

Whisper South EC (East of Harris Hill Rd)

1700 Blk Harris Hill Rd

ZC-21-15



Summary

Request:	Zoning change from FD to EC		
Applicant:	Harris Hill Commercial Land Holdings, Ltd 100 NE Loop 410, Suite 775 San Antonio, Texas, 78216	Property Owner:	Harris Hill Residential Land Holdings, Ltd 100 NE Loop 410, Suite 775 San Antonio, Texas, 78216

Notification

Application:	6/14/21	Neighborhood Meeting:	N/A
Published:	8/8/21	# of Participants	N/A
Posted:	8/6/21	Personal:	8/6/21
Response:	None as of the date of this report		

Property Description

Legal Description:	Approximately 16.09 acres, more or less, out of the J. Veramendi Survey, Abstract 17, Hays County, Texas.		
Location:	Harris Hill Road, approximately 2,400 ft. south of the intersection of Harris Hill Road and Southpoint Drive.		
Acreage:	16.09 acres	PDD/DA/Other:	Development Agreement 2021-142R/PID 2021-87R
Existing Zoning:	ETJ/ FD	Proposed Zoning:	Employment Center (EC) with Multifamily as permitted by the Whisper South Development Agreement
Existing Use:	Undeveloped	Proposed Use:	Multifamily
Existing Occupancy:	N/A	Occupancy:	Restrictions Do Not Apply
Preferred Scenario:	Low Intensity Zone	Proposed Designation:	Same
CONA Neighborhood:	N/A	Sector:	N/A
Utility Capacity:	Extension Required at Developer's Expense	Floodplain:	Partial
Historic Designation:	N/A	My Historic SMTX Resources Survey	No

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<u>Surrounding Area</u>	Zoning	Existing Land Use	Preferred Scenario
North of Property:	ETJ/FD (Proposed CD-3)	Rural/ Vacant	Low Intensity Zone
South of Property:	ETJ/FD (Proposed CD-3)	Rural/Vacant	Low Intensity Zone
East of Property:	ETJ/FD (Proposed CD-3)	Rural Residential/Vacant	Low Intensity Zone
West of Property:	Future Development (Proposed CD-4)	Rural/Vacant	Medium Intensity Zone

Staff Recommendation

<input checked="" type="checkbox"/>	Approval as Submitted	<input type="checkbox"/>	Alternate Approval	<input type="checkbox"/>	Denial
Staff recommends approval of this zoning change as requested.					
Staff: Julia Cleary		Title : Planner		Date: Aug 19 th , 2021	

Commission Recommendation

<input checked="" type="checkbox"/>	Approval as Submitted	<input type="checkbox"/>	Approval with Conditions / Alternate	<input type="checkbox"/>	Denial
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Speakers in favor or opposed

1. RW McDonald – applicant – in favor

Recommendation from the Planning and Zoning Commission Meeting held August 24th, 2021.

A motion was made by Commissioner Agnew, second by Commissioner Sambrano to recommend approval of the request.

The vote passed with a 8-1 vote, with Commissioner Kelsey dissenting.

Discussion Topics:

- **Multifamily developments** – Commissioner Kelsey and Commissioner Agnew expressed concerns with having the multifamily development adjacent single family homes. Commissioner Agnew noted that people will be aware that multifamily is in the development when the purchase a single family home. Commissioners Moore, Rand and Sambrano expressed support for the multifamily element and a diversity of housing types. Commissioner Spell said he was hopeful that the development would include commercial uses on the ground floor with multifamily/ residential on the upper floors.
- **Process concerns** - Commissioner Agnew stated that P&Z were obligated to approve the zoning change because it had already been approved by Council.

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History

This zoning change is part of a wider mixed use development and zoning change applications have also been submitted for CD-3 (ZC-21-12), CD-4 (ZC-21-13), and Employment Center (ZC-21-14).

The site is located within the Whisper South Public Improvement District and is subject to a Development Agreement approved by City Council on August 3rd, 2021 (2021-142R). An application for annexation has been submitted concurrently (AN-21-05) and will be considered by City Council in September. The approved development agreement set out the intended zoning district of each parcel, along with some additional variances from the district’s standards. The proposed standards in the Development Agreement were selected in order to reflect those standards in the existing Whisper North Planned Development District (PDD).

Specifically, in the Employment Center (EC) District, multifamily has been added as a “permitted use”. Any multifamily development will need to comply with the Multifamily Design Guidelines set out in Chapter 9 of the Land Development Code, which set out standards regarding building massing, parking locations, maximum lot sizes, and layout.

Additional Analysis

As a standalone site, the location would be inappropriate for multifamily development due to the distance from existing employment opportunities and services. However, when viewed comprehensively as part of a planned mixed use development, staff considers that the proposal meets Goal 3 of the Comprehensive Plan- “Diversified Housing Options to Serve Citizens with Varying Needs and Interests”.

Comments from Other Departments

Police	No Comment
Fire	No Comment
Public Services	No Comment
Engineering	No Comment

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
		<u>X</u>	<p>Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map</p> <p><i>The site is shown as “Low Intensity” in the Preferred Scenario map, however it is adjacent the “Medium Intensity – Whisper South” proposed growth area within the City limits. Per Table 4.1 of the Development Code, Special Districts such as Employment Centers are “not preferred” in Low Intensity zones.</i></p>
		<u>N/A</u>	<p>Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area</p> <p><i>No small area plans or neighborhood character studies have been undertaken for this area.</i></p>
		<u>X</u>	<p>Whether the proposed zoning map amendment implements the policies of any applicable plan adopted by City Council</p>
<u>X</u>			<p>Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect</p> <p><i>The proposed Employment Center use is identified in the Concept Plan of the approved Whisper South Development Agreement approved by City Council August 3rd, 2021 (2021-142R)</i></p>
<u>X</u>			<p>Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses shall be appropriate in the immediate area of the land to be reclassified</p> <p><i>The surrounding land is predominantly undeveloped, however the developer has also submitted a zoning change for the surrounding land to be reclassified as CD-3 to the north, south, and east. Per the approved Development Agreement, the proposed use of the site is residential (multifamily). Landscaped buffers will be required between the CD-3 and EC zoning districts per Chapter 7 of the Land Development Code.</i></p>

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			Whether the proposed zoning will reinforce the existing or planned character of the area <i>Although currently rural/ undeveloped, the site is being developed comprehensively as part of a wider master planned community, including multifamily and commercial uses. The EC (multifamily) component was identified in the Concept Plan element of the approved Whisper South Development Agreement.</i>
<u>X</u>			Whether the site is appropriate for the development allowed in the proposed district
<u>X</u>			Whether there are substantial reasons why the property cannot be used according to the existing zoning <i>The property currently located within the ETJ and so will automatically be designated as "Future Development" upon annexation. FD is intended as a transitory zoning only, with a minimum lot size of 2 acres.</i>
		<u>X</u>	Whether there is a need for the proposed use at the proposed location
<u>X</u>			Whether the City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, public safety, and emergency services, while maintaining sufficient levels of service to existing development <i>Utility and internal roadway improvements are included in the approved Public Improvement District (PID) term sheets. Land for a fire station is proposed for inclusion within the Whisper North Development (same developer) approximately 1 mile north of the site. The developer has agreed to record a covenant requiring homebuilders to disclose when the emergency response times do not meet the City's average response times (currently 7 minutes).</i>

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property <i>Improvements to Harris Hill Rd will be required as part of the traffic impact analysis during the subdivision platting process.</i>
		<u>X</u>	For requests to a Neighborhood Density District, whether the proposed amendment complies with the compatibility of uses and density in Section 4.1.2.5 <i>This development is not located in a Neighborhood Density District.</i>
<u>X</u>			The impact the proposed amendment has with regard to the natural environment, including the quality and quantity of water and other natural resources, flooding, and wildlife management <i>The site is predominantly rated as "2" ("least constrained") on the Land Use Suitability map.</i>
<u>X</u>			Any other factors which shall substantially affect the public health, safety, morals, or general welfare <i>None noted.</i>