

PSA-17-03 / ZC-17-13

Preferred Scenario Amendment and associated Zoning Change Comanche II 323 Lindsey Street



Summary: The applicant is requesting a change from Area of Stability to High Intensity on the Preferred Scenario Map and a zoning change from Multifamily (MF-24) to T5 Urban Center, SmartCode for approximately 0.212 acres.

Applicant: Jennifer M Garcia
105 West Riverside Drive, Suite 110
Austin, TX 78704

Property Owners: 417 N Comanche Partners, LLC
4801 Spicewood Springs Road
Austin, TX 78759

Notification: Courtesy notice sent on May 28, 2017 with updates at Planning & Zoning Commission on June 13; CONA on June 19; City Council on June 20; and Neighborhood Commission on June 21, 2017;

Personal notice sent and signs posted on June 30, 2017 for the Public Hearing to be held on July 11, 2017. Additionally, signs were posted on the site.

Notice for the August 1, 2017 City Council Meeting was published in the July 16, 2017 issue of the San Marcos Daily Record.

Response: CONA Meeting: +/- 20 in attendance; written comments: (2) Against; (1) For
Neighborhood Commission Meeting: 8 in attendance; no written comments received

Subject Property:

Location: 323 Lindsey Street

Legal Description: J.M. Veramendi Survey Abstract No.17

Sector: Sector Eight (8)

Current Zoning: Multifamily (MF-24)

Proposed Zoning: T5 Urban Center, SmartCode

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

Current Preferred Scenario	Area of Stability	Proposed Preferred Scenario	High Intensity
Designation:		Designation:	

Surrounding Area:	Zoning	Existing Land Use	Preferred Scenario
N of Property	MF-24	Texas State University	Stability
S of Property	T5, SmartCode	Multifamily	High Intensity
E of Property	MF-24	Multifamily	Stability
W of Property	MF-24	Multifamily	Stability

Preferred Scenario Amendments, Generally:

With the adoption of Vision San Marcos, the City's Comprehensive Plan, the Preferred Scenario Map replaced the City's Future Land Use Map, and the process for requesting changes to the Map was amended. In order for a property to develop, the appropriate zoning must be in place. If a zoning change is necessary, the underlying designation on the Preferred Scenario (Area of Stability, Intensity Zone, or Employment Area) must support the proposed zoning. This determination is made by using the Preferred Scenario Map and Land Use Intensity Matrix from Vision San Marcos, as well as the Zoning Translation Table in the Land Development Code. If the proposed zoning is not permitted based on the Preferred Scenario and Intensity Matrix designation, an applicant may request an amendment to the Preferred Scenario.

The Comprehensive Plan recommends that amendments to the Preferred Scenario Map only be considered twice per year, and this language was adopted as part of the City's Land Development Code. Preferred Scenario Amendment requests should be carefully examined using the tools provided in Vision San Marcos.

Property Description & Current Conditions:

The subject property is approximately 0.212 acres in size and is located at 323 Lindsey Street. The property is immediately surrounded by three apartment complexes, 420 North Street Apartments, The Polo Club Apartments, and the Pointe Apartments and is also across the street from Texas State University. The site is identified as an Area of Stability on the Preferred Scenario Map and is zoned Multifamily (MF-24). The applicant intends to replat this property with the adjacent 0.648 acre parcel and construct a student housing project. The adjacent 0.648 parcel is currently designated as High Intensity and is zoned T5, SmartCode. The purpose of this request is to provide a consistent High Intensity and T5, SmartCode Zoning designation for the entire property covered by the plat (see attached plat).

Given the surrounding zoning, the site is considered *Redevelopment / Infill* on the Land Use Intensity Matrix. This matrix, attached, provides general uses that *Vision San Marcos* recommends in this type of area. Also attached is the Zoning Translation Table. This table is currently part of the Land Development Code and indicates what types of zoning can be requested for properties based on their Preferred Scenario Map classification. The site currently falls under the *LS-RI (Low / Stability – Redevelopment / Infill)* column. The applicant is requesting to amend the Preferred Scenario and designate this property as *High Intensity*. If approved, the property would fall under the *H-RI (High Intensity – Redevelopment / Infill)* column.

Currently, the property owner can develop the property in accordance with Multifamily (MF-24) zoning which is restricted to primarily residential uses such as single family and apartments. The proposed T5, SmartCode zoning would allow a variety of commercial, residential, and mixed uses such as office, retail, restaurant, residential, apartments, live-work, lodging, and civic uses. Other specific uses require a Warrant for approval. The applicant is proposing Purpose-Built Student Housing with approximately 102 residential units and 305 beds. This use requires a Conditional Use Permit / Warrant in MF-24 and T5, SmartCode zoning. A Warrant application is being considered alongside these requests.

If the Preferred Scenario and Zoning request are not granted, the applicant is able to maintain and develop under the existing zoning category. A Planning and Zoning Commission recommendation and City Council approval is required for any proposed preferred scenario and zoning changes. A Conditional Use Permit / Warrant would still be needed for the use of purpose built student housing.

Request: Change from Area of Stability to High Intensity on the Preferred Scenario Map; and a change from Multifamily (MF-24) to T5, SmartCode.

Vision San Marcos Plan Elements:

Economic Development (ED)

The ED chapter of *Vision San Marcos* looks specifically at the strategies of the Core 4 Collaboration moving forward. The three collaborative actions identified by the Core 4 are 1) Preparing the 21st Century Workforce, 2) Competitive Infrastructure and Entrepreneurial Regulation and 3) Creating the Community of Choice. Staff analyzed this request based on the three action items to determine if the request supports, contradicts, or is neutral toward the actions and provides the following table of the analysis:

STRATEGY	SUMMARY	Supports	Contradicts	Neutral
Preparing the 21 st Century Workforce	Provides / Encourages educational opportunities			Applicant has not indicated that educational facilities will be included
Competitive Infrastructure & Entrepreneurial Regulation	Provides / Encourages land, utilities and infrastructure for business			No major infrastructure is anticipated for this development.
The Community of Choice	Provides / Encourages safe & stable neighborhoods, quality schools, fair wage jobs, community amenities, distinctive identity			Neighborhood stability, jobs, and community amenities are not expected with this proposed development.

Environment & Resource Protection (ERP)

The ERP chapter of *Vision San Marcos* provides useful analysis tools. The Land Use Suitability Map considers the constraints as listed in the table below in its creation to determine what areas are most suitable for development. The water quality model provides a watershed-level analysis of the impacts of adding impervious cover for developments.

The overall land use suitability for this site is a three (3), which is considered moderately constrained. This is due to its location within the Purgatory Creek watershed, the presence of moderately erosive soils, and its location within the Edwards Aquifer Transition Zone. The other categories are at a one (1).

ENVIRONMENT & RESOURCE PROTECTION – Land Use Suitability & Development Constraints

	1 (least)	2	3 (moderate)	4	5 (most)
Level of Overall Constraint			X		
Constraint by Class					
Cultural	X				
Edwards Aquifer		X			
Endangered Species	X				
Floodplains	X				
Geological	X				
Slope	X				
Soils		X			
Vegetation	X				
Watersheds				X	
Water Quality Zone	X				

ENVIRONMENT & RESOURCE PROTECTION – Water Quality Model Results

Located in Subwatershed:	Purgatory Creek Watershed				
	0-25%	25-50%	50-75%	75-100%	100%+
Modeled Impervious Cover Increase Anticipated for watershed		X			
Notes: This subwatershed encompasses the majority of the downtown redevelopment zone; however, because this area already has a high impervious cover value (around 80 – 90%), the increase of loadings from redevelopment is not as high as the increase observed with developments in this subwatershed on previously undeveloped land.					

Land Use (LU)

The LU chapter of *Vision San Marcos* focuses on the Preferred Scenario Map. This site is located in an Area of Stability. A map is attached which shows a detailed view of the preferred scenario intensity zones within and surrounding this property.

Neighborhoods & Housing (NH)

The NH chapter of *Vision San Marcos* focuses on the Neighborhood Character Studies which are to be conducted after the adoption of Code SMTX, the update to the Land Development Code.

Parks, Public Spaces & Facilities (PPSF)

The PPSF chapter of *Vision San Marcos* discusses the City's recreational facilities as well as the water, wastewater and other public infrastructure. The table below is an analysis of the facilities in the area. Wastewater and water service is available in the area. The site is located within a low maintenance area for water and within a medium maintenance area for wastewater. This is primarily due to the older more established infrastructure of the downtown. The applicant will be required to upgrade infrastructure as necessary during the development of the lot. Furthermore, although the site is not within a ¼ mile of parks and open space, there are several parks located along the river that are within a ½ mile of the site.

PARKS, PUBLIC SPACES AND FACILITIES –Availability of parks and infrastructure

				YES	NO
Will Parks and / or Open Space be Provided?					X
Will Trails and / or Green Space Connections be Provided?					X
Fee-in-lieu of parkland dedication proposed.					
Maintenance / Repair Density	Low (maintenance)		Medium		High (maintenance)
Wastewater Infrastructure	X				
Water Infrastructure			X		
Public Facility Availability					
				YES	NO
Parks / Open Space within ¼ mile (walking distance)?					X
Wastewater service available?				X	
Water service available?				X	

Transportation

A Travel Demand Model (TDM) was created to analyze the traffic impacts of growth in San Marcos. The table below is a summary of the TDM results and other transportation modes surrounding the site. The TDM analyzes the overall transportation network of the existing network and the Preferred Scenario. It is not a measure of the impact of this particular change. The results of the TDM indicate that improvements may be required.

TRANSPORTATION – Level of Service (LOS), Access to sidewalks, bicycle lanes and public transportation

		A	B	C	D	F
Existing Daily LOS	Lindsey Street Frontage	X				
Existing Peak LOS	Lindsey Street Frontage		X			
Preferred Scenario Daily LOS	Lindsey Street Frontage		X			
Preferred Scenario Peak LOS	Lindsey Street Frontage				X	
The travel demand model used for this analysis was completed in 2012. Updated data will be available with the adoption of the Transportation Master Plan.						
			N/A	Good	Fair	Poor
Sidewalk Availability (Required to build.)			X			
Sidewalks will be required along all frontages.						
			YES		NO	
Adjacent to existing bicycle lane?					X	
Adjacent to existing public transportation route?					X	
Notes: The site is not adjacent to a CARTS route, however there are several CARTS stops in and around the downtown area and the site is within walking distance to Texas State University, HEB, and other services. Furthermore, the site is located adjacent to downtown which is planned as a walkable and bikable urban area.						

Preferred Scenario Amendment (PSA-17-03) Staff Analysis:

In reviewing the Land Use Suitability Map, staff has noted that the overall site has been identified as low to moderately constrained, due to its location within the Purgatory Creek watershed, the presence of moderately erosive soils, and its location within the Edwards Aquifer Transition Zone. The Comprehensive Plan has identified the Purgatory Creek watershed as a moderately constrained watershed. The Comprehensive Plan does identify it, however, as a watershed that encompasses portions of Downtown which accounts for a smaller percent of impervious cover increase. Because this area already has a high impervious cover value (around 80 – 90%), the increase of loadings from redevelopment is not as high as the increase observed with developments in this subwatershed on previously undeveloped land.

The remaining eight criteria for the Land Use Suitability Map are identified as having the lowest level of constraint to development. The Environment and Resource Protection section of the Comprehensive Plan clearly states that the Land Use Suitability Map was developed as a tool to identify areas within the planning area that are best suited to accommodate growth in an environmentally sensitive manner.

The use of this property as a student housing development is generally compatible with surrounding uses which includes numerous purpose-built student housing projects. The subject property is also currently abutting a portion of the Downtown which has a High Intensity designation and is zoned T5, SmartCode. The applicant intends to replat the subject property with an approximately 0.648 acre parcel which is currently designated as High Intensity and zoned T5, SmartCode. Therefore, this Preferred Scenario Amendment request and adjoining zoning change to T5 will allow the replatted property to be of a consistent High Intensity designation and a consistent zoning classification of T5, SmartCode. Please reference the “Zoning Map” and “Preferred Scenario” exhibits.

In conjunction with the PSA and zoning change requests, the applicant has submitted a Warrant to request the use of purpose-built student housing, which is ultimately decided by the Council. Other subsequent permits include a site permit and building permit. Note that, if approved, this development would be required to follow the T5 SmartCode zoning standards which require pedestrian streetscape improvements, vertical and horizontal building articulation, and material standards.

At this time, the Council is acting on the request which will change the City’s Preferred Scenario Map. As many options for development may occur with or without the approval of this request, the Commission should consider all aspects of this staff report, the attached maps and figures as well as the existing Codes in their decision. A summary of what may be permitted at this location, if the map amendment is approved, is attached. Any future changes in zoning following this request would be required to follow the standard process of notice and public hearing.

Zoning Change (ZC-17-13) Staff Analysis:

The subject property is located within an Area of Stability. The San Marcos Comprehensive Plan, *Vision San Marcos*, provides the following description of *Areas of Stability*:

“The areas of stability include established neighborhoods, undeveloped or agricultural land, and the majority of the City’s ETJ. Being located in an area of stability does not mean that these areas should not 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 subject property is directly abutting the *Downtown High Intensity Zone*. *Vision San Marcos*, provides the following description of the future vision for Downtown:

“...includes characteristics such as authenticity, compactness, great streets, pedestrian and bike accessibility, and providing public spaces for social interaction. Another important goal for the downtown is connection and access to the nearby San Marcos River, as well as integration with Texas State University.”

The Land Development Code states that the Multifamily (MF-24) district is intended for “multiple-family, apartment residences at not more than 24 units per acre” and shall be constructed per the Multifamily Design Standards. The requested zoning of T5, SmartCode will also allow multifamily but will include options for commercial and office uses as well as greater density. The SmartCode states that T5 zoning shall consist of “wide sidewalks, regularly spaced street tree planting and buildings set close to the sidewalks.” This description is consistent with the surrounding new development within the Downtown High Intensity zone and T5 zoning which includes streetscape improvements and compact development. Furthermore, a T5 designation will allow for consistent development between the adjacent property as demonstrated on the replat (attached).

The zoning change request has been reviewed using the Comprehensive Plan, *Vision San Marcos* 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.

It is important to note on the Comprehensive Plan worksheet that the Land Use Suitability table indicates a Level 4 (constrained) for the *Watershed* class. This level of constraint is due to the property's location within the Purgatory Creek Watershed. The Comprehensive Plan and Preferred Scenario designated this watershed as encompassing portions of Downtown which accounts for a smaller percent of impervious cover increase. Because this area already has a high impervious cover value (around 80 – 90%), the increase of loadings from redevelopment is not as high as the increase observed with developments in this subwatershed on previously undeveloped land. If development occurs on this property, MF-24 zoning allows a maximum of 75% impervious cover and T5, SmartCode zoning allows 100% impervious cover.

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

- The property is located adjacent to the Downtown High Intensity Zone on the Preferred Scenario Map;
- The property being considered for rezoning is located in a moderately constrained area according to the Land Use Suitability Map;
- The subject property is located in a low to medium wastewater and water “hot spot” primarily due to the property's location in the Downtown which includes older, established utility lines. Water and wastewater service are available to the subject property and any necessary upgrades to the services will occur during the development of the site;
- The transportation access to the site appears to be adequate. The Travel Demand Model (TDM) shows that Lindsey Street remains an “A” for Daily Level of Service (LOS), and dropping to a “D” LOS during the future peak.
- Sidewalk and pedestrian improvements along the frontages will be required. Furthermore, the site is located adjacent to downtown which is planned as a walkable and bikable urban area.

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

Evaluation		Neutral	Criteria (LDC 1.5.1.5)
Consistent	Inconsistent		
X			<p>The proposed change implements the policies of the adopted Comprehensive Plan, including the land use classification on the Preferred Scenario Map</p> <p><i>Following the approval of PSA-17-03, 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>Consistency with any development agreement in effect</p> <p><i>No development agreements are in effect for this property.</i></p>
X			<p>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</p> <p><i>The zoning designation of T5, SmartCode is consistent with the designation of surrounding parcels and development patterns which are a mix of commercial, office, mixed use, and multifamily districts.</i></p>
X			<p>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</p> <p><i>The property is adjacent to Texas State University and is within the City's water and wastewater service area and has access along Lindsey Street.</i></p>
X			<p>Other factors which substantially affect the public health, safety, morals, or general welfare</p> <p><i>None noted.</i></p>

Additionally, the Commission should consider:

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

Staff evaluation: The property is currently vacant and can be developed in accordance with MF-24 zoning which allows apartments as well as purpose built student housing (with a Conditional Use Permit). However, MF-24 zoning does not permit the mixture of uses, compactness, or pedestrian streetscape as envisioned by the surrounding Downtown High Intensity Zone.

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

Staff evaluation: Within the past ten years, the surrounding properties have developed as apartments, including Sanctuary Lofts, The Vistas, The Pointe (formerly known as Vistas II) and additional retail and restaurant uses have been constructed in the Downtown. Furthermore, Texas State University has redeveloped areas to the north of the subject property including the Department of Housing and Residential Life and the Ingram School of Engineering Building.

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

Staff evaluation: If the property is designed as a High Intensity Zone (PSA-17-03), approval of this zoning change would allow the property to develop according to the vision of the Comprehensive Plan, which states that high density, mixed use development [should occur] in intensity zones (Land Use, Goal 2) and to direct growth compatible with surrounding uses (Land Use, Goal 1).

- (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 and vision of the proposed High Intensity Zone as designated in the Comprehensive Plan.

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

Staff evaluation: The rezoning does serve a substantial public purpose as it furthers the goals and vision of the proposed High Intensity Zone as designated in the Comprehensive Plan.

Preferred Scenario Amendment (PSA-17-03) Recommendation:

Based on the analysis, staff recommends approval of the Preferred Scenario Request (PSA-17-03)

Options for the City Council for PSA-17-03 include:

- Approval of the request as submitted
- Alternative recommendation
- Denial of the request

Zoning Change (ZC-17-13) Recommendation:

Based on the analysis, staff recommends approval of the Zoning Change Request (ZC-17-13)

Options for the City Council for ZC-17-13 include:

- Approval of the request as submitted
- Alternative recommendation
- Denial of the request

The Council's Responsibility:

The Council is required by law to hold a public hearing and receive public comment regarding the proposed preferred scenario amendment and zoning change request. After considering the public input, the Council is charged with ultimately deciding whether to approve or deny the preferred scenario amendment and zoning change request.

After considering the public input, the Council should consider whether the amendment and zoning change are consistent with the following policies of the Comprehensive Plan as stated in section 1.4.1.5 of the Land Development Code:

- Is the request in an area suitable for development as shown on the Land Use Suitability Map and if not what development constraints exist;
- Is the request consistent with the Neighborhood Character Study for the area;
- Is the request near existing parks and public utilities; and,
- Based on the Travel Demand Model, is the request in an area with sufficient roadway capacity.

Prepared by:

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Planner

July 12, 2017

Name

Title

Date