

Zoning Request	Staples Road/FM 110 River Bridge Ranch CD-3
ZC-23-13	



Summary

Request:	Zoning change from CD-4 and CD-5 to CD-3		
Applicant:	LJA Engineering, Inc 7500 Rialto Blvd, Bld II Austin, TX, 78735	Property Owner:	Lennar Homes of Texas 13620 N FM 620, Bldg B Austin, TX, 78717

Notification

Application:	03/28/2023	Neighborhood Meeting:	N/A
Published:	04/09/2023	# of Participants	N/A
Posted:	04/07/2023	Personal:	04/07/2023
Response:	None as of the date of this report		

Property Description

Legal Description:	Approximately 104 +/- acres of land, more or less, out of the Benjamin and Graves Fulcher Survey, Abstract No 813; the William A Matthews Abstract No. 305; the William Burnett Jr. Survey, Abstract No. 56 in Hays County Texas, and the Benjamin and Graves Fulcher Survey, Abstract No. 21 in Guadalupe County, Texas, generally located southeast of the intersection of FM-110 and Staples Rd.		
Location:	Southeast of the Intersection between FM 110 and Staples Rd		
Acreage:	104 acres	PDD/DA/Other:	Settlement Agreement
Existing Zoning:	CD-4 and CD-5	Proposed Zoning:	CD-3
Existing Use:	Vacant	Proposed Use:	Single Family Residential
Existing Occupancy:	Restrictions Do Not Apply	Occupancy:	Restrictions Do Not Apply
Preferred Scenario:	Low Intensity Zone	Proposed Designation:	Same
CONA Neighborhood:	N/A	Sector:	5
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:	LI/ ETJ (Riverbend Ranch Development Agreement)	Vacant	Low Intensity Zone
South of Property:	CD-3	Vacant	Low Intensity Zone
East of Property:	ETJ/CD-3/ FD	Vacant	Low Intensity Zone
West of Property:	ETJ (includes Riverbend Ranch Development Agreement)	Manufactured Home Rental Community/ Appliance Sales/ Vacant	Low Intensity Zone

Staff Recommendation

<input checked="" type="checkbox"/> Approval as Submitted	<input type="checkbox"/> Alternate Approval	<input type="checkbox"/> Denial
Staff: Julia Cleary, AICP		
Title : Senior Planner		Date: 04/20/2023

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Commission Recommendation

<u>X</u>	Approval as Submitted		Approval with Conditions / Alternate		Denial
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Speakers in favor or opposed

Dan Ryan (applicant) – in favor

Chase Kohlhoff (applicant) – in favor

Recommendation from the Planning and Zoning Commission Meeting held April 25, 2023.

A motion was made by Commissioner Spell, second by Commissioner Kelsey to recommend approval of the request.

The vote passed with an 8-0 vote

For: 8 (Agnew, Garber, Meeks, Burleson, Case, Costilla, Kelsey, Spell)

Against: 0

Absent:1 (Rockeymoore)

Discussion Topics:

- *Lack of commercial services in new community* – Commissioner Agnew asked the applicant if he was troubled by the lack of retail and commercial services nearby when he was marketing the new homes. The applicant responded that the extension of 110 and Staples Rd provide access into San Marcos where there is plenty of retail.
- *Light Industrial Zoning to the North* – Commissioner Agnew asked the applicant if there were any plans for the Light Industrial zoning to the north of the proposed residential development. The applicant responded that there were no plans at this time – the land would likely be sold to an industrial developer and would be subject to the terms of the Settlement Agreement.

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History

The zoning change request is comprised of 7 separate parcels, 4 of which are currently zoned CD-4 and 3 of which are currently zoned Character District-5. The request is part of the wider 328 acre River Bridge Ranch development, which is subject to a Settlement Agreement which allows the site to develop under the Codes and Ordinances in effect in 2007. The majority of the River Bridge Ranch development is already zoned Character District-3, and the developer (Lennar Homes of Texas) wishes to rezone the remaining tracts to CD-3 in order to provide single family housing throughout the entire development (see enclosed cover letter).

A Preliminary Plat for the site is currently under review (PC-22-47) – an application for a Plat Variance/ Alternative Compliance to the block length requirements has also been submitted by the applicant and will be heard by the Planning and Zoning Commission at a separate meeting.

Additional Analysis

Regarding compliance with the Comprehensive Plan and Preferred Scenario - Zoning changes in Low Intensity Zones are typically assessed utilizing Tables 4.1, 4.5 and 4.6 of the Land Development Code. Table 4.6 does not include Character Districts as an “Existing Zoning District” and so it is not possible to assess zoning change requests *from* an existing Character District in a Low Intensity District at this time. However, comparable zoning districts to CD-4 and CD-5 would be MF-12, MF-18, and MF-24 (Multifamily) and MU (Mixed Use). A zoning change from these comparable districts to CD-3 in a Low Intensity Zone should be “Considered”.

TABLE 4.6 CHARACTER DISTRICT / EXISTING ZONING TRANSLATION TABLE

	EXISTING ZONING DISTRICTS			
	FAR, SF-R, MR, SF-6, SF4.5, P	FD, DR, D, PH-ZL, TH, MF-12, P	MU, MF-18, MF-24, P	OP, NC, CC, GC, HC, LI, HI, MH, VMU, P
CD-1	C	C	C	C
CD-2	C	NP	NP	NP*
CD-2.5	C	NP	NP	NP*
CD-3	NP	C	C	NP
CD-4	NP*	C	C	C
CD-5	PSA	NP*	C	C
LEGEND:				
C = Consider				
NP = Not Preferred				
* = 50% or more single family requires additional votes of Planning Commission and City Council in accordance with Sec. 4.1.2.5(G)3a. above.				

The current CD-4 and CD-5 zoning districts allow for a mixture of commercial and higher density residential uses, including large scale multifamily (CD-5) and smaller multifamily developments with a maximum lot width of 120ft (CD-4). Downzoning the CD-5 parcel at the intersection of Staples Rd and FM 110 would remove the ability of this lot to incorporate any type of commercial uses in the future.

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>N/A</u>	Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map Tables 4.5 and 4.6 of the Development Code are silent on changing from existing Character Districts within Low Intensity Zones. However, per Table 4.6, changing from comparable zoning district such as MU (Mixed Use) and MF-12, MF-18, MF-24 (Multi-family) to Character District-3 should be "Considered" in a Low Intensity Zone.
		<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 the request.
		<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 There is no development agreement in effect for this site.
<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 The majority of the surrounding land is zoned CD-3
<u>X</u>			Whether the proposed zoning will reinforce the existing or planned character of the area The surrounding land is predominantly undeveloped and zoned Character District-3.
<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
		<u>X</u>	Whether there is a need for the proposed use at the proposed location Although the City does not have any official data on the specific need for single family units in this area, according to preliminary data in the City's Comprehensive Plan update the City will need to provide between 42,000 and 54,000 new units by 2050 in order to accommodate the projected population growth of the region.
<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 Parkland dedication shall be required during the platting phase. A Traffic Impact Analysis has been approved as part of the wider Preliminary Plat identifying the need for left turn and right turn deceleration lanes on FM 110 and Staples Rd.

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<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 any significant adverse impact on neighboring 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 is not a request 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>There is floodplain present on a small part of the property. The proposed rezoning will result in a reduction in allowed impervious cover across the site.</i>
		<u>X</u>	Any other factors which shall substantially affect the public health, safety, morals, or general welfare