



Legislation Text

File #: Ord. 2020-03(b), **Version:** 1

AGENDA CAPTION:

Consider approval of Ordinance 2020-03, on the first of two readings, amending the Official Zoning Map of the City by rezoning approximately 4.96 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: January 21, 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

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 applicant is also requesting a rezoning to CD-3 for 29.4 acres abutting the subject property. This request is being considered as part of a separate zoning request (ZC-19-10). Both zoning requests are being processed concurrently with an annexation request for the property.

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, the applicant has submitted a new exhibit which indicates a new zoning boundary of approximately 4.96 acres. This is a reduction from the original request of approximately 6 acres. The applicant has removed 1.04 acres from the original request. This 1.04 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 is considering approval of the annexation at the January 21st Council meeting.

The new boundary of approximately 4.96 acres includes approximately 35 feet of width between the neighboring residential property to the northwest. This 35 foot boundary replicates 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 35 feet of width ensures that the CD-5 zoned property does not abut the neighboring residential property.

If Council approves the updated boundary on first reading, the applicant will be required to provide an updated metes and bounds of the revised boundary prior to second reading of the ordinance.

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.

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.

If council approves the updated boundary on first reading, the applicant will be required to provide an updated metes and bounds of the revised boundary prior to second reading of the ordinance.