

Zoning Request

ZC-20-17

2801 Staples Road



Summary

Request:	Zoning change from "FD" Future Development to "LI" Light Industrial		
Applicant:	Todd Burek The Mayan at San Marcos River LLC 22711 Fossil Peak San Marcos, TX 78216	Property Owner:	Todd Burek The Mayan at San Marcos River LLC 22711 Fossil Peak San Marcos, TX 78216

Notification

Application:	July 14, 2020	Neighborhood Meeting:	N/A
Published:	July 26, 2020	# of Participants	N/A
Posted:	July 24, 2020	Personal:	July 24, 2020
Response:	None as of Staff Report date		

Property Description

Legal Description:	+/- 38.019 acre tract out of the Benjamin & Graves Fulcher Survey, Abstract No. 56 and the William A. Matthews Survey, Abstract No. 305, Hays County Texas		
Location:	2801 Staples Road		
Acreage:	+/- 38.019 acres	PDD/DA/Other:	N/A
Existing Zoning:	"FD" Future Development	Proposed Zoning:	"LI" Light Industrial
Existing Use:	Vacant / Rural	Proposed Use:	Light Industrial
Preferred Scenario:	Area of Stability-Low Intensity	Proposed Designation:	Area of Stability-Low Intensity
CONA Neighborhood:	N/A	Sector:	N/A
Utility Capacity:	Developer is responsible for extending utilities.	Floodplain:	No
Historic District	N/A		

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	ETJ	San Marcos River/Vacant/Residential	Area of Stability-Open Space/Area of Stability-Low Intensity
South of Property:	ETJ	Vacant/Redwood Community (Residential & Commercial Uses)	Area of Stability-Low Intensity
East of Property:	ETJ	Vacant/Rural	Area of Stability-Low Intensity
West of Property:	ETJ	Vacant/Rural	Area of Stability-Low Intensity

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Staff Recommendation

Approval as Submitted	☒ Approval with Conditions / Alternate	Denial
The Development Code states that a request for Light Industrial zoning in an Area of Stability – Low Intensity designation is “Not Preferred” and requires additional scrutiny as outlined in the staff report. Although the proposed zoning change to Light Industrial is not preferred in this area and not compatible with surrounding existing uses rural and agricultural land or the adjacent 100-year floodplain, the subject property’s location abutting the proposed FM 110 San Marcos eastern loop may provide justification for support as it meets the intent of an “Employment Corridor” identified on the Preferred Scenario Map. FM 110 is identified as a major transportation network and will be initially funded by a Transportation Reinvestment Zone (TRZ) to capture a portion of the increased value of development occurring along the alignment. Due to the varying factors regarding current and future land configurations around the subject property, staff is providing a neutral recommendation and leaves a decision of approval, denial, or a recommendation of a lesser zoning district up to the Planning and Zoning Commission and City Council.		
Staff: Shavon Caldwell	Title: Planner	Date: September 1, 2020

Commission Recommendation

Approval as Submitted	Approval with Conditions / Alternate	☒ Denial
<u>Planning and Zoning Commission Meeting: August 11th, 2020</u> Speakers in favor or opposed: David Earl and Tory Hurt spoke in favor of the request. Recommendation from the Planning and Zoning Commission meeting held August 11, 2020: Recommendation for denial 6-3. According to Section 2.2.4.2 of the San Marcos Development Code, a <u>super majority vote from City Council</u> is needed when the Planning and Zoning Commission recommends denial of an application in order for the development application to become effective. At the meeting, the Planning and Zoning Commission discussed the possibility of recommending an alternative zoning district in place of Light Industrial. Heavy Commercial and Employment Center zoning as alternative recommendations were discussed briefly. The possibility of CD-5 zoning as an alternative recommendation was discussed at length. The Commission primarily discussed whether or not the allowed uses in CD-5 and development standards would be appropriate for property fronting FM 110, whether or not limitations on the type of retail and commercial uses allowed and development standards required in CD-5 would result in difficulty in developing or vacancies, and concerns with the environmental impact of some of the allowed uses in Light Industrial (such as waste related services and vehicle repair), in particular due to the property’s location adjacent to the 100-year floodplain. While the possibility of a lesser intense zoning classification was discussed, it would require the submittal of a new application and to start the rezoning process over. This would take approximately three months to		

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complete. Alternatively, the applicant has indicated that they would be agreeable to file deed restrictions on the portions of the property that would be zoned Light Industrial to restrict certain uses that would normally be allowed within that the Light Industrial district. Staff is currently in discussions with the applicant on what these restricted uses would be, but it would likely be ones that some members of the Commission had concerns with, such as those related to vehicle repair, waste-related services, and self-storage. If this can be done, it would help reduce some of the negative impacts that may normally be associated with a Light Industrial zoning district classification.

History

The subject property is within City limits and was annexed in 2008. The property is currently vacant and is surrounded almost exclusively by vacant, rural/agricultural land as well as the San Marcos River along the northernmost extent of the subject tract and some existing residential and commercial uses in the Redwood community along the southernmost extent of the subject tract. In addition, FM 110 is proposed to be located directly adjacent to the subject property and right-of-way has already been dedicated in order to provide for the future construction of FM 110.

The purpose of this zoning change to “Light Industrial” is to allow for the development of approximately 38 acres of future light industrial and commercial uses along the future FM 110 corridor.

The City of San Marcos will provide wastewater services at the site and as the property is within the Crystal Clear CCN, Crystal Clear Special Utility District will provide water service. The developer will be responsible for extending water and wastewater facilities through the site as needed. Bluebonnet Electric Cooperative will provide electric service to this development.

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Additional Analysis

Analysis of the proposed zoning request includes deliberation of existing surrounding land uses, proposed transportation networks, and the goals and policies of the Comprehensive Plan. A few major points for consideration in the analysis are as follows:

- The proposed zoning change to Light Industrial is not compatible with surrounding existing uses such as rural and agricultural land. However, the future FM 110 (see attached FM 110 map) adjacent to the property will most likely attract a diverse array of uses.
- The subject property's request for "Light Industrial" is designated as "NP" Not Preferred within an "Area of Stability – Low Intensity" designation on the Preferred Scenario Map as part of the Comprehensive Plan. Alternatively, the Comprehensive Plan states that "Light Industrial" zoning is to be "C" Considered in an Employment Area on the Preferred Scenario Map. While the subject property is not located in an "Employment Area", it is located along the proposed FM 110, which is designated as an "Employment Corridor" on the Preferred Scenario Map.
- The subject property is located adjacent to the 100-year floodplain. The preservation of flood hazard areas and environmentally sensitive lands should be considered as part of this zoning proposal and the allowed uses under Light Industrial entitlements.
- Hays County provides the following overview of the FM 110 project:

This project continues the loop east of San Marcos and involves initially constructing two travel lanes (one in each direction) with 10-foot shoulders where no road currently exists for the approximately 11.3-mile corridor and includes an interchange at SH 21 and a railroad overpass at the Union Pacific Railroad tracks. As traffic increases over time, two additional travel lanes and additional interchanges would be constructed. Initial construction costs will be funded through Transportation Reinvestment Zones (TRZs) created by Hays County and the City of San Marcos to capture a portion of the increased value of development occurring along the alignment. Caldwell County will also contribute to the project cost. The County is funding and conducting project development simultaneously for the initial stage of all three sections. TxDOT will let and manage construction of the project. Water line relocations will be in construction contracts.

Additional details regarding this analysis is outlined in the staff report and the Comprehensive Plan Analysis checklist.

Comments from Other Departments

Police	No issues with the proposed development.
Fire	This development is outside the City's existing fire station network's coverage area and a fire station location would ensure optimal coverage and response times. Portions of the development fall outside a 5-road mile distance (based on current road network) from an existing station which results in an ISO PPC (ISO Public Protection Program) rating of 10+. This rating indicates that the area's fire suppression doesn't meet the program's minimum criteria.
Public Services	No issues with the proposed development.
Engineering	No Comment

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
		X	Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map <i>The subject property is located within an “Area of Stability-Low Intensity” designation on the Preferred Scenario Map. Per the Comprehensive Plan, “Special Districts” such as Light Industrial zoning are “Not Preferred” within Area of Stability-Low Intensity designations and are to be “Considered” in Employment Areas on the Preferred Scenario Map. When a zoning map amendment is Not Preferred, further scrutiny is required to determine consistency with the Comprehensive Plan based on the criteria in Section 2.5.1.4 and the district intent under Division 4, Chapter 4, Article 1.</i> <i>Vision San Marcos Comprehensive Plan states that “Areas of Stability-Low Intensity” will generally maintain their existing character. The Comprehensive Plan states that “being located in an area of stability does not mean that these areas should or will not change. It means that any changes whether new developments, zoning requests, or public improvements should be carefully planned and implemented so that the character of the area remains.” The current character of the area is agricultural and rural residential and does not complement the proposed Light Industrial zoning. It should be noted that these surrounding properties are located outside the city limits and the city does not have zoning authority to regulate the use of these properties.</i> <i>Although the proposed zoning is “Not Preferred” in the designated Low Intensity area, the Preferred Scenario Map also identifies FM 110 as an Employment Corridor. As per the Comprehensive Plan, Employment Corridors are primarily intended to “serve major employment related land uses” and should include “some mixture in uses including limited residential”. This aligns with the Light Industrial zoning district’s purpose statement which states the district should “promote economic viability and encourage employment growth”.</i>

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
		<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 time of request.</i>
		<u>X</u>	Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect <i>A development agreement is not in effect.</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>Light Industrial zoning primarily allows for industrial uses (light manufacturing, vehicle repair, warehouse & distribution, self-storage, etc.) with some allowances for agricultural and public/institutional uses and a few commercial uses such as professional office, urgent care, indoor recreation, and gym/health clubs (see attached land use matrix comparison exhibit). This zoning district is intended to "accommodate manufacturing and light industrial uses in order to promote economic vitality, encourage employment growth, and limit the encroachment of non-industrial development within established industrial areas. Development should be operated in a relatively quiet manner, and should not be obnoxious to nearby residential or commercial areas."</i> <i>The immediately surrounding area is not comprised of industrial uses but is almost exclusively rural/agricultural properties. It should also be noted that the adjacent Riverbend Ranch development is proposing single-family residential development across from the subject property on the other side of FM 110. However, this project has not received its entitlements and the city does not currently have zoning authority to regulate the use of these properties. Finally, it should be noted that while the area currently agriculture/rural and is not comprised of industrial uses, the future FM 110 development adjacent to the property is likely to attract a diverse array of uses.</i>

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
		<u>X</u>	Whether the proposed zoning will reinforce the existing or planned character of the area <i>Approval of this zoning change would allow the property to develop in a manner that is “NP” Not Preferred according to the District Translation Table which states that “Special Districts”, such as a Light Industrial zoning district, is Not Preferred within an “Area of Stability – Low Intensity” designation on the Preferred Scenario Map. The Zoning Translation Table states that zoning changes to Character Districts should be “C” Considered within an Area of Stability – Low Intensity designation. However, the planned FM 110 will alter the existing character of the surrounding area as it will be a major eastern transportation loop.</i>
		<u>X</u>	Whether the site is appropriate for the development allowed in the proposed district <i>The property is vacant, will have easy access to the future FM 110, and will be required to construct roadways and utility infrastructure consistent with the Light Industrial zoning district. The property is shown to be on a moderately constrained area on the Land Use Suitability Map primarily due to it being directly adjacent to the 100-year floodplain.</i>
<u>X</u>			Whether there are substantial reasons why the property cannot be used according to the existing zoning <i>The property is currently zoned Future Development (FD). The FD zoning district is intended to serve as a <u>temporary</u> zoning district for recently annexed properties that shall be developed in the future but are not yet ready to be zoned for a particular use.</i>
<u>X</u>			Whether there is a need for the proposed use at the proposed location <i>The proposed rezoning would allow primarily industrial uses with allowances for agricultural, public, and commercial uses. The subject property’s location along FM 110 would allow for such uses to be developed in accordance with city standards with access to a major transportation thoroughfare.</i>

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<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>The property is not located within the City's water service area and will be served by Crystal Clear Special Utility District. The property is not located within the City's wastewater service area and will be required to extend City wastewater lines to the property. This development is outside the City's existing fire station network's coverage area and a fire station location would ensure optimal coverage and response times.</i>
<u>X</u>			Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property <i>The surrounding property is primarily vacant agricultural/rural. While this existing land type does not complement the proposed Light Industrial zoning there are no anticipated adverse impacts.</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 request is not 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 property is located within moderately constrained area according to the Land Use Suitability Map and is directly adjacent to the 100-year floodplain. Light Industrial uses are not ideal in this location.</i>
<u>X</u>			Any other factors which shall substantially affect the public health, safety, morals, or general welfare <i>None noted.</i>