

Zoning Change PDD-15-01 IH-35 & POSEY RD.



- Summary:** Highpointe Investments, LLC is requesting an initial zoning classification of “PDD” Planned Development District on a 417.630 +/- acre tract of land located within the city’s extra-territorial jurisdiction (ETJ).
- Applicant:** Highpointe Investments, LLC.
20 Enterprise, Ste. 320
Aliso Viejo, CA 92656
- Property Owners:** JOQ San Marcos Ventures, LP.
P.O. Box 27501
Houston, TX 77227
- Consultant:** Caren L. Williams
P.O. Box 2559
San Marcos, TX 78666
- Notification:** Personal notification mailed on September 11, 2015.
- Response:** None to date.

Property/Area Profile:

- Legal Description:** A 417.630 +/- acre tract of land out of the William H. Van Horn Survey, Abstract No. 464, Hays County, Texas. Being a portion of those certain 100.22 Acre, 67.53 Acre, 248.77 Acre, and 5.01 Acre Tracts Conveyed to JOQ - San Marcos Ventures L.P. by Deed of Record in Volume 1820, Page 715, of the Official Public Records of Hays County, Texas.
- Location:** Generally located on the east side of IH-35, south side of Posey Road, and west side of Old Bastrop Road.
- Existing Use of Property:** Undeveloped
- Proposed Use of Property:** Mixed Use: General Commercial, Office, Multi-Family, and Single-Family Residential.
- Intensity:** The west portion of the property adjacent to IH-35 is classified as Employment Center. East of that portion, a section is classified as Medium Intensity. The remainder of the site is classified as an Area of Stability.
- Existing Zoning:** Not zoned – property not currently within the city limits.
- Proposed Zoning:** “PDD” – Planned Development District
- Utility Capacity:** Limited existing utilities.

Case Summary

This is a request by Highpointe Investments, LCC for approval of a “PDD, Planned Development District” for approximately 417.63 +/- acres within the city’s extra territorial jurisdiction (ETJ). At the August 11, 2015 Planning and Zoning Commission meeting, this request was presented for discussion. At that meeting staff presented draft versions of the attached Concept Plan, Phasing Plan, and Master Plan Document for discussion. Furthermore, the attached Master Plan Document is redlined with staff recommendations which should be considered as conditions for approval. Also of note – since the August 11, 2015 Planning and Zoning Commission meeting, this request was considered by the Parks Board at the August 20th, 2015 meeting and received a recommendation of approval.

The proposed PDD is intended to facilitate a phased mixed-use development that will include employment center uses, commercial uses, multi-family residential, single family residential, as well as approximately 58 acres of parks and open-space. Consistent with the purpose of the creation of a PDD, this proposal intends to allow for flexibility in land use and phasing while providing for a number of enhanced standards and amenities.

Major public improvements within the project, including collector streets, water and wastewater improvements, and drainage improvements, are proposed to be financed through the creation of a two-phase Public Improvement District (PID). Partial financing of a future City of San Marcos Fire Station is also proposed as part of the PID. Additionally, the project is located outside of the Loop 110 Transportation Reinvestment Zone. Thus, ad valorem and sales tax revenue will go to the City of San Marcos.

Additionally, the annexation of this property is being processed concurrently with this zoning request and with the approval of the requested PID. Final annexation approval is planned to occur at the time of final zoning approval at the October 20, 2015 City Council meeting.

Planning Department Analysis

The proposed PDD is being reviewed according to Section 4.2.6 “Planned Development Districts” within the City of San Marcos Land Development Code (LDC). More specifically, Section 4.2.6.1 states:

“The purpose of an overlay planned development zoning district (“PD District”) is to provide for the development of land as an integral unit for single or mixed use in accordance with a PD Concept Plan that may include uses, regulations and other requirements that vary from the provisions of other zoning districts. PD districts are intended to implement generally the goals and objectives of the City’s Comprehensive Plan. PD districts are also intended to encourage flexible and creative planning, to ensure the compatibility of land uses, to allow for the adjustment of changing demands to meet the current needs of the community, and to result in a higher quality development for the community than would result from the use of conventional zoning districts.”

Consistent with this purpose, the proposed PDD plans for a phased mixed-use development as illustrated in the attached “Concept Plan” document and “Phasing Plan” documents. Employment Center and commercial uses will be located adjacent to I-35 and multi-family development will provide transition into the single family residential neighborhoods. Parks and open space will be located throughout the project and provide recreational spaces and serve as a buffer between adjacent land uses.

The attached “Phasing Plan” document illustrates that approximately half of the proposed Single-Family Development (Planning Areas 1, 2, and 3) is planned to be developed within Phase 1. However, the infrastructure for Planning Areas 9, 10, 11, and 12, which are proposed for General Commercial, will also be installed within Phase 1 in order to provide “shovel ready” property for employment center and commercial uses. Additionally, Planning Area 8 is intended for Multi-Family development, but also provides for a number of commercial uses to be allowed with conditional approval. This is intended to provide the opportunity for an Employment Center user within Planning Area 9 to also develop Planning

Area 8, yet also ensure compatibility with adjacent single family uses. The remaining Phases 3 and 4, are planned for single family development.

Also consistent with the City of San Marcos Land Development Code (LDC) are provisions within the proposed PDD document that allow for flexibility and variance from several development standards, as well as a number of enhanced development standards and added public amenities are intended to yield higher quality development. These variances and enhancements are summarized as follows, with specific reference to the corresponding section of the attached PDD Master Plan Document. For a more detailed analysis of specific variances and enhancement to the LDC, please see that attached "Land Use Matrix" and Section 13.3 from the proposed Planned Development District Master Plan Document.

NOTE: Items listed below that are underlined are largely **contingent** upon a recommendation of approval by the Planning and Zoning Commission of the PDD Master Plan Document **with staff proposed redlines.**

Flexibility/Variance:

- Reduced paving width on proposed streets to for a more pedestrian friendly cross-section.
- Integration/clustering of varied single family residential development types. (Section 2.1.1 "PD-SF Single Family")
- Varied Lot and Site Design Standards to facilitate more compact and pedestrian oriented neighborhoods (Section 5.1 "Dimensional and Lot Standards")
- Additional impervious coverage to allow for increased density. (Section 5.1 "Dimensional and Lot Standards")
- Additional area for freestanding signage. (Section 11.1 "Signage Standards")
- Additional permitted uses within each PDD sub-area (Section 13.4 "Permitted Uses" within the attached Master Plan and Planned Development District Standards.)

Enhanced Development Standards:

- 9.2 Acre Central Park with an Amenity Center, Five (5) Pocket Parks totaling 4.7 acres, and 2 to 3 miles of trails that will provide additional connectivity. (Section 3 "Public Space")
- Enhanced Vehicular, Pedestrian, and Bicycle Connectivity (Section 4 "Circulation and Connectivity")
- Enhanced Streetscape Design Standards. (Section 4.2 "Roadway Design Standards")
- Minimal single family housing that backs up to a Collector Street. (Section 5.2 "Site Design")
- Alley-Loaded single family homes on all proposed lots that are 40 feet or less in width.
- Enhanced Single-Family Architectural Design Standards. (Section 6 "Architectural Design")
- Enhanced Commercial Architectural Design Standards. (Section 6 "Architectural Design")
- Enhanced Parking Lot Design Standards. (Section 7 "Parking and Access")
- Enhanced Screening Standards. (Section 8 "Screening and Fencing")
- Enhanced Landscaping Standards. (Section 9 "Landscaping Standards")

Planning staff also reviewed the proposed PDD with the City's Comprehensive Plan, *Vision San Marcos*. Staff finds that the draft submittal for the proposed PDD conforms to the Comprehensive Plan Elements specifically regarding Land Use, Economic Development, and Neighborhoods; as summarized below.

- A Preferred Scenario Amendment has already been completed that allows for the specified land uses within the proposed PDD.
- The subject property is located in the Willow Creek sub-watershed. A modeled impervious cover increase of 100% is anticipated for this watershed.
- The subject property is generally "least" constrained according to the Land Use Suitability Map. However, there are certain areas that are indicated as "most" constrained that are generally located in areas proposed on the attached "Concept Plan" to be Open Space or "PD-P"
- The subject property is not located in a wastewater or water "hot spot". Water and waste water service is available to the subject property.

- The Travel Demand Model only analyzes roadways that are designated as Collector or above. The Arterial and Collector roadway(s) that will provide access to this neighborhood are IH-35, Posey Road, and Old Bastrop Road.
- The Preferred Scenario Daily and Peak Level of Service are consistent with the Existing Daily and Peak Level of Service.

In addition, the consistency of this proposed change to the LDC criteria is described below:

Evaluation		Neutral	Criteria (LDC 1.5.1.5)
Consistent	Inconsistent		
X			<p>Change implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps</p> <p><i>The change is consistent with the Preferred Scenario Map and Comprehensive Plan Elements in Vision San Marcos. See the analysis above and the attached Comprehensive Plan Worksheet.</i></p>
		X	<p>Consistency with any development agreement in effect</p> <p><i>No development agreements are in effect for this property.</i></p>
X			<p>Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified</p> <p><i>The proposed PDD and underlying zoning would be consistent with the comprehensive plan goal to achieve diversified housing options to serve citizens with varying needs and interests.</i></p>
X			<p>Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area</p> <p><i>There are no Capital Improvement Plan projects anticipated in the immediate area.</i></p>
X			<p>Other factors which substantially affect the public health, safety, morals, or general welfare</p> <p><i>None noted.</i></p>

Additionally, the Commission should consider:

- (1) Is the property suitable for use as presently zoned?

Staff evaluation: The property is not currently located within the city. Annexation proceedings are being processed concurrently.

- (2) Has there been a substantial change of conditions in the neighborhood surrounding the subject property?

Staff evaluation: The area surrounding the property is primarily rural.

- (3) Will the proposed rezoning address a substantial unmet public need?

Staff evaluation: The proposed PDD would be consistent with the comprehensive plan goal to achieve diversified housing options to serve citizens with varying needs and interests.

- (4) Will the proposed rezoning confer a special benefit on the landowner/developer and cause a substantial detriment to the surrounding lands?

Staff evaluation: There is no special benefit to the landowner.

- (5) Will the proposed rezoning serve a substantial public purpose?

Staff evaluation: One goal within the Comprehensive Plan is to achieve diversified housing options to serve citizens with varying needs and interests. The proposed rezoning will contribute to a diverse range of housing options.

Staff provides this request to the Commission with a recommendation of approval subject to the following conditions:

1. That the attached PDD Master Plan Document is approved with staff redlined revisions.
2. That a meets and bounds legal description is provided for each of the proposed base zoning districts indicated within the concept plan.
3. That the attached document titled "Land Use Matrix" be incorporated into the PDD Master Plan Document.
4. That the developer shall work with city staff to develop permit checklists for staff to utilize when reviewing future development with the PDD.
5. That the attached "Parks Cost Estimate" spreadsheet be incorporated into the appendix of the PDD Master Plan Document.

Planning Department Recommendation:	
	Approve as submitted
X	Approve with conditions or revisions as noted
	Alternative
	Denial

The Commission's Responsibility:

To hold a discussion regarding the proposed zoning change. When the item is placed on the agenda for consideration, the Commission is required by law to hold a public hearing and receive public comment regarding the proposed zoning. After considering the public input, the Commission is charged with making an advisory recommendation to the City Council regarding the request. The City Council will ultimately decide whether to approve or deny the zoning change request. The Commission's advisory recommendation to the Council is a discretionary decision.

Prepared by:

Brandon Melland, AICP	Senior Planner	September 17, 2015
Name	Title	Date