

<b>Zoning Request</b>	<b>1012 North Bishop Street</b>
<b>ZC-18-07</b>	



**Summary**

<b>Request:</b>	David Mendez is requesting a zoning change from “SF-6” Single Family-6 to “ND-3” Neighborhood Density - 3 for approximately 0.2068 acres, more or less, legally known as the Westover Addition, Block 27, Lot 329, located at 1012 North Bishop Street.		
<b>Applicant:</b>	David Mendez 1011 Uhland Rd. Lot 2 San Marcos TX, 78666	<b>Property Owner:</b>	David Mendez 1011 Uhland Rd. Lot 2 San Marcos TX, 78666

**Notification**

<b>Application:</b>	June 5, 2018	<b>Neighborhood Meeting:</b>	June 18, 2018
<b>Published:</b>	July 8, 2018	<b># of Participants</b>	0
<b>Posted:</b>	July 6, 2018	<b>Personal:</b>	July 6, 2018
<b>Response:</b>	None as of the date of this report.		

**Property Description**

<b>Legal Description:</b>	Westover 87-25, Block 27, Lot 329		
<b>Location:</b>	1012 N Bishop Street		
<b>Acreage:</b>	0.2068 acres +/-	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	Single Family-6 (SF-6)	<b>Proposed Zoning:</b>	Neighborhood Density -3 (ND-3)
<b>Existing Use:</b>	Vacant	<b>Proposed Use:</b>	Single Family
<b>Preferred Scenario:</b>	Existing Neighborhood	<b>Proposed Designation:</b>	N/A
<b>CONA Neighborhood:</b>	Southwest Hills	<b>Sector:</b>	2
<b>Utility Capacity:</b>	Water and Wastewater are available at the site.		

**Surrounding Area**

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>North of Property:</b>	Single Family-6 (SF-6)	Residential	Area of Stability
<b>South of Property:</b>	Single Family-6 (SF-6)	Residential	Area of Stability
<b>East of Property:</b>	Single Family-6 (SF-6)	Residential	Area of Stability
<b>West of Property:</b>	Single Family-6 (SF-6)	Residential	Area of Stability

**Staff Recommendation**

<input checked="" type="checkbox"/> <b>Approval as Submitted</b>	<input type="checkbox"/> Approval Alternate	<input type="checkbox"/> Denial
At their July 24, 2018 Planning and Zoning Commission Meeting, the Commission recommended <b>approval</b> of the Zoning Change from SF-6 to ND-3 with a vote of 7-0.		
<b>Staff:</b> Andrea Villalobos, CNU-A	<b>Title :</b> Planner	<b>Date:</b> July 30, 2018

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### History

In 2015, the Planning and Zoning Commission approved a Conditional Use Permit to allow the construction of an Accessory Dwelling Unit (ADU) on the property. The applicant had plans to construct this ADU to allow for family to live on the premises and would be subject to the size and location limitations including that the ADU not be greater than ½ the size of the main structure or 10% of the lot, whichever is less.

With the adoption of the new San Marcos Development Code, the applicant is requesting to subdivide the property in accordance with ND-3 zoning in order to allow two single family units on two separate properties rather than one single family unit with an ADU. According to the applicant, the request is additionally motivated by the ability to have a larger home for family members rather than be subject to the size and location limitations of an ADU. If approved, the applicant will be constructing two “Zero Lot Line House” Building Types on the properties in accordance with the attached Existing Neighborhood Regulating Plan.

### Additional Analysis

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

Evaluation			Compatibility of Uses & Density Criteria (Sec.4.1.2.5)
Consistent	Inconsistent	Neutral	
<u>X</u>			<b>Helps prevent the impacts of high density uses on low density areas</b> <i>The property is located in an Existing Neighborhood and is surrounded by residential uses. The proposed rezoning to allow for single-family would be consistent with the surrounding residential uses and density.</i>
		<u>N/A</u>	<b>Limits changes in neighborhood density categories unless directed by a small area plan or neighborhood character study</b> <i>There is no small area plan or neighborhood character study affecting this site.</i>
<u>X</u>			<b>Encourages more opportunities for home ownership</b> <i>The proposed rezoning would allow an additional property to be created for single family use.</i>
<u>X</u>			<b>Ensures a diversity of housing to serve citizens with varying needs and interests</b> <i>ND-3 is intended to provide for a variety of small-scale residential uses, including accessory dwelling units, house, cottage, and a zero lot line house.</i>

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			<p><b>Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map</b>  <i>Vision San Marcos states that diversified housing options should serve citizens with varying needs and interests and allow for more infill housing (Neighborhoods &amp; Housing, Goal 3). In accordance with the Existing Neighborhood Regulating Plan, the proposed rezoning allows for an opportunity to establish infill housing.</i></p>
		<u>N/A</u>	<p><b>Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area</b>  <i>There is no small area plan or neighborhood character study affecting this site.</i></p>
		<u>N/A</u>	<p><b>Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect</b>  <i>There is no development agreement affecting this site.</i></p>
<u>X</u>			<p><b>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</b>  <i>The applicant is proposing a single family use in accordance with the attached Existing Neighborhood Regulation Plan and will be required to meet applicable residential standards.</i></p>
<u>X</u>			<p><b>Whether the proposed zoning will reinforce the existing or planned character of the area</b>  <i>Approval of this zoning change would allow the property to develop according to the vision of the Comprehensive Plan (Neighborhood and Housing Goal 3), and will be compatible with the existing residential character of the neighborhood.</i></p>
<u>X</u>			<p><b>Whether the site is appropriate for the development allowed in the proposed district</b>  <i>The property is vacant and is currently zoned Single-Family (SF-6) which is limited to residential uses. As reflected in the Existing Neighborhood Regulating Plan, the applicant is proposing that a residential building type (Zero Lot Line House) be constructed on the property.</i></p>
		<u>N/A</u>	<p><b>Whether there are substantial reasons why the property cannot be used according to the existing zoning</b>  <i>The property can currently be used in accordance with the existing zoning which would allow for one single-family home.</i></p>

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<u>X</u>		<p><b>Whether there is a need for the proposed use at the proposed location</b></p> <p><i>The rezoning does serve a public purpose as it furthers the neighborhoods and housing goals of the Comprehensive Plan.</i></p>
<u>X</u>		<p><b>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></p> <p><i>The property has access to sufficient water, wastewater, electric and other City services applicable to properties within the City Limits.</i></p>
<u>X</u>		<p><b>Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property</b></p> <p><i>The majority of the area surrounding the property is residential and therefore, the proposed rezoning would be consistent with the surrounding residential uses.</i></p>
<u>X</u>		<p><b>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></p> <p><i>Per Table 4.5, Neighborhood Density District / Existing Zoning Translation Table, a proposed rezoning to ND-3 in a Low Density Category is designated as "Consider". "Consider" requires that the request be considered based on the zoning criteria in Section 2.5.1.4 and compatibility of uses and density in Section 4.1.2.5 as outlined in this staff report.</i></p>
<u>X</u>		<p><b>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></p> <p><i>The property is located within a low to moderately constrained area according to the Land Use Suitability Map.</i></p>
	<u>X</u>	<p><b>Any other factors which shall substantially affect the public health, safety, morals, or general welfare</b></p> <p><i>None noted.</i></p>