

Zoning Request

ZC-21-26

Gregson's Bend and Commercial Loop



Summary

Request:	Zoning change from Planning Area, Future Development and General Commercial to Character District-5		
Applicant:	Tyler Sibley Centerpoint Commons, LLC 415 N Guadalupe St, #400 San Marcos, TX, 78666	Property Owner:	Tyler Sibley, Centerpoint Commons, LLC 515 Congress Avenue, Ste.1515 Austin, TX,78701

Notification

Application:	11/22/21	Neighborhood Meeting:	N/A
Published:	12/26/21	# of Participants	N/A
Posted:	12/21/21	Personal:	12/17/21
Response:	1 general enquiry from adjacent landowner		

Property Description

Legal Description:	Approximately 70.89 acres, more or less, out of the Edward Burleson Survey, Abstract 63.		
Location:	North of the intersection of Gregson's Bend and Commercial Loop		
Acreage:	70.89 acres	PDD/DA/Other:	
Existing Zoning:	PA (Planning Area)/FD (Future Development)/ GC General Commercial	Proposed Zoning:	CD-5 (Character District-5)
Existing Use:	Vacant	Proposed Use:	Not specified
Existing Occupancy:	Restrictions Do Not Apply	Occupancy:	Restrictions Do Not Apply
Preferred Scenario:	Employment Center	Proposed Designation:	Same
CONA Neighborhood:	N/A	Sector:	4
Utility Capacity:	Extension required at developer's expense	Floodplain:	Yes
Historic Designation:	N/A	My Historic SMTX Resources Survey	No

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	ETJ	Railway line	Low Intensity
South of Property:	GC (General Commercial)	Hotel/ Car Dealership	Employment Area
East of Property:	HC (Heavy Commercial)	Vacant	Employment Area
West of Property:	ETJ	Vacant	Employment Area

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Staff Recommendation

<u>X</u>	Approval as Submitted		Alternate Approval		Denial
Staff: Julia Cleary Title : Planner Date: 01/06/2022					

Commission Recommendation

	Approval as Submitted		Approval with Conditions / Alternate	<u>X</u>	Denial
<p>Speakers in favor or opposed Tyler Sibley (Applicant- in favor)</p> <p>Recommendation from the Planning and Zoning Commission Meeting held January 11, 2022. A motion was made by Commissioner Sambrano, second by Commissioner Kelsey to recommend approval of the request. The vote failed with a 7-2 vote For: 2 (Sambrano, Moore) Against: 7 (Kelsey; Agnew; Spell; Costilla; Meeks; Garber; Rand) Absent: 0</p> <p>A motion was made by Commissioner Spell, second by Commissioner Agnew to recommend denial of the request. The vote passed with a 7-2 vote For: 7 (Kelsey; Agnew; Spell; Costilla; Meeks; Garber; Rand) Against: 2 (Sambrano, Moore) Absent: 0</p> <p>Discussion Topics:</p> <ul style="list-style-type: none"> Proposed Uses/ Allowable Uses – several Commissioners mentioned that they would like to see more detail/ specific plans for the site. The applicant noted that they had no specific plans at this time. Chair Garber requested that staff provide a summary of some of the allowable uses in CD-5 – staff detailed several land uses allowed in the district including residential and commercial. Commissioner Rand noted that there was a significant overlap between EC and CD-5, and the main thing that the current Employment Center zoning does not allow is apartments. Commissioner Moore stated that CD-5 was a flexible use, and it would be market driven. Commissioner Costilla said that the unknown element of the proposal was what was making the Commission uncomfortable. Affordable Housing/ Apartment Demand – Commissioner Meeks asked whether or not accurate data was available on existing apartment occupancy and availability within the City, and that figure should be provided before approving more apartments. Staff responded that they did not have that data at this time. Commissioner Moore noted that the City's population was projected to grow rapidly and an oversupply was unlikely to occur – and the more housing that the City builds will. Commissioner Agnew stated that the City's objective should not be to overbuild apartments to decrease the cost of rent/ housing. Commissioner Spell suggested that the Commission deny the application and allow the developer to build out the part of the site already designated for CD-5, and then potentially return to the Commission if nonresidential uses were not viable for the remainder of the site. Commissioners Costilla, Agnew and Rand agreed. 					

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History

Most of the site (62.5 acres) was annexed and zoned as a “Planning Area” District in March 2020 (Ord 2020-09). Planning Area Districts allow the landowner to choose multiple zoning districts (either CD-5, CD-4, EC, or LI), with the percentage of each district allowed established by the Preferred Scenario Designation. This site is designated as an “Employment Area” within the Preferred Scenario, and so the following district percentages are allowed:

- CD-4 (Character District-4): 0-10% of buildable land
- CD-5 (Character District-5): 10-40% of buildable land
- EC (Employment Center): 60-90% of buildable land
- LI (Light Industrial): 0-30% of buildable land

A Regulating Plan associated with the Planning Area District was administratively approved for this site allowing for 60% EC zoning and 40% as CD-5.

The Planning Area zoning request was previously affiliated with the “Sportsplex” development; however, it is understood that this project is no longer moving forward and so the applicant wishes to rezone the entire site to CD-5. Approximately 2.57 acres is located outside the City limits and a request for annexation for this section has also been submitted for approval (AN-22-05).

Additional Analysis

See below.

Comments from Other Departments

Police	No Comment
Fire	No Comment
Public Services	No Comment
Engineering	No Comment

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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 Character District 5 is "Not Preferred" in Employment Areas per Table 4.1 of the Land Development Code.
		<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 Studies were not complete at the time of this request.
		<u>N/A</u>	Whether the proposed zoning map amendment implements the policies of any applicable plan adopted by City Council
		<u>N/A</u>	Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect
<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 CD-5 zoning allows for several uses, with a focus on high density residential and associated commercial development.
	<u>X</u>		Whether the proposed zoning will reinforce the existing or planned character of the area The site is located in an Employment Center in the Preferred Scenario, which according to Section 4.1.1.6 A(5) of the Development Code is "an area intended to accommodate economic growth and the recruitment of major employers."
<u>X</u>			Whether the site is appropriate for the development allowed in the proposed district
	<u>X</u>		Whether there are substantial reasons why the property cannot be used according to the existing zoning It is understood that the original project plan for the Sportsplex is no longer feasible, however there are a variety of uses currently permitted by right on this site.

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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 <i>There is a need for a variety of housing options within the City of San Marcos, including high density residential and multifamily uses.</i>
		<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 <i>Infrastructure improvements will be required at the time of platting.</i>
<u>X</u>			Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property <i>The proposed rezoning is not anticipated to have an adverse impact on adjacent properties.</i>
		<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 <i>This application is not for a Neighborhood Density District.</i>
	<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 <i>A small part of the land to be rezoned is located within the floodplain, however this is covered by a recorded drainage easement and development will not take place within this area.</i>
		<u>X</u>	Any other factors which shall substantially affect the public health, safety, morals, or general welfare