

<b>Zoning Request</b>	<b>Northeast Corner of Redwood Road and South Old Bastrop Hwy</b>
<b>ZC-20-25</b>	



**Summary**

<b>Request:</b>	Zoning change from Future Development (FD) to Character District-5 (CD-5)		
<b>Applicant:</b>	Jeffrey L. Kittle Kittle Property Group, Inc. 3431 Rayford Road, Suite 200-324 Spring, TX 77386	<b>Property Owner:</b>	James Smith, Jr. Smithco Redwood, LLC 2519 Redwood Road

**Notification**

<b>Application:</b>	March 12, 2021	<b>Neighborhood Meeting:</b>	N/A
<b>Published:</b>	March 28, 2021	<b># of Participants</b>	N/A
<b>Posted:</b>	March 26, 2021	<b>Personal:</b>	March 26, 2021
<b>Response:</b>	None as of the date of this report		

**Property Description**

<b>Legal Description:</b>	20 acres, more or less, out of the Barnett O. Kane Survey, Abstract No. 218, Hays County		
<b>Location:</b>	Northeast Corner of Redwood Road and South Old Bastrop Hwy		
<b>Acreage:</b>	+/- 20 acres	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	Future Development (FD)	<b>Proposed Zoning:</b>	Character District-5 (CD-5)
<b>Existing Use:</b>	Vacant / Agriculture	<b>Proposed Use:</b>	Multifamily Senior Housing and Commercial
<b>Existing Occupancy:</b>	N/A	<b>Occupancy:</b>	Restrictions Do Not Apply
<b>Preferred Scenario:</b>	Low Intensity	<b>Proposed Designation:</b>	Low Intensity
<b>CONA Neighborhood:</b>	N/A	<b>Sector:</b>	N/A
<b>Utility Capacity:</b>	Adequate	<b>Floodplain:</b>	No
<b>Historic Designation:</b>	N/A	<b>My Historic SMTX Resources Survey</b>	No

**Surrounding Area**

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>North of Property:</b>	Single Family-6 (SF-6)	Vacant	Low Intensity Zone
<b>South of Property:</b>	ETJ (Outside City Limits)	Vacant	Low Intensity Zone
<b>East of Property:</b>	Single Family-6 (SF-6)	Vacant	Low Intensity Zone
<b>West of Property:</b>	Single Family-6 (SF-6); General Commercial (GC)	Residential, Gas Station / Convenience Store	Existing Neighborhood

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**Staff Recommendation**

<input type="checkbox"/> Approval as Submitted	<input checked="" type="checkbox"/> <b>Alternate Approval</b>	<input type="checkbox"/> Denial
<p>Due to the varying factors regarding existing land use configurations and the preferred or planned configuration of the surrounding area, staff provided a <b>neutral</b> recommendation.</p> <p><i>(Note, an affirmative vote of five members of the City Council is needed for approval due to the Single Family Preservation Buffer)</i></p>		
<b>Staff:</b> Andrea Villalobos, AICP, CNU-A	<b>Title :</b> Planning Manager	<b>Date:</b> April 14, 2021

**Commission Recommendation**

<input checked="" type="checkbox"/> <b>Approval as Submitted</b>	<input type="checkbox"/> Approval with Conditions / Alternate	<input type="checkbox"/> Denial
<p><b>Speakers:</b></p> <ol style="list-style-type: none"> <li>1. Brad Williams (in favor)</li> <li>2. Jessica Mullins (in favor)</li> </ol> <p><b>Recommendation from the Planning and Zoning Commission Meeting held Tuesday, April 13, 2021:</b>  A motion was made by Commissioner Kelsey, second by Commissioner Moore to recommend <b>approval</b> of the request.  The motion passed with a 6-2 vote. <i>(Note, an affirmative vote of six members of the Planning and Zoning Commission was needed for approval due to the Single Family Preservation Buffer)</i></p> <ul style="list-style-type: none"> <li>• <b>For:</b> (6) Commissioner McCarty, Commissioner Rand, Vice Chair Kelsey, Commissioner Moore, Commissioner Sambrano, and Chair Garber</li> <li>• <b>Against:</b> (2) Commissioner Costilla, Commissioner Agnew</li> <li>• <b>Absent:</b> (1) Commissioner Spell</li> </ul> <p><b>Discussion Topics:</b>  The Commission discussed that they were favorable of the use of corner commercial and affordable senior (55+) multifamily housing as proposed by the applicant. However, they did have concerns with the impact of the applicant choosing not to develop the site and the ramifications of another applicant developing in CD-5 with different uses and proposed building heights. The Commission discussed that they would like to see City Council address their concerns when considering the zoning at their upcoming meeting by adding an effective date or restrictive covenants on the property to restrict the uses and the height. The Commission had concerns with the allowance to construct up to 5 stories on the site. The commission discussed that they wanted to see commercial uses on the corner of the property and they were favorable of services and commercial opportunities near residents of that area. The Commission discussed the possibility of incorporating Planned Development Districts (PDDs) back into the Development Code. The Commission discussed concerns about the safety and condition of Redwood Road and would like to see improvements to ensure that it is safe, incorporates multi-modal transportation methods, and is designed for slow speeds.</p>		

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### History

The subject property is part of the larger “Highbranch” development which received various approvals for zoning changes:

- November 2019: Character District – 4 (CD-4) approved for a Low Income Housing Tax Credit (LIHTC) multifamily project.
- November 2019: Character District – 3 (CD-3) approved for single-family subdivisions. Subsequently the applicant requested alternative compliance to the garage location standards, which was approved by City Council on appeal.
- August 2020: Single Family – 6 (SF-6) approved for an additional single-family subdivision where garage location standards do not apply.

In September 2020 the developer applied for Character District-4 (CD-4) for a Low Income Housing Tax Credit (LIHTC) multifamily project on a portion of the subject property. The affordable, senior (55+) housing is seeking a Resolution of No Objection from the City Council as required by the Texas Department of Housing and Community Affairs (TDHCA). After discussing the site layout with staff, the developer determined the design of a traditional multifamily project could not meet the standards of CD-4.

Subsequently, in September, 2020, the developer applied for Character District-5 for the entire property. Due to the two-story requirement in CD-5 and the senior housing multifamily building design, an Alternative Compliance request was made to allow one-story buildings within CD-5 zoning. This Alternative Compliance request was approved by the Planning and Zoning Commission at their April 13, 2021 meeting.

On September 1, 2020, the City Council approved amendments to the San Marcos Development Code which included an additional translation table for the consideration of Character District zoning requests in Low Intensity Areas on the Preferred Scenario Map. Because this property is proposed to be annexed into the City Limits, it automatically takes a zoning designation of Future Development (FD) which is a placeholder zoning district for newly annexed land. Per Table 4.6, a zoning change from FD to CD-5 is considered “Not Preferred\*.” “Not Preferred” was added to the Development Code in 2018 in order to facilitate developments which may be appropriate only in certain locations without requiring a preferred scenario amendment. When “Not Preferred” on any of the translation tables, additional scrutiny is given to the request.

The Single Family Preservation Buffer analysis is required for this request. The Development Code states the analysis is based on zoning in place on April 18, 2018, however the subject property is surrounded on two sides by property which was recently annexed and zoned. Using the Code required calculation, 66% of the surrounding land is single family and triggers an affirmative vote of six members of the Planning and Zoning Commission to recommend a zoning change request and five members of the City Council to approve the request. Based on the current zoning, 92% of the surrounding land is single family.

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**Additional Analysis**

CD-5 allows a variety of residential, commercial, mixed use, and public uses as well as an allowance for a light manufacturing use. Staff recognizes the need for a diversity of services in close proximity to residents who live east of IH-35. The request for CD-5 is, however, in close proximity to existing SF-6 zoning across the street and adjacent to the subject property, which was zoned by the property owner in 2020. The Development Code requires various standards which would create a transition between the two zoning districts:

- **Block Standards:** The subject property and the adjacent proposed SF-6 neighborhood would be required to meet block perimeter standards. Based on the acreage and size of the subject property, public streets would be proposed along the perimeter of the subject property and through the interior. These streets would create a transition in uses or “physical break” between the proposed SF-6 neighborhood and the subject property.
- **Height:** In 2020, the Development Code was updated to require a Residential Height Compatibility Standard. Section 4.3.4.5 requires that a maximum building height of thirty-five (35) feet would be allowed on the subject property within 70 feet of a single-family zoning designation as measured from the property line. This standard limits the height of buildings on the subject property to no greater than 2-stories within close proximity to any SF-6 zoned property and creates a height transition. The applicant also received approval of an Alternative Compliance to the minimum two-story requirements in order to allow one-story structures on the property as opposed to the required 2-story height requirement in CD-5.
- **Transitional Protective Yards:** The subject property would be required to meet the Transitional Protective Yard standards of section 7.2.2.2 which requires a combination of a setbacks, fences, walls, shade trees, understory trees, and shrubs between the CD-5 zoning and the adjacent SF-6 zoning.
- **General Development Standards:** The code requires other development regulations which minimize adverse effects on SF-6 zoned property including trash/recycling location restrictions, restrictions on photometric lighting brightness, landscaping and screening requirements, streetscape standards which require pedestrian infrastructure, and parking regulations which regulate the location of parking.

**Comments from Other Departments**

<b>Police</b>	No Comment
<b>Fire</b>	No Comment
<b>Public Services</b>	No Comment
<b>Engineering</b>	No Comment

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
	<u>X</u>		<p><b>Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map</b></p> <p><i>The site to be rezoned is designated as “Low Intensity” on the Preferred Scenario Map. According to Section 4.1.2.6C of the Development Code, zoning map amendments to a Character District in a Low Intensity Area on the Preferred Scenario Map shall be consistent with the Comprehensive Plan and the policy and criteria established in the Development Code.</i></p> <p><i>As of April 18, 2020, 66% of the surrounding area which was in City Limits and zoned was single-family.</i></p> <p><i>Currently, 92% of the surrounding area is zoned single family.</i></p>
		<u>X</u>	<p><b>Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area</b></p> <p><i>Studies were not complete at time of request.</i></p>
		<u>X</u>	<p><b>Whether the proposed zoning map amendment implements the policies of any applicable plan adopted by City Council</b></p> <p><i>None noted.</i></p>
		<u>X</u>	<p><b>Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect</b></p> <p><i>Concurrent to the zoning request, the applicant is requesting to be annexed into the City Limits. Therefore, the applicant is not pursuing a development agreement.</i></p>

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
		<u><b>X</b></u>	<p><b>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</b></p> <p><i>Character District-5 allows for a variety of residential and commercial uses with an allowance for the use of “Light Manufacturing” along with a variety of other Conditional uses. The proposed use of the subject property is for a senior housing (55+) multifamily project with commercial uses at the direct corner of Redwood Road and Old Bastrop Hwy. Existing uses across the street from the subject property are single-family within the El Camino Real neighborhood. There is also an existing convenience store with a gas station and car wash at the direct corner of Redwood Road and Old Bastrop Hwy. The property owner for the current request also rezoned the property abutting the subject property to the north to Single Family-6 in 2020.</i></p> <p><i>The uses permitted within CD-5 would be considered an increase in intensity compared to the surrounding existing and planned single-family uses. The allowable uses would be compatible with the existing corner General Commercial zoning. However, in contrast to General Commercial zoning, the standards associated with uses in CD-5 would require pedestrian-oriented development patterns that include streetscape, landscaping, sidewalks, and building placement that are pedestrian-oriented rather than auto-oriented.</i></p>

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			<p><b>Whether the proposed zoning will reinforce the existing or planned character of the area</b></p> <p><i>The existing character of the area is primarily residential and rural. The Comprehensive Plan states that being located in an Area of Stability-Low Intensity designation on the Preferred Scenario Map “does not mean that the area should not or will not change, it means that any changes should be carefully planned so that the character of the area remains.” The proposed CD-5 zoning allows for a mixture of uses which include residential, commercial, public and institutional, as well as an allowance for light manufacturing (defined in Section 5.1.7.2 as clothing, assembly or design of various instruments, printing, publishing, graphic making, etc.) While these uses do not reflect the majority of the existing residential character of the area adjacent to the property, the uses in CD-5 are complementary to the needs of residents within the surrounding neighborhoods by providing opportunities for services. The subject property’s location at the intersection of two major roadways as well as the recently constructed FM110 roadway provide an opportunity to have additional commercial services for the surrounding neighborhoods which currently are not in close proximity. The existing corner gas station provides some limited food/grocery service and would complement proposed commercial on the subject property.</i></p>
<u>X</u>			<p><b>Whether the site is appropriate for the development allowed in the proposed district</b></p> <p><i>The property is vacant and shown to be in a low constrained area on the Land Use Suitability Map. Per Section 4.1.1.6, the Land Use Suitability Map should guide development in a Low Intensity Area on the Preferred Scenario Map. In addition, the subject property is not located in the floodplain.</i></p>
<u>X</u>			<p><b>Whether there are substantial reasons why the property cannot be used according to the existing zoning</b></p> <p><i>The property is currently not zoned as it is located outside City Limits.</i></p>



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Consistent	Inconsistent	Neutral	Inconsistent
<u>X</u>			<p><b>Whether there is a need for the proposed use at the proposed location</b></p> <p><i>CD-5 zoning allows a variety of uses and would provide additional opportunities for services in the surrounding area. The specific use of a senior housing (55+) multifamily project would provide for additional housing options for individuals who require affordable one or two-story housing units. In addition, the property owner is proposing potential commercial uses at the corner of the subject property which would provide an opportunity for a variety of neighborhood services permitted within CD-5 zoning.</i></p>
<u>X</u>			<p><b>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</b></p> <p><i>The property is located within the City’s water service area and is adjacent to the City’s wastewater service area. There is an existing water line along Redwood Road and the applicant would be responsible for extending water and wastewater service to and through the site. Once the property is annexed, the City’s wastewater service area boundary will be updated.</i></p> <p><i>The developer will be responsible for constructing public roadways in accordance with the block standards required for CD-5. These roadways will include streetscape improvement such as sidewalks, bike lanes, street trees, and landscaping in accordance with the Development Code. In addition, a greenway is required along Redwood Road that will connect to the surrounding properties.</i></p>



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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
		<u>X</u>	<p><b>Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property</b></p> <p><i>The proposed CD-5 zoning will provide a variety of uses, which are different from the primarily single-family uses in the area. In addition, CD-5 will allow for increased density of residential units, and commercial and offices uses as compared to SF-6 zoning. These uses are of more intensity than that of the residential uses allowed in SF-6, which are primarily restricted to single-family detached structures. CD-5 will allow an increase in height of up to 5 stories, which contrasts with the one- and two-story buildings in the surrounding area and could cause concerns with height and density compatibility.</i></p> <p><i>Staff finds that the proposed use of a senior housing (55+) multifamily project will provide additional housing options in the immediate area. The senior housing will be required to meet the CD-5 block requirements and streetscape requirements which will create pedestrian-oriented street connectivity to the adjacent proposed neighborhood. The project is comprised by a majority of one-story cottage style residences with approximately 4 units in each cottage as well as two three-story buildings with elevators for residents.</i></p> <p><i>Commercial uses are proposed at the corner of Redwood Road and South Old Bastrop Hwy across from the existing General Commercial zoning and existing gas station/convenience store. Proposed commercial uses would be compatible with the existing use of the gas station across the street.</i></p> <p><i>Staff has concerns about the intensity of uses allowed within CD-5 directly adjacent and across the street from Single Family-6 zoning. However, several development standards would be applicable on the subject property which would create a transition between the two zoning districts. Please see above in "Additional Analysis".</i></p>
		<u>X</u>	<p><b>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</b></p> <p><i>This request is not for a Neighborhood Density District.</i></p>

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	Inconsistent
<u>X</u>			<p><b>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</b></p> <p><i>The property is located within a low constrained area according to the Land Use Suitability Map and there is no floodplain on the property. A Watershed Protection Plan is required prior to development, which will include the environmental requirements of the Development Code.</i></p>
<u>X</u>			<p><b>Any other factors which shall substantially affect the public health, safety, morals, or general welfare</b></p> <p><i>None noted.</i></p>