Legislation Details (With Text)

File #:	Ord. 2020-63(b)	**Version:**	1	**Name:**	
Type:	Ordinance			**Status:**	Individual Consideration
File created:	9/1/2020			**In control:**	City Council
On agenda:	9/15/2020			**Final action:**	
Title:	Consider approval of Ordinance 2020-63, on the second of two readings, amending the Official Zoning Map of the City (ZC-20-17), by rezoning approximately 38.019 acres of land, more or less, located at 2801 Staples Road, from “FD” Future Development District to “LI” Light Industrial District; and including procedural provisions.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	1. Second Reading Ordinance, 2. ZC-20-17 Presentation, 3. ZC-20-17 Staff Report, 4. ZC-20-17_Maps, 5. ZC-20-17 Comp Plan Analysis Checklist, 6. ZC-20-17 Code Comparison, 7. ZC-20-17 Personal Notification Letter, 8. ZC-20-17 Application				

Date	Ver.	Action By	Action	Result

AGENDA CAPTION:

Consider approval of Ordinance 2020-63, on the second of two readings, amending the Official Zoning Map of the City (ZC-20-17), by rezoning approximately 38.019 acres of land, more or less, located at 2801 Staples Road, from “FD” Future Development District to “LI” Light Industrial District; and including procedural provisions.

Meeting date: September 15, 2020

Department: Planning & Development

Amount & Source of Funding

Funds Required: n/a
Account Number: n/a
Funds Available: n/a
Account Name: n/a

Fiscal Note:

Prior Council Action: n/a

City Council Strategic Initiative: [Please select from the dropdown menu below]

Choose an item.

Choose an item.

powered by Legistar™

Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

☐ Economic Development - Choose an item.

☐ Environment & Resource Protection - Choose an item.

☒ Land Use - Direct Growth, Compatible with Surrounding Uses

☐ Neighborhoods & Housing - Choose an item.

☐ Parks, Public Spaces & Facilities - Choose an item.

☒ Transportation - Safe, Well coordinated transportation system implemented in an environmentally sensitive manner

☐ Core Services

☐ Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Vision San Marcos - A River Runs Through Us

Background Information:

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 applicant is also requesting a rezoning to CD-3, CD-4, and CD-5 for approximately 342 additional acres in the vicinity of the future FM 110 corridor between Staples Road and the San Marcos River. These requests are being considered as separate zoning requests (ZC-20-18, ZC-20-19, and ZC-20-20).

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.

Council Committee, Board/Commission Action:

Planning and Zoning Commission Meeting: August 11th, 2020

Speakers in favor or opposed: David Earl and Tory Hurt spoke in favor of the request.

Recommendation from the Planning and Zoning Commission:

Recommendation for denial 6-3.

According to Section 2.2.4.2 of the San Marcos Development Code, a **super majority vote from City Council** 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, that would require the submittal of a new application and to start the rezoning process over. That process would take approximately three months to complete. As an alternative, the applicant has offered 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 a 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. This could eliminate negative impacts or concerns associated with a Light Industrial zoning district classification. The Light Industrial zoning would not become effective until the deed restrictions are filed of record.

City Council Meeting: September 1, 2020

Speakers in favor or opposed: David Earl spoke in favor of the request.

Vote for approval/denial from the City Council:

A motion was made by Councilmember Mihalkanin, seconded by Councilmember Derrick, to approve Ordinance 2020-63 on the first of two readings. The motion carried 7-0.

At the meeting, the City Council discussed the possibility of restricting certain Light Industrial uses via restricted covenant. The specific uses discussed were Vehicle repair (minor), Waste related services, Self-storage, and also Wrecking/junk yard - a use that is already prohibited by San Marcos Development Code in the Light Industrial district. A list of prohibited uses from the 2019 SMART Terminal agreement was also reviewed and the applicant agreed to prohibit these uses via restrictive covenant as well. The City Council asked that the ordinance include the following provisions in the ordinance for second reading:

1. The ordinance does not become effective until recording of the restricted covenants, and;

powered by Legistar™

2. A list of the uses to be prohibited by restrictive covenants

Alternatives:

n/a

Recommendation:

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 and 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 to the City Council.