

# Zoning Request

## ZC-18-05

### Mystic Canyon

### (56.6098 Acres)



**Summary:** The applicant is requesting a zoning change from “FD” Future Development to “SF-6” Single Family for 56.6098 acres, more or less, out of the Benjamin White Survey, John Williams Survey, and T.H.W. Survey located west of Old Ranch Road 12.

**Applicant:** Jim Ladner  
524 Clarence Ct  
Buda, TX 78610

**Property Owners:** Mike Moffitt  
17009 S Ridge Ln  
Austin, TX 78734

**Notification:** Personal notifications of the public hearing were mailed on Friday, April 27, 2018 to all property owners within 200 feet of the subject property.

**Response:** At the May 8 Planning & Zoning Commission meeting, 12 people spoke regarding this request, 11 of which were in opposition.

Staff received one written statement in opposition of the request. Additionally, staff received 11 phone calls regarding this request, five of which were in opposition.

#### **Property/Area Profile:**

**Legal Description:** 56.6098 acres, Phase 1, Section 1 out of the Benjamin White Survey, John Williams Survey, and T.H.W. Survey

**Location:** South of Old Ranch Road 12, west of Craddock

**Existing Use of Property:** Vacant

**Proposed Use of Property:** Single Family  
**Preferred Scenario Map:** Area of Stability

**Existing Zoning:** Future Development (FD)

**Proposed Zoning:** Single Family (SF-6)

**Utility Capacity:** Adequate

**Area Zoning and Land Use:**

|                      | Zoning | Existing Land Use | Preferred Scenario |
|----------------------|--------|-------------------|--------------------|
| <b>N of Property</b> | ETJ    | Vacant            | Area of Stability  |
| <b>S of Property</b> | FD     | Open Space        | Area of Stability  |
| <b>E of Property</b> | SF-6   | Majestic Estates  | Area of Stability  |
| <b>W of Property</b> | ETJ    | Vacant            | Area of Stability  |

## **Case Summary**

The subject property consists of approximately 56.6098 acres located northwest of the previously developed Majestic Estates Subdivision, which is also known as the Franklin Square, Castle Forrest, and Bishop Crossing neighborhoods. The property is currently vacant aside from two detention ponds.

If developed, the site would be accessed via Meadow View Drive and Stonehaven which dead-end into the subject property. A road connection to Old Ranch Road 12 will likely be required to meet fire code. The applicant has indicated that he has secured the adjacent property in order to make this connection.

## **Planning Department Analysis**

The subject tract lies within an Area of Stability on the Preferred Scenario Map. Areas of Stability are predominantly existing single-family zoning, but they may also be mixed residential areas that are appropriate for compatible redevelopment/infill or new development. *Vision San Marcos* explains that areas of stability include established neighborhoods, undeveloped or agricultural land, and the majority of the City's Extraterritorial Jurisdiction (ETJ). While the existing character of these areas is anticipated to be generally maintained, it does not mean that these areas will not or should not change.

A review worksheet is attached to this report which details the analysis of the zoning request using Comprehensive Plan Elements. Utilizing the Comprehensive Plan and the Land Development Code staff has made the following findings:

- The subject tract lies within an Area of Stability on the Preferred Scenario Map. Rezoning to SF-6 in an Area of Stability is allowed without a Preferred Scenario Map Amendment.
- While the subject tract is located in the Purgatory Creek watershed and is within the boundaries of the Edwards Aquifer Recharge Zone, all development will be required to meet the standards found in the newly adopted San Marcos Development Code.
- Parkland Dedication will be required to meet the standards of the new San Marcos Development Code.

## **Planning & Zoning Commission Action**

The Planning & Zoning Commission first held a public hearing at their May 8, 2018 meeting. After hearing concerns from nearby property owners, the Commission voted to postpone this request to the Jun 12 meeting to allow the applicant to discuss their request with the neighborhood. The applicant has since met with the Neighborhood Commission and CONA regarding his request.

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

| Evaluation |              |         | Criteria (LDC 1.5.1.5)   |
|------------|--------------|---------|--|
| Consistent | Inconsistent | Neutral |  |
| X          |              |         | <p><b>Change implements the policies of the adopted Comprehensive Plan, including the land use classification on the Preferred Scenario Map</b></p> <p><i>The change in zoning is consistent with the Preferred Scenario Map. SF-6 an allowable zoning category to request without first changing the Preferred Scenario Map.</i></p>  |
|            |              | X       | <p><b>Consistency with any development agreement in effect</b></p> <p><i>There is no development agreement for this property.</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>Uses allowed within the single-family district are compatible and appropriate for this area. This area is mostly residential in nature.</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 property will be served with City water and wastewater. There are no Capital Improvement Plan projects anticipated in the immediate area.</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 Commission should consider:

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

*Staff evaluation: The property is currently zoned FD, Future Development. While this district allows for residential development, all lots must be 2 acres or larger.*

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

*Staff evaluation: Residential lots within the previously platted majestic estates subdivision have continued to develop.*

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

*Staff evaluation: A change to a single-family zoning district will provide additional housing units to San Marcos.*

- (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 Comprehensive Plan.*

Will the proposed rezoning serve a substantial public purpose?

*Staff evaluation: The rezoning does serve a substantial public purpose by providing additional single family housing in San Marcos.*

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

**The Commission's Responsibility:**

The Commission is required by law to hold a public hearing and receive public comment regarding the proposed zoning. After considering the public input, the Commission is charged with making an advisory recommendation to the City Council regarding the request. The City Council will ultimately decide whether to approve or deny the zoning change request. The Commission's advisory recommendation to the Council is a discretionary decision.

**Prepared by:**

Tory Carpenter, CNU-A

Planner

June 7, 2018

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**Name**

**Title**

**Date**