

Zoning Change ZC-17-01 East McCarty Lane



Summary: The applicant is requesting a zoning change to Multifamily (MF-18) for 17.27 acres, more or less, of land which is currently outside the city limits on East McCarty Lane.

Applicant: Bill Fisher
16812 Dallas Parkway
Dallas, TX 75248

Property Owner: Jaster Edmund Hays County
Partnership
P.O. Box 481
Madisonville, TX 77864

Notification: On January 13, 2017 personal notifications of the public hearing were mailed to all property owners within 200 feet of the subject property. Additionally, signs were posted on the site.

Response: There have been no citizen comments as of the staff report date.

Property/Area Profile:

Legal Description: Approximately 17.27 acres out of the Cyrus Wickson Survey

Location: East McCarty Lane, northwest of the intersection with Rattler Road

Existing Use of Property: Agricultural / Vacant

Proposed Use of Property: Multifamily

Preferred Scenario Map: Medium Intensity – East Village

Existing Zoning: Not Zoned (Outside City Limits)

Proposed Zoning: Multifamily (MF-18)

Utility Capacity: The property is served by water and wastewater.

Sector: Sector Five (5)

Area Zoning and Land Use Pattern:

	Zoning	Existing Land Use	Preferred Scenario
N of Property	ETJ	Vacant	East Village
S of Property	ETJ	Mostly vacant	Area of Stability
E of Property	ETJ	Vacant	East Village
W of Property	ETJ	Mostly vacant	Area of Stability

Case Summary

The subject property is approximately 17.27 acres located along East McCarty Lane, northwest of the intersection with Rattler Road. The site is currently outside of the City Limits and the applicant has requested the annexation of the property along with a zoning change to MF-in order to construct multifamily apartments, not purpose built student housing, on the site.

This property is located in the East Village Medium Intensity Zone as designated on the Preferred Scenario Map. MF-18 is an allowable zoning classification in the East Village meaning that a Preferred Scenario Amendment is not required. Surrounding uses include the San Marcos High School, farmland, single-family residences, and a church. The site is less than one mile from the Amazon Fulfillment Center. The proposed project would have to meet the multifamily design standards of Section 4.4.3.2 of the Land Development Code.

The applicant has filed a petition for annexation which requires approval from the City Council. The requests for annexation and the zoning change will fall on the same City Council meeting with the Council considering the annexation prior to the zoning change. By approving this request, the applicant understands that the approval does not bind the City Council to approve future legislative actions such as annexation, zoning and housing tax credits.

Planning Department Analysis

The subject property is located within the East Village Medium Intensity area. *Vision San Marcos Comprehensive Plan* provides the following description of the future vision for East Village:

“As the site of San Marcos’ only high school, as well as an elementary school, this area has a high potential for growth. Designated as a Medium Intensity Zone, with an activity node centered around the intersection of Old Bastrop and Hwy 123, East Village will boast a mix of commercial, retail, and service oriented activity. This area will offer a variety of residential options including single family homes, duplexes, townhomes, and small multifamily projects. Some multifamily projects combined with commercial will result in vertical mixed use in the activity node. Since the area is largely on undeveloped property at the edge of town, it will become a mixed use gateway into the city, which will welcome visitors from Seguin and beyond.”

The Land Development Code provides the following description of the Multifamily District (MF-18):

“The MF-18 Multiple-Family Residential District is intended for development of multiple-family, apartment residences at not more than 18 units per acre. This district should be located adjacent to a major thoroughfare and may serve as a buffer between low or medium density residential development and nonresidential development or high-traffic roadways.”

The zoning change request has been reviewed using The Comprehensive Master Plan, *Vision San Marcos: A River Runs Through Us* as well as the guidance criteria in Section 1.5.1.5 of the Land Development Code. A review worksheet is attached to this report which details the analysis of the zoning change using Comprehensive Plan Elements.

Staff finds this land use amendment request is consistent with the Comprehensive Plan Elements as summarized below:

- The property is located within the East Village Medium Intensity district on the Preferred Scenario Map;
- The property being considered for rezoning is located in a low to moderately constrained area according to the Land Use Suitability Map;
- The subject property is not located in a wastewater or water “hot spot”. Water and wastewater service are available to the subject property.
- While a Traffic Impact Analysis is not required for a Zoning Change, staff has some concern with how the proposed development could impact traffic in the area. However, it is important to note that the current traffic demand model did not account for the recent construction of Loop 110 which has alleviated much of the traffic in the area. Also roadway alignments will be addressed at the time of site plan.

In addition, the criteria of this proposed change to the LDC criteria is detailed below:

Evaluation		Neutral	Criteria (LDC 1.5.1.5)
Consistent	Inconsistent		
x			<p>The proposed change implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps</p> <p><i>The change is consistent with the Preferred Scenario Map and Comprehensive Plan Elements in Vision San Marcos. See the analysis above and the attached Comprehensive Plan Worksheet.</i></p>
		x	<p>Consistency with any development agreement in effect</p> <p><i>There is no development agreement affecting this site.</i></p>
x			<p>Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified</p> <p><i>Most of the surrounding area is vacant and the proposed development is consistent with the ultimate vision for East Village.</i></p>
		x	<p>Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area</p> <p><i>The property is within the City’s water and wastewater service area.</i></p>
		x	<p>Other factors which substantially affect the public health, safety, morals, or general welfare</p> <p><i>None noted.</i></p>

Additionally, the Commission should consider:

- (1) Is the property suitable for use as presently zoned?

Staff evaluation: The property is currently not zoned as it is located outside of the City Limits.

- (2) Has there been a substantial change of conditions in the neighborhood surrounding the subject property?

Staff evaluation: The construction of the nearby Amazon facility has created a need for housing in the area.

- (3) Will the proposed rezoning address a substantial unmet public need?

Staff evaluation: 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 diversified housing options (Neighborhood and Housing Goal 3).

- (4) Will the proposed rezoning confer a special benefit on the landowner/developer and cause a substantial detriment to the surrounding lands?

Staff evaluation: No, there is no special benefit to the landowner as the proposed zoning district meets the intent of the Comprehensive Plan's vision.

- (5) Will the proposed rezoning serve a substantial public purpose?

Staff evaluation: The rezoning does serve a substantial public purpose as it furthers the goals and vision of the Comprehensive Plan.

Staff provides this information with **recommendation of approval** for the zoning change request.

The Commission's Responsibility:

The Commission is required by law to hold a public hearing and receive public comment regarding the proposed zoning. After considering the public input, the Commission is charged with making an advisory recommendation to the City Council regarding the request. The City Council will ultimately decide whether to approve or deny the zoning change request. The Commission's advisory recommendation to the Council is a discretionary decision.

Prepared by:

Alison Brake, CNU-A

Planner

January 11, 2017

Name

Title

Date