

# Zoning Change ZC-17-05 Cottonwood Creek DR to GC



**Summary:** The applicant is requesting a zoning change from Duplex Restricted (DR) to General Commercial (GC) for approximately 3.553 acres.

**Applicant:** Ramsey Engineering, LLC  
3206 Yellowpine Terrace  
Austin TX 78757

**Property Owner:** Cottonwood Creek, JDR, Ltd  
333 Cheatham Street  
San Marcos, TX 78666

**Notification:** July 28, 2017 personal notifications of the public hearing were mailed to all property owners within 200 feet of the subject property. Additionally, signs were posted on the site.

**Response:** There have been no citizen comments as of the staff report date.

## **Property/Area Profile:**

**Legal Description:** Approximately 3.553 acres out of the Farnam Frye Survey.

**Location:** Highway 123 and Rattler Road

**Existing Use of Property:** Agricultural / Vacant

**Proposed Use of Property:** Commercial

**Preferred Scenario Map:** Medium Intensity – East Village

**Existing Zoning:** Duplex Restricted (DR)

**Proposed Zoning:** General Commercial (GC)

**Utility Capacity:** The property is served by City water and wastewater

**Sector:** Sector Five (5)

**Area Zoning and Land Use Pattern:**

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>N of Property</b>	GC	Vacant	Medium Intensity
<b>S of Property</b>	P	Vacant	Medium Intensity
<b>E of Property</b>	DR	Vacant	Medium Intensity
<b>W of Property</b>	TH	Vacant	Medium Intensity

## **Case Summary**

The subject property is approximately 3.553 acres located at the intersection of Highway 123 and Rattler Road. The applicant is requesting a zoning change from Duplex Restricted “DR” to General Commercial “GC” in order to develop commercial uses along Highway 123. This property is located in the East Village Medium Intensity area as designated on the Preferred Scenario Map. General Commercial is an allowable zoning classification in the East Village and a Preferred Scenario Amendment is not required. Nearby uses include the San Marcos High School, Bowie Elementary School, and single-family residences. The area immediately surrounding the subject property is currently vacant.

This request is being heard concurrently with a Master Plan Amendment, PC-04-10\_01M

## **Planning Department Analysis**

The subject property is located within the East Village Medium Intensity area. *Vision San Marcos Comprehensive Plan* provides the following description of the future vision for East Village:

*“As the site of San Marcos’ only high school, as well as an elementary school, this area has a high potential for growth. Designated as a Medium Intensity Zone, with 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. Some multifamily projects combined with commercial will result in vertical mixed use in the activity node. Since the area is largely on undeveloped property at the edge of town, it will become a mixed use gateway into the city, which will welcome visitors from Seguin and beyond.”*

The zoning change request has been reviewed using the Comprehensive Master Plan, *Vision San Marcos: A River Runs Through Us* as well as the guidance criteria in Section 1.5.1.5 of the Land Development Code. A review worksheet is attached to this report which details the analysis of the zoning change using Comprehensive Plan Elements.

Staff finds this zoning change request is consistent with the Comprehensive Plan Elements as summarized below:

- The property is located within the East Village Medium Intensity district on the Preferred Scenario Map;
- The property being considered for rezoning is located in a low to moderately constrained area according to the Land Use Suitability Map;
- The subject property is not located in a wastewater or water “hot spot”. Water and wastewater service are available to the subject property.

In addition, the evaluation of this proposed change compared to the LDC criteria is detailed below:

Evaluation		Neutral	Criteria (LDC 1.5.1.5)
Consistent	Inconsistent		
x			<p><b>The proposed change implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps</b></p> <p><i>The change is consistent with the Preferred Scenario Map and Comprehensive Plan Elements in Vision San Marcos. See the analysis above and the attached Comprehensive Plan Worksheet.</i></p>
x			<p><b>Consistency with any development agreement in effect</b></p> <p><i>This is consistent with the <b>approved</b> amendment to the Cottonwood Creek master plan.</i></p>
x			<p><b>Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified</b></p> <p><i>The change will be consistent with the developed portion, and future phases of the Cottonwood Creek subdivision.</i></p>
x			<p><b>Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area</b></p> <p><i>The change is consistent with proposed utility extensions.</i></p>
		x	<p><b>Other factors which substantially affect the public health, safety, morals, or general welfare</b></p> <p><i>None noted.</i></p>

Additionally, the Council should consider:

- (1) Is the property suitable for use as presently zoned?

*Staff evaluation: The property could currently develop as duplexes or single-family detached homes, however, commercial uses may be more appropriate along Highway 123.*

- (2) Has there been a substantial change of conditions in the neighborhood surrounding the subject property?

*Staff evaluation: Other phases of Cottonwood Creek have continued to develop in recent years.*

- (3) Will the proposed rezoning address a substantial unmet public need?

*Staff evaluation: The rezoning does serve a substantial unmet public need by allowing the property to develop in a way that may provide additional services to nearby residences within the Cottonwood Creek subdivision.*

- (4) Will the proposed rezoning confer a special benefit on the landowner/developer and cause a substantial detriment to the surrounding lands?

*Staff evaluation: No, there is no special benefit to the landowner as the proposed zoning district meets the intent of the Comprehensive Plan's vision.*

- (5) Will the proposed rezoning serve a substantial public purpose?

*Staff evaluation: The rezoning does serve a substantial public purpose by allowing the property to develop in a way that may provide services to nearby residences.*

Staff provides this information with **recommendation of approval** for the zoning change request.

**The Council's Responsibility:**

The Council is required by law to hold a public hearing and receive public comment regarding the proposed zoning. After considering the public input, the Council is charged with approving or denying the zoning change request.

**Prepared by:**

Tory Carpenter

Planner

August 16, 2016

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**Name**

**Title**

**Date**