



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: December 18, 2024
PREPARED BY: Michael Burrell, Interim Director
DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Conduct a public hearing on an ordinance rezoning one (1) lot on 4.879 acres, more or less, and being located at 16023 E US Hwy 290, Manor, TX from (GO) General Office to (C-3) Heavy Commercial.

BACKGROUND/SUMMARY:

This property was zoned for (GO) General Office on September 7, 2022, by Ordinance 673.

This property has direct frontage on US Hwy 290 (approximately 282’) and is located almost to the eastern extent of the city limits. It is near the intersection of US 290 and Ballerstedt Rd as well as US 290 and Abrahamson Road. The area is a mix of commercial, industrial, and residential uses. Most of the residential uses are on the lots behind the subject lot along Voelker Lane with the closest residential unit being approximately 620’ from the subject lot’s southern property line. The property to the west was recently rezoned to (C-3) heavy commercial, the property across US 290 is vacant, and the property to the east is currently in our ETJ.

This area on our Future Land Use Map is designated as Commercial Corridor. Commercial Corridors consist of nonresidential land uses that meet the needs of both local and regional residents. This includes big box stores and multi-tenant commercial or retail uses. They are typically located along high-volume roadways or at high-volume intersections and generate large amounts of sales tax revenue. The property owner is seeking to use the property for commercial retail in the front as well as offices and warehouses in the back.

The request for C-3 Heavy Commercial would permit the use of the property for a mix of retail sales and warehouses, which is a retail/industrial use, as well as all other uses permitted under C-3 Heavy Commercial. C-3 is the city’s most permissive zoning category, being a mix of commercial and industrial uses. If the P&Z is inclined to support the zoning and use of the property for what is presented, it is recommended that certain uses be removed as permitted. This would keep the permitted uses more consistent with the Future Land Use Maps designation as Commercial Corridor and the intent of that district. Suggest uses to be removed from C-3 are:

1. *Adult-Oriented Businesses* - an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center or other commercial enterprise the primary business of which is the offering of service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer.
2. *Data Center* - a facility housing a collection of computer servers and associated components, such as telecommunication, storage and backup systems that supply information to a single or multiple end users

off-site. Facilities typically require large amounts of electricity, strict temperature control and security, and will generally have few employees present on-site.

3. *Light Industrial* - a use engaged in the manufacture of finished products or parts predominantly from previously prepared materials, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.
4. *Mini-storage warehouse* - an establishment offering small, individual storage units for rent or lease and are restricted solely to the storage of items such as motor vehicles, trailers, boats, bulky household goods and various personal property. There is no conduct of sales, business or any other activity within the individual storage units.
5. *Product Development Services (general)* - development and testing of non-hazardous products related to research services.
6. *Research Services (general)* - establishments engaged in research of an industrial or scientific nature not involving or requiring the use of any biological, chemical or other agent that could cause a hazard to adjacent property. Typical uses include electronics research laboratories, and development and testing of computer software packages
7. *Truck Stop or Travel Center* - a use primarily engaged in the maintenance, servicing, storage, parking or repair of commercial vehicles, including the sale of fuels or other petroleum products, and the sale of accessories or equipment for trucks and similar commercial vehicles. A travel center or truck stop may also include overnight accommodations, showers, restaurant facilities, game rooms, vehicle scales, and/or other activities intended primarily for use of truck crews and interregional travelers.
8. *Vehicle Storage Facility* - a garage, parking lot, or other facility owned or operated by a person or business, other than a governmental entity, for storing or parking ten or more motor vehicles, including motorized waterborne vehicles, per year. This definition does not include businesses with the primary purpose of vehicle sales on the property within the corporate limits of the city, such as automotive dealerships.

Removing the above uses as permitted on the property would keep the allowable uses more in line with what is permitted under C-2 Medium Commercial, but still allow for Office Warehouse Use.

The Planning and Zoning Commission had further inquiry about the intended use of the property and if the desired C-3 zoning was necessary to be in line with our Future Land Use Map. The developer/owner was not present to answer questions, so it was voted for postponement with a 6-1 vote to allow them to be at the January 8th meeting.

**Please note – gas stations are permitted by right in C-3 Heavy Commercial, meaning one could be constructed on the lot without a Specific Use Permit. If the Council is not inclined to support a gas station on this property, Gas Station (full service) and Gas Station (limited) should also be added to the removed list.

LEGAL REVIEW:	Yes	<i>Veronica Rivera, Assistant City Attorney</i>
FISCAL IMPACT:	No	
PRESENTATION:	No	
ATTACHMENTS:	Yes	

- Ordinance
- Letter of Intent
- Rezoning Map
- Aerial Image
- C-3 permitted uses
- Comprehensive Plan FLUM
- Public Notice
- Mailing Labels

STAFF RECOMMENDATION:

It is the City Staff's recommendation that the City Council conduct a public hearing on an ordinance rezoning one (1) lot on 4.879 acres, more or less, and being located at 16023 E US Hwy 290, Manor, TX from (GO) General Office to (C-3) Heavy Commercial with certain permitted uses removed.

Planning & Zoning Commission: **Recommend Approval** **Disapproval** **None**
