



Legislation Details (With Text)

**File #:** Ord. 2022-46    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** Individual Consideration  
**File created:** 3/8/2022    **In control:** City Council  
**On agenda:** 7/5/2022    **Final action:**

**Title:** Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-46, amending the Official Zoning Map of the City in Case ZC-22-09, by rezoning approximately 52.4 acres of land, generally located between Harris Hill Road and the I-35 North Frontage Road approximately 600 feet south of Saddle Run Way, from “CM” Commercial District to “LI” Light Industrial District, or, subject to consent of the owner, another less intense zoning district classification, including procedural provisions; and providing an effective date, and consider approval of Ordinance 2022-46, on the first of two readings.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ZC-22-09 Presentation, 2. Ordinance, 3. Ordinance Exhibit B-Form of Restrictive Covenant, 4. ZC-22-09 Staff Report, 5. ZC-22-09 Maps, 6. ZC-22-09 Code Comparison, 7. ZC-22-09 Comp Plan Checklist, 8. ZC-22-09 Application Documents

Date	Ver.	Action By	Action	Result
7/5/2022	1	City Council	approved on first reading	Pass
4/5/2022	1	City Council		
4/5/2022	1	City Council		

**AGENDA CAPTION:**

Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-46, amending the Official Zoning Map of the City in Case ZC-22-09, by rezoning approximately 52.4 acres of land, generally located between Harris Hill Road and the I-35 North Frontage Road approximately 600 feet south of Saddle Run Way, from “CM” Commercial District to “LI” Light Industrial District, or, subject to consent of the owner, another less intense zoning district classification, including procedural provisions; and providing an effective date, and consider approval of Ordinance 2022-46, on the first of two readings.

**Meeting date:** July 5, 2022

**Department:** Planning and Development Services

**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 April 5th, 2022, a motion was made by Mayor Hughson, seconded by Council

Member Gleason, to **postpone** consideration of ZC-22-09 until it had been reconsidered by the Whisper South Committee and the Planning and Zoning Commission. The motion passed unanimously.

**City Council Strategic Initiative:** [Please select from the dropdown menu below]

Economic Development

N/A

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 - High Density Mixed Use Dev. & Infrastructure in the Activity Nodes & Intensity Zones (supporting walkability and integrated transit corridors)

Neighborhoods & Housing - Choose an item.

Parks, Public Spaces & Facilities - Choose an item.

Transportation - Choose an item.

Core Services

Not Applicable

**Master Plan:** [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Vision San Marcos - A River Runs Through Us

**Background Information:**

This project was previously unanimously recommended for denial by the Planning and Zoning Commission at their March 8th, 2022 meeting. Following on from this denial, the applicant requested that a revised boundary be proposed to Council, along with restrictive covenants that would minimize the potential impact of bad neighbor uses.

At their April 5th meeting, City Council postponed the item and requested that the application be redirected to the Whisper South Council subcommittee and sent back to the Planning and Zoning Committee for reconsideration before taking action on the item. The Whisper South Council Subcommittee met on May 4th, 2022 and recommended the following restrictive covenants:

- Prohibition of the following uses:

- Waste related services
- Vehicle Services
- Food and beverage processing
- Breweries and Wineries

· An enhanced 30' transitional protective yard along the northern property line adjacent Saddlebrook.

It should be noted that the requested boundary submitted for reconsideration has reverted back to the original boundary - it has not changed from the original application - the only difference is the proposed restrictive covenants which have been included in the packet. The updated staff recommendation for approval reflects these proposed deed restrictive covenants.

**Council Committee, Board/Commission Action:**

Following City Council postponement, restrictive covenants were presented to the Whisper South Committee (Mayor Hughson and Councilmember Scott, Councilmember Gonzales was absent) on May 4<sup>th</sup>, 2022 and have been included in the packet. The Committee was supportive of the proposal.

The item was then reconsidered by the Planning and Zoning Commission on June 14<sup>th</sup>, 2022 along with the restrictive covenants. At the P&Z meeting, a motion was made by Commissioner Spell, seconded by Commissioner Meeks to recommend **approval** of the request with the restrictive covenants included in the packet. The motion passed 7-1 with Commissioner Sambrano dissenting and Commissioner Costilla being absent.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Staff recommends **approval** of ZC-22-09. This updated recommendation takes into account the submitted restrictive covenants discussed with the Whisper South Council Subcommittee on May 4<sup>th</sup>, 2022.