

# Zoning Request

## ZC-20-15

# La Cima

## Phase 2



### Summary

<b>Request:</b>	Zoning change from "FD" Future Development to "SF-4.5" Single Family		
<b>Applicant:</b>	Natural Development Austin, LLC 11612 FM 2244, Bldg. 1, Ste. 140 Austin, TX 78738	<b>Property Owner:</b>	LCSM Ph. 2, LLC 303 Colorado, Ste. 2300 Austin, TX 78701

### Notification

<b>Application:</b>	June 16, 2020	<b>Neighborhood Meeting:</b>	N/A
<b>Published:</b>	July 26, 2020	<b># of Participants</b>	N/A
<b>Posted:</b>	July 24, 2020	<b>Personal:</b>	July 24, 2020
<b>Response:</b>	None as of Staff Report date		

### Property Description

<b>Legal Description:</b>	+/- 89.694 acre tract out of the John Williams Survey, Abstract 490, and William Smithson Survey, Abstract 419, Hays County		
<b>Location:</b>	Generally west of the intersection of Old Ranch Road 12 and Wonder World Drive		
<b>Acreage:</b>	89.964	<b>PDD/DA/Other:</b>	Resolution 2020-50R
<b>Existing Zoning:</b>	"FD" Future Development	<b>Proposed Zoning:</b>	"SF-4.5" Single Family
<b>Existing Use:</b>	Vacant / Rural	<b>Proposed Use:</b>	Single Family
<b>Existing Occupancy:</b>	N/A	<b>Occupancy:</b>	Restrictions Do Apply
<b>Preferred Scenario:</b>	Low Intensity Area	<b>Proposed Designation:</b>	Low Intensity Area
<b>CONA Neighborhood:</b>	N/A	<b>Sector:</b>	N/A
<b>Utility Capacity:</b>	Adequate.	<b>Floodplain:</b>	No
<b>Historic Designation:</b>	N/A	<b>My Historic SMTX Resources Survey:</b>	No

### Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
<b>North of Property:</b>	ETJ	San Marcos Academy & The Settlement	Area of Stability
<b>South of Property:</b>	ETJ	Vacant	Area of Stability
<b>East of Property:</b>	SF-4.5	Single Family	Area of Stability
<b>West of Property:</b>	ETJ	Vacant	Area of Stability

### Staff Recommendation

<input checked="" type="checkbox"/>	Approval as Submitted	<input type="checkbox"/>	Approval with Conditions / Alternate	<input type="checkbox"/>	Denial
<b>Staff:</b>	Alison Brake, CNU-A	<b>Title :</b>	Historic Preservation Officer & Planner	<b>Date:</b>	August 12, 2020

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**History**

This property is part of the larger La Cima Development included in a Development Agreement with the City of San Marcos originally adopted September 16, 2014 (Resolution 2014-131R); amended in 2018 (Resolution 2018-75R) and in 2020. This agreement regulates issues including but not limited to the schedule of annexation, the permitted uses and development standards, impervious cover, environmental and water quality standards and architectural design standards. The Future Development (“FD”) zoning classification is a default classification for newly annexed land. Per the development agreement, SF-4.5 is an allowable residential use. Phase 2 provides for development of 249 residential lots, nine new streets, and four open space lots. The zoning request is being processed concurrently with an annexation request for the property.

The City of San Marcos will provide water and wastewater services at the site. The developer has extended water and wastewater facilities through the site. Pedernales 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**

<b>Police</b>	No Comment
<b>Fire</b>	No Comment
<b>Public Services</b>	No Comment
<b>Engineering</b>	No Comment

**Commission Recommendation**

<b>X</b>	Approval as Submitted	Approval with Conditions / Alternate	<b>Denial</b>
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**Speakers in favor or opposed:**

1. Eric Willis – Applicant; available for questions

**Recommendation from the Planning and Zoning Commission Meeting held August 11, 2020:**

A motion was made by Commissioner Haverland, seconded by Commissioner Dillon, to approve ZC-20-15. The motion carried 9-0.

**For:** (9) Chairperson Gleason, Vice Chairperson Kelsey, Commissioner Rand, Commissioner McCarty, Commissioner Haverland, Commissioner Dillon, Commissioner Moore, Commissioner Spell, and Commissioner Agnew.

**Against:**

**Absent:**

# Zoning Request

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La Cima

Phase 2



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><b><i>Conventional Residential (SF-4.5) within a Low Intensity Zone is considered "Not Preferred" and requires further scrutiny. However, a Development Agreement was in place prior to the Code SMTX adoption and the zoning request is consistent with the existing Development Agreement.</i></b></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><b><i>Studies were not complete at time of request.</i></b></p>
<u>X</u>			<p>Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect</p> <p><b><i>Resolution 2014-131 was approved in 2014 and amended in 2018 (Resolution 2018-75R) and 2020 between the City of San Marcos and Lazy Oaks Ranch, LP. SF-4.5 is an allowable use per Section 1.04(A)(1) of the agreement.</i></b></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><b><i>Uses allowed within the Single Family district are compatible and appropriate for this area. This area is mostly residential in nature, with the San Marcos Academy located to the north.</i></b></p>
<u>X</u>			<p>Whether the proposed zoning will reinforce the existing or planned character of the area</p> <p><b><i>Approval of this zoning change would allow the property to develop according to the approved development agreement.</i></b></p>
<u>X</u>			<p>Whether the site is appropriate for the development allowed in the proposed district</p> <p><b><i>Approval of this zoning change would allow the property to develop according to the approved development agreement.</i></b></p>
		<u>N/A</u>	<p>Whether there are substantial reasons why the property cannot be used according to the existing zoning</p> <p><b><i>The property is currently not zoned as it is located outside of the city limits.</i></b></p>

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			Whether there is a need for the proposed use at the proposed location <b><i>The rezoning does serve a substantial public purpose by providing additional single family housing in 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>The property will be served with City water and wastewater per the approved development agreement.</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 surrounding area has remained single-family with The Settlement subdivision to the north of the 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 request is not 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>Standards are in place per the approved development agreement to lessen the impact of the development to the natural environment.</i></b>
<u>X</u>			Any other factors which shall substantially affect the public health, safety, morals, or general welfare <b><i>None noted.</i></b>