

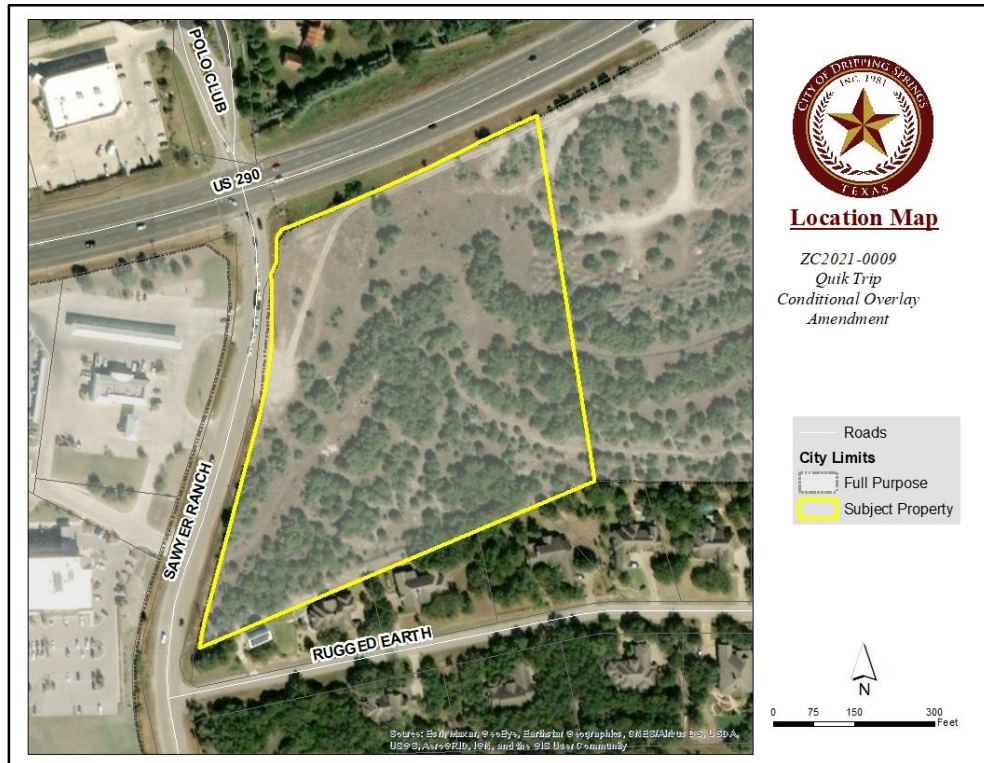


Planning & Zoning Commission Planning Department Staff Report

City Council: December 21, 2021
Project No: ZA2021-0009
Project Planner: Tory Carpenter, Senior Planner

Item Details

Project Name: Quik Trip Conditional Overlay Amendment
Property Location: Southwest Corner of US 290 & Sawyer Ranch Road
Legal Description: 10.0 acres of land out of tract A of the Sawyer Springs Subdivision
Applicant: JD Dudley; QuikTrip Corporation
Property Owner: QuikTrip Corporation
Request: An amendment to the existing Shops at Highpointe Conditional Overlay (Ordinance No. 1220.20)



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Background

The property is currently zoned GR, General Retail.

Per Ch. 30 Exhibit A, §3.5-3.6

- **GR – General Retail:** *The GR, general retail district is established to provide areas for retail facilities that are larger than those generally located in the local retail district, such as large grocery stores, book stores, and the like. Areas zoned for general retail should have convenient regional access via major thoroughfares, such as U.S. Highway 290 or Ranch Road 12, and major collector streets are primary locational considerations. Hotel/motel uses, community scale retail, and bed-and-breakfasts are permitted within general retail districts. Office uses, commercial services, and industrial uses shall not be permitted.*

The original Shops at Highpointe Conditional Overlay (Ordinance No. 1220.20) was approved August 2007. Among other restrictions, this Conditional Overlay prohibits gas stations; a use which is allowed in General Retail Zoning districts. The property owner purchased the property in 2018 with the understanding that there were no further use restrictions beyond General Retail zoning district.

In 2019 the applicant applied for a similar amendment which was ultimately denied by the City Council on September 10, 2019.

After notifying all property owners within 1000 feet of the request of this most recent amendment, the applicant held a neighborhood meeting on November 12, 2021. This meeting was attended by three residents.

At their meeting on November 23, 2021, the Planning & Zoning Commission voted unanimously to recommend denial of the Conditional Overlay amendment.

Because this zoning change was denied unanimously, the City Council must have at least a 2/3rds majority affirmative vote of those present and voting to approve it. Anything less than 2/3rds of City Council would cause it to be denied. (ex. at least 4 out of 5; 3 out of 4; 2 out of 3).

2.35.2. Unanimously denied by P&Z : If P&Z unanimously recommends denial, approval by the city council shall require an affirmative vote by a two-thirds majority of those present and voting. No zoning change shall become effective until after the adoption of an ordinance for same.

Analysis

This amendment would allow the proposed land use and not remove any other restrictions or buffer requirements. Additionally, the proposed amendment would increase the rear setback from 70 feet to 140 feet.

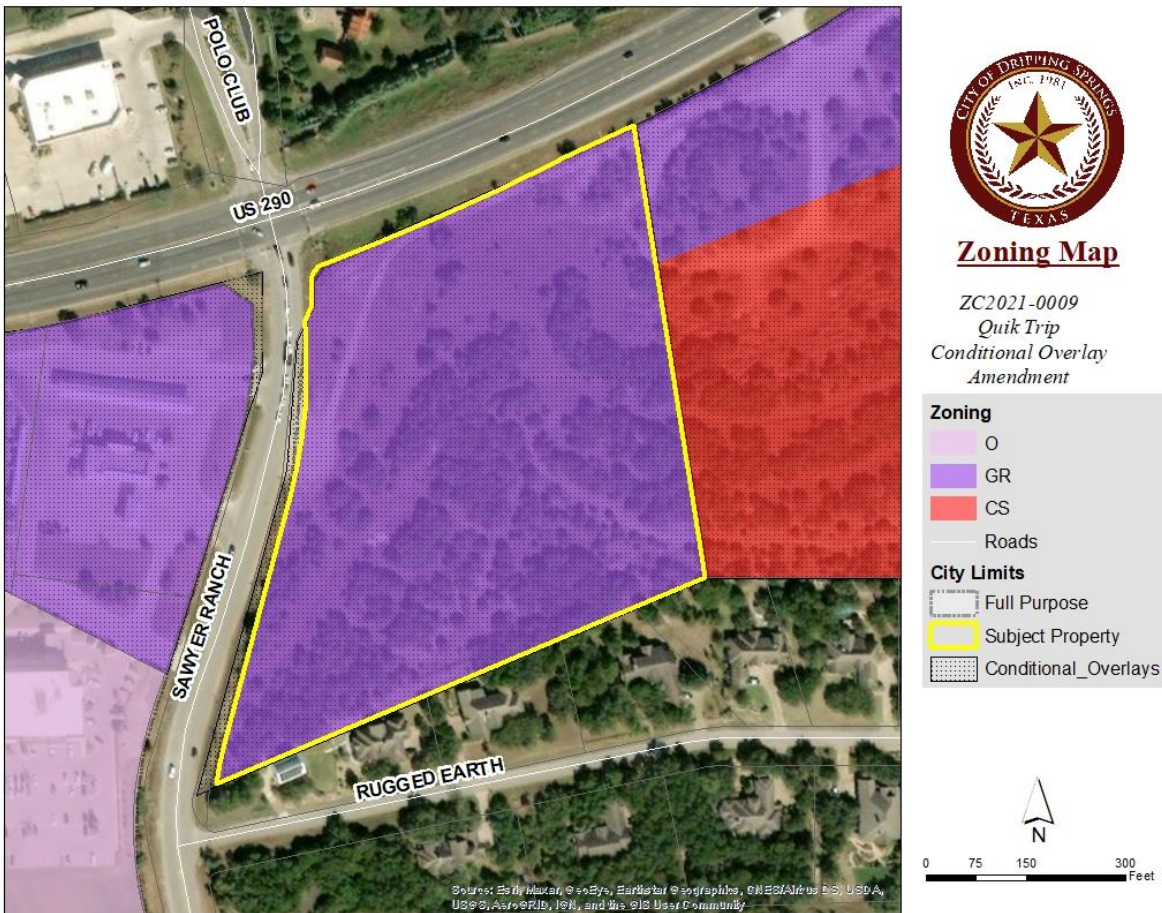
Based on the zoning category and adjacent land uses, staff finds that the proposed use is compatible within the area and that there are no special circumstances on the property that would call for the prohibition of the proposed land use.

	Existing Conditional Overlay	Proposed Overlay	Differences between SF-4 to SF-3
Rear Setback	70'	150'	80' increase

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Building Height	One Story	One Story	No Change
Prohibited Uses	<ul style="list-style-type: none"> • Dry Cleaning Plant • Gas Station • Convenience Store w/ gas sales. 	<ul style="list-style-type: none"> • Dry Cleaning Plant 	Convenience Store w/ gas sales.

Surrounding Properties



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

Direction	Zoning District	Existing Use	Future Land Use
North	ETJ	US 290 / Polo Club Subdivision	Not Shown on the Future Land Use Map

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East	General Retail / Commercial Services	Vacant	
South	ETJ	Blue Sky Ranch Subdivision	
West	General Retail	Gas Station	

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Approval Criteria for Zoning Amendment (Chapter 30 Zoning, Exhibit A, Sec 2.28.1 and 2.28.2)

2.28.2 The Planning & Zoning Commission and the City Council shall consider the following factors:

Factors	Staff Comments
1. whether the proposed change will be appropriate in the immediate area concerned;	The proposed change appears to be appropriate in the immediate area of concern. It is adjacent to another gas station and the applicant is providing a significant buffer to adjacent single-family residences.
2. their relationship to the general area and the City as a whole;	This property has the majority of its frontage on US 290 and is zoned General Retail. This is consistent with the general area and City as a whole.
3. whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area;	The property is not within any existing or proposed City Plans.
4. the amount of undeveloped land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such undeveloped land unavailable for development;	This request is for a conditional overlay and is specific to this project.
5. the recent rate at which land is being developed in the same zoning classification, particularly in the vicinity of the proposed change;	This request is for a conditional overlay and is specific to this project.
6. how other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved;	No areas designated for similar development will be affected by this proposed amendment.
7. whether the proposed change treats the subject parcel of land in a manner which is significantly different from decisions made involving other, similarly situated parcels; and	By allowing a gas station, the requested change would make this parcel less different from similar parcels.
8. any other factors which will substantially affect the public health, safety, morals, or general welfare.	The rezoning does not affect the public health, safety, morals, or general welfare.

Staff Recommendation

Staff recommends **approval** of the amended Conditional Overlay as presented.

Planning and Zoning action:

2.34.1 *The P&Z shall hold a public hearing on a zoning an amendment to the Zoning Ordinance. After all public input has been received and the public hearing closed, the P&Z shall make its recommendations on the proposed zoning request and concept plan, if submitted, stating its findings, its overall evaluation of the request, and its assessment regarding how the request relates to the City's Comprehensive Plan. The P&Z may, on its own motion or at the applicant's request, defer its decision recommendations until it has had an opportunity to consider other information or proposed modifications to the request which may have a direct bearing thereon. If the P&Z elects to postpone or defer its hearing on the request, such action shall specifically state the time period of the postponement by citing the meeting date whereon the request will reappear on the P&Z's agenda.*

2.34.2 *When the P&Z is ready to act upon the zoning request, it may recommend:*

- (a) approval of the request as it was submitted by the applicant;*
- (b) approval of the request subject to certain conditions as in the case of a Planned Development District (PDD) or a Conditional Use Permit (CUP); or*
- (c) disapproval of the request.*

2.34.3 *The P&Z's recommendation will be automatically forwarded to the City Council for a second public hearing thereon.*

Because this zoning change was denied unanimously, the City Council must have at least a 2/3rds majority affirmative vote of those present and voting to approve it. Anything less than 2/3rds of City Council would cause it to be denied. (ex. at least 4 out of 5; 3 out of 4; 2 out of 3).

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Public Notification

A legal notice advertising the public hearing was placed in the Dripping Springs Century-News, signs were posted on the-site, notice was placed on the City Website, and all property owners within a 300-foot radius of the site were notified of the zoning map amendment. To date, no letters for or against the request have been received.

Attachments

Exhibit 1 – Conditional Overlay Amendment Application

Exhibit 2 – Proposed Ordinance & Survey

Recommended Action:	Recommend approval of the requested Conditional Overlay Amendment
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Alternatives/Options:	Recommend denial of the zoning map amendment.
Budget/Financial Impact:	All fees have been paid.
Public Comments:	None Received at this time.
Enforcement Issues:	N/A