

CUP-17-10

Conditional Use Permit

Mini-Storage

2425 Hunter Road



Applicant Information:

Applicant: Harold Hanusch
301 Quail Run
Martindale, Texas 78655

Property Owner: Harold Hanusch
301 Quail Run
Martindale, TX 78655

Applicant Request: A Conditional Use Permit (CUP) to allow for the use of mini-warehouse/self-storage on the property.

Notification: Public hearing notification mailed April 14, 2017

Response: None to date

Subject Property:

Location: 2425 Hunter Road

Legal Description: Lot 1-B Block A, Town Center Subdivision Revised

Frontage On: Hunter Road and South Foxtail Run

Neighborhood: NA

Existing Zoning: General Commercial

Preferred Scenario: Employment Center

Utilities: Existing

Existing Use of Property: Vacant

Proposed Use of Property: Large mini-warehouse/self-storage structure

Zoning and Land Use
Pattern:

	Current Zoning	Existing Land Use
N of Property	P	Church
S of Property	GC	Regional Detention Pond
E of Property	CC / LI	Child Care Center / HEB Distribution Warehouse
W of Property	GC	Vacant

Code Requirements:

This is a request for a conditional use permit (CUP) for a mini-warehouse/self-storage use within a General Commercial (GC) zoning district. The Land Use Matrix established in Section 4.3.1.2 of the Land Development Code states that mini-warehouse/self-storage is only permitted within the GC district with a Conditional Use Permit (CUP) approved by the Planning and Zoning Commission. A CUP allows the establishment of uses which may be suitable only in certain locations or only when subject to standards and conditions that assure compatibility with adjoining uses. Conditional uses are generally compatible with permitted uses, but require individual review and imposition of conditions in order to ensure the appropriateness of the use at a particular location.

Previous Action

On January 10, 2017 the Planning and Zoning Commission denied an application for a Conditional Use Permit on this site, 2425 Hunter Road, which consisted of approximately 95,000 square feet of mini-warehouse/self-storage. The Commission stated that the proposed use was inconsistent with the City's Comprehensive Plan, as the property is located within an Employment Center as designated by the Preferred Scenario Map.

After the application was denied, the applicant revised their plans and submitted a new application. The new application reduces the requested mini-warehouse/self-storage space to 40,800 rentable square feet. In addition the applicant has added 12,200 square feet of rentable office space, with approximately 23,600 square feet of associated warehouse space for those offices.

Background

The subject property is approximately 4 acres located on the southeast corner of the intersection at Hunter Road and South Foxtail Run. This lot is designated as Employment Center on the Preferred Scenario Map and is zoned General Commercial (GC).

Employment Centers shown on the Preferred Scenario Map were established by the Comprehensive Plan adopted in 2013 (*Vision San Marcos: A River Runs Through Us*). The Comprehensive Plan provides the following descriptions of Employment Centers:

- 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 was developed based on public input and adopted by City Council, which supports development in the intensity zones. It guides future economic development decisions supporting industrial, office park, and commercial job creation in the employment centers.

Additionally, Section 4.2.2.7(a) of the Land Development Code describes the intent of the General Commercial zoning district:

"The GC, General Commercial District is intended to provide location for limited (light) commercial and service-related establishments, such as wholesale product sales, automotive supply stores, veterinary services, and other similar limited commercial uses. The commercial uses within this district will have operation characteristics that are generally compatible with the CC, Community Commercial District."

Comments from Other Departments:

The Fire Marshal's Office has stated that a fire suppression system will be required prior to the issuance of a building permit. There have been no additional comments from other departments.

Planning Department Analysis:

The subject property consists of approximately 4 acres of land located at the intersection of a major arterial (Hunter Road) and a commercial collector (South Foxtail Run). The intent of Employment Center created by the Comprehensive Plan and established on the Preferred Scenario Map are to encourage and promote specialized commercial and retail uses as well as industry that creates long term sustainable jobs, particularly where there is good access to City infrastructure.

The applicant has worked to provide a site design that is more attractive and has fewer negative visual impacts than traditional mini-warehouse/self-storage developments. This includes agreeing to not pursue a Conditional Use Permit for alternate materials. The current proposal is for two buildings with a total of 40,800 square feet of rentable storage space, 12,200 rentable square feet of office space, and approximately 23,600 square feet of associated warehouse space for the offices. At this time there has been no outside storage identified on the site plan or application. All buildings within this site are subject to the materials standards adopted by City Council.

Evaluation of a request for a CUP is subject to the criteria in Section 1.5.7.5 of the LDC concerning impacts of the use on surrounding properties.

- 1. The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan;**
 - The Preferred Scenario Map identifies the area in which this property is located as an Employment Center. The Comprehensive Plan identifies Employment Centers as locations for specialized uses such as industry, large office parks, retail malls and commercial recreation as well as a place for businesses that provide long-term sustainable employment opportunities. While the proposed use of mini-storage is not a use that generates a substantial amount of sustainable employment opportunities, the applicant is proposing to include 12,200 square feet of office space, currently proposed as 24 rentable offices. Additionally, the applicant is proposing shared spaces such as a conference room, break room, and bathrooms.
- 2. The proposed use is consistent with the Neighborhood Character Study that has been completed for the area.**
 - The lot on which the request is being made is within an Employment Center, but is across Hunter Road from the Neighborhood Character Study Area known as the Willow Creek Neighborhoods.
- 3. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;**
 - Section 4.2.2.7(a) states that the General Commercial district is intended for light commercial uses, while Section 4.2.2.8(a) states that the Heavy Commercial district is intended for more intense commercial uses, specifically identifying mini-warehouse/self-storage as an example of an intense use. The Land Use Matrix in Section 4.3.1.2 of the Land Development Code states that the mini-warehouse/self-storage is only permitted by right within the Heavy Commercial (HC) zoning district.

- 4. The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;**
 - The two developed properties directly abutting to this site are a day care center and the HEB distribution warehouse. While the proposed use will not negatively affect the HEB site, it is not clear what effect the use will have on the day care center. The applicant has proposed a chain link fence along the property line shared with the day care, a portion of which has an existing chain link fence. The majority of the property in this subdivision is currently vacant, and the location of the perimeter building does shield most of the interior space from South Foxtail Run. However traffic on South Foxtail Run approaching Hunter Road will have a view into the rear of the property through the proposed wrought iron fence.
- 5. The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;**
 - The proposed site plan indicates sidewalks on both Hunter Road and South Foxtail Run to accommodate pedestrian traffic.
 - Mini-warehouse/self-storage uses are not high traffic generators. Staff does not feel that this use will create a substantial increase in vehicular traffic. Additionally, the primary entrance for mini-storage is located off of South Foxtail Run in order to encourage larger vehicles and vehicles pulling trailers to use the Hunter/Foxtail intersection.
- 6. The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;**
 - Access to the site is proposed off of Hunter Road. As Hunter Road is a TxDOT road, a driveway permit from TxDOT will be required prior to approval of the final site plan.
 - The applicant has included an entrance on South Foxtail Run that will serve as the primary entrance for larger vehicles, so that large vehicles will make their left hand turn movements across Hunter Road at the controlled intersection of Hunter Road and South Foxtail Run.
- 7. The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and**
 - The applicant has agreed to comply with the commercial building standards adopted by City Council in 2016.
- 8. The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.**
 - The provided site plan appears to conform to the dimensional standards of the General Commercial zoning district.
 - The Engineering Department has stated that proposed throat depth of the driveway does not appear to meet the 40 foot minimum to allow for proper stacking of vehicles entering and exiting the property. This issue must be resolved prior to final site plan approval.

Staff recommended denial of the previous Conditional Use Permit requesting 95,000 square feet for the single use of mini-storage / warehouse space of for the following reasons:

- The proposed use of mini-warehouse/self-storage does not meet the intent of the Preferred Scenario designation of Employment Center which the Comprehensive Plan states is intended to encourage:
 - Specialized uses such as industry, large office parks, retail malls and commercial recreation; and
 - Long-term sustainable employment opportunities.
- Much of the surrounding property is zoned General Commercial, and the day care next door is zoned Community Commercial. Mini-warehouse/self-storage may not be compatible with future uses in this area.

Staff has analyzed the current request for a mix of uses, including 12,200 square feet of office space with 23,600 square feet of associated office warehouse space in addition to approximately 40,800 square feet of rentable mini-warehouse / self-storage. The current request differs from the previous request in that it includes office space which can be used to foster employment opportunities which is more compatible with the Employment Center designation than the previous request.

If the Commission chooses to approve the Conditional Use Permit, Staff recommends approval with the following conditions:

- (1) The final site plan must not vary substantially from the provided site plan except as required by code;
- (2) The applicant shall not request variances from the Land Development Code, nor will the applicant request a Conditional Use Permit for materials standards.
- (3) At no point shall the square footage of dedicated office space be reduced below the proposed 12,200 square feet.
- (4) The approximately 23,600 square feet of office warehouse space currently dedicated to office space must remain dedicated to the office space and not be rented out separately as mini-warehouse / self-storage.
 - If after 1 year from opening, the majority of the office warehouse space has not been rented by the office space users, a portion of the warehouse space may be converted to self-storage, but the amount of office warehouse space shall at no point be less than 12,200 square feet.
- (5) Outdoor storage shall be prohibited.

The Commission's Responsibility:

The Commission is required to hold a public hearing and receive comments regarding the proposed CUP. After considering public input, the Commission is charged with making a decision on the Permit. Commission approval is discretionary. The applicant, or any other aggrieved person, may submit a written appeal of the decision to the Planning Department within 10 working days of notification of the Commission's action, and the appeal shall be heard by the City Council.

The Commission may approve, approve with conditions or modifications or deny the permit. The impact of the proposed conditional use on surrounding properties shall be evaluated pursuant to LDC Section 1.5.7.5.

Conditions may be attached to the CUP that the Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the intent of the Code.

Prepared by:

Will Parrish	Planning Technician	April 20, 2017
Name	Title	Date