

Memo

To: Zoning Commission

From: Kim Golden, Engineering & Planning

cc: Mayor Dedrick Johnson, Garrett McLeod

Date: May 13, 2022

Re: Zoning Change Request – 3630 5th Ave North – Proposed Bo's Self Storage – Zoning Change from “District F - Light Industrial” to “District S-P – Site Plan”).

Background: Applicant seeks to develop a miniwarehouse facility with outdoor boat and RV storage. Applicant has two existing facilities at 3045 Cedar Dr., LaMarque, TX 77568 and 226 Texas City Wye, LaMarque TX. The Texas City Wye location is advertised as having boat and RV storage.

The site is heavily burdened with easements, including approximately 20 existing pipeline easements and overhead electrical power transmission lines. The site is also environmentally compromised. A copy of the Revised Response Action Plan dated June 9, 2021 was provided by the applicant. Applicant indicates the environmental restrictions and the pre-existing pipeline limits its ability to fully screen the site.

The application shows minimal on-site improvements with a primary intent to use the existing pavement for the outside storage of boats, RVs and automobile. The minimal improvements will have marginal impact on the property value and therefore very limited increase to the tax base. Job creation is not projected to be significant. The intended use is addressing an unmet need for boat and RV storage which is attendant to the City's close proximity to the Gulf Coast. However, very little of the anticipated revenue from the storage activity will flow to Texas City. The anticipated benefits will be some reduction of an eyesore on a thoroughfare and possible sales tax revenue from the storage users who may purchase groceries, ice or fuel from a Texas City business. Such benefit is somewhat speculative in that it is equally likely the users will make those purchases in Galveston, LaMarque, Bayou Vista, Tiki Island or any of the other jurisdictions along the route to and from the Gulf Coast or other recreational and water access destinations.

Zoning Change Required – Applicant’s proposed uses include climate controlled miniwarehousing, miniwarehousing without climate control, and outside equipment storage including automobiles, boats and recreational vehicles. The current zoning classification of District F (Light Industrial)(Section 160.041) includes any principal use in District E-4 (Commercial Warehouse)(Section 160.039). The principal uses allowed in District E-4 are “(1) Miniwarehouses, and (2) Warehousing completely within an enclosed building.” Neither district includes the outside storage of equipment as a principal or accessory use.

Outside equipment storage is not identified as a principal use in any of the zoning districts of the Zoning Ordinance. Therefore, the appropriate zoning classification for the proposed principal use of outside equipment storage will be S-P (Site Plan) in Section 160.051. The purpose of this zoning classification includes A(1)(f) “*provide for the development of specific uses which are not normally found in zoning districts.*”

Review and Analysis: Applicant proposes to phase the construction of improvements at the site. The total site acreage is 19.059 acres based upon survey provided by Applicant. However, Applicant proposes to consider only 6.04 acres of the site in use at this time for development of Phases 1 and 2 of the property. Such proposed acreage limitation should be entertained only if Applicant restricts access to the remaining 13.019 acres and refrains from using it.

Phase I is identified as Building #1. 3000 SF, to be used as climate controlled mini-warehousing. The building was previously used for office space and will be renovated. Phase I will also include installation of the screening and landscaping. Upon receipt of all necessary approvals, Applicant intends to immediately begin use of the existing paved areas for outside equipment storage including automobiles, boats and recreational vehicles.

Phase 2 is identified as the renovation of Buildings 2 & 3 into mini-warehousing. Existing Building 2 (15,000 sf) is partially enclosed and partially a covered area. Existing Building 3 (3,000 sf) is a covered area only. Applicant will be required to satisfy the requirements of the Chief Building Official and the applicable provisions of the ICC family of building codes to obtain the necessary building permits for the renovations.

Applicant indicates a future Phase 3 may utilize the remaining 13.019 acres of unimproved area in the rear of the property. The existing conditions include an area of crushed stone with an unimproved access drive utilized by the pipeline companies to access their easements. Prior to the Planning Board meeting on April 11, 2022, the Applicant advised it had no immediate plans to use the future Phase 3 area and had no intent at this time to add any additional structures anywhere on the site. At the Planning Board meeting, Applicant attempted to verbally amend its application to express future plans for Phase 3. The Planning Board declined to consider the attempted verbal amendment. Applicant has not submitted a revised application or provided any supplemental documentation relating to Phase 3. Applicant will need to return to the Planning Board for site plan approval for Phase III when such future use and improvements are determined. Per city ordinances, any additional area used for outside equipment storage would require hard surface pavement.

District E-4 and F both reference the landscaping requirements of Section 160.088 which requires landscaping of a minimum of 5% of the lot area.

District E-4 and F both require exterior façade elevation for all floors to consist of a minimum of 80% brick, stone or masonry exclusive of doors, windows and window walls unless otherwise approved by the Planning Board. Applicant's renovation plans should show progress toward this building regulation.

Staff have reviewed the proposed site plan and the zoning change request and offer no objection. Economic Development staff note the project brings improvement and redevelopment to a site which has been dormant and out of use for decades with opportunity to improve the aesthetics of the site. The Chief Building Official notes outdoor equipment storage is an unmet need in Texas City, and that all building plans will have to comply with the applicable family of ICC codes.

District S-P is used to encourage a procedure which can relate the type, design and layout of a proposed development to a particular site. In this instance, S-P is triggered because the proposed use for outside storage is not listed as a principal use in any of the existing zoning districts. It is also appropriate for use on this particular site due to the limitations of the environmental conditions and the pre-existing pipeline easements. The district allows the Planning Board, Zoning Commission and ultimately the City Commission reasonable discretion to reconcile land use regulations to constraints upon the property.

Planning Board Action on Rezoning Request: The Planning Board reviewed this rezoning request at its meeting on April 11, 2022, prior to review by the Zoning Commission in accordance with Section 160.051(E). Based upon the existing conditions of the site, the existing uses of adjacent properties, and the proximity to SH 146 and FM 1764 which are thoroughfares, staff recommended the following conditions be considered for the rezoning of the subject site to District S-P.

- 1) Outside equipment storage limited to paved areas which are fully screened from visibility to traffic passing on SH 146 and FM 1764.
- 2) All fencing to be of masonry construction. Alternative could be privacy fencing constructed of resin panels or treated lumber with decorative landscaping in excess of minimum requirements along the full extent of the fencing. Bare wooden fencing without landscaping should not be considered compliant.
- 3) Any buildings which are not fully screened with compliant fencing should comply with the requirement for 80% masonry construction.
- 4) S-P designation limited to the 6.09 acre footprint for Applicant's submittal for Phases I and II.

The Planning Board concurred in conditions (1) and (4), but revised conditions (2) and (3) to refer the decision regarding the requirement for masonry construction to itself through approval of the Development Plan. It then indicated an intent to approve the Development Plan as submitted without requirement for masonry construction. Rather, the fencing/screening deemed acceptable by the Planning Board would be wooden fencing on the east side of the property with landscaping only on the portion closest to S.H.146. The Planning Board also indicated it would find acceptable open iron fencing at gaps in the pipeline easements, with no landscaping.

The recommendation of the Planning Board is advisory only. The Zoning Commission is authorized by city ordinances to provide an independent recommendation to the City Commission relating to the request for re-zoning and any recommended conditions.

Recommendation to the Zoning Commission: The elected officials of the City of Texas City have a long history of consistent support for a vision of renewal for Texas City. Starting in 1999 and with updates in 1998 and 2008, the City Commission adopted a system of transformative land use regulations focused upon the aesthetics of its gateways and thoroughfares. The City Commissions and Administrations since that time have consistently supported uniform application of the regulations to new commercial developments and substantial redevelopments all along the applicable corridors. The land use regulations, and especially the requirements of the Gateway Overlay District are administered daily through permitting and site plans reviews and approvals. Additionally, the City has undertaken two significant projects on the Gulf Freeway and at the intersection of S.H.146 and F.M. 1764 (Emmett F. Lowery Expy) with the commitment of millions of dollars to create an identifying aesthetic for Texas City. A former mayor expressed the intent of the regulations and projects as “making sure folks know they are in Texas City.”

The subject location is near in proximity to the gateway intersection of S.H.146 and F.M. 1764. Although the existing site is unsightly, accepting only minimal improvement will establish a future ceiling for other improvements along the gateways and thoroughfares. For this reason, the recommended conditions for approving the rezoning to S-P include a requirement for masonry construction of the screening walls/fences and any buildings which are visible from the thoroughfare. Staff maintains its recommendation for approval of the rezoning to S-P upon the following conditions:

- 1) Outside equipment storage limited to paved areas which are fully screened from visibility to traffic passing on SH 146 and FM 1764.
- 2) All fencing to be of masonry construction and/or masonry and decorative iron, with landscaping in excess of minimum requirements along the full extent of the fencing. Bare wooden fencing and any fencing without landscaping should not be considered compliant.
- 3) Any buildings which are not fully screened with compliant fencing should comply with the requirement for 80% masonry construction.
- 4) S-P designation limited to the 6.09 acre footprint for Applicant's submittal for Phases I and II.