

Zoning Request

Smart Terminal

ZC-18-21



Summary

Request:	Zoning change from Extraterritorial Jurisdiction (ETJ) to Heavy Industrial (HI)		
Applicant:	Texas Transportation Alliance 110 San Antonio St #3111 Austin, TX 78701	Property Owner:	Curby D. Ohnheiser 19330 San Marcos Hwy. San Marcos, TX 78666

Notification

Application:	November 9, 2018	Neighborhood Meeting:	N/A
Published:	November 25, 2018 December 23, 2018	# of Participants	N/A
Posted:	November 21, 2018 December 21, 2018	Personal:	November 21, 2018 December 21, 2018
Response:	Three phone calls in opposition.		

Property Description

Legal Description:	934.34 acres out of the William Pettus Survey.		
Location:	Near Highway 80 and FM 1984		
Acreage:	934.34	PDD/DA/Other:	Res. 2018-184R & pending annexation
Existing Zoning:	Extraterritorial Jurisdiction	Proposed Zoning:	Heavy Industrial
Existing Use:	Agriculture	Proposed Use:	Industrial / Rail Park
Preferred Scenario:	Low Intensity	Proposed Designation:	Low Intensity
CONA Neighborhood:	N/A	Sector:	N/A
Utility Capacity:	Arranged	Floodplain:	Yes
Historic District	N/A		

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	ETJ & P	Gary Job Corps & San Marcos Regional Airport	Low Intensity
South of Property:	ETJ	Agriculture	Low Intensity
East of Property:	ETJ	Agriculture / Single Family	Low Intensity
West of Property:	FD	Agriculture	Low Intensity

Staff Recommendation

<input checked="" type="checkbox"/> Approval as Submitted	<input type="checkbox"/> Approval with Conditions / Alternate	<input type="checkbox"/> Denial
Staff: Tory Carpenter, CNU-A	Title : Planner	Date: January 3, 2019

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History

The subject property is currently located outside the City Limits in the Extraterritorial Jurisdiction (ETJ). This zoning request is being processed concurrently with an annexation request for the property. A full annexation and zoning timeline is attached to this report.

Maxwell Water Supply Corporation and the City of San Marcos will provide water service. The City of San Marcos will provide wastewater service. Bluebonnet Electric Cooperative will provide electric service.

The Planning & Zoning Commission held a public hearing and recommended denial of this request at their meeting on December 11, 2018. Additional information has been provided since the original action was taken and will be presented during the public hearing. This zoning change request will only be reconsidered if the Commission votes affirmatively to reconsider the item earlier on this meeting's agenda.

Additional Analysis

Approximately 66 acres of this development received approval of a Chapter 380 Economic Development Incentive Agreement by City Council on October 16, 2018. This agreement provides tax incentives and waives certain development standards for this portion of the property. In return, the developer must employ at least 542 persons and invest at least \$109 million in the project.

The developer he is requesting Heavy Industrial for the entire property to be able to offset the cost of constructing rail infrastructure through the property.

Heavy Industrial is indicated as "not preferred" on table 4.1, therefore, further scrutiny is required to determine consistency with the Comprehensive Plan. However, due to the property's location between the airport and two major highways and its adjacency to rail, staff finds that Heavy Industrial Uses, such as what is being proposed with Smart Terminal Site, are suitable at this location.

Comments from Other Departments

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

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Evaluation			Compatibility of Uses & Density Criteria (Sec.4.1.2.5)
Consistent	Inconsistent	Neutral	
		<u>X</u>	<p>Helps prevent the impacts of high density uses on low density areas <i>Heavy Industrial is intended to accommodate a broad range of high impact manufacturing or industrial uses, that by their nature create a nuisance, and which are not property associated with or are not compatible with nearby residential or commercial uses.</i></p> <p><i>The property and proposed rail park is adjacent to the railroad and in close proximity to the airport.</i></p>
		<u>N/A</u>	<p>Limits changes in neighborhood density categories unless directed by a small area plan or neighborhood character study <i>Studies were not complete at time of request.</i></p>
	<u>X</u>		<p>Encourages more opportunities for home ownership <i>This zoning district does not allow residential uses.</i></p>
	<u>X</u>		<p>Ensures a diversity of housing to serve citizens with varying needs and interests <i>This zoning district does not allow residential uses.</i></p>

Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			<p>Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map <i>This request meets the following Economic Development goals from the Comprehensive Plan:</i></p> <ul style="list-style-type: none"> • Goal 3: <i>Develop relationships in emerging markets and industries that generate quality entrepreneurial and employment opportunities.</i> • Goal 4: <i>Create and support a diverse economic environment that is prosperous, efficient and will enhance the lives of residents</i> • Goal 5: <i>Provide fiscally responsible incentives for economic development.</i> • Goal 6: <i>Promote and support the maximum potential of the San Marcos Municipal Airport.</i>

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		<u>N/A</u>	<p>Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area</p> <p><i>Studies were not complete at time of request.</i></p>
<u>X</u>			<p>Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect</p> <p><i>A development agreement is not required because the property is being annexed. However, the request is consistent with the approved Chapter 380 Economic Development Incentive Agreement.</i></p>
<u>X</u>			<p>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</p> <p><i>While there are residences to the east of the property, the majority of surrounding land is vacant or agricultural. Additionally, the property is adjacent to the San Marcos Regional Airport and the railroad.</i></p>
		<u>X</u>	<p>Whether the proposed zoning will reinforce the existing or planned character of the area</p> <p><i>The area is primarily vacant and agricultural.</i></p>
<u>X</u>			<p>Whether the site is appropriate for the development allowed in the proposed district</p> <p><i>While a small portion of the property is in the floodplain, all development must meet City of San Marcos code requirements.</i></p>
		<u>N/A</u>	<p>Whether there are substantial reasons why the property cannot be used according to the existing zoning</p> <p><i>The property is currently in the ETJ.</i></p>
<u>X</u>			<p>Whether there is a need for the proposed use at the proposed location</p> <p><i>The proposed uses would create rail-based jobs.</i></p>
<u>X</u>			<p>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</p> <p><i>The developer is negotiating with service providers. Utilities must be approved and extended for any development to occur.</i></p>
<u>X</u>			<p>Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property</p> <p><i>While there are residences to the east of the property, the majority of surrounding land is vacant or agricultural. Additionally, the property is adjacent to the San Marcos Regional Airport and the railroad.</i></p>

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		<u>N/A</u>	<p>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</p> <p><i>This request is not for a Neighborhood Density District.</i></p>
<u>X</u>			<p>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</p> <p><i>The majority of the property is located in a low constrained area according to the Land Use Suitability Map.</i></p>
<u>X</u>			<p>Any other factors which shall substantially affect the public health, safety, morals, or general welfare</p> <p><i>None noted.</i></p>