Zoning Request	parcHAUS CD-5
ZC-21-07	Centerpoint Road

Summary

Request:	Zoning change from "GC" and "FD" to "CD-5"		
Applicant:	LJA Engineering 7500 Rialto Blvd, Bldg 2, Ste 100, Austin, TX 78735	**Property Owner:**	Lowman Ranch, Ltd. P.O. Box 1021 Dahlonega, GA 30533

Notification

Application:	4/20/2021	**Neighborhood Meeting:**	N/A
Published:	4/25/2021	**# of Participants**	N/A
Posted:	4/22/2021	**Personal:**	4/23/2021
Response:	None as of the date of this report		

Property Description

Legal Description:	Approximately 9.66 acres out of the Edward Burleson Survey, Abstract No. 63, Hays County, Texas		
Location:	Generally located 1,050 feet west of the of the Centerpoint Rd and Center Point Ct. intersection		
Acreage:	9.66 acres	**PDD/DA/Other:**	N/A
Existing Zoning:	General Commercial & ETJ	**Proposed Zoning:**	CD-5
Existing Use:	Agricultural	**Proposed Use:**	Multi-Family
Existing Occupancy:	N/A	**Occupancy:**	N/A
Preferred Scenario:	Low Intensity Zone	**Proposed Designation:**	Same
CONA Neighborhood:	N/A	**Sector:**	5
Utility Capacity:	Extension Required at Developer's Cost	**Floodplain:**	No
Historic Designation:	N/A	**My Historic SMTX Resources Survey**	No

Surrounding Area	**Zoning**	**Existing Land Use**	**Preferred Scenario**
North of Property:	General Commercial	Outlet Mall	Employment South
South of Property:	ETJ	Agricultural	Low Intensity
East of Property:	General Commercial	Agricultural	Low Intensity
West of Property:	ETJ	Agricultural	Low Intensity

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Staff Recommendation

X	**Approval as Submitted**		Alternate Approval		Denial
Staff: Will Rugeley, AICP		**Title:** Planner		**Date:** 4/27/2021	

Commission Recommendation

X	**Approval as Submitted**		Approval with Conditions / Alternate		Denial

Speakers in favor or opposed:

1. (3) Dave Holland, Charles Hager, Lisa Marie Coppoletta (in favor)

Recommendation from the Planning and Zoning Commission meeting held May 11, 2021: A motion was made by Commissioner Moore, seconded by Commissioner Costilla, to approve ZC-21-07. The motion carried 8-0.

- **For:** (8) Chairperson Garber, Commissioner Agnew, Commissioner Costilla, Commissioner McCarty, Commissioner Moore, Commissioner Rand, Commissioner Sambrano, and Commissioner Spell.
- **Against:** (0)
- **Absent:** (1) Commissioner Kelsey

Discussion Topics: (a) Tree Preservation: The Commission noted the site possesses numerous trees and sought to understand the plan for preservation. The applicant noted that there's just one Cedar Elm and all others are mesquite trees. (b) Concept Plan: The Commission discussed that this area was not included within the concept plan and noted that the CD-5 district would authorize high intensity uses other than, as the applicant indicated, apartments. (c) CD-5 v CD-4 Zoning: The Commission requested information on the reasoning behind requesting CD-5 instead of CD-4 zoning, of which both districts allow for the requested apartment use. Staff explained that due to the dimensions of the subject lot, the apartment project could not meet the CD-5 lot dimensional standards nor would there be adequate space to provide required public utilities.

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History

The property is located within both the City Limits and ETJ with its northern half zoned General Commercial "GC." The property is currently vacant and is adjacent to rural/agricultural property as well as the Tanger Outlet Mall. The City of San Marcos will provide water and wastewater services; however, the developer will be responsible for utility infrastructure construction. Pedernales Electric Service will provide electric service.

Additional Analysis

ZC-21-06, ZC-21-07 and ZC-21-08 seek to entitle a multifamily development pursuant to the CD-1, CD-4, and CD-5 Zoning District Regulations. The 9.66 acres associated with this zoning case is intended for future expansion of the multifamily project. An annexation request is being considered concurrent with the zoning change requests.

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	
		X	**Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map** *Low Intensity Areas are varied and diverse with respect to environmental sensitivity and development suitability of the land. They are generally made up of larger undeveloped tracts of land where the preservation of sensitive environmental areas, flood hazard areas and agricultural lands should be considered as part of any development proposal. Development in these areas should be guided by the Land Use Suitability Map of the Comprehensive Plan*
		N/A	**Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area** *Studies were not complete at the time of the request*
		N/A	**Whether the proposed zoning map amendment implements the policies of any applicable plan adopted by City Council**

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
		N/A	**Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect**
X			***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*** *Character District-5 zoning primarily allows attached and multifamily residential uses, a variety of commercial uses, with some allowances for light industrial uses (see attached Code Comparison). This zoning district is intended to "provide for a variety of residential, retail, service, and commercial uses" and to "promote walkability and compatibility through restricted auto-oriented uses, mixed use, and pedestrian-oriented activity"*
	X		**Whether the proposed zoning will reinforce the existing or planned character of the area** *This zoning change will not reinforce the existing character of the area which is primarily rural/agricultural and open space, however, the planned development's character will be constructed in accordance with the Development Code*
	X		**Whether the site is appropriate for the development allowed in the proposed district** *The property is vacant, will have easy access to IH35, and is not in a constrained area on the land use suitability map*
		N/A	**Whether there are substantial reasons why the property cannot be used according to the existing zoning** *The property's southern half is currently not zoned as it's located outside the City Limits. Its northern half, however, is zoned General Commercial and residential uses are not permitted*
		X	**Whether there is a need for the proposed use at the proposed location**
X			**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** *The site is located either within or adjacent to City Limits with access to existing utilities and Centerpoint Road*
X			**Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property** *No adverse impacts were noted*

Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
		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**
X			**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** *The property is not located within a constrained area*
X			**Any other factors which shall substantially affect the public health, safety, morals, or general welfare**