

Whisper South CD-3	Harris Hill Rd/ Uhland Rd
ZC-21-12	



Summary

Request:	Zoning change from FD to CD-3		
Applicant:	Harris Hill Residential Land Holdings, Ltd 100 NE Loop 410, Suite 775 San Antonio, Texas, 78216	Property Owner:	Harris Hill Residential Land Holdings, Ltd 100 NE Loop 410, Suite 775 San Antonio, Texas, 78216

Notification

Application:	6/14/21	Neighborhood Meeting:	N/A
Published:	8/8/21	# of Participants	N/A
Posted:	8/6/21	Personal:	8/6/21
Response:	See attached public comment letters		

Property Description

Legal Description:	Approximately 363.72 acres out of the J. Miner Survey, Abstract 321, the J. Veramendi Survey, Abstract 17, and the T.G. McGehee Survey, Abstract 11 , Hays County, Texas.		
Location:	To the north of the intersection of Harris Hill Rd and Uhland Rd, between Harris Hill Road and the future FM 110.		
Acreage:	363.72 acres	PDD/DA/Other:	Development Agreement 2021-142R/PID 87R
Existing Zoning:	ETJ/ FD	Proposed Zoning:	Character District-3 (CD-3)
Existing Use:	Vacant	Proposed Use:	Residential
Existing Occupancy:	N/A	Occupancy:	Restrictions Do Not Apply
Preferred Scenario:	Low Intensity Zone with some Open Space	Proposed Designation:	Same
CONA Neighborhood:	N/A	Sector:	N/A
Utility Capacity:	Extension Required at Developer's Expense	Floodplain:	Partial
Historic Designation:	N/A	My Historic SMTX Resources Survey	No

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	ETJ	Residential	Low Intensity Zone
South of Property:	ETJ	Vacant/ Rural Residential	Low Intensity Zone
East of Property:	Public and Institutional	Vacant	Low Intensity Zone
West of Property:	Future Development (Proposed CD-4)	Vacant	Medium Intensity Zone

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Staff Recommendation

X	Approval as Submitted	Alternate Approval	Denial
Staff recommends approval of this zoning change as submitted.			
Staff: Julia Cleary		Title : Planner	Date: Aug 19 th , 2021

Commission Recommendation

X	Approval as Submitted	Approval with Conditions / Alternate	Denial
<p>Speakers in favor or opposed</p> <ol style="list-style-type: none"> 1. RW McDonald – applicant – in favor 2. Robin Wilson (written comments) – not opposed but expressed concerns regarding traffic infrastructure, and storm water & retention infrastructure. <p>Recommendation from the Planning and Zoning Commission Meeting held August 24th, 2021. A motion was made by Commissioner Spell, second by Commissioner Kelsey to recommend approval of the request. The vote passed with a 9-0 vote.</p> <p>Discussion Topics:</p> <ul style="list-style-type: none"> • Storm water and traffic infrastructure – Commissioner Moore asked staff about storm water and traffic infrastructure concerns expressed by Robin Wilson’s written comments. Staff explained that the development would need to undertake a traffic impact analysis and watershed protection plan at the time of platting in order to assess the specific mitigation requirements. Commissioner Moore also asked about the availability of/ requirement to provide public transportation. Staff responded that although the applicant would be required to construct a bus stop in the multifamily element of the Whisper Development, specific transit provision would be subject to discussion with CARTS. Commissioner Spell observed that the project would probably not be viable until FM 110 had been fully constructed, and expressed concerns with the floodplain/ drainage in the southern part of the site between the bypass channel and the road. • General Process/ Code considerations – Commissioner Rand noted that this would have benefit from the level of detail required in a Planned Development District (PDD) which is no longer available in the code. • Proximity to airport – Commissioner Spell and Commissioner Agnew requested clarification on the nearby airport land to the southeast of the site. Commissioner Spell noted that the applicant place was not a good place for tall buildings due to the proximity of the airport and future runway expansion. 			

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History

This zoning change is part of a wider mixed use development and zoning change applications have also been submitted for CD-4 (ZC-21-13), Employment Center (ZC-21-14) and EC with associated multifamily (ZC-21-15).

The site is located adjacent the future FM-110 corridor within the Whisper South Public Improvement District and is subject to a Development Agreement approved by City Council on August 3rd, 2021 (2021-142R). An application for annexation has been submitted concurrently (AN-21-05) and will be considered by City Council in September. The approved development agreement sets out the intended zoning district of each parcel, along with some additional variances from the district’s standards.

Specifically , in CD-3:

- Parking is allowed in the first and second layers of a lot;
- Removal of the “Build-to zone” requirement;
- Revisions to the parking lot landscaping requirements to allow several long landscaped area or islands, as opposed to a landscaped area or island every 10 spaces;
- Removal of the “rear alley” requirement;
- Variation to the Residential Garage Parking Requirements to allow garages to be flush with the house;
- Removal of front porch standards;
- Variations to existing block standards and stub street requirements. Double fronting lots (lots with street frontage on each side) are allowed subject to the installation of a masonry or masonry like wall along the rear property line;
- Increase the tree spacing requirement from 35-40’ on center average to every 50’;
- Allowance of additional acceptable street sections set out in Exhibit D of the Agreement (similar to the Sections used in the existing Whisper North development);
- Variation to parkland dedication requirements allowing publicly accessible private parkland to meet the park dedication requirements (per current Code, 50% of public parkland must be dedicated to the City). The agreement also states that private parkland locations shall be approved administratively (as opposed to by the Parks Board).

Floodplain is located on the southern part of the site. There is a drainage channel/ floodway which cuts east-west through the property - per the Public Improvement District agreement, the future use of this land shall be limited to Regional Park Types and Typical Park Facilities as provided in the San Marcos Development Code.

A Preliminary Plat (PC-21-44) has also been submitted by the applicant for the infrastructure in the Public Improvement District, including a new roadway between Harris Hill Road and I-35.

During the approval of the Development Agreement at City Council, Council requested that a restrictive covenant be placed on the property requiring homebuilders to disclose when the emergency response times do not meet the City’s average response times (currently 7 minutes). The developer has agreed to this and a draft agreement is included in the packet for review.

Additional Analysis

See additional analysis below.

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<u>Comments from Other Departments</u>	
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	
<u>X</u>			Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map <i>The site is shown as “Low Intensity” in the Preferred Scenario map. Per table 4.6 in the Development Code, CD-3 zoning should be “Considered” in Low Intensity zones.</i>
		<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 <i>No small area plans or neighborhood character study have been undertaken for this area.</i>
		<u>X</u>	Whether the proposed zoning map amendment implements the policies of any applicable plan adopted by City Council
<u>X</u>			Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect <i>The proposed CD-3 use is identified in the Concept Plan of the approved Whisper South Development Agreement approved by City Council August 3rd, 2021 (2021-142R)</i>
<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 <i>The surrounding land is predominantly undeveloped, with the exception of the single-family residential homes to the north in the ETJ and rural residential to the southwest. The proposed CD-3 zoning provides for low/medium density homes, which staff consider compatible with the existing residential neighborhoods.</i>

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			<p>Whether the proposed zoning will reinforce the existing or planned character of the area</p> <p><i>Although currently rural/ undeveloped, the site is being developed comprehensively as part of a wider master planned community, including multifamily and commercial uses. The CD-3 component was identified in the Concept Plan element of the approved Whisper South Development Agreement. The site is also immediately adjacent the "Medium Intensity – Whisper South" proposed growth area within the City limits in the Preferred Scenario map.</i></p>
<u>X</u>			<p>Whether the site is appropriate for the development allowed in the proposed district</p>
<u>X</u>			<p>Whether there are substantial reasons why the property cannot be used according to the existing zoning</p> <p><i>The property currently located within the ETJ and so will automatically be designated as "Future Development" upon annexation. FD is intended as a transitory zoning only, with a minimum lot size of 2 acres.</i></p>
		<u>X</u>	<p>Whether there is a need for the proposed use at the proposed location</p> <p><i>This zoning will provide for additional single family residential homes. According to the 2019 American Community Survey 5 year estimates, the City of San Marcos housing stock is comprised of 37.2% 1-unit detached units, compared to 59.1% across the wider Austin-Round Rock Metropolitan Statistical Area.</i></p>

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			<p>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 <i>Utility and internal roadway improvements are included in the approved Public Improvement District (PID) term sheets.</i> <i>Land for a fire station is proposed for inclusion within the Whisper North Development (same developer) approximately 1 mile north of the site. The developer has agreed to record a covenant requiring homebuilders to disclose when the emergency response times do not meet the City's average response times (currently 7 minutes). The site abuts right-of-way for the future FM110, which will improve access to the site as the roadway is built out.</i></p>
		<u>X</u>	<p>Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property <i>Improvements to Harris Hill Rd will be required as part of the traffic impact analysis during the subdivision platting process.</i></p>
		<u>X</u>	<p>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 <i>This development is not located in a Neighborhood Density District.</i></p>
		<u>X</u>	<p>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 <i>The site is predominantly rated as "2" ("least constrained") on the Land Use Suitability map. The southern part of the site is within the 100-year floodplain – exact development proposals for this area of the site have not been submitted, and the applicant has stated that they intend to undertake a LOMR or CLOMR (Letter of Map Revision or Conditional Letter of Map Revision) for this area. There is floodway within the property; per the approved Whisper South Public Improvement District term sheet, the future use of the drainage channel shall be limited to Regional Park Types and Typical Park Facilities as provided in the San Marcos Development Code.</i></p>

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			Any other factors which shall substantially affect the public health, safety, morals, or general welfare <i>None noted.</i>