

**Planned Development
District Amendment
PDD-08-05(B)**

**Centerpoint & Hunter Rd.
Kissing Tree Planned
Development District**



Summary

Request:	An amendment to the Kissing Tree Planned Development District, to establish, among other things, a reduction in the total number of residential units in the Mixed Use portion of the development west of Hunter Road and removal of the limit on “active adult” units such that all of those residential units are allowed to be senior dwelling units.		
Applicant:	Jeffrey Howard McLean & Howard, LPP 4301 Bull Creek Road, Suite 150 Austin, TX 78731	Property Owner:	Carma Paso Robles, LLC 9600 N Mopac Expy. Suite 750 Austin, TX 78759

Notification

Application:	April 16, 2024	Neighborhood Meeting:	N/A
Published:	April 28, 2024	# of Participants	N/A
Posted:	April 26, 2024	Personal:	April 26, 2024
Response:	5 email responses in favor prior to May 14 P&Z meeting		

Property Description

Legal Description:	An approximate 1,338.58-acre tract, more or less, out of the John Williams Survey, Edward Burleson Survey, Nathaniel Hubbard Survey, and Isaac Lowe Survey, in Hays County, Texas, generally located in the area of Centerpoint Road and Hunter Road		
Location:	West and southeast of the Centerpoint Rd./ Hunter Rd. intersection		
Acreage:	1,338.58 acres	PDD/DA/Other:	Ord. #2010-59
Existing Zoning:	Base Zoning: Mixed Use (MU), General Commercial (GC) Overlay: PDD	Proposed Zoning:	Same
Existing Use:	Single-Family, Parks, Community Center	Proposed Use:	Same
Existing Occupancy:	Restrictions Do Apply	Occupancy:	Restrictions Do Apply
Preferred Scenario:	Low Intensity, Medium Intensity, Open Space	Proposed Designation:	Same
CONA Neighborhood:	Kissing Tree	Sector:	9
Utility Capacity:	Available	Floodplain:	Yes – 100-year and floodway
Historic Designation:	N/A	My Historic SMTX	No

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Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	ETJ	Vacant/ Agricultural	Low Intensity, Open Space
South of Property:	ETJ, Character District 5 (CD-5), Future Development (FD), Public (P), General Commercial (GC), Heavy Commercial (HC)	Vacant, Personal Services, Light Industrial, IH-35/ Commercial	Medium Intensity, Employment Area
East of Property:	ETJ, Public (P), Mixed Use (MU)	Vacant, Single- Family Residential, Private School, Church	Low Intensity, Existing Neighborhood, Open Space
West of Property:	ETJ	Vacant/ Agricultural	Low Intensity

Staff Recommendation

X	Approval as Submitted		Alternate Approval		Denial
Staff: Lauren Clanton, AICP					
Title: Chief Planner				Date: May 8, 2024	

Commission Recommendation

X	Approval as Submitted		Alternate Approval		Denial
<p>Speakers in favor or opposed Jeffrey Howard (applicant) – in favor Sharon Holley – general questions about location of request</p> <p>Recommendation from the Planning and Zoning Commission Meeting held May 14, 2024. A motion was made by Commissioner Spell, seconded by Commissioner Costilla, to recommend approval of the request. The vote passed with an 8-0 vote For: 8 (Agnew, Burleson, Case, Costilla, Dunn, Garber, Kelsey, Spell) Against: 0 Absent: 1 (Meeks)</p> <p>Discussion Topics:</p> <p>PDD Changes – Commissioner Garber asked about the phrase, “among other things,” in the agenda caption and inquired what the amendment will change beyond the count of residential and active adult units. Staff responded that changes are minor and include updates to the PDD text and Concept Plan such as dedication of land for a fire station and a reduction in residential acreage.</p>					

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Development Agreement – Commissioner Garber asked why the staff report indicates that the PDD is inconsistent with a Development Agreement. Staff responded that a DA was passed with the PDD in 2010 but has not been updated with the PDD revisions. Staff later researched the DA and found that several amendments to the DA have taken place to bring it in line with the PDD. The DA further states that the PDD governs development of the land. As a result, this new version of the PDD is reinforced by the DA.

Need for Amendment - Commissioner Agnew asked why the applicant is amending the PDD when they could simply build fewer units than the district allows. The applicant explained that the market has changed over time as other residential developments such as Trace and La Cima have been built, and the PDD is being updated to reflect this changing need.

Land Allocation – Commissioner Agnew asked how land previously intended for residences will be used. The applicant responded that more land is shown on the Concept Plan for parks and the future fire station.

Notification Buffer – Commissioner Kelsey asked about the concerns voiced during public comment regarding the impact of the 400-foot buffer to neighbors. Staff explained that this is a notification buffer with no impact to real property beyond the boundaries of land owned by Kissing Tree.

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History

In October 2010 the Paso Robles PDD, later known as Kissing Tree, was adopted via Ordinance No. 2010-59. A Development Agreement was approved alongside the PDD in October 2010 via Ordinance 2010-148R. The approved PDD encompasses approximately 1,338.6 acres and is intended to facilitate mixed-use development that will include commercial, multifamily, and single family uses, as well as approximately 300 acres of parks and open space through incorporation of a golf course.

This is the second amendment of the Kissing Tree PDD. The PDD was first amended on August 2, 2011, to correct the Concept Plan to remove two non-essential public roadways including a north-south arterial on the west side of the development. The Kissing Tree Development is currently building out several phases and includes single family homes, parks, community spaces, and other public infrastructure such as utilities, roadways, and pedestrian / bike infrastructure.

Additional Analysis

The purpose of this amendment is to change the provisions of the Land Use Plan (Section II.A.1) such that the overall density of residential units in the Mixed Use portion of the development decreases; while 3,450 units were previously allowed, that count will reduce to 3,150. Additionally, the cap on “active adult” units (Section III.B.8) for residents aged 55 and up is proposed to be removed; while previously only 2,850 active adult units were allowed, now all 3,150 units may be active adult units. An updated Concept Plan and Open Space Plan were submitted as part of this request, reflecting updated land use acreages and minor changes to the layout of the private roads, entrances, and recreation areas as development occurs.

The amendment also includes provisions for right-of-way dedication for a future railroad overpass project by Hays County at Centerpoint Road. The applicant has indicated willingness to dedicate the right-of-way and is in conversation with the City to draft the agreement. This agreement is referenced in the amended text of the PDD.

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 Current Code)
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 Mixed Use portion of the development is under the Low Intensity and Open Space preferred scenarios according to the 2013 Comprehensive Plan. These scenario types focus on stability and clustered development to conserve natural resources. This PDD amendment is consistent with those goals.</i></p> <p><i>The General Commercial portion of the development is under the Medium Intensity and Open Space preferred scenarios. A minor change to the PDD text renames this portion "General Commercial/Multifamily," which is consistent with mid-level intensity.</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>
		<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 2010 Development Agreement served to guarantee that land and funding were dedicated for facilities serving the development. The Development Agreement was updated concurrently with the PDD during its first amendment. Minor changes enacted during this second amendment do not conflict with the DA.</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 current PDD permits single-family detached, single-family attached, and multifamily residential in the Mixed Use district. 55-and-up housing at a unit density of 2.5 units per acre is consistent with this housing mix.</i></p>

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Evaluation			Criteria for Approval (Sec.2.5.1.4, Current Code)
Consistent	Inconsistent	Neutral	
<u>X</u>			Whether the proposed zoning will reinforce the existing or planned character of the area
<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 applicant seeks to offer a greater proportion of units to a specific clientele. There is no reason to impede this goal.</i>
<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>This amendment updates the text to include 3.1 acres dedicated for a fire station by a previous administrative amendment to the PDD.</i>
		<u>X</u>	Whether there is a need for the proposed use at the proposed location
<u>X</u>			Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property
		N/A	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.
		<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
<u>X</u>			Any other factors which shall substantially affect the public health, safety, morals, or general welfare <i>No such factors have been identified.</i>

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Consistent	Inconsistent	Neutral	
<u>X</u>			<p>The extent to which the land covered by the proposed PD district fits one or more of the special circumstances in Section 4.2.6.1 warranting a PD district classification.</p> <ul style="list-style-type: none"> • The land is located in close proximity to established residential neighborhoods where conventional zoning classifications may not adequately address neighborhood concerns regarding the quality or compatibility of the adjacent development, and where it may be desirable to the neighborhood, the developer, or the City to develop and implement mutually-agreed, enforceable development standards; <i>Kissing Tree received approval for enhanced development standards through a PDD in 2010 and 2011. Unique circumstances include location near the ETJ, location spanning an arterial road (Hunter Road), and accommodation of a mix of land uses including active adult units.</i> • The land, or adjacent property that would be impacted by the development of the land, has sensitive or unique environmental features requiring a more flexible approach to zoning, or special design standards, in order to afford the best possible protection; <i>The Kissing Tree PDD includes standards related to open space and the natural environment in Section II.B.10, Parks and Open Spaces.</i> • The land is proposed for development as a mixed-use development or a traditional neighborhood development requiring more flexible and innovative design standards; <i>The Kissing Tree PDD plans for a phased mixed-use development as illustrated in the Concept Plan.</i> • The land consists of inner-City or downtown property that is proposed for redevelopment or infill development, and special design considerations are deemed desirable; <i>N/A</i> • The land serves as transition between different and seemingly incompatible land uses; <i>N/A</i> • The land is proposed for development as an employment center, and special design standards may be warranted; and <i>N/A</i> • The land is of such a character that it is in the community's best interest to encourage high quality development through flexible development standards to further the goals and objectives of the City's Comprehensive Plan. <i>The PDD contains provisions to allow for flexibility and variance from several development standards as well as a number of enhanced development standards and added public amenities which are intended to yield higher quality development.</i>

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Consistent	Inconsistent	Neutral	
<u>X</u>			The extent to which the proposed PD district furthers the policies of the Comprehensive Plan
<u>X</u>			The extent to which the proposed PD district will result in a superior development than could be achieved through conventional zoning classifications
		<u>X</u>	The extent to which the proposed PD district will resolve or mitigate any compatibility issues with surrounding development. <i>The proposed amendments will not impact the surrounding developments and are primarily internal changes.</i>
<u>X</u>			The extent to which the PD district is generally consistent with the criteria for approval of a watershed plan for land within the district. <i>Considerations for adequate drainage and infrastructure are addressed in Exhibits II-2 through II-7 of the original PDD.</i>
<u>X</u>			The extent to which proposed uses and the configuration of uses depicted in the Concept Plan are compatible with existing and planned adjoining uses;
<u>X</u>			The extent to which the proposed development is consistent with adopted master facilities plans, including without limitation the water facilities, master wastewater facilities, transportation, drainage, and other master facilities plans; and <i>Considerations for adequate drainage and infrastructure are addressed in Exhibits II-2 through II-7 of the original PDD.</i>
<u>X</u>			The extent to which the proposed open space and recreational amenities within the development provide a superior living environment and enhanced recreational opportunities for residents of the district and for the public generally. <i>The revised Open Space Plan shows amenities that exceed the Development Code and the minimum standards of the PDD, including 29 acres of parkland, 420 acres of total open space, 49 acres set aside for environmentally sensitive areas and water quality zones, and a network of trails connecting all collector roads and parks.</i>