

Zoning Change Z15-09 (Davis Road and FM 2094)

**Request** Rezone approximately 1.3 acres from “PS” (Public / Semi-Public) to “CG” (General Commercial). The public hearing is closed.

The property is owned by the City of League City and was acquired in 2003 for the anticipated “Five Corners Bypass” that was to have extended between Louisiana Street and Egret Bay Boulevard (FM 270). The project did not come to fruition due to an alternate option being considered. As a result, the property has been identified as one of nine properties throughout League City that is considered unneeded and is being prepared for sale to the public. In addition, this tract was identified for rezoning to better complement the zoning in the immediate area.

The intent of the “CG” (General Commercial) zoning district is for existing and future areas of larger-scaled pedestrian- and auto-oriented commercial development located on major arterial roadways for community-serving uses such as retail, services, office, auto-related businesses, restaurants and recreation and entertainment.

**Applicant /Owner** City of League City

**City Council** Public Hearing & First Reading – June 23<sup>rd</sup>, 2015; *Second Reading – July 14<sup>th</sup>, 2015*

**Location** Generally located south of the GENCO cooling canal, east of Davis Road and west of Marina Bay Drive (FM 2094), with the approximate address being in the 2400 block of Marina Bay Drive.

**Citizen Response** 9 – Notices Mailed to Property Owners within 500 feet  
0 – Communications of Support Received  
0 – Communications of Opposition Received

**Attachments** 1. Property Owner’s Notification Map / Zoning Map  
2. Aerial Map  
3. 2035 Comprehensive Plan Future Land Use Plan

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 zonings would be compatible with surrounding properties, the surrounding land uses and the performance impacts should be considered.

**Update** On May 18, 2015, the Planning and Zoning Commission tabled this item due to concerns with intensity of use for the “CG” zoning district with concerns with the conformance of the Comprehensive Plan and impacts on traffic.

As briefly discussed at the meeting, the Future Land Use Map is not intended to identify development on a parcel by parcel basis, but rather as general area of growth. The Comprehensive Plan in this area shows Enhanced Auto Dominant Commercial along FM 2094 and Enhanced Auto Dominant Commercial further away from FM 2094. The FM 2094 corridor has either Mixed Use or General commercial between Egret Bay and Seminole Road. The Parks & Cultural Services Director, Chien Wei, confirmed that it was his department’s intent to retain a portion of property for a trail easement while there are no plans for a park space at this location due to its proximity to nearby businesses and traffic.

Traffic impacts are difficult to accurately be determined at a zoning level since they are based on

the intensity of a use on a property. In addition, uses are typically permitted in more than one zoning district as well. Traffic impact assessments and access locations are considered at the development phase for a property.

**Background**

**June 20, 2003** – City of League City acquires property for right-of-way for future Five Corners Bypass.  
**April 13, 2015** – Planning staff sent out notices for a neighborhood meeting.  
**April 21, 2015** – Planning staff held a neighborhood meeting at the Civic Center.  
**April 24, 2015** – Planning staff sent out public hearing notices to the surrounding property owners and installed public hearing signs on the property.  
**May 15, 2015** – Planning staff sent out notifications to the surrounding property owner of the rescheduled public hearing at City Council and installed updated public hearing signs on the property.  
**May 18, 2015** - Planning & Zoning Commission held a public hearing and tabled the item to the June 1, 2015 P&Z meeting.  
**June 1, 2015** - Planning & Zoning Commission to consider a recommendation to City Council.  
**June 23, 2015** – City Council scheduled to conduct public hearing and consider request on first reading.  
**July 14, 2015** – Subject to approval on first reading, City Council to consider request on second reading.

**Site and Surrounding Area**

The undeveloped site lies directly adjacent to the south of the former GENCO Canal. No known protected trees are located on the property, however a Tree Disposition Plan will be required when the property is eventually developed.

| Direction | Surrounding Zoning    | Surrounding Land Use  |
|-----------|-----------------------|---|
| North     | “OS” and “RMF-1.2”    | Former GENCO Canal and Signature Point Apartments           |
| South     | ROW and “CG”          | Davis Road, FM 2094 and Amegy Bank                          |
| East      | ROW, “OS” and “PS”    | FM 2094, Former GENCO Canal, CCISD Clear Creek Campus Tract |
| West      | ROW, “OS” and “RSF-7” | Davis Road, Former GENCO Canal and Undeveloped Property     |

**Conformity with Comprehensive Plan**

The Future Land Use Plan of the 2035 Comprehensive Plan identifies the subject property as “Park/Open Space/Natural” Areas designated as “Park/Open Space/Natural” are intended as open spaces to provide for the natural floodplain, forest, wetlands along with limited regional area for recreation and open space.

This tract is in-line with developed tracts to the east and the west, just south of the former GENCO canal. The property is also located within the FM 2094 corridor and directly across from a large educational campus, in which the area is zoned with a mixture of public/semi-public, general and mixed use commercial. However, it is foreseeable that the tract would be difficult to maintain as a true natural area or open space as it is not large enough for regional purposes and its location in relation to the commercial corridor, adjacent development and traffic.

**Access and Traffic Impacts**

Access will be provided from Davis Road and/or FM 2094 (Marina Bay Drive). However FM 2094 is under the jurisdiction of the Texas Department of Transportation (TxDOT) in which access onto FM 2094 would require a TxDOT permit.

**FM 2094 (Marina Bay Drive)**

|                                | <i>Existing Conditions</i>  | <i>Proposed Conditions</i> |
|--------------------------------|---|----------------------------|
| <i>Roadway Type</i>            | Minor Arterial  | Minor Arterial             |
| <i>ROW Width</i>               | 114 Feet  | As Determined by TxDOT     |
| <i>Pavement Width and Type</i> | 4-lane, divided, 56-foot wide concrete pavement width with a 22-foot wide center median and sidewalks on either side. | As Determined by TxDOT     |

**Davis Road**

|                                | <i>Existing Conditions</i>                               | <i>Proposed Conditions</i>   |
|--------------------------------|--|--|
| <i>Roadway Type</i>            | Local  | Local  |
| <i>ROW Width</i>               | 60 Feet  | 60 Feet  |
| <i>Pavement Width and Type</i> | 2-lane, undivided, 28-foot wide concrete pavement width. | 2-lane, undivided, 28-foot wide concrete pavement width with sidewalks on either side. |

**Water & Sewer**

Equivalent Dwelling Units (EDU's) are used to determine the capacity of water and waste water available to a site. With a single-family dwelling unit being equivalent to 1 EDU, the Engineering Department indicates that the water and sewer capacity are adequate to serve this development.

Water is accessible through an 8-inch water line along the east side of Davis Road.

Sanitary sewer is accessible through an 8-inch sewer line on the east side of Davis Road.

**Floodplain**

The entire property is currently located within the 500-year floodplain. Any form of development on the property may desire to investigate mitigation from the adjacent GENCO canal.

It should be noted that the Federal Emergency Management Agency (FEMA) has indicated that new floodplain maps are being prepared for Galveston County and are anticipated to be finalized within the next 12 months. Preliminary floodplain maps show no change to the subject property, however the nearby canal is anticipated to have an increase flooding elevation.

**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.”

**Recommendation**

Staff reaffirms its recommendation to “CG” due to the adjacent properties being “CG” and surrounding commercial area in the Future Land Use Map. There hesitancy to request another commercial zoning district to avoid it being seen as being substantially inconsistent with the zoning of the surrounding area, based on a previous Texas Supreme Court ruling in the case of Pharr vs. Tippitt.

For additional information, you may contact Mark Linenschmidt, Senior Planner at 281-554-1078 or at [mark.linenschmidt@leaguecity.com](mailto:mark.linenschmidt@leaguecity.com).

The Lakefront  
Subdivision

Commercial  
Shopping Center

Signature Point  
Apartments

Undeveloped

Marina Bay  
Drive (FM 2094)

Davis Road

GENCO Canal

GENCO Canal

Subject Property

Amegy Bank

Undeveloped

Commercial  
Shopping Center

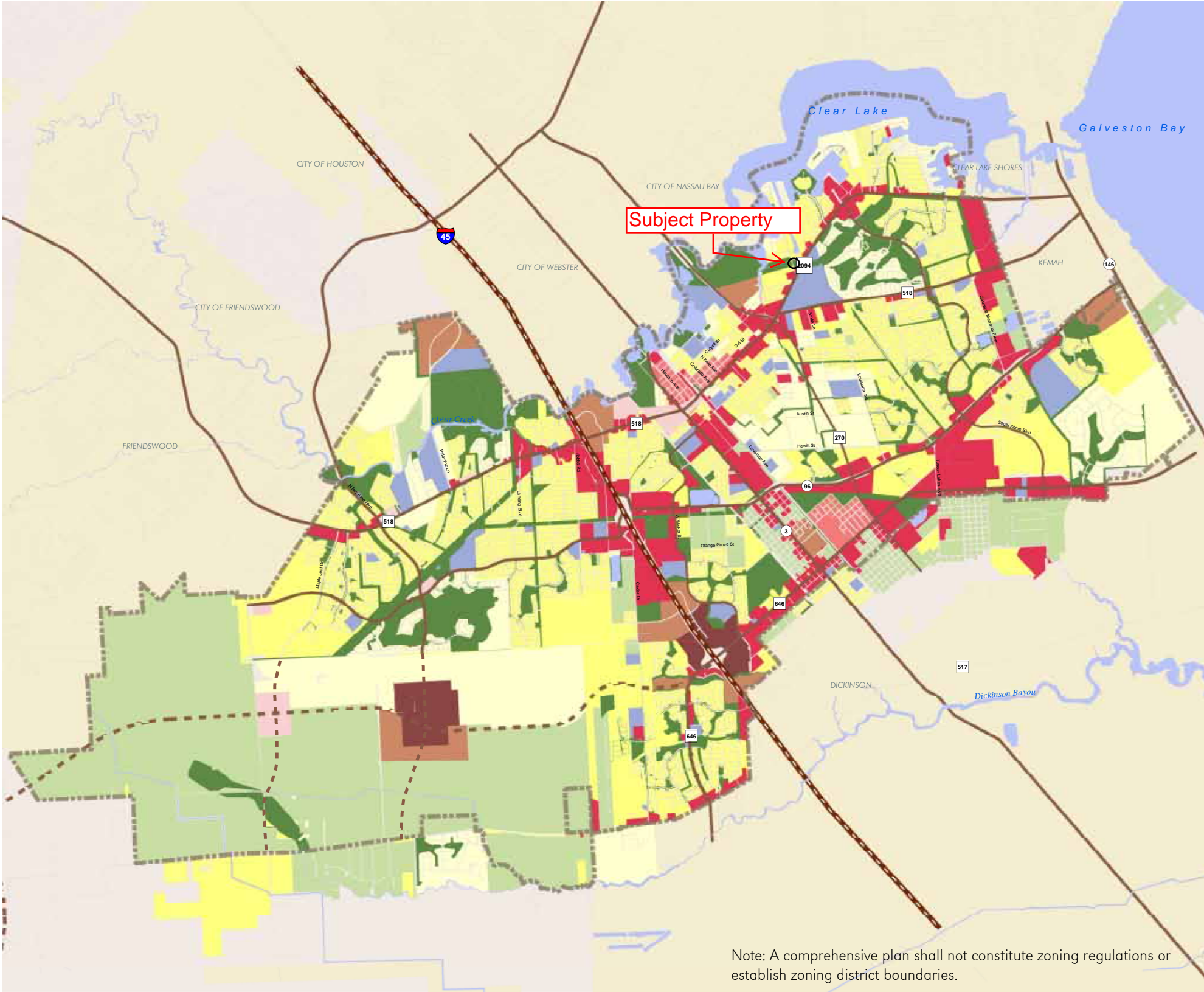
Clear Creek  
Intermediate  
School

Bayou Brae  
Subdivision

CCISD Education  
Support Center



Figure 5.1 Future Land Use Plan



Impacts

|                         |         |
|-------------------------|---------|
| Dwelling Units          | 77,446  |
| Population              | 178,875 |
| Employment              | 54,931  |
| Jobs to Housing Balance | 0.71    |
| Water (MGD)             | 28.53   |
| Sewer (MGD)             | 24.37   |

Land Use Acreages

|                                    |        |
|------------------------------------|--------|
| Rural/Estate                       | 27.2%  |
| Suburban Residential               | 14.7%  |
| Suburban Village                   | 0.7%   |
| Enhanced Auto Dominant Residential | 27.0%  |
| Enhanced Auto Dominant Commercial  | 8.8%   |
| Suburban Commercial                | 0.9%   |
| Urban Low                          | 3.0%   |
| Urban High                         | 1.6%   |
| Public/Institutional               | 3.5%   |
| Parks/Open Space/Natural           | 12.7%  |
| Total                              | 100.0% |

Legend

- Rural/Estate Residential
- Park/Open Space/Natural
- Suburban Residential
- Suburban Village
- Suburban Commercial
- Enhanced Auto Dominant Residential
- Enhanced Auto Dominant Commercial
- Urban High
- Urban Low
- Public/Institutional