

# Zoning Request ZC-23-03

3830 S IH 35



## Summary

<b>Request:</b>	Zoning change from FD and LI to CD-5		
<b>Applicant:</b>	BGE, inc. 1701 Directors Blvd, Austin, TX 78744	<b>Property Owner:</b>	Warren Realty LD/ Sac N Pac 1910 Centerpoint Rd San Marcos, TX 78666

## Notification

<b>Application:</b>	2/3/2023	<b>Neighborhood Meeting:</b>	N/A
<b>Published:</b>	3/18/2023	<b># of Participants</b>	N/A
<b>Posted:</b>	3/24/2023	<b>Personal:</b>	3/24/2023
<b>Response:</b>	None as of the date of this report		

## Property Description

<b>Legal Description:</b>	67.121 acres out of the Edward Burleson Survey, No. 18, Abstract No. 63		
<b>Location:</b>	Located on IH 35 Frontage and abutting CenterPoint Road		
<b>Acreage:</b>	67.121 acres	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	FD, LI	<b>Proposed Zoning:</b>	CD-5
<b>Existing Use:</b>	Vacant	<b>Proposed Use:</b>	Commercial and Residential Development
<b>Existing Occupancy:</b>	N/A	<b>Occupancy:</b>	Do not Apply
<b>Preferred Scenario:</b>	Employment Center/ Open Space	<b>Proposed Designation:</b>	Same
<b>CONA Neighborhood:</b>	N/A	<b>Sector:</b>	Sector 4
<b>Utility Capacity:</b>	Adequate	<b>Floodplain:</b>	Yes
<b>Historic Designation:</b>	N/A	<b>My Historic SMTX Resources Survey</b>	No

## Surrounding Area

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>North of Property:</b>	FD	Vacant	Medium Intensity
<b>South of Property:</b>	LI and GC	I 35 and Commercial Retail	Employment Center/ Open Space
<b>East of Property:</b>	HC and GC	Vacant	Employment Center
<b>West of Property:</b>	P	Vacant and Outdoor Storage	Employment Center

## 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> Craig Garrison		
<b>Title :</b> Planner		<b>Date:</b> 5/10/2023

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## Commission Recommendation

<input checked="" type="checkbox"/>	Approval as Submitted	Approval with Conditions / Alternate	Denial
<b>Speakers in favor or opposed</b> <ul style="list-style-type: none"> <li>Kristal Harris (in favor – addressed flood plain questions and layout of the development) (applicant)</li> <li>Bryan Freel (in favor – discussed the multifamily for rent types) (applicant)</li> </ul>			
<b>Recommendation from the Planning and Zoning Commission Meeting held April 11, 2023</b> A motion was made by Commissioner Costilla, second by Commissioner Spell to recommend approval of the request. The vote passed with a 8-0 vote. <b>For: Meeks, Sambrano, Spell, Rockeymoore, Burleson, Kelsey, Agnew, Garber, Case</b> <b>Against: 0</b> <b>Abstain: 0</b>			
<b>Discussion Topics:</b> <b>Flooding throughout the site</b> – Commissioner Rockeymoore asked for specifics of how the stormwater would be detained on site, and where it would be detained. The applicant walked the commission through the channelized capture of stormwater and the multiple detention ponds proposed to be constructed. <b>Flood Hazards continued</b> – Commissioner Agnew asked about the Environmental Features and what the impact would be on the commercial development to the south of the property. Bryan Freel (applicant) responded that studies have been done to mitigate any flood hazards near the commercial area. Kristal Harris clarified that there would be no adverse impact to surrounding property owners.			

## History

Property has remained vacant since annexation in 2001, Ordinance 2001-76.

Two other properties in the area were zoned CD-5 within the last two years. Ordinance 2021-38 zoned 6.69 acres from FD to CD-5 and is planned for dense Multifamily near the intersection of Hunter Road and Centerpoint Road. Ordinance 2022-09 zoned 62.5 acres to CD-5 and is the site of the newly permitted Alta at Centerpoint Apartments. This rezoning is accompanied by an Alternative Compliance Case to allow for the construction of one-story dwelling units. The Alternative Compliance Case was approved at Planning and Zoning Commission.

## 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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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>Character District 5 is "Not Preferred" in the Employment Area per Table 4.1 of the Land Development Code</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>Studies were not complete at the time of the request.</b>
		<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 <b>There is no Development Agreement in effect at this site.</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>CD-5 zoning allows for a diverse mix of high density commercial and residential uses appropriate for an Employment Area</b>
<u>X</u>			Whether the proposed zoning will reinforce the existing or planned character of the area <b>The site is in an Employment Center in the Preferred Scenario, which according to Section 4.1.1.6.A(5) of the Land Development Code is "an area intended to accommodate economic growth and the recruitment of major employers."</b>
<u>X</u>			Whether the site is appropriate for the development allowed in the proposed district
		<u>N/A</u>	Whether there are substantial reasons why the property cannot be used according to the existing zoning <b>The existing Future Development FD zoning was intended as a placeholder upon annexation</b>
<u>X</u>			Whether there is a need for the proposed use at the proposed location <b>There is a need for a variety of housing options within the City of San Marcos, including high density residential and multifamily uses.</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>Infrastructure improvements will be required at the time of platting. The applicant has begun conversations with COSM Engineering to ensure dedication of 54' feet Right of Way along Centerpoint, and setbacks are congruent, to accommodate future widening of Centerpoint Road.</b>
<u>X</u>			Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property <b>The proposed rezoning is not anticipated to have an adverse impact on adjacent properties.</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

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			<i><b>This application is not for a Neighborhood Density District.</b></i>
<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</p> <p><b><i>A portion of the property is designated as Open Space in the Preferred Scenario Map.</i></b></p>
		<u>N/A</u>	Any other factors which shall substantially affect the public health, safety, morals, or general welfare