



Legislation Details (With Text)

**File #:** Ord. 2021-93    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** Individual Consideration  
**File created:** 11/8/2021    **In control:** City Council  
**On agenda:** 12/7/2021    **Final action:**

**Title:** Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-93, 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 “HC” Heavy Commercial District, or, subject to consent of the owner, another less intense zoning district classification, and including procedural provisions; and providing an effective date and consider approval of Ordinance 2021-93, on the first of two readings.

**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
12/7/2021	1	City Council		
12/7/2021	1	City Council		

**AGENDA CAPTION:**

Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-93, 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 “HC” Heavy Commercial District, or, subject to consent of the owner, another less intense zoning district classification, and including procedural provisions; and providing an effective date and consider approval of Ordinance 2021-93, on the first of two readings.

**Meeting date:** December 7, 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:** n/a

**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.