

Zoning Request

ZC-20-08

4087 Hwy 21



Summary

Request:	Zoning change from “FD” Future Development to “MH” Manufactured Home		
Applicant:	Jim Glasgow 6531 Fox Run San Antonio, TX 78233	Property Owner:	Palace Way Partners, LLC 6531 Fox Run San Antonio, TX 78233

Notification

Application:	March 24, 2020	Neighborhood Meeting:	N/A
Published:	April 12, 2020	# of Participants	N/A
Posted:	April 10, 2020	Personal:	April 10, 2020
Response:	1 letter of opposition (included in packet)		

Property Description

Legal Description:	+/- 44.99 acre tract out of the Thomas G. McGehee Survey, Abstract No. 11, Hays County		
Location:	4087 Hwy 21		
Acreage:	44.99	PDD/DA/Other:	Pending Annexation
Existing Zoning:	“FD” Future Development	Proposed Zoning:	“MH” Manufactured Home
Existing Use:	Vacant / Rural	Proposed Use:	Manufactured Home Park
Preferred Scenario:	Area of Stability – Low Intensity	Proposed Designation:	Area of Stability – Low Intensity
CONA Neighborhood:	N/A	Sector:	N/A
Utility Capacity:	Developer is responsible for extending utilities.	Floodplain:	No
Historic District	N/A		

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	ETJ	FM 110; Harris Hill Race Track	Area of Stability – Low Intensity
South of Property:	“P” Public / Institutional	San Marcos Regional Airport	Growth Area – Employment Area
East of Property:	ETJ	Single Family / Rural / Agriculture	Area of Stability – Low Intensity
West of Property:	ETJ	Rural / Agriculture	Area of Stability – Low Intensity

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Staff Recommendation

Approval as Submitted	☒	Approval with Conditions / Alternate	Denial
The Development Code states that a request for Manufactured Home zoning in an Area of Stability – Low Intensity is “Not Preferred” and requires additional scrutiny as outlined in the staff report. The proposed zoning change to Manufactured Home is generally compatible with surrounding residential and rural residential uses, however, the proposed zoning will all for a denser layout of units. The subject property’s location abutting the proposed FM 110 San Marcos eastern loop may create compatibility concerns with regards to residential uses along a major thoroughfare. FM 110 is identified as an “Employment Corridor” on the Preferred Scenario Map and is envisioned to have commercial or employment related uses. FM 110 will be initially funded by a Transportation Reinvestment Zone (TRZ) to capture a portion of the increased value of development occurring along the alignment. Due to the varying factors regarding current and future land configurations around the subject property, staff is providing a neutral recommendation and leaves a decision of approval, denial, or a recommendation of a lesser zoning district up to the City Council.			
Staff: Andrea Villalobos, AICP, CNU-A		Title: Senior Planner	Date: April 29, 2020

Commission Recommendation

Approval as Submitted	☒	Approval with Conditions / Alternate	Denial
<u>Planning and Zoning Commission Meeting: April 28, 2020</u> Speakers in favor or opposed: 1. (1) Jim Glasgow (in favor) 2. (1) Paul Hennington (in opposition) Recommendation from the Planning and Zoning Commission meeting held April 28, 2020: A motion was made by Commissioner McCarty, seconded by Commissioner Dillon, to approve ZC-20-08. The motion carried 7-0. • For: (7) Chairperson Gleason, Commissioner Rand, Commissioner McCarty, Commissioner Haverland, Commissioner Dillon, Commissioner Moore, and Commissioner Agnew. • Against: 0 • Absent: (2) Vice Chairperson Kelsey and Commissioner Spell			

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History

The subject property is currently located outside the City Limits in the Extraterritorial Jurisdiction (ETJ). The property is currently vacant and is adjacent to existing single family and rural/agricultural property as well as adjacent to the Harris Hill Race Track and the San Marcos Regional Airport. In addition, FM 110 is proposed to be located to the north of the property. The subject property has already dedicated right-of-way in order to provide for the future construction of FM 110.

The purpose of this zoning change to “Manufactured Home” zoning is to allow the development of a Manufactured Home Park with approximately 250 spaces. According to the applicant, the community will have a club house with exercise gym, party room, and on site management offices. Additionally, the grounds will have a swimming pool, tennis courts, basketball court, community garden area, dog parks, playgrounds, a covered postal box center, and off-street parking. The applicant stated that the development will be a land-lease community with the residents owning their homes and renting the lots, however, up to 30% of the homes may be rental homes. The park will consist of a mix of single-wide and double-wide units ranging in size from 800 square feet to 1,400 square feet. Most homes will be 3-bedroom, 2-bath homes with some 2-bedroom, 2-bath homes.

The applicant is also requesting a rezoning to Light Industrial, “LI” for approximately 14 acres abutting the subject property to the east. This request is being considered as part of a separate zoning request (ZC-20-07). Both zoning requests are being processed concurrently with an annexation request for the property.

The City of San Marcos will provide wastewater services at the site and the Maxwell Water Supply Corporation will provide water service. The developer will be responsible for extending water and wastewater facilities through the site. Pedernales Electric Service will provide electric service.

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.

Analysis of the proposed zoning request includes deliberation of existing surrounding land uses, proposed transportation networks, and the goals and policies of the Comprehensive Plan. A few major points for consideration in the analysis are as follows:

- The proposed zoning change to “Manufactured Home” is generally compatible with surrounding residential uses, however, the proposed zoning will allow for a more dense product that currently exists surrounding the property. With that said, the majority of the surrounding property is located outside the City Limits and the City does not have zoning authority to regulate the use of the property.
- The subject property’s request for “Manufactured Home” is designated as “NP” Not Preferred within an “Area of Stability – Low Intensity” designation on the Preferred Scenario Map as part of the Comprehensive Plan. Alternatively, the Comprehensive Plan states that “Manufactured Home” zoning is to be “C” Considered in an Employment Area on the Preferred Scenario Map. While the

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subject property is not located in an “Employment Area”, it is located between two existing areas, Whisper development and the Municipal Airport.

- The subject property is located along the proposed FM 110 (see attached FM 110 map), which is designated as an “Employment Corridor” on the Preferred Scenario Map. While the general character of the surrounding area is rural residential, the future FM 110 adjacent to the property will most likely attract a diverse array of uses.
- Hays County provides the following overview of the FM 110 project:

This project continues the loop east of San Marcos and involves initially constructing two travel lanes (one in each direction) with 10-foot shoulders where no road currently exists for the approximately 11.3-mile corridor and includes an interchange at SH 21 and a railroad overpass at the Union Pacific Railroad tracks. As traffic increases over time, two additional travel lanes and additional interchanges would be constructed. Initial construction costs will be funded through Transportation Reinvestment Zones (TRZs) created by Hays County and the City of San Marcos to capture a portion of the increased value of development occurring along the alignment. Caldwell County will also contribute to the project cost. The County is funding and conducting project development simultaneously for the initial stage of all three sections. TxDOT will let and manage construction of the project. Water line relocations will be in construction contracts.

Additional details regarding this analysis is outlined in the staff report and the Comprehensive Plan Analysis checklist.

Comments from Other Departments

Police	No issues with the proposed development.
Fire	No issues with the proposed development.
Public Services	No Comment
Engineering	No Comment

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Evaluation			Compatibility of Uses & Density Criteria (Sec.4.1.2.5)
Consistent	Inconsistent	Neutral	
	<u>X</u>		Helps prevent the impacts of high density uses on low density areas <i>The subject property is located within an “Area of Stability – Low Intensity” designation on the Preferred Scenario Map as part of the Comprehensive Plan (see Preferred Scenario Map). “Special Districts”, which include the Manufactured Home zoning district, are “NP” Not Preferred within this designation on the Preferred Scenario Map. Where a zoning map amendment is Not Preferred, further scrutiny is required to determine consistency with the Comprehensive Plan based on the criteria in Section 2.5.1.4 and the district intent under Division 4, Chapter 4, Article 1.</i> <i>Per the Comprehensive Plan, “Special Districts” such as Manufactured Home zoning are to be “Considered” in Employment Areas on the Preferred Scenario Map. The subject property is located near existing Employment Areas (Whisper subdivision to the north and the Airport to the south), however, the immediately surrounding property is primarily rural residential low density uses. See attached Preferred Scenario Map for a depiction of surrounding Employment Areas.</i>
		<u>N/A</u>	Limits changes in neighborhood density categories unless directed by a small area plan or neighborhood character study <i>Studies were not complete at the time of the request.</i>
<u>X</u>			Encourages more opportunities for home ownership <i>The proposed Manufactured Home zoning district would allow for additional opportunities for homeownership as the property can be developed as either a Manufactured Home where a single family unit is located on a single legal lot, or as a Manufactured or Mobile Home Community, in which a site includes multiple units. In both cases, residents may have the ability to own their home.</i>
<u>X</u>			Ensures a diversity of housing to serve citizens with varying needs and interests <i>While the subject property will not offer a variety of residential Building Types and will be comprised of HUD-code manufactured homes, the proposed zoning does provide for additional housing units to the City’s housing stock. In addition, Phase 2 of the Development Code amendments, proposed to add the new use of “Tiny Homes” to the Land Use Matrix as an allowable use in a Manufactured Home zoning district.</i>

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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 <i>Vision San Marcos Comprehensive Plan states that “Areas of Stability – Low Intensity” will generally maintain their existing character. The Comprehensive Plan states that “being located in an area of stability does not mean that these areas should or will not change. It means that any changes, whether new developments, zoning requests, or public improvements, should be carefully planned and implemented so that the character of the area remains.” The current character of the area is agricultural and rural residential and the proposed zoning to Manufactured Home would allow for additional residential uses at a higher density than the surrounding area. The nearest MH zoning district is the Saddlebrook neighborhood which is a manufactured home community located along IH-35 and Harris Hill Road.</i> <i>The subject property is located adjacent to the proposed FM 110. The roadway may attract a diversity of uses seeking access and development along the roadway. The Preferred Scenario Map identifies FM 110 as an Employment Corridor. Employment Corridors are primarily intended to “serve major employment related land uses. Some mixture in uses including limited residential and supportive pedestrian and bicycle facilities should be incorporated.” While the subject property is located adjacent to this corridor, the Comprehensive Plan states that “Special Districts”, such as Manufactured Home zoning are designated as “NP” Not Preferred on the Comprehensive Plan / District Translation Table within an “Area of Stability – Low Intensity” designation. Other potential zoning districts that are identified on the Comprehensive Plan as “C” Considered are Character Districts, such as CD-3, CD-4, or CD-5, etc., however, these districts do not allow the use of HUD-code manufactured homes or communities and therefore do not meet the needs of the applicant’s proposed project.</i> <i>Lastly, the Comprehensive Plan states that “Land Use Suitability, preservation of agricultural lands, and floodplain management are the key factors to be considered when analyzing future development requests in Low Intensity Areas.” The subject property is not located in</i>

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			<i>an environmentally sensitive area and is within a low to moderately constrained area on the Land Use Suitability Map.</i>
	Evaluation		Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
		<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>Studies were not complete at time of request.</i>
		<u>X</u>	Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect <i>A development agreement is not required because the property is requesting annexation into the city limits.</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>Manufactured Home zoning primarily intended for manufactured home or manufactured home/mobile home communities as well as travel trailers/RVs short term stays. There are some allowances for agricultural uses such as a community garden and urban farm, accessory structure, and public and institutional uses (see attached land use matrix comparison table). The Manufactured Home District is "intended to implement appropriate standards for manufactured housing developments". The immediately surrounding area is comprised of primarily single-family, rural, and agricultural properties along with an outdoor entertainment use at the Harris Hill Race Track, and the public/civic use of the Airport. However, the majority of surrounding property is located outside the city limits and the city does not have zoning authority to regulate the use of these properties.</i>
	<u>X</u>		Whether the proposed zoning will reinforce the existing or planned character of the area <i>Approval of this zoning change would allow the property to develop in a manner that is "NP" Not Preferred according to the District Translation Table which states that "Special Districts", such as a Manufactured Home zoning district, is Not Preferred within an "Area of Stability – Low Intensity" designation on the Preferred Scenario Map. The Zoning Translation Table states that zoning changes to Character Districts should be "C" Considered within an Area of Stability – Low Intensity designation. However, the planned FM 110 will alter the existing character of the surrounding area as it will be a major eastern transportation loop.</i>

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			Whether the site is appropriate for the development allowed in the proposed district <i>The property is vacant and shown to be in a low to moderately constrained area on the Land Use Suitability Map. The site will have access to the future FM 110 and will be required to construct roadways and utility infrastructure within the development consistent with the Manufactured Home zoning district. In addition, the property will be subject to Chapter 7, Article 6 of the Development code which outlines standards for manufactured home parks such as access and circulation, parking, street lighting, fire safety, utilities, and recreational areas.</i>
		<u>N/A</u>	Whether there are substantial reasons why the property cannot be used according to the existing zoning <i>The property is currently not zoned as it is located outside of the City Limits.</i>
<u>X</u>			Whether there is a need for the proposed use at the proposed location <i>The proposed rezoning would allow primarily residential uses with allowances for agricultural and public uses which is generally compatible with surrounding existing 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>The property is not located within the City's water service area and is serviced by Maxwell Water Supply. The property is not located in the City's wastewater service area but it is abutting it on Hwy 21. The City is currently updating the wastewater service area and following the update the subject property will be located within this service area.</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 surrounding property is primarily agricultural and rural residential and generally complements the proposed Manufactured Home zoning.</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 request is not for a Neighborhood Density District.</i>

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<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>The property is located within a low to moderately constrained area according to the Land Use Suitability Map. In addition, there is no floodplain on the property.</i>
		<u>X</u>	Any other factors which shall substantially affect the public health, safety, morals, or general welfare <i>The applicant is also requesting a rezoning to Light Industrial, "LI" for approximately 14 acres abutting the subject property. This request is being considered as part of a separate zoning request (ZC-20-07). Both zoning requests are being processed concurrently with an annexation request for the property. While the request to LI zoning is not considered as part of the current zoning analysis it does serve as additional background information.</i>