



## Legislation Text

---

**File #:** Ord. 2019-31(b), **Version:** 1

---

### **AGENDA CAPTION:**

Consider approval of Ordinance 2019-31, on the second of two readings, amending the Official Zoning Map of the City by rezoning approximately 0.72 acres of land out of lot 5, Block 1 San Marcos Business Park, Section 2, located at 1909 Dutton Drive, from “GC” General Commercial District to “CD-4” Character District 4; and including procedural provisions.

**Meeting date:** October 15, 2019

**Department:** Planning and Development

### **Amount & Source of Funding**

**Funds Required:** NA

**Account Number:** NA

**Funds Available:** NA

**Account Name:** NA

### **Fiscal Note:**

**Prior Council Action:** Click or tap here to enter text.

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

Choose an item.

Choose an item.

Choose an item.

**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 & Intesity Zones (supporting walkability and integrated transit corridors)

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

Choose an item.

**Background Information:**

This property is located within the South End Medium Intensity Zone, which the Comprehensive Plan describes as an area “anticipated to build out with a medium-intensity mix of commercial and residential of different densities”.

The request is to re-zone to CD-4, which allows primarily for residential development with some limited retail on corner lots. The applicant would like to build a condominium “for sale” product consisting of 9 residential units and 2 live/work units. This request meets several Comprehensive Plan goals, including the following:

- Direct growth, compatible with surrounding uses
- Diversified housing options to serve citizens with varying needs and interests

There is an existing public utility easement located along Dutton Drive that will require approval of a variance to allow an additional 3 feet for the primary building setback. This request will be presented to the Zoning Board of Adjustments on September 19<sup>th</sup>

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

The Planning and Zoning Commission heard this item at their regular meeting on September 10, 2019 and voted unanimously to approve the request.

At their regular meeting on September 19, 2019 the Zoning Board of Adjustments approved a Variance Request to allow a setback of 15 feet, and recommended that City Council consider a refund of the Variance application fee.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Staff has reviewed this request for compliance with the criteria in Sections 4.1.2.5 and 2.5.1.4 of the San Marcos Development Code and recommend **approval** of the request as submitted.