



## Legislation Details (With Text)

<b>File #:</b>	Ord. 2022-78(e)	<b>Version:</b>	2	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Individual Consideration		
<b>File created:</b>	4/11/2023	<b>In control:</b>	City Council		
<b>On agenda:</b>	5/2/2023	<b>Final action:</b>			
<b>Title:</b>	Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-78, on the second of two readings, amending the Official Zoning Map of the City in Case No. ZC-22-33, by rezoning approximately 120 acres of land, generally located near the 4100 block of State Highway 21, approximately 1,400 feet north of Harris Hill Road from “P” Public and Institutional 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 subject to restrictive covenants on waste-related uses.				
<b>Sponsors:</b>	Amanda Hernandez				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. ZC-22-33 Presentation, 2. Ordinance, 3. ZC-22-33 Restrictive Covenant Draft, 4. ZC-22-33 Staff Report, 5. ZC-22-33 Maps, 6. ZC-22-33 Code Comparison, 7. ZC-22-33 Comp Plan Checklist, 8. ZC-22-33 Application Documents				

Date	Ver.	Action By	Action	Result
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### **AGENDA CAPTION:**

Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2022-78, on the second of two readings, amending the Official Zoning Map of the City in Case No. ZC-22-33, by rezoning approximately 120 acres of land, generally located near the 4100 block of State Highway 21, approximately 1,400 feet north of Harris Hill Road from "P" Public and Institutional 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 subject to restrictive covenants on waste-related uses.

**Meeting date:** May 2, 2023

**Department:** Planning & 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:** At the regular meeting on September 20, 2022 City Council voted 5-2 to approve the requested zoning change. Councilmembers Baker & Scott dissented. Discussion topics included proximity to

the San Marcos Regional Airport and FAA guidelines vs. City Ordinances.

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

Economic Development

Choose an item.

Choose an item.

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

☒ Economic Development - Promote & Support Potential of San Marcos Regional Airport

☐ Environment & Resource Protection - Choose an item.

☐ Land Use - Choose an item.

☐ 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)]

Choose an item.

**Background Information:**

The subject property was annexed in 1980. It includes a large easement due to the location of the runway across SH 21 at the San Marcos Regional Airport. There are two single family properties, adjacent to the subject property, in the ETJ. The nearest home is over 150 feet from the property line of the subject property.

Since more than 90 days have passed since the initial public hearing, another public hearing is required by Code.

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

At their regular meeting on August 23, 2022 the Planning and Zoning Commission recommended **approval** of the request with a 7-0 vote - Commissioners Costilla and Sambrano were absent. The Commission discussed prior restrictive covenants approved by City Council and unanimously agreed the desire to include similar restrictions on this property (DRAFT COVENANTS ARE ATTACHED). A question was raised regarding the

revised boundary and staff assured the Commission the vote was on the smaller boundary with the “cut-out.” The applicant reaffirmed the cut-out area is a runway protection zone easement granted to Hays County which essentially prohibits development, and no improvements are proposed in that area.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Staff recommends **approval** of the request as submitted.