



Legislation Details (With Text)

File #: Ord. 2021-93(b) **Version:** 1 **Name:**

Type: Ordinance **Status:** Individual Consideration

File created: 12/6/2021 **In control:** City Council

On agenda: 12/15/2021 **Final action:**

Title: Consider approval of Ordinance 2021-93, on the second of two readings, amending the Official Zoning Map of the City in Case No. ZC-21-17 by rezoning approximately 2.78 acres of land, generally located in the 5900 Block of South IH-35, from “FD” Future Development District and “AR” Agricultural Ranch District to “CM” Commercial District, or, subject to consent of the owner, another less intense zoning district classification, and including procedural provisions.

Sponsors:

Indexes:

Code sections:

Attachments: 1. ZC-21-17 Presentation, 2. Ordinance, 3. ZC-21-17 Staff Report, 4. ZC-21-17 Maps, 5. ZC-21-17 Code Comparison, 6. ZC-21-17 Comprehensive Plan Checklist, 7. ZC-21-17 Personal Notification Letter, 8. ZC-21-17 CM Consent from Owner, 9. ZC-21-17 Application Documents, 10. ZC-21-17 Citizen Comment

Date	Ver.	Action By	Action	Result
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AGENDA CAPTION:

Consider approval of Ordinance 2021-93, on the second of two readings, amending the Official Zoning Map of the City in Case No. ZC-21-17 by rezoning approximately 2.78 acres of land, generally located in the 5900 Block of South IH-35, from “FD” Future Development District and “AR” Agricultural Ranch District to “CM” Commercial District, or, subject to consent of the owner, another less intense zoning district classification, and including procedural provisions.

Meeting date: December 15, 2021

Department: Planning and Development Services Department

Amount & Source of Funding

Funds Required: n/a

Account Number: n/a

Funds Available: n/a

Account Name: n/a

Fiscal Note:

Prior Council Action:

On December 7, 2021 the City Council recommended to deny the request to zone the property from Agricultural Ranch (AR) and Future Development (FD) to Heavy Commercial (HC) and recommended approval of the lesser zoning district, Commercial (CM) zoning. The action taken was as follows:

MOTION: A motion was proposed by Councilmember Scott, seconded by Councilmember Prather to approve the request to zone to Heavy Commercial (HC). The motion failed 5:2 with Mayor Hughson, Councilmember Baker, Councilmember Gonzales, Councilmember Gleason, and Councilmember Garza dissenting.

MOTION: A motion was proposed by Councilmember Gleason, seconded by Councilmember Scott to approve a lesser zoning district of Commercial (CM). The motion carried 7-0.

Discussion: The Council discussed that they would consider waiving the application fee for the Conditional Use Permit (CUP) that would be required for the use of a gas station in CM zoning. This item will be considered on an upcoming Council meeting. In addition, Councilmember Baker discussed that he would like to see a bike repair station be a condition on the CUP.

City Council Strategic Initiative:

N/A

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

- Economic Development - Choose an item.
- Environment & Resource Protection - Choose an item.
- Land Use - Direct Growth, Compatible with Surrounding Uses
- Neighborhoods & Housing - Choose an item.
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.
- Core Services
- Not Applicable

Master Plan:

Vision San Marcos - A River Runs Through Us

Background Information:

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.

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)

Council Committee, Board/Commission Action:

Recommendation from the Planning and Zoning Commission Meeting held November 9, 2021: 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

- **For: 8** - Commissioner Rand, Commissioner Costilla, Commissioner Agnew, Commissioner Garber, Commissioner Sambrano, Commissioner Moore, Commissioner Spell, Commissioner Meeks
- **Against: 0**
- **Absent: 1** - Commissioner Kelsey

Discussion Topics:

- 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.
- 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.
- 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.
- In addition, they discussed that the Council may choose to waive the application fee for the Conditional Use Permit.

Alternatives:

The Planning and Zoning Commission recommended an **alternative zoning district** of Commercial (CM) instead of Heavy Commercial (HC). Due to the recommendation for denial by the Planning and Zoning Commission, approval of ZC-21-17 will require a super majority vote by City Council.

Recommendation:

Staff has reviewed the request in accordance with the Development Code and recommends **approval** of the request for Heavy Commercial as presented.