



Memo

Meeting Date: December 20, 2016

To: Planning and Zoning Commission members

From: Roxanne Johnston, City Planner

Subject: Z16-02: request for a zone change from a Light Commercial (LC) Zoning District to a Heavy Commercial (HC) Zoning District on the following property:

Location: A vacant 16.52 acre tract located approximately 200 feet NW of the intersection at FM 700 and Baylor Boulevard in east Big Spring.

Purpose: A recommendation of this request by the Planning and Zoning Commission would be forwarded to City Council for final approval in re-zoning the property as a Heavy Commercial (HC) Zoning District.

Contact: Roxanne Johnston, City Planner 432-264-2319

Recommendation: Staff recommends approving the proposed zone change request.

Analysis:

The undeveloped 16.52 acre subject property borders the northern side (respectively) of FM 700 with Light Commercial (LC) zoning lying along the southern side of FM 700. The property sits between a swath of LC zoning to the southwest and northeast; however, a Single-Family Dwelling (SF-2) Zoning District is also situated to the west and northwest and north of the property. A substantially steep bank (approximately 35 feet to 50 feet in height) and a variable-width alleyway (between 10-15 feet) buffer the residential uses from the subject property in the Monticello Addition to the north. An approximately 3.75 acres of undeveloped property shares a combination of SF-2 and LC zoning which borders the subject property's western side. This tract serves as storm water drainage basin and also as a vegetative barrier to the residences to the west from future possible activities occurring on the subject property. Distances between the

nearest residences to the western boundary of the subject property are approximately 230-245 feet. Distances between the subject property line and the nearest residential property lines to the north are approximately 10 feet, with an alley that contains some vegetation and berms in spots. Again, the embankment to the north serves as a buffer between the zoning districts, and the required 10' rear setback of residences will ensure that future houses will not be constructed up to the rear property line. Furthermore, no internal streets nor access points connect the subject property to any of the residential development.

The applicant is requesting a zone change from Light Commercial (**LC**) on the subject property to Heavy Commercial (**HC**) in order to construct an office building for his business and to also store heavy industrial machinery used for off-site uses.

Area tracts in LC zoning to the east experience similar uses as those proposed. The reason they exist is because the property was zoned in 1972 when the City was using the 1969 Zoning Ordinance. That document allowed the storage of heavy machinery in Light Commercial zoning districts and as such, established uses on those properties extending into the year 2001 are allowed as legally non-conforming uses. Once those uses are stopped for a period of 6 months, the newer Zoning Ordinance will be put into effect.

Approval of this HC zone change proposal will allow all of the uses allowed in LC zoning **and** the additional heavier use examples (barring railroad related uses, rodeo grounds and outdoor theater which are unlikely developments at the site), as listed below, per Section 6-6 of the Zoning Ordinance, entitled "*HC, Heavy Commercial*":

Cleaning plant- rag or carpet (special equipment) ▪ Clothing manufacturer or light compounding or fabrication ▪ Contractors shop or storage yard ▪ Hauling or storage company ▪ Heavy machinery sales and storage ▪ Milk, dairy or ice cream plant ▪ Motor freight terminal ▪ Parking lot (commercial-autos and trucks) ▪ Petroleum products storage (through approval of a Specific Use Permit only) ▪ Storage and sale of furniture or appliances (outdoor) ▪ Storage warehouse ▪ Tool or trailer sales and rental ▪ Transfer ▪ Private utility shop or storage ▪ Wholesale office and sample room

Again, although the above list does not include everything allowed in HC, they are examples of what future heavier uses could be allowed at the site upon approval of this zone change request. To break this list down even further, in examining the most and least intensive uses possible with a zone change to HC, the motor freight terminal, contractors shop and storage yard as well as a heavy machinery sales and storage facility would most likely be at the top of the heavier uses allowed list.

The least intensive uses not listed but are allowed by right in all districts except for

Light and Heavy Industrial zoning would remain the residential development.

When the original zone change application was heard by the Planning and Zoning Commission on November 15, 2016, a concern was raised that future development of a petroleum storage facility would be possible through a HC zoning request. A discrepancy in the Zoning Ordinance has been discovered. Although Article 6, Section 6-4 of the Zoning Ordinance entitled 'HC, Heavy Commercial District', subsection (A)(2)] states that petroleum product storage is allowed in HC, further examination since that meeting has revealed that such a use is allowed only through approval of a Specific Use Permit as found in Article 7, Section 7-2, subsection (b)41. Clearly, the Zoning Ordinance is at odds with itself with regard to petroleum product storage. However, logically, a SUP for the storage of petroleum products would not have been required if the authors of the current 2001 Zoning Ordinance had felt that this use should be allowed by right in HC zoning districts, and it is staff's opinion that listing it in Article 6, Section 6-4 was an oversight and will need amendment at a later date.

Staff finds no environmental concerns with this request. Future impervious surfaces would generate more off site storm water than what currently exists, however, FM 700 would be able to handle runoff for the area as it slopes downward to the southeast. Staff would evaluate future development with regards to storm water conveyance as needed as part of the overall development process.

Potential future noise or visual effects generated by any of the allowed uses on site could be mitigated via opaque fencing or heavy shrubbery, which is required by ordinance, between the residential and non-residential uses to the west. An exception to these fencing requirements would be the presence of the tall northern embankment which separates the residential and commercial uses.

General Information:

The 2030 Comprehensive Future Land Use Plan (FLUP) recommends that future uses on the property be LC in nature. Although the FLUP is a recommendation for future use, it is not zoning. However, as areas experience development trends contrary to the FLUP, it would be prudent to revise the FLUP in order to match development trends. This revision process would require amendment recommendations through the Planning and Zoning Commission which would be forwarded to City Council for final approval.

Existing Zoning: Light Commercial (LC)

Existing Land Use: Vacant

Surrounding Zoning/Land Use:

North:	Single-Family Residential (SF-2)	Light density single family development and vacant lots
South:	Light Commercial (LC)	A&B Glass, Gartman Plumbing,

		Quad-A Inc. & undeveloped properties
East:	Light Commercial (LC)	Oncor Electric (power lines)
West:	Light Commercial (LC)- Single-Family Residential (SF-2)	Undeveloped property/drainage basin

Thoroughfares/Streets: Farm to Market 700 is classified in the Transportation component of the City of Big Spring 2030 Comprehensive Plan as a ‘major arterial’ street designed to provide ‘a high degree of cross-city and regional mobility,’ (p.52).

Zoning History: Light Commercial Zoning was approved by City Council in July of 1972. The property contains no special zoning overlays.

Development Standards: **Zoning Ordinance, Article 4 and Appendix C**

Minimum Lot Area- none listed.

Minimum Lot Dimensions- None listed; however, minimum property line width is 40’.

Minimum Front Yard- 0’

Minimum Rear Yard- 0’

Minimum Side Yard- 0’

Maximum Floor Area Ratio- 10:1

Height Restrictions- 20 stories (same as existing)

Special Information

Traffic Concerns: With the proposed development, traffic entering and exiting the site will involve light office related traffic and occasional traffic from heavy industrial equipment as it travels to and from site locations. FM-700, a five lane street with a 200’ TxDOT right-of-way is designed to handle such traffic. Additionally, the subject property’s approximately one mile proximity to I-20 ensures that heavy truck traffic from the proposed development is primarily directed away from residential neighborhoods and streets.

Parking Requirements: **Zoning Ordinance, Article 4, Section 4-9, Subsection R**
 One parking space per each 300ft² of floor area with a minimum of 5 spaces.

Zoning Ordinance, Article 4, Section 4-11

“There shall be provided handicapped parking spaces in accordance to the Architectural Barriers Act, Article 9102, Texas Civil Statutes as amended.”

Notifications Required: Yes

Notifications Sent: 27

Responses in Favor: 1

Responses in Opposition: 1

Attachments:

Aerial Map image highlighting subject property

Zoning Map image highlighting subject property and area

200' Notification Map