

<b>Zoning Request</b> <b>ZC-23-26</b>	<b>2100BLK Rattler Rd</b> <b>Sahota Center at Rattler Rd</b> <b>FD to CM</b>
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**Summary**

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

**Notification**

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

**Property Description**

<b>Legal Description:</b>	Approximately 2.69 acres of land, more or less, out of the Cyrus Wickson Survey, Abstract No. 474		
<b>Location:</b>	Generally located on Rattler Rd approximately 400' south of the intersection between Rattler Rd and East McCarty Lane/FM 110.		
<b>Acreage:</b>	2.69 acres	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	None (ETJ)	<b>Proposed Zoning:</b>	Commercial
<b>Existing Use:</b>	Vacant	<b>Proposed Use:</b>	General Commercial/ Office
<b>Existing Occupancy:</b>	N/A	<b>Occupancy:</b>	N/A
<b>Preferred Scenario:</b>	Medium Intensity- East Village	<b>Proposed Designation:</b>	Medium Intensity – East Village
<b>CONA Neighborhood:</b>	N/A	<b>Sector:</b>	N/A
<b>Utility Capacity:</b>	Available	<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>	ETJ – proposed HC	Vacant	Medium Intensity
<b>South of Property:</b>	CD-4/ ETJ	Vacant/ Rural Residential	Medium Intensity
<b>East of Property:</b>	None (ETJ)	Vacant/ Rural Residential	Medium Intensity
<b>West of Property:</b>	Character District-4	Vacant	Medium Intensity

**Staff Recommendation**

<input checked="" type="checkbox"/> <b>Approval as Submitted</b>	<input type="checkbox"/> <b>Alternate Approval</b>	<input type="checkbox"/> <b>Denial</b>
<b>Staff:</b> Julia Cleary, AICP	<b>Title:</b> Senior Planner	<b>Date:</b> Jan 3, 2024

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**Commission Recommendation**

<b>X</b>	<b>Approval as Submitted</b>	<b>Approval with Conditions / Alternate</b>	<b>Denial</b>
<p><b>Speakers in favor or opposed</b>            Caren Williams Murch (applicant) – in favor            Ravi Sahota (applicant) – in favor            Lisa Marie Coppoletta – general comments</p> <p><b>Recommendation from the Planning and Zoning Commission Meeting held January 23, 2024.</b>            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  <b>For: 9 (Agnew, Burleson, Case, Costilla, Dunn, Garber, Kelsey, Meeks, Spell)</b>  <b>Against: 0</b>  <b>Absent: 0</b></p> <p><b>Discussion Topics:</b></p> <p><b>Comprehensive Plan designation</b> – Commissioner Agnew asked why the property was shown as both “East Village” and “Medium Intensity” Designation in the Comprehensive Plan. Staff clarified that it was indeed both – with Medium Intensity a higher level designation and “East Village” providing an additional level of details specific to that area (<i>details on the East Village can be found on page 72 of the <a href="#">2013 San Marcos Comprehensive Plan</a></i>).</p> <p><b>Access onto FM-110</b> – Commissioner Spell asked whether the site would take access from FM 110. The applicant noted that there was an existing driveway onto FM 110 which the development would make use of. <b>“Cultural” elements identified in the Land Use Suitability Analysis Tool</b> Commissioner asked why the Land Use Suitability GIS Tool in the Comprehensive Plan checklist had identified a high level of “cultural constraint” on the site. Staff responded that the GIS tool was developed in 2013 with a number for of data sources however they were unable to identify what caused the tool to give such a high weighting for cultural resources on this particular site.</p> <ul style="list-style-type: none"> <li>- Following the meeting staff confirmed the high cultural constraint was likely due to a mapping error which showed this property as the location of city owned land for the, at the time, future FM 110.</li> </ul> <p><b>Site Design Requirements for “CM” Commercial zoning</b> -Commissioner Agnew enquired about the build to and parking location requirements for the requested zoning districts. Staff responded that the applicant would need to conform to the build to requirement in CM Zoning and that parking would not be allowed in the first layer (in front of the building).</p>			

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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: this request for CM Commercial (ZC-23-26) and another “HC” Heavy Commercial Zoning request along McCarty Lane which is proposed to accommodate a gas station and convenience store (ZC-23-27). 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 land on the opposite side of Rattler Rd was annexed and zoned to Character-District-4 (CD-4) in January 2023 (ZC-22-43) and the site is approximately 0.5 miles west of the City’s Public Services complex.

**Additional Analysis**

Table 4.1 in the development code states that this zoning district is “Not Preferred” in Medium Intensity Zones in the Comprehensive Plan. It should be noted that currently, there is no other zoning district in the Land Development Code which would require some element of commercial development while also requiring enhanced site design standards for non-auto-oriented development. (This includes Character District-5, which allows 100% multifamily with no associated commercial by right per the Table 5.1 in the Development Code).

**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

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 <b><i>CM Commercial is a Special District which per Table 4.1 is “Not Preferred” in Medium Intensity zones.</i></b>
		<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 <b><i>Studies were not complete at the time of the request.</i></b>
<u>X</u>			Whether the proposed zoning map amendment implements the policies of any applicable plan adopted by City Council <b><i>Per the current Comprehensive Plan, the East Village is intended to include a mix of commercial, retail, and service-oriented activity which are uses allowed by right in the proposed zoning district.</i></b>
		<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 <b><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></b>
<u>X</u>			Whether there is a need for the proposed use at the proposed location <b><i>It should be noted that an end user for this site has not been specified at this time however as part of ongoing public outreach undertaken as part of the Second City Center/ East Village Area Plan, many community members expressed a desire for additional commercial uses such as eating establishments and retail which would be permitted by right in this zoning.</i></b>
<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 <b><i>There are existing water and wastewater lines adjacent the site.</i></b>
<u>X</u>			Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property <b><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></b>
		<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 <b><i>This is not a request for a Neighborhood Density District.</i></b>
<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 <b><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></b>
		<u>N/A</u>	Any other factors which shall substantially affect the public health, safety, morals, or general welfare