

Non-Consent Agenda Item XX

Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2020-XXR, approving a third amended and restated Development Agreement with Lazy Oaks Ranch, LP and its partial assignees in connection with the La Cima Development near the intersection of Old Ranch Road 12 and Wonder World Drive based upon a request from the developer to, among other things, add 129.383 acres of land to the area covered by the agreement and allow a Condominium Residential use in any portion of the property only by approval by the City Council of a Conditional Use Permit for such use; approving any other conditions or alternatives to such request as the City Council may propose; authorizing the City Manager, or his designee, to execute the agreement on behalf of the City; and providing an effective date

Context & History:

- Original Development Agreement approved in 2014
- Development Agreement amended in 2018 (Res. 2018-075)
 - Increased acreage
 - Decreased overall density to 1.16 units per acre
 - Addition of up to 30 acres of multifamily to be developed in 2 phases
- **September 2019** – received request for the following amendments:
 - Increase in acreage
 - Addition of 122.305 acres
 - Combination of property commonly referred to as the “Wills Tract” and 5 acres released by Frost Bank to the property owner
 - Increase in dwelling units
 - Addition of 150 dwelling units
 - No increase in overall density – still remains 1.16 units per acre
 - Increase in parkland dedication amount
 - Slight increase in parkland acreage required due to increase in additional dwelling units
 - **DENIED** at 10.15.19 City Council Meeting

Context & History:

- **October 29, 2019** – Council Committee reconvened
 - Requested that there be no increase in total impervious cover over the entire project
 - Requested the applicant dedicate the same amount of acreage as parkland as they are adding to project
 - Could be added anywhere
 - Requested that the road to the fire station be included with this amendment
 - The relocation of Fire Station #2 was discussed during the November 6th Work Session

- Applicant was unable to agree to these terms as he cannot purchase additional land only to give up the development potential somewhere else. Impervious coverage would remain the same from a percentage basis.

Context & History:

- **December 2019** – received request for the following amendments:
 - Increase in acreage (Addition of 129.383 acres (new ground survey conducted)
 - Combination of property commonly referred to as the “Wills Tract” and 5 acres released by Frost Bank to the property owner
 - Residential dwelling units remain at 2,800
 - Decrease in overall density – drops from 1.16 units per acre to 1.10 units per acre
 - Multi-family units up to a maximum of 720 dwelling units, no acreage limitation
 - Currently, up to 30 acres
 - New Condominium Residential use under Section 1.04(A)
 - 2.5.20 – Council Committee agreed to allow use via a Conditional Use Permit approved by City Council
 - Impervious Cover Maximum drops to 19% (approx. 485 acres) from 20% (approx. 485 acres)
 - No opposition from City on any petition to Hays County to amend existing PID boundary to include any or all of the remaining property

La Cima DA Amendment Comparison Chart

Item	Current Development Agreement (Res. 2018-075R)	Applicant's Request
<p>Total Acres</p>	<p>2,422.996 acres</p>	<p>2,552.379 acres (addition of 129.383 acres*)</p> <p><i>*Additional acreage will be subject to Chapter 6 of the San Marcos Development Code and the Associated City of San Marcos Storm Water Technical Manual – see Section 1.07</i></p>
<p>Overall Project Density</p>	<p>1.16 units/acre</p>	<p>1.10 units/acre</p>
<p>Dwelling Units</p>	<p>2,800</p>	<p>No change</p>
<p>Annexation</p>	<p>– Annex property upon recordation of final plat</p>	<p>No change</p>
<p>Multifamily Residential (MF-24)</p>	<ul style="list-style-type: none"> – Up to 30 acres and a max. 720 units – Only allowed west of Old Ranch Road 12 in area depicted as Community Commercial <ul style="list-style-type: none"> ○ (Section 1.04(A)(3) excludes 3.45 acres located east of Old Ranch Road 12 – collectively described as the “La Cima Outparcels” on Page 1 of the Development Agreement) – Prohibit Purpose Built Student Housing – Multifamily Residential Design Standards (Ord. 2014-35) would apply <ul style="list-style-type: none"> ○ Upon submittal of deed restrictions required in Section 1.09 of the agreement, Owner shall meet or exceed the Building Design Section of the Multifamily Residential Design 	<ul style="list-style-type: none"> – Up to a maximum of 720 units, no acreage limitation – Only allowed west of Old Ranch Road 12 in area depicted as Community Commercial <ul style="list-style-type: none"> ○ Section 1.04(A)(3) excludes 3.45 acres located east of Old Ranch Road 12, collectively described as the “La Cima Outparcels”, and the 22.723 acres, described as the “Additional 22 Acre Tract” on Page 1 of the Development Agreement – Development phasing remains the same – Still excludes Purpose Built Student Housing

	<p>Standards; any deviations must be approved by City Council</p> <ul style="list-style-type: none"> - Development of multifamily to occur in 2 phases: <ul style="list-style-type: none"> o 1st Phase: no more than 15 acres developed as MF o 2nd Phase: development deferred until the 1st Phase is complete & 75% occupied and at least 200 SF homes completed & occupied 	
Condominium Residential	Not a use currently allowed in Development Agreement	<ul style="list-style-type: none"> - New use under Section 1.04(A) <ul style="list-style-type: none"> o Allowed via a Conditional Use Permit approved by City Council
Impervious Cover Maximum	20% of 2,422.996 acres (approx. 485 acres)	19% of 2,552.379 (approx. 485 acres)
Public Improvement District (“PID”)	Hays County authorized creation of existing PID on approx. 2,029 acres of Property	City will not oppose any petition the Owner submits to Hays County to amend Existing PID to include any or all of the remaining Property
Parkland	<ul style="list-style-type: none"> - Dedicating 35.64 acres of parkland (total amount required for both single-family and multifamily per the LDC) – their intent is that this is contained in the 91.5 acre area shown on Conceptual Land Use Plan as “Purgatory Creek Open Space” - To be dedicated either with the final plat of Phase 8 or when Hays County completes extension of West Centerpoint Road to the southeastern corner of property, whichever is earliest. 	No Change
Neighborhood Commercial (“NC”) Development	Allowed within residential area east of Purgatory Creek	No Change
Community Commercial (“CC”) Development	Up to a maximum of 200 acres	No Change

Service Units Equivalent	4,000 maximum	No Change
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* All other changes to the Development Agreement are grammatical or formatting in nature.







