



Legislation Details (With Text)

File #: Ord. 2020-03(c) **Version:** 1 **Name:**

Type: Ordinance **Status:** Individual Consideration

File created: 1/22/2020 **In control:** City Council

On agenda: 2/18/2020 **Final action:**

Title: Consider approval of Ordinance 2020-03, on the second of two readings, amending the Official Zoning Map of the City by rezoning approximately 4.85 acres out of the Cyrus Wickson Survey, Abstract No. 474, Hays County, generally located at the western corner of South Old Bastrop Highway and Rattler Road, from "FD" Future Development District to "CD-5" Character District 5; and including procedural provisions.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance, 2. ZC-19-11 Staff Report CC (2.18.2020), 3. ZC-19-11 Transitional Protective Yard - Code Excerpt, 4. ZC-19-11 Maps (original boundary), 5. ZC-19-11 UPDATED METES AND BOUNDS (CC direction), 6. ZC-19-11 Code Comparison, 7. ZC-19-11 Comp Plan Analysis Checklist, 8. ZC-19-11 Application Documents, 9. ZC-19-11 Presentation CC 2.18.pdf

Date	Ver.	Action By	Action	Result
2/18/2020	1	City Council		

AGENDA CAPTION:

Consider approval of Ordinance 2020-03, on the second of two readings, amending the Official Zoning Map of the City by rezoning approximately 4.85 acres out of the Cyrus Wickson Survey, Abstract No. 474, Hays County, generally located at the western corner of South Old Bastrop Highway and Rattler Road, from "FD" Future Development District to "CD-5" Character District 5; and including procedural provisions.

Meeting date: February 18, 2020

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: Postponed at January 7, 2020 City Council Meeting, approved on first reading with an amendment on January 21, 2020.

City Council Strategic Initiative:

N/A

Comprehensive Plan Element (s):

- ☐ Economic Development - Choose an item.
- ☐ Environment & Resource Protection - Choose an item.
- ☒ Land Use - Direct Growth, Compatible with Surrounding Uses
- ☒ Neighborhoods & Housing - Diversified housing options to serve citizens with varying needs and interests
- ☐ Parks, Public Spaces & Facilities - Choose an item.
- ☐ Transportation - Choose an item.
- ☐ Not Applicable

Master Plan:

Vision San Marcos - A River Runs Through Us

Background Information:

The subject property is currently located outside the City Limits in the Extraterritorial Jurisdiction (ETJ). The property is currently vacant and is diagonally opposite from the San Marcos High School and adjacent to vacant and residential uses.

The purpose of this zoning change is to allow the development of retail corner uses allowed within CD-5 zoning. The City of San Marcos will provide water and wastewater services at the site. The developer will be responsible for extending water and wastewater facilities through the site. Bluebonnet Electric Cooperative will provide electric service to this development.

In accordance with the discussion at the January 7, 2020 Council Meeting, and the January 21, 2020 meeting, the applicant has submitted a new exhibit which indicates a new zoning boundary of approximately 4.85 acres. This is a reduction from the original request of approximately 6 acres. The applicant first removed 1.04 acres from the original request. Then at the January 21, 2020 Council Meeting, the council discussed removing an addition acreage so that the total width removed along Rattler Road was approximately 50 feet. A total acreage of approximately 1.15 acres is no longer requested in the zoning change to CD-5 and will remain as Future Development "FD" zoning which is the default zoning applied to properties which are annexed. Council approved the annexation of this property on January 21, 2020.

The new boundary of approximately 4.85 acres includes approximately 50 feet of width between the neighboring residential property to the northwest. This 50 foot boundary exceeds the width of the Type D Protective Yard Standard in Section 7.2.2.4 of the code. While the City cannot require that a fence or wall be constructed per the Protective Yard Standards, the 50 feet of width ensures that the CD-5 zoned property does not abut the neighboring residential property.

Council Committee, Board/Commission Action:

Planning and Zoning Commission Meeting: December 10, 2019

Speakers in favor or opposed:

1. Ed Theriot (in favor)
2. Rosanna Ramirez (did not state position)
3. Angela Pates (did not state position)
4. Robert Tijerina (did not state position)
5. Richard Ramirez (did not state position)
6. Mary Alice Gomez (did not state position)

Recommendation from the Planning and Zoning Commission meeting held December 10, 2019:

A motion was made by Commissioner Gleason, seconded by Commissioner Moore to approve ZC-19-11. The motion carried 7-1.

- **For:** (7) Chairperson Garber, Vice Chairperson Gleason, Commissioner McCarty, Commissioner Haverland, Commissioner Dillon, Commissioner Moore, and Commissioner Agnew
- **Against:** (1) Commissioner Rand
- **Absent:** (1) Commissioner Kelsey

City Council Discussion at January 7, 2020 Meeting:

At the January 7, 2020 meeting, council discussed concerns regarding the impacts of CD-5 zoning on the adjacent residential lots. Council postponed the item to the next available Council meeting to allow the applicant to provide a new zoning boundary exhibit.

City Council Discussion at January 21, 2020 Meeting:

At the January 21, 2020 meeting, council discussed concerns regarding the impacts of CD-5 zoning on the adjacent residential lots. Council requested that the applicant reduce the 4.96 acres proposed to be rezoned to CD-5 by an additional 15 feet along Rattler Road adjacent to the single family property to the northwest so that the total width of buffer was 50 feet. The applicant has reduced the acreage accordingly and has provided an updated boundary exhibit and formal metes and bounds.

Alternatives:

n/a

Recommendation:

Staff provides this request to the Commission for your consideration and recommends approval of the request for a zoning change from "FD" Future Development to "CD-5" Character District - 5.

