

# Zoning Request

## ZC-23-10

# 2409 Old Bastrop Highway

## Oak Creek FD to CD-5



### Summary

<b>Request:</b>	Zoning change from FD to CD-5		
<b>Applicant:</b>	Pamela Madere Jackson Walker LLP 100 Congress Avenue, Ste 1100 Austin, TX, 78701	<b>Property Owner:</b>	SM Landholdings, LLC 4324 Privacy Hedge Ln, Leander, TX, 78641

### Notification

<b>Application:</b>	February 1, 2023	<b>Neighborhood Meeting:</b>	N/A
<b>Published:</b>	March 12, 2023	<b># of Participants</b>	N/A
<b>Posted:</b>	March 10, 2023	<b>Personal:</b>	March 10, 2023
<b>Response:</b>	None as of the date of this report		

### Property Description

<b>Legal Description:</b>	27.6 +/- acres of land, more or less, out of the Cyrus Wickson Survey, Abstract Number 474; the John Frederick Geister Survey, Abstract Number 203; the Farnham Frye Survey, Abstract Number 183, and the Rebecca Brown Survey, Abstract Number 46		
<b>Location:</b>	Old Bastrop Highway, approximately 1,100 ft west of the intersection between SH 123 and Old Bastrop.		
<b>Acreage:</b>	27.6 +/- acres	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	None (ETJ)	<b>Proposed Zoning:</b>	CD-5
<b>Existing Use:</b>	Vacant	<b>Proposed Use:</b>	Multifamily
<b>Existing Occupancy:</b>	Restrictions Do Not Apply	<b>Occupancy:</b>	Restrictions Do Not Apply
<b>Preferred Scenario:</b>	Medium Intensity Zone – East Village	<b>Proposed Designation:</b>	Same
<b>CONA Neighborhood:</b>	N/A	<b>Sector:</b>	N/A
<b>Utility Capacity:</b>	Extension Required at Developer's Expense	<b>Floodplain:</b>	No
<b>Historic Designation:</b>	N/A	<b>My Historic SMTX Resources Survey</b>	No

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**Surrounding Area**

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>North of Property:</b>	None (ETJ)	Vacant/ Moving Company	Medium Intensity Zone (East Village)
<b>South of Property:</b>	Public and Institutional	High School	Medium Intensity Zone (East Village)
<b>East of Property:</b>	None (ETJ)	Commercial/ Rural Residential/ Church	Medium Intensity Zone (East Village)
<b>West of Property:</b>	None (ETJ)	Residential	Medium Intensity Zone (East Village)

**Commission Recommendation**

<b>X</b>	<b>Approval as Submitted</b>		Approval with Conditions / Alternate		Denial
<p><b>Speakers in favor or opposed</b></p> <p>Lisa Marie Coppoletta (unable to review the item on the interactive agenda)</p> <p><b>Recommendation from the Planning and Zoning Commission Meeting held March 28, 2023</b></p> <p>A motion was made by Commissioner Kelsey, second by Commissioner Rockey Moore to recommend approval of the request.</p> <p>The vote passed with a 9-0 vote</p> <p><b>For: 9</b> Agnew, Burleson, Case, Costilla, Garber, Kelsey, Meeks, Rockey Moore.</p> <p><b>Against: 0</b></p> <p><b>Absent: 0</b></p> <p><b>Discussion Topics:</b></p> <p><b>Environmental Constraints</b> – Commissioner Agnew asked for further details on the Land Use Suitability Map and the drainage channel running through the site. The applicant responded that per the site plan, the intent was to leave the drainage channel undisturbed.</p>					

**Staff Recommendation**

<b>X</b>	<b>Approval as Submitted</b>		Alternate Approval		Denial
<p><b>Staff:</b> Julia Cleary, AICP      <b>Title :</b> Senior Planner      <b>Date:</b> March 2023, 2023</p>					

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#### History

The site is currently located outside of the City limits and is accompanied by a request for annexation (AN-23-05) which is being considered concurrently. The site is located within the “East Village” in the 2013 Comprehensive Plan, which is an area envisaged as an *“activity node centered around the intersection of Old Bastrop and Hwy 123, East Village will boast a mix of commercial, retail, and service-oriented activity. This area will offer a variety of residential options including single family homes, duplexes, townhomes, and small multifamily projects.”*

#### Additional Analysis

See 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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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 <b><i>The proposed CD-5 District is consistent with Table 4.1 in the Land Development Code which states that CD-5 should be "Considered" in Medium Intensity Districts.</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>There are no adopted small area plans or neighborhood character studies in effect for this area.</i></b>
		<u>X</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
<u>X</u>			Whether the proposed zoning will reinforce the existing or planned character of the area
<u>X</u>			Whether the site is appropriate for the development allowed in the proposed district <b><i>With the exception of the High School, the surrounding area is predominantly located within the ETJ and so contains a mixture of rural residential, civic (church) and commercial uses, including an auto store and a Heating and AC/C Repair store. There are currently no known Heavy Industrial uses immediately adjacent the property.</i></b>
<u>X</u>			Whether there are substantial reasons why the property cannot be used according to the existing zoning <b><i>Upon annexation, the property shall automatically be designated as "FD" Future Development. FD is considered to be temporary zoning district until a specific district can be designated.</i></b>
<u>X</u>			Whether there is a need for the proposed use at the proposed location <b><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></b>

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<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>There are existing water lines in front of the property. The nearest wastewater line is approximately 1,100 ft away on SH 123.</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>The proposed rezoning is not anticipated to have any adverse impacts on property in the vicinity of the subject property</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 site is not located within the floodplain or floodway or the Edwards Aquifer Recharge Zone. There is an existing drainage channel on the site – the applicant has included an indicative site layout which shows the drainage channel integrated as an easement into the plans.</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 factors which are anticipated to substantially affect public health, safety, morals, or general welfare.</i></b>