

<b>Zoning Request</b>	<b>1500BLK Post Rd W.N Goforth Post Rd CD-4</b>
<b>ZC-24-11</b>	



### Summary

<b>Request:</b>	Zoning change from Single Family-6 to Character District-4		
<b>Applicant:</b>	Shelton Eubanks SMTX Rentals LLC 136 Iron Horse New Braunfels TX 78132	<b>Property Owner:</b>	Shelton Eubanks SMTX Rentals LLC 136 Iron Horse New Braunfels TX 78132

### Notification

<b>Application:</b>	11/08/2024	<b>Neighborhood Meeting:</b>	N/A
<b>Published:</b>	12/29/2024	<b># of Participants</b>	N/A
<b>Posted:</b>	12/27/2024	<b>Personal:</b>	12/27/2024
<b>Response:</b>	None as of the date of this report		

### Property Description

<b>Legal Description:</b>	Lots 6, 7, 8, 9, 10, 11, and 12 in the W.N Goforth First Suburban Addition, and an unplatted 1.65-acre tract of land in the J.M Veramendi Survey.		
<b>Location:</b>	On the western side of Post Road, approximately 600 ft northeast of the intersection between Post Rd and Lime Kiln Rd		
<b>Acreage:</b>	3.7 acres	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	Single Family-6	<b>Proposed Zoning:</b>	Character District-4
<b>Existing Use:</b>	Vacant/ Single Family	<b>Proposed Use:</b>	Townhomes/ Small Multifamily
<b>Existing Occupancy:</b>	Restrictions Do Apply	<b>Occupancy:</b>	Restrictions Do Not Apply
<b>Preferred Scenario:</b>	Mixed Use-Low	<b>Proposed Designation:</b>	Same
<b>CONA Neighborhood:</b>	Millview East	<b>Sector:</b>	7
<b>Utility Capacity:</b>	Available	<b>Floodplain:</b>	Yes
<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	Residential	Neighborhood Low / Mixed Use-Low
<b>South of Property:</b>	Manufactured Home and Residential	Railroad/ Residential	Neighborhood Low
<b>East of Property:</b>	General Commercial/ Multifamily-18/ Multifamily-24	Railroad/ Multifamily	Neighborhood-High
<b>West of Property:</b>	Single Family - 6	Vacant	Neighborhood Low

### Staff Recommendation

<b>X</b>	<b>Approval as Submitted</b>	Alternate Approval	Denial
<b>Staff:</b> Julia Cleary, AICP			
<b>Title :</b> Senior Planner		<b>Date:</b> 01/08/2025	

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### Commission Recommendation

<u>X</u>	Approval as Submitted	Approval with Conditions / Alternate	Denial
<p><b>Speakers in favor or opposed</b>  Shelton Eubanks (applicant – in favor)  Vicki Harden (general concerns on flooding)</p> <p><b>Recommendation from the Planning and Zoning Commission Meeting held January 14, 2025</b>  A motion was made by Commissioner Case, second by Commissioner Dunn to recommend approval of the request.  The vote passed with a 7-1 vote  <b>For:</b> 7 (Agnew, Burleson, Case, Costilla, Dunn, Garber, Kelsey)  <b>Against:</b> 1 (Meeks)  <b>Absent:</b> 1 (Spell)</p> <p><b>Discussion Topics:</b>  <u><b>Floodplain and increase in impervious cover:</b></u> Commissioners Costilla and Garber stated that flooding was a concern and asked staff to provide details of the mitigation that would be required. Staff gave an overview of the Watershed Protection Plan process that would be required during the platting/ permitting process and the applicant noted that they envisioned using the rear of the site as detention. Commissioner Agnew highlighted that the zoning change allowed up to 80% impervious cover. Commissioner Costilla said she was voting to approve the zoning change, however she still had reservations regarding the floodplain within the site due to previous experience of living through flooding in Blanco Gardens.  <u><b>Uses allowed within the zoning district:</b></u> Commissioner Kelsey reminded the Commission that although the applicant was proposing townhomes, the nature of the zoning change meant that they were not tied to that specific townhome use; they would be permitted to develop anything in the land use matrix allowed under the CD-4 Land Use Matrix. Chair Case noted that he had reviewed the land use matrix and did not see any permitted uses which would be of concern.  <u><b>Underground Gasoline Tanks leftover from previous use -</b></u> Commissioner Agnew asked if there were concerns regarding underground gasoline tanks from the former Bismark Filling Station. Staff responded that, per the applicant, it is unlikely that business had gas tanks underground due to the historic age of the property.</p>			

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ZC-24-11	W.N Goforth Post Rd CD-4



### History

Part of the subject property (Lot 12) previously housed the former Bismark Filling Station, an historic gas/ service station which ceased operations in the late 1980s. On July 11<sup>th</sup> 2024, the Historic Preservation Commission voted to postpone the demolition of the filling station structure. The demolition delay expired on November 17<sup>th</sup>, 2024.

The site is designated as Mixed Use- Low on the VisionSMTX Preferred Scenario. The designation was specifically requested by the property owners during the VisionSMTX Comprehensive Plan rewrite process. The requested amendment was considered by the Planning and Zoning Commission at their meeting on April 11<sup>th</sup>, 2023 and was presented to Council at their meeting on September 19<sup>th</sup>, 2023.

### Additional Analysis

See additional analysis below.

### Comments from Other Departments

Police	No Comment
Fire	No Comment
Public Services	No Comment
Engineering	No Comment

Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map <b><i>The site is designated as Mixed Use-Low on the Preferred Scenario Map. Per the Equivalency Table adopted under the adopting Ordinance for the Vision SMTX Comprehensive Plan, Character District-4 should be "Considered" in Mixed Use Low designations.</i></b>
		<u>N/A</u>	Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area <b><i>Studies were not complete at the time of the request.</i></b>
		<u>X</u>	Whether the proposed zoning map amendment implements the policies of any applicable plan adopted by City Council <b><i>There is no specific plan adopted for the Post Rd corridor.</i></b>
		<u>N/A</u>	Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect <b><i>There is no development agreement in effect for this site.</i></b>
<u>X</u>			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
<u>X</u>			Whether the proposed zoning will reinforce the existing or planned character of the area <b><i>CD-4 allows residential, small scale multifamily and limited commercial on corners with an overall height limit of 3 stories. This is considered to be compatible with the surrounding uses in the area which includes a mixture of single family, commercial, and medium and large-scale multifamily uses.</i></b>

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			Whether the site is appropriate for the development allowed in the proposed district <b><i>The site is located adjacent existing multifamily development and is served by existing pedestrian, bike and public transportation connections; an existing sidewalk and painted bike lane run along the front of the site and a CARTS bus stop is located approximately 400ft from the site on Uhland Rd.</i></b>
	<u>X</u>		Whether there are substantial reasons why the property cannot be used according to the existing zoning <b><i>Under its current zoning, the site could be developed/ maintained as single family lots.</i></b>
<u>X</u>			Whether there is a need for the proposed use at the proposed location <b><i>Although the City does not have an adopted housing needs assessment, small scale multifamily products are generally considered to be a product that is needed in the City of San Marcos.</i></b>
<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 <b><i>There are existing water and wastewater lines adjacent the site. Per the fire station map included in the packet, there are approximately 14 firefighters within 8 minutes travel of the site.</i></b>
<u>X</u>			Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property <b><i>The proposed rezoning is not anticipated to have any adverse impacts on property in the vicinity of the subject property.</i></b>
		<u>N/A</u>	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><i>This is not a request for a Neighborhood Density district.</i></b>
		<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 <b><i>Approximately 25% of the site is located within the 100-year floodplain, 7.25 % is in the Edwards Aquifer Recharge zone and 92.85% is located within the Edwards Aquifer Transition Zone. The zoning change would increase the permitted impervious cover allowed by right on the site from 50% to 80%. It should be noted that impervious cover will be limited in the Recharge Zone to 30% per Table 6.4 of the Land Development Code and all development within the floodplain will need to comply with the City's Flood Damage Prevention Ordinance which requires new structures to be 2ft above the base flood elevation. Proposals must also demonstrate that there will be no additional runoff generated by the development.</i></b>
<u>X</u>			Any other factors which shall substantially affect the public health, safety, morals, or general welfare <b><i>There are no other factors which are anticipated to substantially impact public health, safety, morals, or general welfare.</i></b>