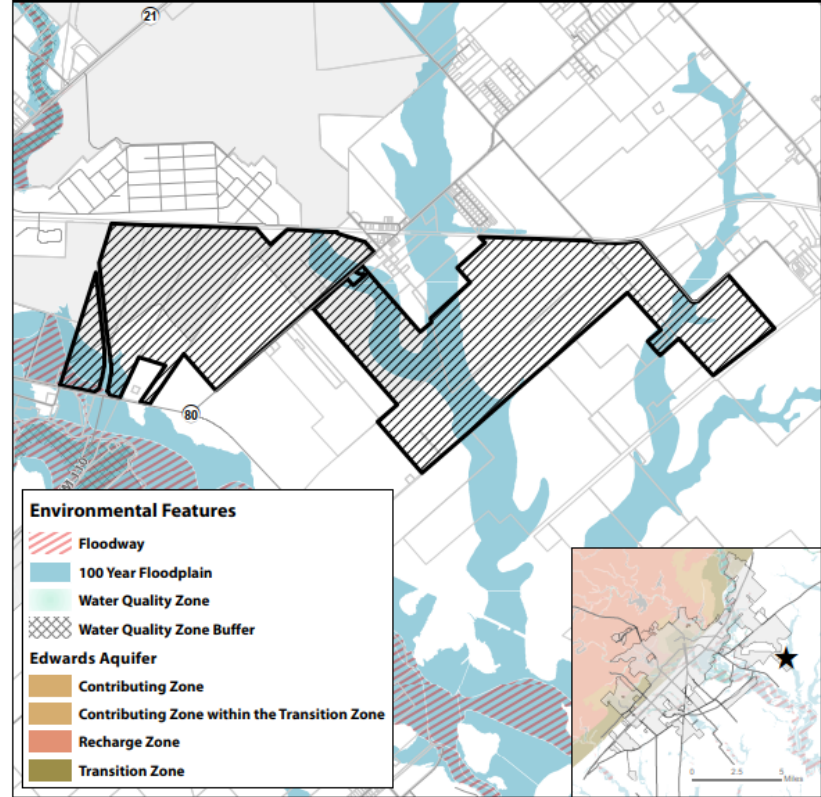
Map Date: 7/18/2022



Context & History

- March, 2019 – City Council approved SMART Terminal 380/Development Agreement along with annexation and Zoning Change to HI for the first 880 acres.
- January 17th 2023 – Council approved an amendment to the Development Agreement increasing the acreage and removing the incentives.
- April 18th – Council **approves** annexation of approx. 600 acres and **postpones** consideration of associated Zoning Change request to Heavy Industrial to July 3, 2023.

PDA-22-07 (B) Environmental Features SMART Terminal (I-Zone) Amendment — FM 1984



Overview of Current Development Agreement



Development Agreement Comparison

Standard	Original DA	Current DA	Code
Annexation, Zoning, Other City Codes Apply	✓	✓	✗
Specialized List of Permitted Uses	✓	✓	✗
Fire Station Sites Required	✗	✓	✗
Parks Required	✗	✓	✗
Noise Provisions	✓	✓	✓
Smoke / Odors	✓	✓	✓



Development Agreement Comparison

Standard	Original DA	Current DA	Code
70% Gross Maximum Impervious Cover	✓	✓	✓
90% Site Maximum Impervious Cover	✗	✓	✗
70% Increased TSS Removal	✓	✓	✗
Additional Water Capture for Water Quality	✓	✓	✗
Natural Channel Design	✓	✓	✗
Post Development Discharge = 10% Less	✓	✓	✗



Development Agreement Comparison

Waivers	Original DA	Current DA	Code
Parking Lot Landscaping	✓	✓	✗
Pedestrian Access	✓	✓	✗
Outdoor Storage Height	✗	✓	✗
Building Articulation	✗	✓	✗
Chain Link Fencing	✓	✓	✓
Block Perimeter	✓	✓	✗
Truck Route Signage	✗	✓	✗



Development Agreement Comparison

Standard	Original DA	Current DA	Code
Traffic Impact Analysis at the Time of First Plat	✓	✓	✗
Multiple Water Service Providers	✓	✓	N/A
Opt in to City's Wastewater Service	✓	✓	N/A
Installation of Purple Pipe	✗	✓	✗
Partial Impact Fee Waiver / Reimbursement	✓	✓	✓



Administrative Development Agreement Amendment

The following were approved administratively on April 12, 2023

1. 100' residential buffer adjacent to Reedville
2. Limitation on area where storage is permitted up to 80' in height.
3. Increase buffer zones by 100%.

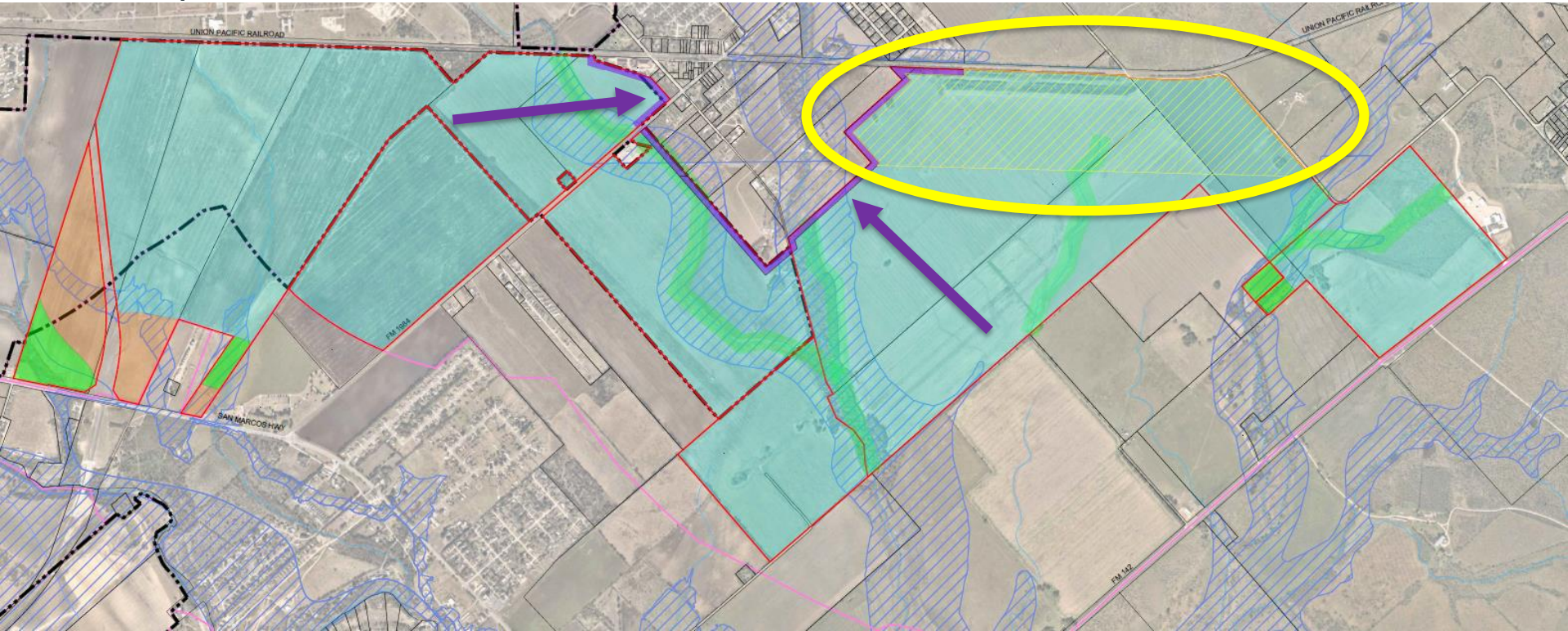
Applicant also agreed to 75% removal of Total Suspended Solids from Stormwater and discharge control on all detention ponds.
(not eligible for administrative approval)



Administrative Development Agreement Amendment

Buffer / Storage Areas

- Yellow: area where 80' outdoor storage is permitted
- Purple: 100-foot buffer

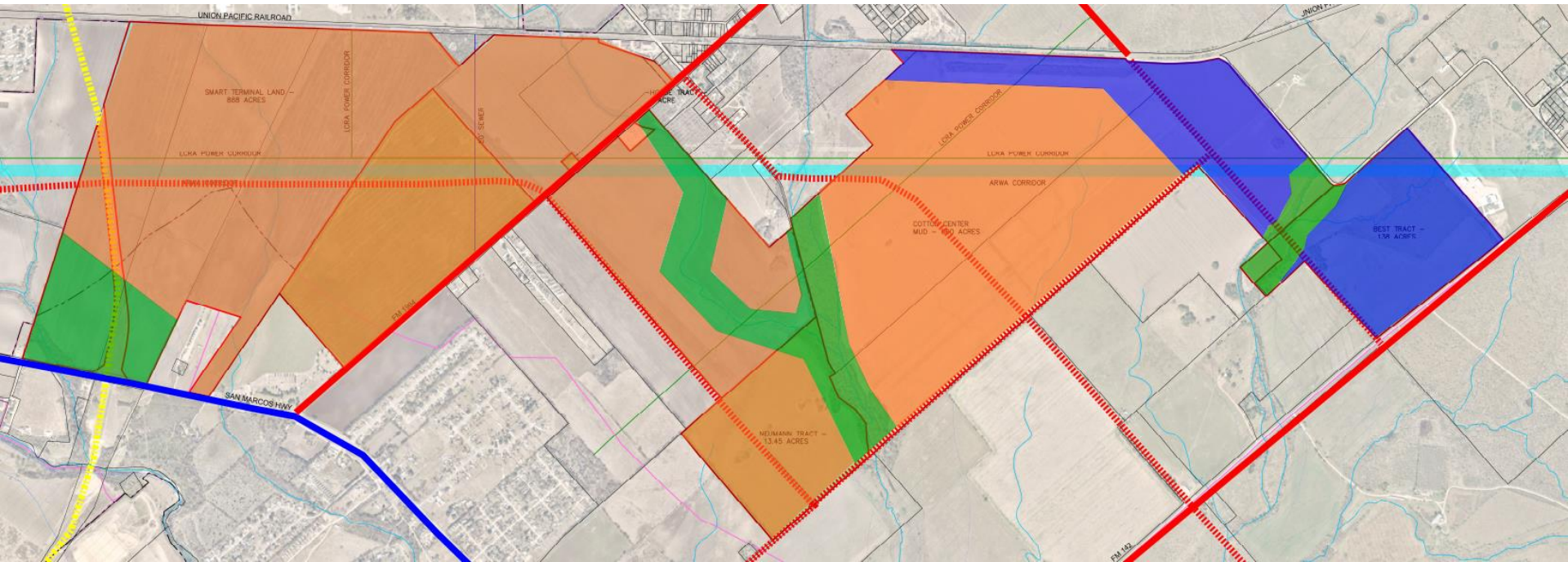




Administrative Development Agreement Amendment

Cut & Fill Modifications

- Orange: administratively up to 15 ft
- Blue: administratively up to 20 ft
- Green: Subject to City Codes following a detailed floodplain analysis*



Requested Development Agreement amendments received by staff



1.1 Additional Prohibited Land Uses

- a) Bio-Medical facilities
- b) Electronic Assembly/Hi-Tech Manufacturing
- c) Plastic Products Molding/Reshaping
- d) Stone/Clay/Glass Manufacturing
- e) All battery manufacturing
- f) Manufacturing processes w/hazardous byproducts
- g) PFAS (Per- and Polyfluorinated Substances) use and manufacturing
- h) Electrical Substation



1.2 Removal of permitted land uses

- a) Bio-medical facilities
- b) Electronic Assembly/High Tech Manufacturing
- c) Manufacturing Processes not listed
- d) Electrical Substation



2.1 Increase protective yards or buffer zones:

- a) 350 ft where adjacent to existing residential uses (zoned and non-zoned) including those along FM 1984.
- b) Require use of plants that are native to blackland prairie ecoregion.

2.2 Incorporate Transitional Protective Yards:

- c) Per Section 7.2.2.4 of the Land Development Code when an industrial use is adjacent a residential land use in the ETJ.



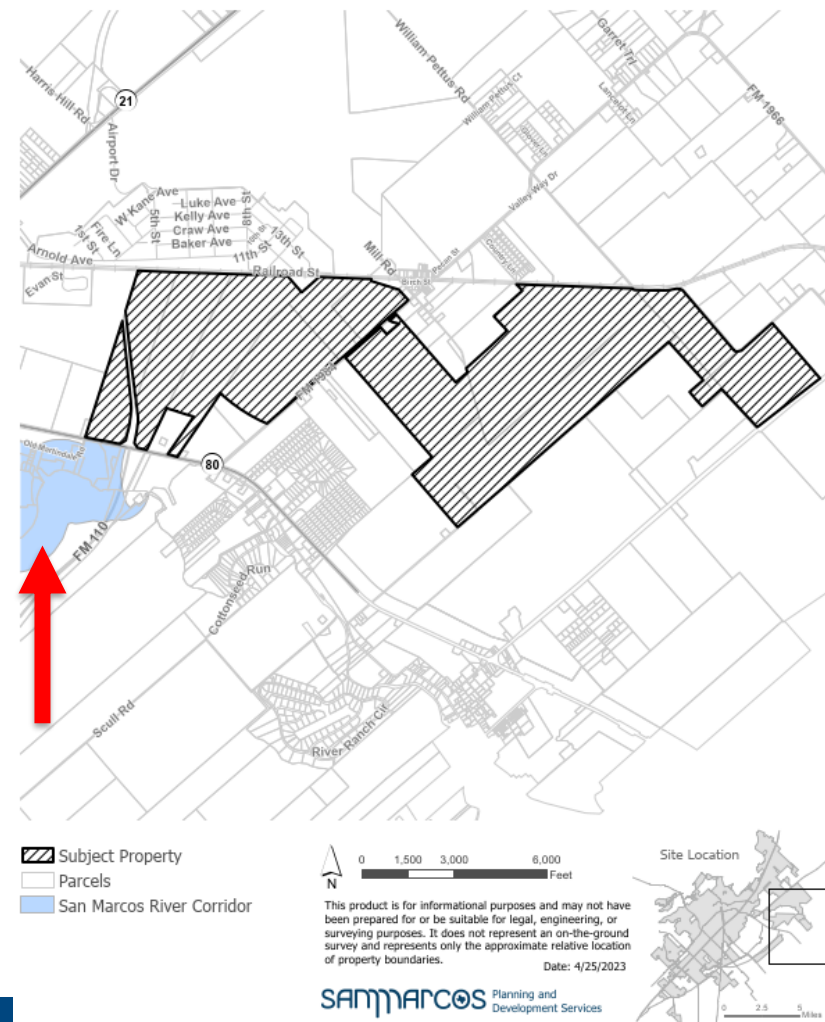
TABLE 7.8 TYPE C AND D PROTECTIVE YARD STANDARDS

	TYPE C	TYPE D
Depth (min)	20 ft.	35 ft.
Fence Height (min)	Not Allowed	6 ft.



3. Increase Water Quality Volume Treatment Level:

- Match the San Marcos River Protection Zone of 80% removal of suspended solids from a 1.25" rainfall.





- a) Cut and fill should be reduced to 8 feet
Agreement allows 15-20 ft. administratively approved





5. Increase Parkland Dedication

- a) 264 acres of parkland should be provided based on Code requirements for residential and the number of residential properties in the surrounding area.

ARTICLE 10: PARKS AND OPEN SPACE

DIVISION 1: IN GENERAL

D. Exceptions. Parkland dedication requirements shall not apply:

- 1. To the subdivision of commercial, industrial or other non-residential lots;



6.1 Decrease Impervious Cover

- a) Reduce gross impervious cover to 60%.
Agreement limit is 70% gross

SECTION 4.4.4.4 HEAVY INDUSTRIAL

DENSITY

Impervious Cover

80% max.

6.2 Location of Impervious Cover

- b) 150' setbacks to floodplain and tributaries of the San Marcos River
- c) Ensure pockets of 90% impervious cover are as far away from tributaries as possible



7. Reduction in Noise Levels

- a) Reduce the 10pm-10am allowable noise levels to 70 decibels
- b) Maximum of 63 decibels at adjacent residential property line (zoned and non-zoned) at any time.

Section 7.4.2.1 Noise

A. Noise Level Maximums. No activity on the property shall produce sound:

- 1. In excess of 85 decibels between the hours of 10:00 a.m. and 10:00 p.m.
- 2. In excess of 75 decibels between the hours of 10:00 p.m. and 10:00 a.m.



8. Studies Prior to Zoning

- a) Stormwater/drainage/runoff study

Code requires this at the time of platting

- b) Traffic Impact Analysis

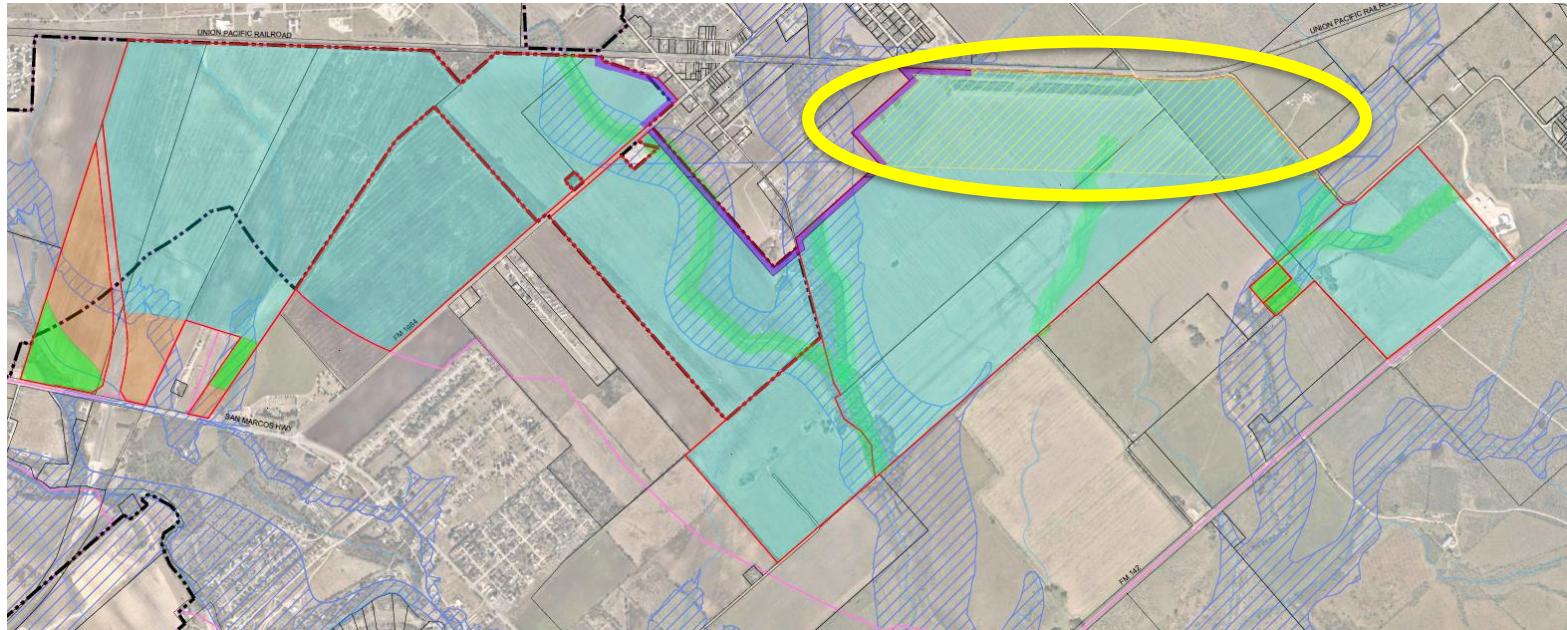
Agreement requires this with the first plat

Code requires this when generated trips hit a threshold



9. Remove outdoor storage height waiver

Agreement allows up to 80 feet in certain locations





10. Implement a wildlife corridor

- a) Implement a wildlife corridor around Riparian Areas – minimum of 100 ft buffer.



11. Implement Dark Skies

- a) Implement a Dark Skies ordinance within the development to limit light pollution.

Code required lighting standards are based on the Model Lighting Ordinance developed by the International Dark Sky Association.



- a) Require ROW dedication for the proposed Western Caldwell County Arterial.
Agreement requires this road for connectivity



Additional Items from Staff

If staff receives direction to negotiate the development agreement the following will also be discussed:

1. Installation of conduit for future fiber installations to fire stations.
2. Term of agreement.
3. Incorporating exhibits and language from administrative amendment into recorded document.

NO DIRECTION IS NEEDED ON THESE ITEMS



Direction Requested

- 1) Would City Council like to initiate review of the development agreement, or leave the agreement as is.
- 2) If review is initiated, provide direction on topics for discussion with the developer.
- 3) Provide direction and authorization on process:
 1. Allow staff to negotiate potential changes;
 2. Allow the Council Committee consisting of Mayor Hughson, Council Members Prather and Gleason to negotiate; or
 3. Negotiate with the full City Council.