



Planning and Zoning Commission

Planning Department Staff Report

Report Date: August 12, 2022
Case No: 2022-6-REZ
Project Planner: Cesar Acosta, Senior Planner

Item Details

Project Name: 708 S. IH-35 rezoning
Project Location: 708 S. IH-35 Frontage Road, within City Council district No. 2.
Total Acreage: 3.53
Legal Description: Tract I, Lot 5B, Block 8, of Replat of Lot 5B, Block B, of the Replat of Lot 5, Block B, the Rivery Phase One
Applicant: CRE Advisors, c/o Thomas Mote
Representative:
Property Owner: George's on the Town, c/o Rick Pastorek
Request: Zoning Map Amendment to rezone a portion the subject property from **Local Commercial (C-1)** to **General Commercial (C-3)**
Case History: This is the first public hearing of this request.



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Overview of Applicant's Request

The applicant is seeking a zoning map amendment to rezone a their property from Local Commercial (C-1) zoning to the General Commercial (C-3) zoning in order to allow for a broader range of uses permitted under C-3.

Site Information

Location:

The eastern boundary of the subject property is located along the the I-35 southbound freeway frontage road;the northern boundary of the property has access to Rivery Driveway (a private street).

Physical and Natural Features:

The subject property is occupied by a 6,200 sq. ft. building that was previously used as a restaurant. The property includes two shared driveways with the property to the north and a driveway onto Rivery Driveway Concrete paved parking spaces occupy the majority of the remaining space on the property except for two green spaces comprising of several trees and a maintained grass lawns.. A portion of the southwestern property includes a stormwater detention pond. The property is located in the Edwards Aquifer Recharge Zone.

Future Land Use and Zoning Designations:

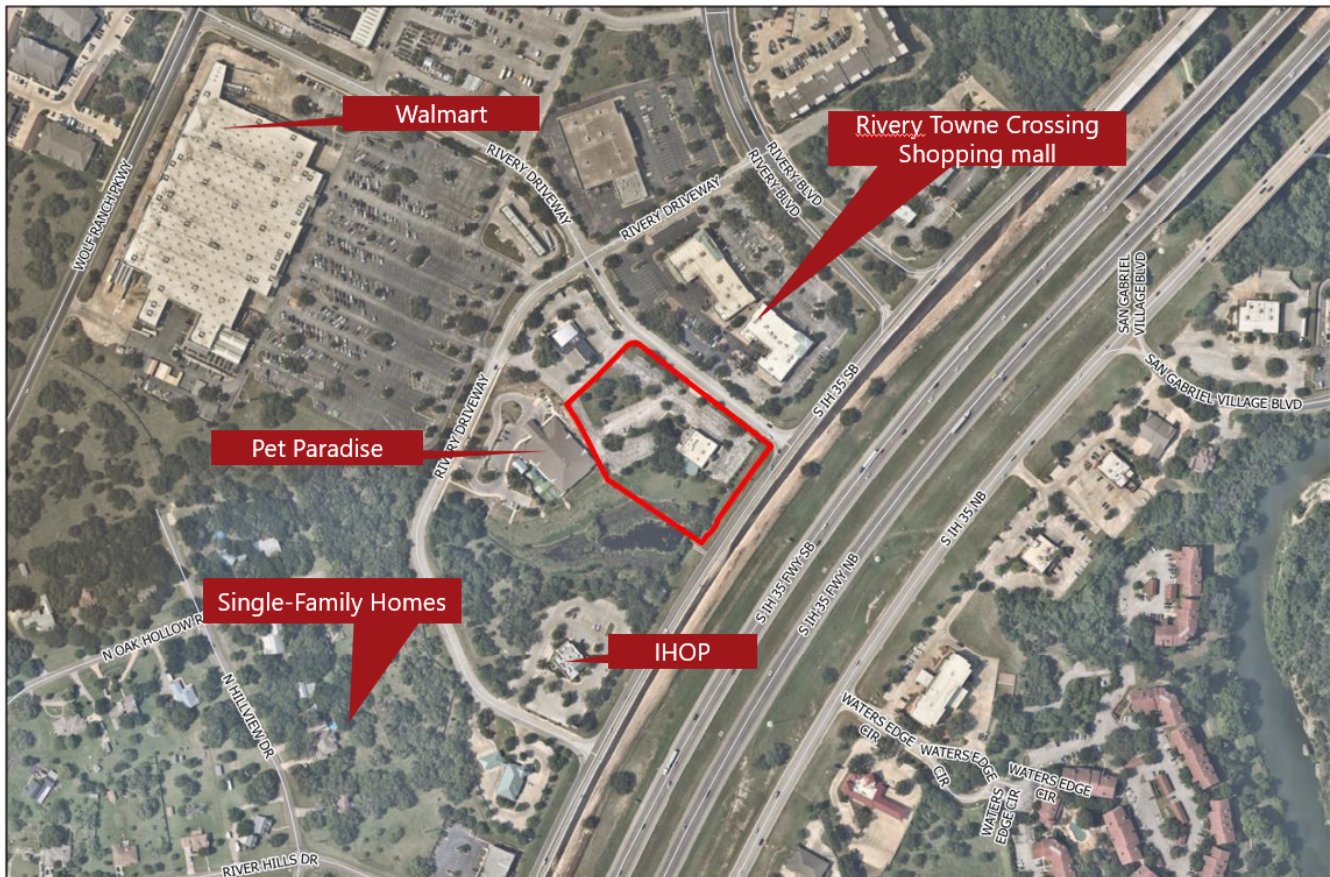
The subject property has a Regional Center future land use designation and is currently zoned both General Commercial (C-3) and Local Commercial (C-1).

Surrounding Properties:

The subject property is surrounded by commercial uses including a bank, several restaurants, a veterinary and boarding facility and several big box shopping centers. Less than a quarter mile southwest of the subject property, separated by a Rivery Driveway and a growth of trees, is the River Hills subdivision..

The current zoning, Future Land Use designation, and existing uses of the adjacent properties to the north, south, east and west are outlined in the table below:

DIRECTION	ZONING DISTRICT	FUTURE LAND USE	EXISTING USE
North	General Commercial (C-3)	Regional Center	Retail, restaurant and personal services
East	General Commercial (C-3)	Regional Center	I-35
South	General Commercial (C-3)	Regional Center	Restaurant
West	General Commercial (C-3)	Regional Center	banking, retail, personal services



Property History:

The property was annexed into the city limits with an initial zoning of Residential Single-Family (RS) in 1986 under ordinance 86-57. The zoning was later modified to Residential Office and Service (RM-3) and a portion of the property was rezoned to Local Commercial (C-1) in 2000 under ordinance 2000-67 as part of a larger rezoning of several properties in the surrounding to create a mixed use development.

Comprehensive Plan Guidance

Regional Center

Developments may be configured as major shopping centers, standalone big box retailers, or large-scale mixed-use developments, as well as supporting flex office space and office/warehouse development. These developments are typically automobile oriented with convenient access from major transportation routes and highway interchanges, however internal pedestrian connectivity is maximized and includes opportunities for pedestrian activity. Well integrated residential developments, which encourage the interaction of residents and businesses, are appropriate and vertical mixed use is encouraged.

DUA: 18 or more

Target Ratio: 75% nonresidential, 25% residential

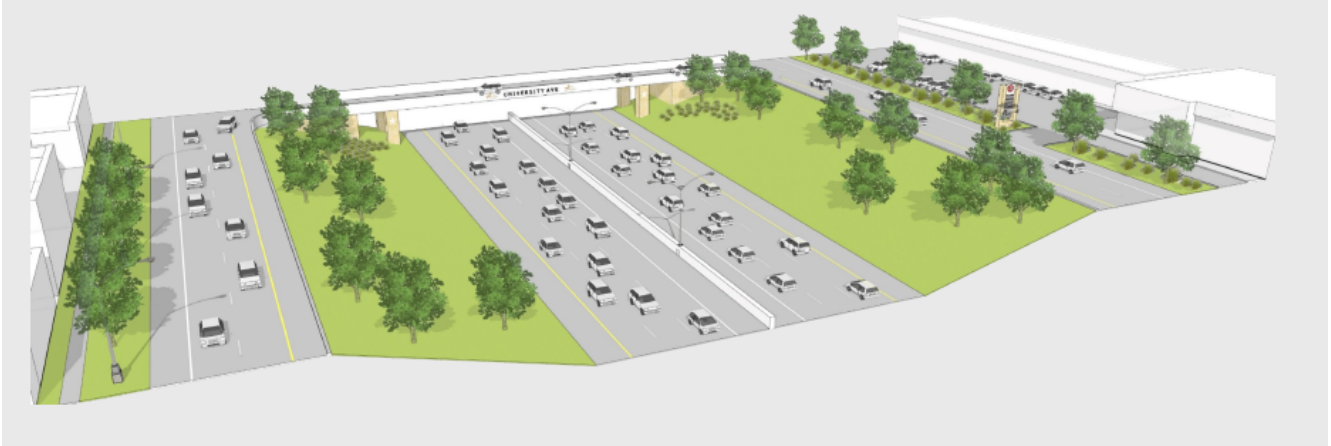
Primary Use: Large retailers

Secondary Uses: Mixed use, high density residential, chain restaurants, specialty retailers, professional office, and civic uses

Gateway and Image Corridor: Highway Corridor

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The subject property is adjacent to the I-35 freeway which is identified as a Highway Corridor in the City's 2030 Comprehensive Plan. Land uses along Highway Corridors are intended to be Commercial, retail or mixed uses in order to capitalize on highway visibility. Streetscaping should be auto-oriented with enhanced landscaping near intersections. Sidewalks between the frontage road and buildings is appropriate.



Utilities

The subject property is located within the City's service area for water, wastewater, electric. It is anticipated that there is adequate capacity to serve the subject property at this time. A Utility Evaluation may be required at time of Site Development Plan] to determine capacity and any necessary utility improvements.

Transportation

The subject property is adjacent to the I-35 frontage road which is identified as a freeway in the Overall Transportation Plan. Freeways and Tollways are controlled access roadways that allow for the movement of traffic through and around the City. This classification includes interstate highways, state highways, tollways and loops. Direct property access is limited as access is not the intended purpose of these facilities. Design characteristics of these facilities include multiple travel lanes, limited access points, high traffic volumes and high traffic speeds. The property is also served by Rivery Driveway a private driveway that provides a connection for the nearest Local Collector, Wolf Ranch Parkway.

A Traffic Impact Analysis (TIA) will be required at time of Site Development Plan for any development that generates more than two thousand (2,000) average daily trips based upon the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual.

Proposed Zoning district

The General Commercial (C-3) zoning district is intended to provide a location for general commercial and retail activities that serve the entire community and its visitors. Uses may be large in scale and generate substantial traffic, making the C-3 District only appropriate along freeways and major arterials.

Permitted uses in this district include, but are not limited to, general retail, hotels, restaurants, and general office. Other uses such as activity center, bar/tavern/pub, college/university, fuel sales, and

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event facility among others are permitted subject to specific design limitations. Certain land uses, including automotive sales, rental or leasing facilities, require a Special Use Permit (SUP). Exhibit 4 contains a comprehensive list of C-3 district permitted uses and development standards.

Intergovernmental and Interdepartmental Review

The proposed rezoning request was reviewed by all applicable City Departments to determine the appropriateness of the requested zoning on the subject property. No comments were issued regarding the zoning request.

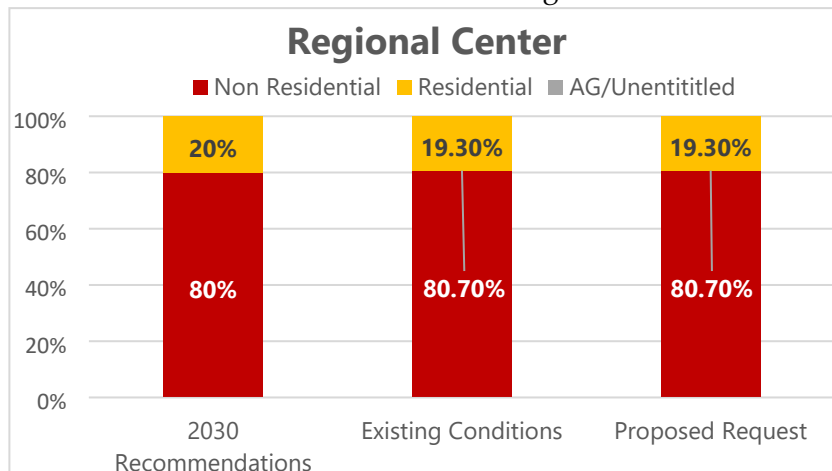
Approval Criteria

Staff has reviewed the proposed rezoning request and has found that it complies with 5 of the 5 criteria established in UDC Section 3.06.030 for a Zoning Map Amendment, as outlined below:

ZONING MAP AMENDMENT (REZONING) APPROVAL CRITERIA	
<p>1. The application is complete and the information contained within the application is sufficient and correct enough to allow adequate review and final action.</p>	<p>Complies</p>
<p>An application must provide the necessary information to review and make a knowledgeable decision in order for staff to schedule an application for consideration by the Planning and Zoning Commission and City Council. This application was reviewed by staff and deemed to be complete.</p>	
<p>2. The zoning change is consistent with the Comprehensive Plan.</p>	<p>Complies</p>
<p>The requested amendment will allow for the entire property to develop with the broader and more intensive uses allowed in the C-3 zoning district, which is more consistent with the intended character of the Regional Center future land use. The area of the Regional Center impacted by the proposed amendment is bound to the east by the I-35 frontage road, to the north by Rivery Park Trail, to the west by a shift in future land uses from Regional Center to Neighborhood and to the south by a shift to a Special Area overlay.</p>	
<p>This area is largely developed, with 80.7% of the land zoned for non-residential uses including the</p>	

ZONING MAP AMENDMENT (REZONING) APPROVAL CRITERIA

Office (OF) and Local Commercial zoning districts (C-1), but primarily zoned as General Commercial (C-3). The remaining 19.3% is zoned for High-Density Multifamily and Residential Single-Family. The proposed zoning map amendment from C-1 to C-3 will not change the existing ratio of uses for the area, which is for all intents and purposes, at the target ratio of 80% non-residential to 20% non-residential uses desired in the Regional Center future land use.



3. The zoning change promotes the health, safety or general welfare of the City and the safe orderly, and healthful development of the City.

Complies

This rezoning will not only create a clearer understanding of what can and cannot develop on the property but will also encourage a more uniform level of intensity for commercial uses along the I-35 frontage and in the Regional Center future land use. The proposed zoning request will allow for the continued development pattern of intense commercial uses in this part of the City. None of the uses permitted in the C-3 zoning district would create any environmentally dangerous conditions or nuisances for residents in the surrounding area.

4. The zoning change is compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood.

Complies

Portions of the subject property and majority of the surrounding properties are already zoned as General Commercial (C-3). The proposed amendment to zone the entire property as C-3 will not create any significant change to the existing character of the area and is compatible with the uses and zoning in the surrounding area. Furthermore, the applicant has stated in their letter of intent that they do not intend to demolish the existing structure on site. Instead the zoning map amendment will allow for a wider array of tenants to occupy the site in its current configuration.

5. The property to be rezoned is suitable for uses permitted by the District that would be applied by the proposed amendment.

Complies

The subject property is large enough to meet all the development standards of the General Commercial zoning district and, as stated above, the applicants do not intend on redeveloping the existing structure on the property. The broader uses allowed under the C-3 zoning district compared with the current C-1 district are all appropriate and any additional traffic generated can be absorbed by the adjacent freeway and near by local collector road.

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The subject property is within the Regional Center future land use, where the primary uses supported are large scale commercial and retail developments, which are supported in the C-3 zoning district. All of the properties adjacent to the subject property are also zoned C-3, including a portion of the subject property itself. Thus, the proposed change is compatible with the existing zoning and uses in the surrounding area. The property is large enough to support the uses allowed in the C-3 zoning district and the site is already connected to city water, electric and wastewater services.

Meetings Schedule

8/16/22 – Planning and Zoning Commission

9/13/22 – City Council First Reading of the Ordinance

9/27/22 – City Council Second Reading of the Ordinance

Public Notification

As required by the Unified Development Code, all property owners and registered neighborhood associations within a 300-foot radius of the subject property were notified of the Zoning Map Amendment request (10 notices), a legal notice advertising the public hearing was placed in the Sun Newspaper on Sunday July 31, 2022 and one sign were posted on-site. To date, staff has received 0 written comments in favor, and 0 in opposition to the request (Exhibit 6).

Attachments

Exhibit 1 – Location Map

Exhibit 2 – Future Land Use Map

Exhibit 3 – Zoning Map

Exhibit 4 – Design and development standards of the General Commercial (C-3) zoning district

Exhibit 5 – Letter of Intent