

Zoning Request	South Old Bastrop Highway & Rattler Road
ZC-20-11	



Summary

Request:	Zoning change from “FD” Future Development to “CD-5” Character District – 5		
Applicant:	David Richardson Rattler Road Land Partners LLC. 454 Soledad, Ste. 200 San Antonio, TX 78205	Property Owner:	Rattler Road Land Partners LLC. 454 Soledad, Ste. 200 San Antonio, TX 78205

Notification

Application:	May 7, 2020	Neighborhood Meeting:	N/A
Published:	June 7, 2020	# of Participants	N/A
Posted:	June 5, 2020	Personal:	June 5, 2020
Response:	None as of Staff Report date		

Property Description

Legal Description:	+/- 10 acre tract out of the C. Wickson Roberts Survey, Abstract No. 474, Hays County		
Location:	South Old Bastrop Highway and Rattler Road		
Acreage:	+/- 10	Acreage:	+/- 10
Existing Zoning:	“FD” Future Development	Existing Zoning:	“FD” Future Development
Existing Use:	Vacant / Rural	Existing Use:	Vacant / Rural
Preferred Scenario:	Growth Area-Medium Intensity	Preferred Scenario:	Growth Area-Medium Intensity
CONA Neighborhood:	N/A	CONA Neighborhood:	N/A
Utility Capacity:	Developer is responsible for extending utilities.	Utility Capacity:	Developer is responsible for extending utilities.
Historic District	N/A		

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	ETJ	Residential/Church	Growth Area-Medium Intensity
South of Property:	“CD-5” Character District 5/ “FD” Future Development/ETJ	Vacant (Proposed Retail and Commercial)/Vacant/Residential	Growth Area-Medium Intensity
East of Property:	“P” Public	San Marcos High School	Growth Area-Medium Intensity
West of Property:	ETJ	Residential/Church	Growth Area-Medium Intensity

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Staff Recommendation

<input checked="" type="checkbox"/>	Approval as Submitted	<input type="checkbox"/>	Approval with Conditions / Alternate	<input type="checkbox"/>	Denial
Staff: Shavon Caldwell		Title: Planner		Date: June 23, 2020	

Commission Recommendation

<input checked="" type="checkbox"/>	Approval as Submitted	<input type="checkbox"/>	Approval with Conditions / Alternate	<input type="checkbox"/>	Denial
<u>Planning and Zoning Commission Meeting: June 23, 2020</u>					
Speakers in favor or opposed: None					
Recommendation from the Planning and Zoning Commission meeting held June 23, 2020:					
A motion was made by Commissioner Spell, seconded by Commissioner Dillon, to approve ZC-20-11. The motion carried 9-0.					
<ul style="list-style-type: none"> • For: (9) Commissioner McCarty, Commissioner Rand, Chairperson Gleason, Commissioner Spell, Commissioner Kelsey, Commissioner Moore, Commissioner Dillon, Commissioner Agnew, and Commissioner Haverland. • Against: (0) • Absent: (0) 					

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History

The subject property is currently located outside the City Limits in the Extraterritorial Jurisdiction (ETJ). The property is currently vacant and is adjacent to vacant land, residential and church uses, and the San Marcos High School.

The purpose of this zoning change is to allow the development of an apartment complex allowed within CD-5 zoning. In February 2020, City Council approved a Resolution of No Objection to the submission of an application for housing tax credits from Texas Department of Housing and Community Affairs for this proposed project. According to the applicant, the apartment complex will contain 216 one, two, and three-bedroom units restricted to those with incomes from 30% to 70% of the San Marcos area median income. The complex will include 11 units that are ADA accessible and 3 of those units will be affordable to those at or below 30% of the area median income. The complex will include a fitness center, playscape, swimming pool, dog park, community garden, gazebo or pavilion sitting area, barbecue grills and picnic tables, a business center, furnished community/dining room, bicycle parking and a private shuttle that is operated in accordance with TDHCA requirements. A sketch of the applicant’ draft site plan is included in this packet.

The City of San Marcos will provide water and wastewater services at the site. The developer will be responsible for extending water and wastewater facilities through the site as needed. Bluebonnet Electric Cooperative will provide electric service to this development.

Additional Analysis

Upon annexation, the property will be zoned “FD”, the default classification for newly annexed land. The annexation request will be considered prior to the zoning change by City Council. See Comprehensive Plan Analysis Checklist and Criteria Checklists.

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>Vision San Marcos states that the East Village Medium Intensity Zone should include a mix of commercial, retail, and service-oriented activity as well as a variety of residential options. The Comprehensive Plan further states that as the site of San Marcos' only high school, this area has a high potential for growth. The proposed request will add residential options to the East Village and will be near the high school. In addition, Character Districts, such as CD-5, are designated as "C" Considered on the Comprehensive Plan / District Translation Table within a Medium Intensity District</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>Studies were not complete at time of request.</i></p>
		<u>X</u>	<p>Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect</p> <p><i>A development agreement is not required because the property is requesting annexation into the city limits.</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 property is surrounded by property that is outside the city limits and is not regulated with regards to zoning or use. However, the subject property is located across from the San Marcos High School and can provide conveniently located housing for students and staff. In addition, there is existing Character District-5 and Community Commercial zoning across the street from the subject property.</i></p>
<u>X</u>			<p>Whether the proposed zoning will reinforce the existing or planned character of the area</p> <p><i>Approval of this zoning change would allow the property to develop according to the vision of the Comprehensive Plan, which states that the community needs a variety of housing options (Neighborhood and Housing Goal 3) and directs growth in the East Village Medium Intensity Zone, which is planned for such growth. In addition, the subject property's proximity to the High School has the potential to provide convenient pedestrian and bike access between the property and the school.</i></p>

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			<p>Whether the site is appropriate for the development allowed in the proposed district <i>The property is vacant and shown to be in a low constrained area on the Land Use Suitability Map. In addition, the subject property is near existing residential, commercial, and public uses.</i></p>
		<u>N/A</u>	<p>Whether there are substantial reasons why the property cannot be used according to the existing zoning <i>The property is currently not zoned as it is located outside of the City Limits.</i></p>
<u>X</u>			<p>Whether there is a need for the proposed use at the proposed location <i>The rezoning does serve a need and purpose as it furthers the goals and vision of the Comprehensive Plan.</i></p>
<u>X</u>			<p>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>The property is located within the City's water service area and will have water available upon annexation. The property is not located within the City's wastewater service area but there are City wastewater lines adjacent to the property and City service will be available upon annexation. The City is in the process of adding the property as an area covered by the City CCN for wastewater service.</i></p>
<u>X</u>			<p>Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property <i>The majority of the area surrounding the property is located within the East Village Medium Intensity Zone. Character districts are intended for new development in Medium Intensity Zone.</i></p>
		<u>N/A</u>	<p>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 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	
<u>X</u>			<p>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</p> <p><i>The property is located within a low to moderately constrained area according to the Land Use Suitability Map. In addition, there is no floodplain on the property.</i></p>
<u>X</u>			<p>Any other factors which shall substantially affect the public health, safety, morals, or general welfare</p> <p><i>None noted.</i></p>