

Zoning Request	S Old Bastrop Hwy & Redwood Rd Gas Station
ZC-24-02	



Summary

Request:	Zoning change from "CD-5" Character District - 5 to "CM" Commercial for a gas station		
Applicant:	Priscilla Gonzalez LJA Engineering, Inc 9830 Colonnade Blvd, Ste 300 San Antonio, TX 78230	Property Owner:	Jim Smith SmithCo Dev., LLC 1400 Post Oak Blvd Ste 900 Houston, TX 77056

Notification

Application:	1/23/2024	Neighborhood Meeting:	N/A
Published:	1/28/2024	# of Participants	N/A
Posted:	1/26/2024	Personal:	1/26/2024
Response:	None as of the date of this report		

Property Description

Legal Description:	Barnett O. Kane Survey, Abstract No. 281		
Location:	North of the S. Old Bastrop Hwy and Redwood Rd intersection		
Acreage:	2.133 acres	PDD/DA/Other:	N/A
Existing Zoning:	CD-5	Proposed Zoning:	CM
Existing Use:	Vacant	Proposed Use:	C. Store with fuel sales
Existing Occupancy:	N/A	Occupancy:	Restrictions Do Not Apply
Preferred Scenario:	Low Intensity Zone	Proposed Designation:	Same
CONA Neighborhood:	N/A	Sector:	N/A
Utility Capacity:	Available	Floodplain:	No
Historic Designation:	N/A	My Historic SMTX Resources Survey	No

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	CD-5	Senior Multi-Family	Low Intensity Zone
South of Property:	ETJ	Vacant	Low Intensity Zone
East of Property:	CD-5	Vacant	Existing Neighborhood
West of Property:	GC	C. Store with fuel sales	Low Intensity Zone

Staff Recommendation

<input checked="" type="checkbox"/> Approval as Submitted	<input type="checkbox"/> Alternate Approval	<input type="checkbox"/> Denial
Staff: Will Rugeley, AICP		
Title: Planner		Date: 2/28/2024

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Commission Recommendation

X	Approval as Submitted	Approval with Conditions / Alternate	Denial
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Speakers in favor or opposed:

1. In Favor: (2) Jose Cantu, Jim Smith
2. In Opposition: (0)
3. Neutral: (1) Lisa Marie Coppoletta (concerns with traffic, gas station use, and notification requirements)

Recommendation from the Planning and Zoning Commission Meeting held February 13, 2024: A motion was made by Commissioner Kelsey, seconded by Commissioner Burleson, to **approve** ZC-24-02. The motion carried 8-0.

- For: (8) Chairperson Garber, Commissioner Agnew, Commissioner Burleson, Commissioner Case, Commissioner Dunn, Commissioner Kelsey, Commissioner Meeks, and Commissioner Spell
- Against: (0)
- Absent: (1) Commissioner Costilla

Discussion Topics:

The following topics were discussed: (a) the reasoning behind the applicant requesting CM zoning when the intended use is for a gas station, which requires CUP approval within the CM District; and (b) the CM District's build-to-zone requirements and the potential design challenges it poses in the context of a gas station use.

History

On May 18, 2021, the property and the area to its north was zoned CD-5 to authorize a mix of residential and commercial uses (Ord. 2021-31). That zoning approval included covenants which delineated the subject tract as a future commercial corner.

Additional Analysis

ZC-24-02 seeks zoning for development of a convenience store with fuel sales pursuant to the CM District regulations. The CM District does not permit by right fuel sales and instead requires approval of a CUP. Permitted by right CM uses which could potentially be construed as undesirable might include: (a) indoor animal care and (b) vehicle sales and rentals. Finally, directly west of the subject tract and across Redwood Rd is an existing Valero convenience store with fuel sales.

Comments from Other Departments

Police	No Comment
Fire	No Comment
Public Services	No Comment
Engineering	No Comment

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
		<u>X</u>	Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map <i>The site is designated as "Low Intensity" on the Preferred Scenario Map. Zoning map amendments to a Special District in a Low Intensity Area is "Not Preferred".</i>
		<u>N/A</u>	Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area <i>Studies were not complete at the time of the request.</i>
		<u>X</u>	Whether the proposed zoning map amendment implements the policies of any applicable plan adopted by City Council
		<u>X</u>	Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect <i>The prior zoning action indicated only that the property is suitable for commercial development, however, no specific commercial uses were noted.</i>
		<u>X</u>	Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses shall be appropriate in the immediate area of the land to be reclassified <i>CM zoning would be considered an increase in intensity, it would preclude any residential development (that is currently permitted), and it has notably fewer pedestrian standards and is thus more auto oriented. However, CM zoning would be compatible with the existing gas station located across Redwood Rd.</i>
<u>X</u>			Whether the proposed zoning will reinforce the existing or planned character of the area <i>The existing character of the area is primarily residential and rural. The Comprehensive Plan states that a Low Intensity designation "does not mean that the area should not or will not change, it means that any changes should be carefully planned so that the character of the area remains." An additional gas station would likely be construed as a reinforcement of the area's existing character.</i>
<u>X</u>			Whether the site is appropriate for the development allowed in the proposed district <i>Convenience stores with fuel sales are commonly found at the intersection of major roads. Notwithstanding, authorization and special design components can be vetted during CUP consideration.</i>
		<u>X</u>	Whether there are substantial reasons why the property cannot be used according to the existing zoning <i>The property is zoned CD-5 and no reasons have been made known nor uncovered regarding reasons why the property cannot be developed pursuant to existing regulations.</i>
	<u>X</u>		Whether there is a need for the proposed use at the proposed location <i>The proposed use is already in existence directly west of and across Redwood Rd. Nonetheless, authorizing an additional c. store with fuel sales could incentivize more competitive fuel and retail prices.</i>

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Consistent	Inconsistent	Neutral	
<u>X</u>			Whether the City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, public safety, and emergency services, while maintaining sufficient levels of service to existing development <i>The site has access to utilities that exist along Redwood Rd.</i>
		<u>X</u>	Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property <i>The existing and planned character of the surrounding area is predominantly residential and is largely single-family residential. Should CM zoning approval be achieved, and a CUP application later be considered, conditions of development could be imposed to create appropriate transitions.</i>
		<u>N/A</u>	For requests to a Neighborhood Density District, whether the proposed amendment complies with the compatibility of uses and density in Section 4.1.2.5
<u>X</u>			The impact the proposed amendment has with regard to the natural environment, including the quality and quantity of water and other natural resources, flooding, and wildlife management <i>There are no known environmental constraints, and a Watershed Protection Plan will be required prior to development, which will address the environmental standards of the Development Code.</i>
<u>X</u>			Any other factors which shall substantially affect the public health, safety, morals, or general welfare