

<b>Zoning Request</b>	<b>5900 Block of S IH-35 Las Colinas</b>
<b>ZC-21-17</b>	



**Summary**

<b>Request:</b>	"AR" Agricultural Ranch and "FD" Future Development to "HC" Heavy Commercial		
<b>Applicant:</b>	Trevor Tast TX2 Engineering 645 Floral Ave, Ste C New Braunfels, TX 78130	<b>Property Owner:</b>	Las Onces Colinas LLC 301 Comal, Ste 301 Austin, TX 78702

**Notification**

<b>Application:</b>	9/23/2021	<b>Neighborhood Meeting:</b>	N/A
<b>Published:</b>	10/24/2021	<b># of Participants</b>	N/A
<b>Posted:</b>	10/21/2021	<b>Personal:</b>	10/21/2021
<b>Response:</b>	One citizen letter was submitted on 11/9/2021 and is included in the packet.		

**Property Description**

<b>Legal Description:</b>	2.78 acres out of the Samuel Craft League, Abstract No. 89 in Hays County, Texas		
<b>Location:</b>	5900 Block of S IH-35		
<b>Acreage:</b>	2.78 acres	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	Agricultural Ranch (AR), Future Development (FD)	<b>Proposed Zoning:</b>	Heavy Commercial (HC)
<b>Existing Use:</b>	Vacant	<b>Proposed Use:</b>	Gas Station / Convenience Store
<b>Existing Occupancy:</b>	N/A	<b>Occupancy:</b>	N/A
<b>Preferred Scenario:</b>	Employment Area	<b>Proposed Designation:</b>	Same
<b>CONA Neighborhood:</b>	N/A	<b>Sector:</b>	5
<b>Utility Capacity:</b>	Wastewater available, Water is not available and is within the Crystal Clear service area.	<b>Floodplain:</b>	No
<b>Historic Designation:</b>	N/A	<b>My Historic SMTX Resources Survey</b>	No

**Surrounding Area**

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>North of Property:</b>	Agricultural Ranch (AR) & Heavy Industrial (HI)	IH-35	Low Intensity
<b>South of Property:</b>	ETJ	Vacant	Employment Area
<b>East of Property:</b>	Agricultural Ranch (AR) & ETJ	Vacant	Employment Area
<b>West of Property:</b>	Agricultural Ranch (AR), General Commercial (GC) & ETJ	Vacant	Employment Area

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**Staff Recommendation**

<b>X</b>	<b>Approval as Submitted</b>	<b>Alternate Approval</b>	<b>Denial</b>
<b>Staff:</b> Andrea Villalobos, AICP, CNU-A		<b>Title:</b> Planning Manager	
		<b>Date:</b> 11/16/2021	

**Commission Recommendation**

<b>Approval as Submitted</b>	<b>X</b>	<b>Alternate Approval</b>	<b>Denial</b>
<b>Speakers in favor or opposed</b>			
<ol style="list-style-type: none"> <li>1. Trevor Tast (applicant in favor)</li> <li>2. Reagan Dickerson (written comment in opposition)</li> <li>3. Lisa Marie Coppoletta (neutral)</li> </ol>			
<b>Recommendation from the Planning and Zoning Commission Meeting held November 9, 2021</b>			
A motion was made by Commissioner Garber, second by Commissioner Agnew to recommend denial) of the request to zone to Heavy Commercial (HC) and recommend the lesser zoning district of Commercial (CM).			
The vote passed with an 8-0 vote			
<b>For: 8</b> – Commissioner Rand, Commissioner Costilla, Commissioner Agnew, Commissioner Garber, Commissioner Sambrano, Commissioner Moore, Commissioner Spell, Commissioner Meeks			
<b>Against: 0</b>			
<b>Absent: 1</b> – Commissioner Kelsey			
<b>Discussion Topics:</b>			
<ul style="list-style-type: none"> <li>• The Commission discussed concerns with the proposed Heavy Commercial zoning because a “Truck Stop” is an allowable use. Alternatively, the Commercial zoning district prohibits truck stops.</li> <li>• The Commercial zoning district will require that the applicant submit a Conditional Use Permit application to construct a convenience store with gas sales, as the sale of gas requires a Conditional Use Permit.</li> <li>• The Commission discussed that they will need to stay consistent with their support of a convenience store with gas sales when the applicant comes before the Commission with their Conditional Use Permit.</li> <li>• In addition, they discussed that the Council may choose to waive the application fee for the Conditional Use Permit.</li> </ul>			

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**History**

The subject property is partially located in the City Limits and is zoned Agricultural Ranch along the IH-35 frontage. The remaining portion of the subject property is located outside of the City Limits and is pursuing a request for Annexation. Following the approval of the annexation request, this portion will be zoned to Future Development.

**Additional Analysis**

The applicant intends to construct a convenience store and gas station on the subject property.

The request for Heavy Commercial is designated as ‘C’ Considered within an Employment Area on the Preferred Scenario Map. Heavy Commercial is considered a “Special District” and is intended for primarily single-use commercial and industrial development (Figure 4.1 Preferred Scenario Map)

**Comments from Other Departments**

<b>Police</b>	No Comment
<b>Fire</b>	No Comment
<b>Public Services</b>	No Comment
<b>Engineering</b>	No Comment

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			<p><b>Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map</b>  <i>The proposed zoning implements the policies of the Comprehensive Plan and Preferred Scenario Map as "Employment Areas are intended for industrial, large office park, and intensive commercial uses". (Vision San Marcos Comprehensive Plan, pg. 69)</i></p>
		<u>N/A</u>	<p><b>Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area</b>  <i>Studies were not complete at the time of this request.</i></p>
		<u>N/A</u>	<p><b>Whether the proposed zoning map amendment implements the policies of any applicable plan adopted by City Council</b></p>
		<u>N/A</u>	<p><b>Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect</b>  <i>There is no development agreement in effect on the property.</i></p>
<u>X</u>			<p><b>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</b>  <i>The uses allowed in Heavy Commercial are primarily commercial and light industrial uses. These uses are consistent with the description of uses planned for an Employment Area. The subject property's location on IH-35 is consistent with surrounding highway commercial uses with adequate access to roadways.</i></p>
<u>X</u>			<p><b>Whether the proposed zoning will reinforce the existing or planned character of the area</b>  <i>The subject property's location within an Employment Area indicates that the area is planned for commercial or employment uses. The proposed uses neither compliment nor conflict with existing uses in the nearby vicinity as much of the surrounding property is vacant.</i></p>

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			<p><b>Whether the site is appropriate for the development allowed in the proposed district</b>  <i>The site is along the IH-35 frontage road providing for sufficient roadway access consistent with commercial or employment uses.</i></p>
<u>X</u>			<p><b>Whether there are substantial reasons why the property cannot be used according to the existing zoning</b>  <i>Agricultural Ranch uses are limited and not ideal when considering the property's location along a major roadway within an Employment Area on the Comprehensive Plan.</i></p>
<u>X</u>			<p><b>Whether there is a need for the proposed use at the proposed location</b>  <i>The Comprehensive Plan identifies this area for future industrial, large office park, and intensive commercial uses. (Vision San Marcos Comprehensive Plan, pg. 69)</i></p>
<u>X</u>			<p><b>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</b></p>
<u>X</u>			<p><b>Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property</b>  <i>No adverse impacts noted.</i></p>
		<u>N/A</u>	<p><b>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</b></p>
<u>X</u>			<p><b>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</b>  <i>The subject property is located in a low constrained area on the Land Use Suitability Map. It is not located within floodplain.</i></p>
		<u>X</u>	<p><b>Any other factors which shall substantially affect the public health, safety, morals, or general welfare</b>  <i>None noted.</i></p>