



# Zoning Change ZC-17-03 1346 Thorpe Lane OP to CC

- Summary:** The applicant is requesting a zoning change from Office Professional District (OP) to Community Commercial District (CC) for 0.951 acres.
- Applicant:** Scott Phillips  
500 West 5<sup>th</sup> Street, Ste 700  
Austin, TX 78701
- Property Owners:** 1346 Thorpe Lane, LTD.  
500 West 5<sup>th</sup> Street, Ste 700  
Austin, TX 78701
- Notification:** Personal notifications of the public hearing were mailed on Friday, April 14, 2017 to all property owners within 200 feet of the subject property. Additionally, signs were posted on the site. Notice for the May 16, 2017 City Council Meeting was published in the April 30, 2017 San Marcos Daily Record.
- Response:** Staff has received 1 citizen comment letter. The letter is included in the City Council Packet.

## **Property/Area Profile:**

- Legal Description:** Approximately 0.951 acres, more or less, out of the J. M. Veramendi Survey, Abstract 17, Hays County
- Location:** 1346 Thorpe Lane
- Existing Use of Property:** Office / Medical
- Proposed Use of Property:** Restaurant / Commercial
- Preferred Scenario Map:** High Intensity – Midtown
- Existing Zoning:** Office Professional (OP)
- Proposed Zoning:** Community Commercial (CC)
- Utility Capacity:** The property is served by City water and wastewater
- Sector:** Sector Seven (7)

**Area Zoning and Land Use Pattern:**

	Zoning	Existing Land Use	Preferred Scenario
<b>N of Property</b>	OP	Office, Medical	High Intensity
<b>S of Property</b>	MF-24	Apartments	High Intensity
<b>E of Property</b>	MF-24	Apartments	High Intensity
<b>W of Property</b>	MF-24	Apartments	High Intensity

## **Case Summary**

The subject property is approximately 0.951 acres in size and is located at 1346 Thorpe Lane. The property is immediately surrounded by two apartment complexes, The Summit Apartments and Uptown Square, and is across the street from office and medical uses. The site is currently zoned Office Professional (OP) and includes an existing one-story building with associated parking. The building is approximately 4,920 square feet and is currently occupied by a dentist office and two additional vacant suites. The applicant intends to lease the remaining vacant suites with retail and restaurant uses.

The subject property is located in the Midtown High Intensity Zone as designated on the Preferred Scenario Map. This is considered a *High Intensity – Redevelopment Infill* site as more than 50% (in this case 100%) of the neighboring residential property is mixed residential zoning and not single family zoning. The applicant is requesting to rezone the property to Community Commercial (CC). This application does **not** require a Preferred Scenario Amendment (PSA) as Community Commercial (CC) zoning is allowed within a *High Intensity – Redevelopment Infill* area.

Currently, the property owner can develop the property in accordance with Office Professional (OP) zoning which is restricted to predominantly professional and medical office uses, as other retail and restaurant uses are restricted in this district. The proposed Community Commercial zoning would allow a variety of commercial uses such as office, retail, personal business services, restaurant, and other similar uses. Residential uses are limited and only permit a Bed and Breakfast or Caretaker's/Guard's Residence by right, while Loft Apartments or an Accessory Dwelling Unit require a Conditional Use Permit.

## **Planning Department Analysis**

The subject property is located within the Midtown High Intensity Zone. The San Marcos Comprehensive Plan, *Vision San Marcos*, provides the following description of the future vision for Midtown:

*“Because of its central location and accessibility, Midtown will be a high-density mixed use area, possibly the densest area in San Marcos, with housing for many household types. Midtown residents will have easy access to services, city facilities, the University, and the San Marcos River. They will have the most diverse options for transportation including transit connections to the University and the rest of the city.”*

The Land Development Code states that the Office Professional (OP) district is intended *“primarily for low intensity, small scale office uses and service facilities”*, which is not consistent with the Preferred Scenario designation of High Intensity. Conversely, the Land Development Code states that the Community Commercial District is *“established to provide areas for quality larger general retail establishments and service facilities for the retail sale of goods and services. This district should generally consist of retail nodes located along or at the intersection of major collectors or thoroughfares to accommodate high traffic volumes generated by general retail uses”*.

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.

It is important to note on the Comprehensive Plan worksheet that the Land Use Suitability table indicates a Level 5 (most constrained) for the *Watershed* class. This level of constraint is due to the fact that this property is located within the Sewell Park Watershed. The Comprehensive Plan and Preferred Scenario anticipated denser development in the Sewell Park Watershed due to the location of Midtown, and the expected increase in impervious cover is accounted for in the Preferred Scenario projections for this Watershed. According to the applicant, no change in impervious cover is proposed at this time as the applicant will be leasing the vacant suites within the existing building. However, if re-development does

occur, both Office Professional and Community Commercial zoning allow a maximum of 80% impervious cover.

Staff finds this request is generally consistent with the Comprehensive Plan Elements as summarized below:

- The property is located within the Midtown High Intensity Zone on the Preferred Scenario Map;
- The property being considered for rezoning is located in a 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;
- The transportation access to the site appears to be adequate. The Travel Demand Model (TDM) shows Thorpe Lane remains an “A” for Daily Level of Service (LOS), only dropping to a “B” LOS during the future peak.

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

Evaluation		Neutral	Criteria (LDC 1.5.1.5)
Consistent	Inconsistent		
X			<p><b>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</b></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><b>Consistency with any development agreement in effect</b></p> <p><i>No development agreements are in effect for this property.</i></p>
X			<p><b>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</b></p> <p><i>The zoning designation of Community Commercial is consistent with the designation of surrounding parcels which are a mix of commercial, office, mixed use, and multi-family districts.</i></p>
X			<p><b>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</b></p> <p><i>The property is within the City’s water and wastewater service area and has access along Thorpe Lane, which is classified as a major arterial.</i></p>
X			<p><b>Other factors which substantially affect the public health, safety, morals, or general welfare</b></p> <p><i>None noted.</i></p>

Additionally, the Council should consider:

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

*Staff evaluation: The property is currently developed as a small office park. However, the current zoning category does not permit the mixture of uses and services envisioned by the Comprehensive Plan.*

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

*Staff evaluation: Within the past two years, the formally vacant tract to the north of the subject property has developed as a multifamily project known as Uptown Square. Additional retail and restaurant uses are also being constructed and occupied within the existing Springtown Shopping Center. Furthermore, the Comprehensive Plan designated the area between the Texas State University Football Stadium to the east side of IH-35 as a High Intensity 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 high density, mixed use development [should occur] in intensity zones (Land Use, Goal 2) and to direct growth compatible with surrounding uses (Land Use, Goal 1).*

- (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 and vision of the Comprehensive Plan.*

- (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 a **recommendation of approval** of the zoning change request.

**The Council's Responsibility:**

The Council is required by law to hold a public hearing and receive public comment regarding the proposed zoning. After considering the public input, the Council is charged with ultimately deciding whether to approve or deny the zoning change request.

**Prepared by:**

Andrea Villalobos, CNU-A

Planner

April 26, 2017

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**Name**

**Title**

**Date**