

Zoning Change Z12-04 (Lucas Construction)

- Requests** Rezone approximately 0.92 acres from "RSF-5" (Single-family residential with a minimum lot size of 5,000 square feet) to "CG" (General Commercial). The property owner owns a construction business to the north of the Houston Light and Power easement and adjacent to State Highway 96. The subject parcel is currently undeveloped and used for storage of equipment and supplies related to the business. The owner has indicated that it is his intent to construct a storage warehouse on the property.
- Permitted Uses** Uses permitted in "CG" range from warehousing and distribution to business services, eating and drinking services, automobile/vehicle/equipment sales and services, and limited production industry.
- Applicant/Owner** Willis Lucas, Lucas Construction
- Location** Tract 2, Lots 1 and 2, Block 1 of the Orange Grove Subdivision, generally located south of State Highway 96 and west of 1st Avenue.
- City Council** *Public Hearing – June 26, 2012; Second Reading – July 10, 2012*
- Citizen Response** 49 – Notices Mailed to Property Owners within 500 feet
 1 – Notices Mailed to Homeowners/Neighborhood Associations within 500 feet
 0 – Letters of Support Received
 1 – Petition of Opposition Received
- Attachments** 1. Zoning Map
 2. Aerial Map
 3. Photographs of Site
 4. Petition of Opposition
 5. Petition of Opposition Map

The Commission should consider the following criteria in its deliberation, which shall be utilized to substantiate its findings. To determine the extent to which the proposed zoning would be compatible with surrounding properties, the surrounding land uses and the performance impacts should be considered.

- Background** The subject property has maintained a residential zoning designation since 1999. Originally, the property was zoned Suburban Development District (Residential) in 1999, followed by a change to SFR (Single Family Residential) in 2004 and RSF-5 (Residential Single Family with 5,000 square foot minimum lot size
- Site Attributes** The property is currently undeveloped and used for equipment storage related to the activities of a commercial property also owned by the applicant and separated by a 300' wide HL&P easement. Access to the property is exclusively across the utility easement. Development Regulations for properties zoned General Commercial (CG) require a 75-foot minimum lot width along the frontage property line. The present configuration has a lack of frontage access that will need to be addressed during the platting process.
- Surrounding Area** The property is bounded by a 300 foot utility easement to the north, 70 foot drainage easement to the west, and 1st avenue to the east. Presently, 1st Avenue is unimproved and designated Open Space. The character of the remaining surrounding area is rural/estate and enhanced auto-dominant residential. Much of the adjacent property along League City Parkway is zoned General Commercial but is currently undeveloped.

Direction	Surrounding Zoning	Surrounding Land Use
North	Open Space	Houston Lighting and Power Utility Easement
East	Open Space	Undeveloped Right of Way
West	Open Space	Drainage Easement

Comprehensive Plan Designation The map on *Figure 5.1: Future Land Use Plan* in the recently adopted 2035 Comprehensive Plan designates the character of the subject property as Enhanced Auto Dominant Commercial. The auto-dominant commercial designation focuses on convenience and access for customers and employees almost exclusively by automobile. Auto-dominant commercial is primarily linear development along major roadways or located at major intersections. Current access to the property limits the type of development feasible without substantial improvements to the surrounding right of ways.

Water & Sewer Equivalent dwelling units (EDU's) are used to determine the availability and capacity of water and sewer. Per the *Water and Wastewater Master Plans*, the site is located in service area C1b, where a maximum of 2 EDU's (equivalent dwelling units) would only allow for use of one 1-inch meter for the site.

Fire Protection Fire Station #1 will be the first responding station with Fire Station #4 being the second fire station responding.

Access and Traffic Impacts Access to the property is currently via League City Parkway across the utility easement and adjacent property. Acorn Street and 1st Avenue along the eastern boundary of the parcel are two intersecting unimproved residential right of ways. Access across the utility easement is unpaved and granted through a private agreement between the property owner and HL&P

Since the property is not yet developed, traffic impact cannot be adequately assessed. The applicant has indicated that the property will be developed as a storage warehouse which, according to the Institute of Traffic Engineers Guidelines, would generate approximately 3.56 peak hour trips per 1,000 square feet of warehouse space. In the absence of a structure, the site is being used for storage with a total capacity of 40,075 square feet, generating approximately 143 peak trips per hour. Since the requested zoning is General Commercial, the designation would allow for uses far more intense than a warehouse which would significantly increase the number of peak hour trips and the impact to traffic along both League City Parkway and the adjoining residential streets.

League City Parkway

	Existing Conditions	Proposed Conditions
Roadway Type	Major Arterial	Major Arterial
ROW Width	100 feet	As determined by TxDOT
Pavement Width and Type	80-feet, concrete, divided 2-lane each way; with a center continuous left turn lane	As determined by TxDOT

Screening, Setbacks and Nuisances A buffer yard is not required due to an exception the Zoning Ordinance regarding property locate adjacent to Open Space zoning district; however a proposed development will be required to provide an 8-foot tall fence along the property line adjoining an Open Space parcel if the Open Space parcel is adjacent to a zoning district that would require a buffer by the proposed development. Because 1st Avenue is designated Open Space and adjoins RSF-5, the property will require the 8-foot fence along the eastern property line.

Public Benefit vs. Imposed Hardship

Based upon the information provided, the Commission will have to determine “the gain to public health, safety, and welfare due to denial of this application as compared to the hardship imposed upon the owner as a result of denial of the application”.

Additional Considerations:

Based on the May 1981 Texas Supreme Court Case of City of Pharr v Tippitt, the court established a set of criteria to ensure the validity of granting the request. Those rules are as follows:

- 1. The duty of the existing law forbids municipal actions that disregard not only the pre-established zoning ordinance, but also long-range master plans and maps that been adopted by ordinance.**

The 2035 Comprehensive Plan was adopted by ordinance on May 10, 2011. Staff is currently revising the Zoning Ordinance to reflect the newly adopted Comprehensive Plan. Policies in the Comprehensive Plan state that rezoning requests be consistent with the character for the area, the Comp Plan policies, the Future Land Use Plan and the intensity of the site using measures such as open space, density, setbacks, and scale. The *Plan* continues by saying that different uses may be adjacent or mixed if the desired character is achieved and if impacts are appropriately addressed. Any requests that do not conform should also request an amendment to the Comprehensive Plan prior to submittal of the rezoning application.

- 2. A comprehensive zoning ordinance is law that binds the municipal legislative body itself. The legislative body does not, on each rezoning hearing, re-determine as an original matter, the city's policy of comprehensive zoning. The law demands that the approved zoning plan should be respected and not altered for the special benefit of the landowner when the change will cause substantial detriment to the surrounding lands or serve no substantial public purpose.**

The surrounding area is predominantly single family residential properties with some commercial along League City Parkway. The proposed zoning, however, is consistent with the 2035 Comprehensive Plan which designates the property as Enhanced Auto Dominant Commercial. The auto-dominant commercial designation focuses on convenience and access for customers and employees almost exclusively by automobile. Auto-dominant commercial is primarily linear development along major roadways or located at major intersections.

- 3. The nature and degree of an adverse impact upon neighboring lands is important. Lots that are rezoned in a way that is substantially inconsistent with the zoning of the surrounding area, whether more or less restrictive are likely to be invalid.**

Detrimental impacts to the surrounding lands including traffic, noise, nuisance, water, and wastewater are difficult to fully assess due to a lack of specific or approved site plans for any proposed development of the property. The owner has proposed a warehouse building on the property to support a neighboring construction company, also owned by the applicant.

- 4. The suitability or unsuitability of the tract for the use as presently zoned is a factor. The size, shape, and location of a lot may render a tract unusable or even confiscatory as zoned. This fact, like others, must be weighed in relation to the other standards, and instances can exist in which the use for which land is zoned may be rezoned upon**

proof of a real public need or substantially changed conditions in the neighborhood.

Presently, there is no public access to the subject property. Access to the property is across an adjacent utility easement through an agreement between the present owner and the utility company. With a zoning of General Commercial, the parcel is eligible for a variety of high intensity uses that would require adequate infrastructure.

For additional information, contact Shawn-Marie Vaughn, Senior Planner at 281-554-1079 or via e-mail at shawn.vaughn@leaguecity.com

"RSF-7" (Single-family residential with a minimum lot size of 7,000 square feet)

"CG" (General Commercial)

500 foot Notification Buffer

"CG" (General Commercial)

Open Space

"RSF-7" (Single-family residential with a minimum lot size of 7,000 square feet)

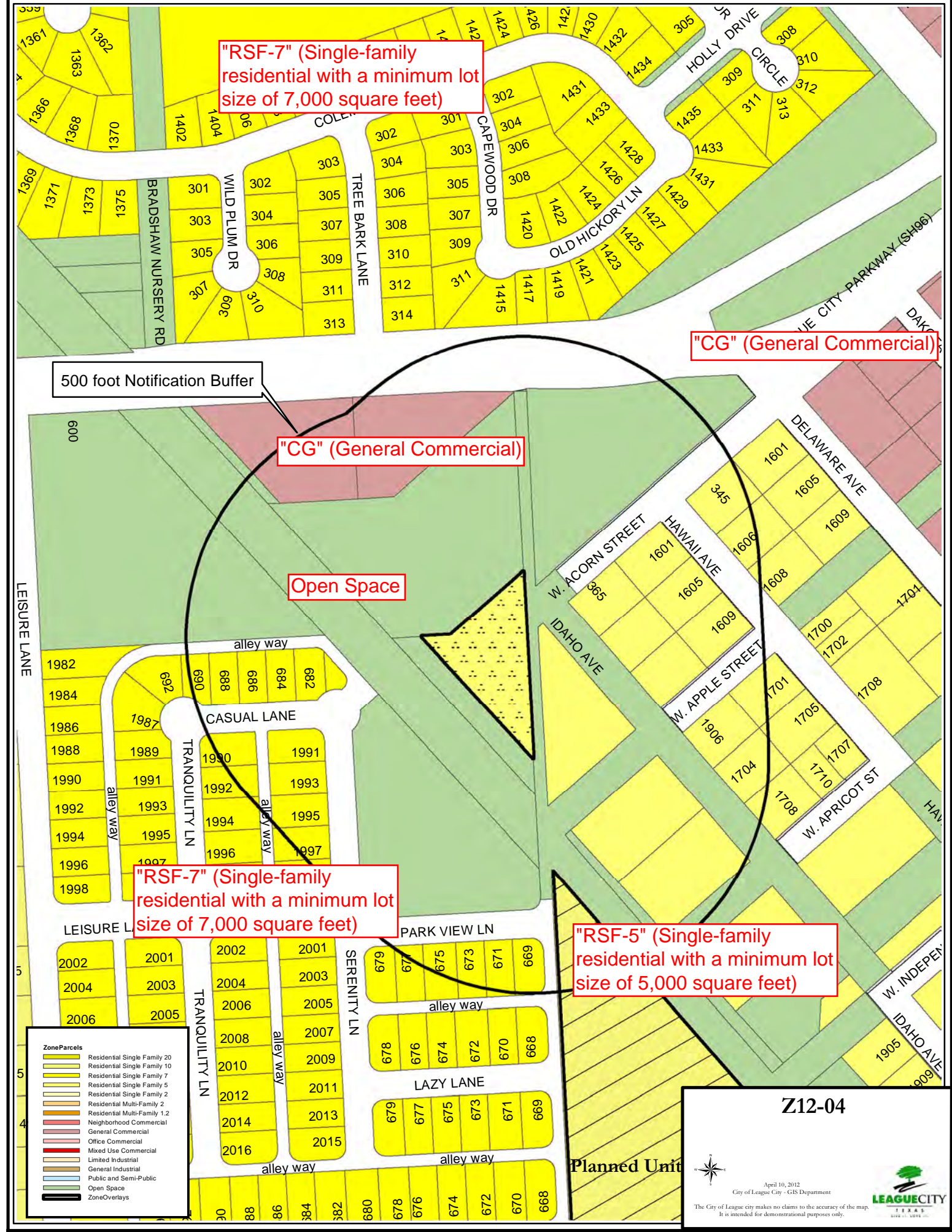
"RSF-5" (Single-family residential with a minimum lot size of 5,000 square feet)

Zone/Parcels	
	Residential Single Family 20
	Residential Single Family 10
	Residential Single Family 7
	Residential Single Family 5
	Residential Single Family 2
	Residential Multi-Family 2
	Residential Multi-Family 1.2
	Neighborhood Commercial
	General Commercial
	Office Commercial
	Mixed Use Commercial
	Limited Industrial
	General Industrial
	Public and Semi-Public
	Open Space
	Zone/Overlays

Z12-04

April 10, 2012
City of League City - GIS Department

The City of League City makes no claims to the accuracy of the map. It is intended for demonstrational purposes only.



Z12-04 (Lucas Construction)



PHOTOGRAPH 1



Looking south across State Highway 96.

PHOTOGRAPH 2



Looking north at the Houston Light and Power utility easement and adjacent commercial property.

PHOTOGRAPH 3



View of east side of subject property and adjacent properties.

PHOTOGRAPH 4



Looking south across subject property.



LEAGUE CITY PARKWAY (SH 96)

200 ft Notification Buffer

All Property within 200 feet of Subject Site

- 345 W. Acorn Street: Owner - Beatrice Gonzales, Acres - 0.25 (0.83%)
- 1601 Hawaii Avenue: Owner - Cruz & Guadalupe Rivera, Acres - 0.30 (0.98%)
- 1605 Hawaii Avenue: Owner - Charles & Cindy Roberts, Acres - 0.30 (0.98%)
- 1608 Hawaii Avenue: Owner - Gilberto & Maria Balboa, Acres - 0.01 (0.03%)
- 1701 Hawaii Avenue: Owner - Armando & Elma Calderon, Acres - 0.13 (0.43%)
- 1702 Hawaii Avenue: Owner - Abdon Betancourt, Acres - 0.00 (0.00%)
- 1705 Hawaii Avenue: Owner - Cruz & Guadalupe Rivera, Acres - 0.004 (0.01%)
- 1707 Hawaii Avenue: Owner - Cruz & Guadalupe Rivera, Acres - 0.00 (0.00%)
- 1708 W. Apricot Street: Owner - Cruz & Guadalupe Rivera, Acres - 0.03 (0.10%)
- 1710 W. Apricot Street: Owner - Cruz & Guadalupe Rivera, Acres - 0.00 (0.00%)
- 1906 W. Apple Street: Owner - Lucio Jr. & SanJuana Almaquer, Acres - 0.30 (0.98%)

Source: Galveston Central Appraisal District

Legend

- Subject Site
- Property Owners that signed Petition

Z12-04 Calculation of Zoning Petition Form

May 14, 2012
City of League City - GIS Department
The City of League City makes no claims to the accuracy of the map. It is intended for demonstrational purposes only.



The 200-foot buffer totals an area of 30.41 acres. The areas that signed the petition within the 200-foot buffer total 1.32 acres. The percentage that signed the petition within the 200-foot buffer is 4.34%.

