

Zoning Request ZC-23-27

Rattler Rd/ E McCarty Ln Sahota Center at Rattler Rd FD to HC



Summary

Request:	Zoning change from Future Development to Heavy Commercial		
Applicant:	Caren Williams-Murch Land Consultants, Ltd. Co. 144 Sage Meadows Dr, San Marcos TX, 78666	Property Owner:	Ravi Sahota, Sahota Holdings, LLC PO Box 592233 San Antonio, TX 78259

Notification

Application:	November 22, 2023	Neighborhood Meeting:	N/A
Published:	December 24, 2023	# of Participants	N/A
Posted:	December 22, 2023	Personal:	December 22, 2023
Response:	None as of the date of this report		

Property Description

Legal Description:	Approximately 3.57 acres of land, more or less, out of the Cyrus Wickson Survey, Abstract No. 474		
Location:	Generally located southeast of the intersection between Rattler Rd and East McCarty Lane/FM 110.		
Acreage:	3.57 acres	PDD/DA/Other:	N/A
Existing Zoning:	None (ETJ)	Proposed Zoning:	Heavy Commercial
Existing Use:	Vacant	Proposed Use:	Gas Station and Convenience Store
Existing Occupancy:	N/A	Occupancy:	N/A
Preferred Scenario:	Medium Intensity- East Village	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:	Light Industrial	Vacant (Industrial Park/ Warehouse and distribution is under development)	Medium Intensity
South of Property:	ETJ (proposed CM Commercial)	Vacant	Medium Intensity
East of Property:	None (ETJ)	Vacant/ Rural Residential	Medium Intensity
West of Property:	Character District-4	Vacant	Medium Intensity

Staff Recommendation

X	Approval as Submitted	Alternate Approval	Denial
Staff: Julia Cleary, AICP			
Title: Senior Planner		Date: Jan 3, 2024	

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Commission Recommendation

<u>X</u>	Approval as Submitted		Approval with Conditions / Alternate		Denial
Speakers in favor or opposed Caren Williams Murch (applicant) – in favor Ravi Sahota (applicant) – in favor Lisa Marie Coppoletta – opposed Recommendation from the Planning and Zoning Commission Meeting held January 23, 2024. A motion was made by Commissioner Kelsey, second by Commissioner Agnew to recommend approval of the request. The vote passed with a 9-0 vote For: 9 (Agnew, Burleson, Case, Costilla, Dunn, Garber, Kelsey, Meeks, Spell) Against: 0 Absent: 0 Discussion Topics: <i>Drainage area on the site plan</i> – Commissioner Agnew said he was surprised that approximately 49% of the site plan was drainage based on looking at the site. The applicant responded that the percentage also took into account the on-site detention requirements specified in the City's code. <i>Development under less intense zoning districts</i> – Commissioner Case asked if the applicant had considered developing under the less intense CM zoning district with a CUP. Staff noted that this had not been the recommended district because the build to zone and parking location requirements were not conducive to building a gas station.					

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History

The site is currently located outside of the City limits and is accompanied by a request for annexation (AN-23-11) which is being considered concurrently. The approx. 6-acre annexation site was subject to two separate zoning change requests:

1. ZC-23-26 (FD to CM Commercial)
2. ZC-23-27 FD to Heavy Commercial (this request)

This proposed Heavy Commercial site will have frontage on E McCarty Lane/ Fm 110 and Rattler Rd and per the submitted site plan will include a gas station with a convenience store.

The site is located within the "East Village" in the 2013 Comprehensive Plan, which is an area envisaged as an "activity node centered around the intersection of Old Bastrop and Hwy 123, East Village will boast a mix of commercial, retail, and service-oriented activity. This area will offer a variety of residential options including single family homes, duplexes, townhomes, and small multifamily projects."

The site is approximately 0.3 miles west of the City's Public Services complex. The land on the opposite side of Rattler Rd was annexed and zoned to Character-District-4 (CD-4) in January 2023 (ZC-22-43), while the land across the street on the northern side of McCarty Lane was annexed and zoned to Light Industrial in February 2022 (ZC-22-02).

Additional Analysis

See below.

Comments from Other Departments

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

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 Heavy Commercial is a Special District which per Table 4.1 is "Not Preferred" in Medium Intensity zones.
		<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 Studies were not complete at the time of the request. Please note that this site is within the boundary of the draft Area Plan for the Second City Center/ East Village.
		<u>X</u>	Whether the proposed zoning map amendment implements the policies of any applicable plan adopted by City Council
		<u>N/A</u>	Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect
<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

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
		<u>X</u>	Whether the proposed zoning will reinforce the existing or planned character of the area
<u>X</u>			Whether the site is appropriate for the development allowed in the proposed district
<u>X</u>			Whether there are substantial reasons why the property cannot be used according to the existing zoning <i>The site will be zoned "FD" Future Development upon annexation, which is intended to be a temporary zoning district with limited development options including agricultural and very low density residential.</i>
<u>X</u>			Whether there is a need for the proposed use at the proposed location <i>The City does not have data pertaining to the need for gas stations, however it should be noted that the nearest existing gas station/convenience store is approximately 1 mile away on the eastern side of the intersection between SH-123 and Rattler Rd, with additional gas stations under development at Leah and McCarty Avenue (approximately 1 mile to the west) and Clovis Barker/ SH 123 approximately 1 mile to the northeast of the site. There are no gas stations on the south side of E McCarty Lane between I-35 and SH-123</i>
<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>There are existing water and wastewater lines adjacent the site.</i>
<u>X</u>			Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property <i>There are no "bad neighbor" uses permitted by right within this district which are anticipated to have a significant adverse impact on adjacent properties.</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 <i>This is not a request for a Neighborhood Density District.</i>
<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>The site is located outside the floodplain, the San Marcos River Corridor and the Edwards Aquifer Recharge Zone. There is an existing drainage channel on the southeastern boundary of the site which the applicant has incorporated as drainage on their proposed site plan.</i>
		<u>N/A</u>	Any other factors which shall substantially affect the public health, safety, morals, or general welfare