

## Zoning Change 13-08 – CCISD

<b>Request</b>	Rezone approximately 24.4 acres of undeveloped land from “CM” (Commercial Mixed Use) to “PS” (Public Semi-Public) and amend the Future Land Use Plan of the 2035 Comprehensive Plan from Urban Low to Public/Institutional.
<b>Permitted Uses</b>	<p>The CM district “is intended to provide for areas of large-scale pedestrian- and auto-oriented region-serving mixed use development...” Uses permitted in CM range from retail, business services, eating and drinking services, self-storage, wholesaling and distribution with store fronts, and multi-family if not a ground floor use.</p> <p>PS “is to provide for a range of public and institutional development, including government facilities, park and recreation facilities, hospitals, educational facilities, cultural and institutional facilities, and other similar and supporting uses. This district also applies to City, State, and federal lands.” Other uses permitted in PS range from clubs or lodges, day cares, food and beverage sales, and recreation and entertainment <i>large-scale</i>.</p>
<b>Owner</b>	Clear Creek Independent School District (CCISD)
<b>City Council</b>	Public Hearing & First Reading – January 28 , 2014; Second Reading – February 11, 2014
<b>Location</b>	Generally located east of West NASA Road and south of FM 528 in Harris County, League City.
<b>Citizen Response</b>	10 – Notices Mailed to Property Owners within 500 feet 0 – Letters of Support Received 0 – Letters of Opposition Received
<b>Attachments</b>	1. Property Owner’s Notification Map / Zoning Map 2. Aerial Map

The Commission should consider the following findings 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 is part of a larger 100 acre tract that is located in two different zoning districts, “CM” and “PS” currently.

The tract was annexed into League City in July of 1985 when zoning had not been established in League City. At the adoption of Zoning in August of 1999, the base zoning was established as Residential Single Family. When the Zoning Ordinance was significantly revised in August of 2005, the tract had multiple owners and was rezoned from Single Family to a combination of Commercial Mixed Use and Public Semi-Public. The tract is now entirely owned by Clear Creek Independent School District and is currently proposing the site to be a multipurpose stadium.

**Site and Surrounding Area** At the time of development, the Arborist will require a letter stating that no protected trees are on-site to verify this.

Direction	Surrounding Zoning	Surrounding Land Use
North	Commercial Mixed Use	Undeveloped
South	Public Semi-Public	Westside Agricultural Center (CCISD – School)
East	Outside of City Limits, Planned Unit Development	Undeveloped City of Webster
West	Commercial Mixed Use	Vacant Land

**Land Use Analysis**

North of Grissom Road, the West NASA Road corridor is a mix of Public Semi-Public and Commercial Mixed Use. The corridor is relatively short after transitioning from a suburban residential area south of Grissom Road to the developed institutional uses of the Westside Agriculture Center and the undeveloped Commercial Mixed Use west of the subject property.

The Zoning Ordinance identifies the Public Semi-Public district for the purpose “to provide for a range of public and institutional development, including government facilities, park and recreation facilities, hospitals, educational facilities, cultural and institutional facilities, and other similar and supporting uses. This district also applies to City, State, and federal lands.” *Section 125-74.A.*

Based on the proposed land use and neighboring land uses of educational facilities, the proposed zoning change to a more restrictive zoning district will not create any undue hardships on the owner nor the City.

**Comprehensive Plan**

The Future Land Use Plan identified the subject property as Urban Low. “Urban Low serves as a destination, at minimum, for local residents, employees and guests...Structures are typically multiple but limited in scale to an average of four stories or less...Uses are activities mixed to meet a range of retail, office, civic, institutional, and residential needs” *2035 Comprehensive Plan.*

The proposed amendment to the comprehensive plan is to revise the subject property to Public/Institutional. The intent of the 2035 Comprehensive Plan designation of Public/Institutional with the Future Land Use Plan is to designate areas for the land uses associated with government (offices, support facilities, and utility plants), schools (public and private), and public safety (fire, police, hospitals, and ambulance services).

When the Comprehensive Plan designated future land uses, the Public/Institutional districts were identified by current use and/or current zoning, not by future requirements. The requested Comprehensive Plan Amendment will be consistent with the intent of the district and is consistent to the district to the south of the property. The approval to revise this designation of Urban Low to Public/Institutional will provide consistency with the rezone request.

**Traffic Impacts and Access**

The site has frontage on West NASA Road and the future ROW of the NASA Bypass 1. Currently the NASA Bypass 1 is still in preliminary plan development.

At the time of platting or site development it would be determined if a traffic impact analysis would be required which would then provide a list of recommended improvements based on the uses being proposed.

*West NASA Road*

	<i>Existing Conditions</i>	<i>Proposed Conditions</i>
<i>Roadway Type</i>	Minor Arterial	Minor Arterial
<i>ROW Width</i>	120 feet	100 feet*
<i>Road Description</i>	Four Lane with vegetated center median, with median cuts for turning traffic. Single side on side of roadway.	Four Lane with vegetated center median of 14 feet, with two-bike lanes, and sidewalks in both directions.

\*Master Transportation Plan identifies an ideal future street design, but additional considerations are taken with available right-of-way. It is not uncommon to have more right-of-way existing than the Master Transportation Plan describes.

**Water & Sewer** The Engineering Department indicates that water is available to the site with a 12-inch main, but the nearest location for sewer is at the intersection of West Old NASA Road and West NASA Road. Infrastructure review will be conducted through the platting or site plan review process.

**Drainage** It should be noted that at the time of development of this site additional on-site detention may be required. The Engineering Department indicates no particular drainage issues at this time; however an updated drainage study will be required at the time of site plan approval which will verify if the existing detention considered this area.

**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.**

A proposed Comprehensive Plan Amendment has been requested as part of the rezone application to designate the subject area as Public/Institutional. Currently the 2035 Comprehensive Plan which was adopted by ordinance included a Future Land Use Plan which identifies the subject property as Urban Low

- 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 property currently has two zoning districts, Commercial Mixed Use and Public Semi-Public, and two Future Land Use designations, Urban Low and Public/Institutional.

The proposed rezone is also proposing an amendment to the Future Land Use Plan of the 2035 Comprehensive Plan. The 2035 Comprehensive Plan, which was passed by ordinance, set a policy that new community facilities are recommended only as needed and should be taken into the context of overall community needs. An amendment to the Future Land Use Plan of 2035, for Public/Institutional land uses, does not constituted a re-determination of the city’s policy of comprehensive zoning for the requested amendment, because the policy accepts that addition of community facilities and land use designations should be changed

based on community needs.

The proposed rezone and proposed land use plan amendment are consistent with the dominate zoning district and future land use designation on the property currently. The request is to designate this area as a single zoning district, "PS" and for that zoning district to be consistent with the Future Land Use Plan, Public/Institutional.

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

The proposed zoning change is not substantially inconsistent with the zoning and character of the surrounding area. The adjacent districts to the south are currently zoned Public Semi-Public for the use of educational facilities consistent with the proposed district.

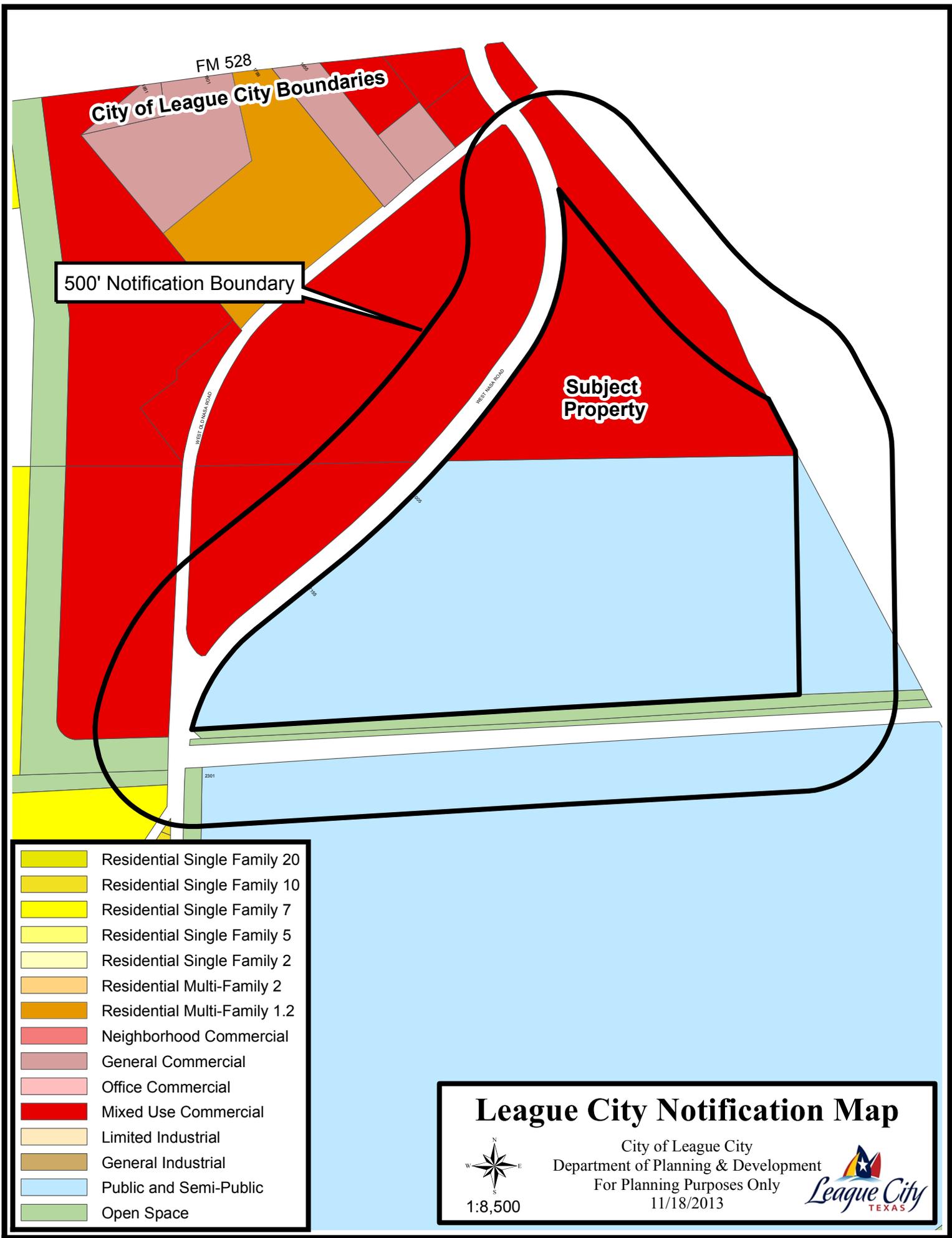
- 4. The suitability or unsuitability of the tract for the use as presently zoned is a factor. The size, shape, and location of a lot may render a tract unusable or even confiscatory as zoned. This factor, like others, must be weighed in relation to the other standards, and instances can exist in which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

The property is currently zoned CM primarily for commercial development. The majority of the property on West NASA Road is either developed Public Semi-Public land or undeveloped commercial land. The current zoning district is intended for privately owned land, whereas the proposed district is for the purpose of government and education on land owned by the City, State, and Federal Government. The proposed use is consistent and permitted with the proposed zoning district.

**Public Benefit  
vs. Imposed  
Hardship**

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

For additional information, you may contact Karl Almgren, Planner at 281-554-1098 or at [karl.almgren@leaguecity.com](mailto:karl.almgren@leaguecity.com).



FM 528  
**City of League City Boundaries**

**500' Notification Boundary**

**Subject Property**

- 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

## League City Notification Map

City of League City  
 Department of Planning & Development  
 For Planning Purposes Only  
 11/18/2013



1:8,500



## Aerial Z13-08 (CCISD)

