



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: July 3, 2024
PREPARED BY: Scott Dunlop, Director
DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Second and Final Reading: Consideration, discussion, and possible action on an Ordinance rezoning one (1) lot on 4.475 acres, more or less, and being located at 16011 E US Hwy 290, Manor, TX from (A) Agricultural to (C-3) Heavy Commercial.

Applicant: Phantastic Endeavor LLC
Owner: Kimley-Horn

BACKGROUND/SUMMARY:

This property was annexed on September 20, 2017, by Ordinance 483. It was zoned Agricultural as that is the default zoning after annexation if permanent zoning is not requested during the annexation.

This property has a direct frontage on US Hwy 290 (approximately 237’) 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 425’ from the subject lot’s southern property line. The property to the west and across US 290 are vacant, and the property to the east is an existing small business that was rezoned to General Office on September 7th, 2022, by Ordinance 673. Within 750’ are an industrial building housing a large mechanical/plumbing company, a concrete manufacturing facility, a storage unit business, and the residential units along Voelker Lane.

This area on our Future Land Use Map is designated as a 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 construction equipment sales, rentals, and repair services – similar to Anderson Machinery, ASCO, and Texas State Rentals. Under the city’s zoning code, Construction and Equipment Sales (Major) are permitted in C-3 Heavy Commercial, IN-1 Light Industrial, and IN-2 Heavy Industrial.

The request for C-3 Heavy Commercial would permit the use of the property for Major Construction and Equipment Sales, 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 City Council is inclined to support the zoning and use of the property for Major Construction and Equipment Sales, 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. *Offices, Warehouse* - a building, or a portion of a building which is a structurally separate and functionally distinct unit, primarily devoted to storage, warehousing and distribution of goods, merchandise, supplies, and equipment. Accessory uses may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.
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 Major Construction and Equipment Sales.

****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 City 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.

P&Z voted 5-0 to recommend approval with the removal of the following uses: Adult-Oriented Businesses; Data Center; Light Industrial; Offices, Warehouse; Product Development Services (general); Research Services (general); Truck Stop or Travel Center; Vehicle Storage Facility.

P&Z added the following additional uses to be removed:

1. Gas Station (full service)
2. Gas Station (limited)
3. Alcohol Beverage Establishment
4. Brewery (micro)
5. Brewery (regional)
6. Brewpub
7. Distillery (micro)
8. Distillery (regional)
9. Liquor store.

The P&Z Commission felt that alcohol sales were not appropriate for the area and next to heavy machinery sales and there are enough properties with existing gas stations and entitlements to gas stations that this property does not need to be permitted gas sales.

At the June 18th Called Special Session of the City Council, the restrictions recommended by city staff and the Planning and Zoning Commission were discussed. The applicant spoke that as the property changes in the future, they would like the ability to market the property and building to breweries and distilleries as the building would be well suited to one of those users, so they requested those uses remain as permitted. Councilmember Moreno supported the site for a brewery or distillery.

The City Council voted 7-0 to approve the first reading with the following uses prohibited: Adult-Oriented Business, Data Center, Light Industrial, Offices Warehouse, Product Development Services (general), Research Services (general), Truck Stop or Travel Center, Vehicle Storage Facility, Gas Station (full service), Gas Station (limited), and Liquor Store.

LEGAL REVIEW:	Yes, Veronica Rivera
FISCAL IMPACT:	No
PRESENTATION:	No
ATTACHMENTS:	Yes

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| <ul style="list-style-type: none"> • Ordinance No. 754 • Letter of Intent • Rezoning Map • Aerial Image | <ul style="list-style-type: none"> • C-3 permitted uses • Comprehensive Plan FLUM • Public Notice • Mailing Labels |
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STAFF RECOMMENDATION:

The City Staff recommends that the City Council approve the second and final reading of Ordinance No. 754 rezoning one (1) lot on 4.475 acres, more or less, and being located at 16011 E US Hwy 290, Manor, TX from (A) Agricultural to (C-3) Heavy Commercial with the following uses removed: Adult-Oriented Business, Data Center, Light Industrial, Offices Warehouse, Product Development Services (general), Research Services (general), Truck Stop or Travel Center, Vehicle Storage Facility, Gas Station (full service), Gas Station (limited), and Liquor Store.

PLANNING & ZONING COMMISSION:	Recommend Approval	Disapproval	None
	X; with conditions		
