



<b>Zoning Request</b> <b>ZC-24-09</b>	<b>Bend of Dutton Drive</b> <b>South End Dutton Drive CD-1</b>
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**Summary**

<b>Request:</b>	Zoning change from Light Industrial, Future Development, and General Commercial to Character District-1.		
<b>Applicant:</b>	John David Carson Carson Select Investments, LP 407 S Stagecoach Trail, Ste 203 San Marcos, TX, 78666	<b>Property Owner:</b>	John David Carson Carson Select Investments, LP 407 S Stagecoach Trail, Ste 203 San Marcos, TX, 78666

**Notification**

<b>Application:</b>	10/4/2024	<b>Neighborhood Meeting:</b>	N/A
<b>Published:</b>	10/27/2024	<b># of Participants</b>	N/A
<b>Posted:</b>	10/24/2024	<b>Personal:</b>	10/24/2024
<b>Response:</b>	None as of the date of this report		

**Property Description**

<b>Legal Description:</b>	Approximately 16.637 acres out of the J.M Veramendi League, No.1		
<b>Location:</b>	Generally located on Dutton Drive approximately 650 ft northwest of the intersection between Dutton Drive and Corporate Drive.		
<b>Acreage:</b>	16.637 acres	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	Light Industrial/ General Commercial/ Future Development	<b>Proposed Zoning:</b>	Character District-1
<b>Existing Use:</b>	Vacant	<b>Proposed Use:</b>	Greenway/open space
<b>Existing Occupancy:</b>	N/A	<b>Occupancy:</b>	Restrictions do not apply
<b>Preferred Scenario:</b>	Medium Intensity Zone and Open Space	<b>Proposed Designation:</b>	Same
<b>CONA Neighborhood:</b>	Dunbar	<b>Sector:</b>	1
<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**

	Zoning	Existing Land Use	Preferred Scenario
<b>North of Property:</b>	MF-24/ FD/ GC/ NC	VFW/ Church/ Vacant	Open Space
<b>South of Property:</b>	Light Industrial	Vacant/ Light Industrial	Medium Intensity (South End)
<b>East of Property:</b>	MF-24/ SF-6	Vacant/ Residential	Open Space/ Low Intensity
<b>West of Property:</b>	Multifamily-18/ General Commercial	Multifamily/ Commercial	Medium Intensity (South End)

**Staff Recommendation**

<input checked="" type="checkbox"/> <b>Approval as Submitted</b>	<input type="checkbox"/> <b>Alternate Approval</b>	<input type="checkbox"/> <b>Denial</b>
<b>Staff:</b> Julia Cleary, AICP	<b>Title :</b> Senior Planner	<b>Date:</b> 11/6/2024



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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>            John David Carson (applicant) – in favor            John Cradit -in favor            Virginia Parker (Citizen Comment) – in favor</p> <p><b>Recommendation from the Planning and Zoning Commission Meeting held November 12<sup>th</sup>, 2024.</b>            A motion was made by Commissioner Agnew, second by Commissioner Burleson to recommend approval of the request.            The vote passed with an 8-0 vote.  <b>For: 8</b> (Agnew, Burleson, Case, Costilla, Dunn, Garber, Kelsey, Meeks)  <b>Against: 0</b>  <b>Absent: 1</b> (Spell)</p>			

**History**

The applicant is currently in discussions with the city to dedicate the land to develop a greenway/ trail connecting Hunter Rd and the Dunbar neighborhood. The proposed greenway (which runs along Purgatory Creek) was identified in the City’s Transportation Master Plan, and this segment will connect into an existing trail segment platted with the Hunter’s Crossing Plat to the west, which connects to Hunter Rd and a CARTS bus stop.

The site is partially located within the “South End” Medium Intensity Zone designation in the 2013 Comprehensive Plan, which is *“anticipated to build out with a medium intensity mix of commercial and residential of different densities, with the Hays County Government Center drawing strong economic growth”*.

The request is one of three zoning change requests for this site:

- **ZC-24-08** (General Commercial” GC” /Light Industrial” LI” to Character District-5 “CD-5”)
- **ZC-24-09** (Future Development “FD” / General Commercial” GC”/ Light Industrial “LI” to Character District-1 “CD-1”) - *this request*
- **ZC-24-10** (Light Industrial “LI” to Character District-4 “CD-4”)

**Additional Analysis**

See additional analysis below.

**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

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ZC-24-09**

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South End Dutton Drive CD-1**



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 <sup>1</sup> and preferred scenario map <b><i>The site is designated as both Open Space and Medium Intensity in the Preferred Scenario Map. Per Table 4.1 in the Land Development Code, Character Districts should be “Considered” in Medium intensity Zones but “Not Preferred” in Open Space Zones. However, given that the CD-1 zoning district is “intended for the preservation of open space and to protect the most sensitive natural resources in San Marcos”, staff considers that the proposed zoning map amendment meets the intent of the preferred scenario map.</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>The proposed trail was identified as a proposed greenway in the City’s 2018 Transportation Plan.</i></b>
		<u>N/A</u>	Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect <b><i>There are no development agreements 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 <b><i>Character District-1 uses allowed by right are limited to Parks/ Open Space, Minor Utilities, limited Civic, and agriculture.</i></b>
<u>X</u>			Whether the proposed zoning will reinforce the existing or planned character of the area <b><i>The site will connect to an existing greenway/ trail in Hunters Crossing and is also a proposed trail in the city’s Transportation Master Plan.</i></b>
<u>X</u>			Whether the site is appropriate for the development allowed in the proposed district <b><i>Character District-1 is the least intensive zoning district in the City’s Code, which is appropriate given the constraints of the creek/ floodplain on the property. CD-1 zoning does not permit any buildings and impervious cover is limited to 20%.</i></b>
	<u>X</u>		Whether there are substantial reasons why the property cannot be used according to the existing zoning <b><i>The site is currently zoned as Light Industrial, Future Development and General Commercial. Parks, Open Space, and Greenways are allowed by right in these districts.</i></b>

<sup>1</sup> Please note that this application was submitted prior to the adoption of the new VisionSMTX Comprehensive Plan and so is being assessed against the Comprehensive Plan/Preferred Scenario in effect at the time of submittal (Ord 2018-03) as opposed to the new Preferred Scenario map in effect at the time of the P&Z/ Council meeting.

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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>There is a need for improved bicycle and pedestrian connectivity in this area.</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 proposed trail will connect into an existing trail and parkland.</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>No significant adverse impacts are anticipated on adjacent properties.</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>The CD-1 zoning is preferable to the existing Light Industrial/ General Commercial zoning given the environmental constraints (existing creek/ floodplain/ water quality zone) on the site.</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 known factors which would substantially affect the public safety, health, morals, or general welfare.</i></b>