

<b>Zoning Request</b>	<b>128 Windmill Drive</b>
<b>ZC-18-10</b>	



### Summary

<b>Request:</b>	Michael Lackey is requesting a zoning change from “D” Duplex to “ND-3.5” Neighborhood Density – 3.5 for .78 acres, more or less, known as Windmill Addition, Lot 2, located at 128 Windmill Drive.		
<b>Applicant:</b>	Michael Lackey 1360 Patterson Road Austin, TX 78733	<b>Property Owner:</b>	WDBL, Ltd. 1360 Patterson Road Austin, TX 78733

### Notification

<b>Application:</b>	June 9, 2018	<b>Neighborhood Meeting:</b>	July 2, 2018
<b>Published:</b>	July 29, 2018	<b># of Participants</b>	4
<b>Posted:</b>	July 27, 2018	<b>Personal:</b>	July 27, 2018
<b>Response:</b>	None as of the date of this report		

### Property Description

<b>Legal Description:</b>	.78 acres, more or less, Lot 2 Windmill Addition		
<b>Location:</b>	End of Windmill Drive		
<b>Acreage:</b>	.78 acres	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	Duplex	<b>Proposed Zoning:</b>	Neighborhood Density – 3.5
<b>Existing Use:</b>	Vacant	<b>Proposed Use:</b>	Small Multi-Family
<b>Preferred Scenario:</b>	Existing Neighborhood	<b>Proposed Designation:</b>	Existing Neighborhood
<b>CONA Neighborhood:</b>	Sessom Creek	<b>Sector:</b>	3
<b>Utility Capacity:</b>	Adequate		

### Surrounding Area

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>North of Property:</b>	Single Family – 6 (SF-6)	Residential	Existing Neighborhood
<b>South of Property:</b>	Multifamily – 24 (MF-24)	Apartments	Existing Neighborhood
<b>East of Property:</b>	Duplex (D)	Duplex	Existing Neighborhood
<b>West of Property:</b>	Single Family – 6 (SF-6) / Duplex (D)	Residential	Existing Neighborhood

### Staff Recommendation

<input checked="" type="checkbox"/>	Approval as Submitted	<input type="checkbox"/>	Approval with Conditions / Alternate	<input type="checkbox"/>	Denial
<b>Staff:</b> Will Parrish		<b>Title :</b> Planner		<b>Date:</b> August 9, 2018	

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### History

The applicant for this request owns Windmill Townhomes, a residential community consisting of apartments and duplexes that front on Windmill Drive. All property that has frontage on Windmill Drive is under common ownership and is part of the Windmill Townhomes community. This request is limited to the vacant lot at the end of Windmill Drive.

### Additional Analysis

The applicant is requesting to change their zoning from Duplex (D) to Neighborhood Density – 3.5.

Table 4.4 of the San Marcos Development Code requires additional analysis based on the Single Family Preservation Buffer (Pac Man) due to the fact that the applicant is requesting a zoning change from a Low Density Conventional Zoning District to a Medium Density Neighborhood Density District. Review of the Buffer shows that 52% of the surrounding property within 200 feet of the request is zoned Single Family – 6 (SF-6). The remaining 48% are a mix of Duplex, Multifamily – 24, and Townhouse. The SF-6 properties back up to this lot, and are accessed via Ridgeway Drive and Canyon Road. Because more than 50% of the property within the Buffer have are zoned SF-6, an affirmative vote of 6 members of the Planning and Zoning Commission and 5 members of City Council are required to approve the request.

Because the property is located within an Existing Neighborhood on the Preferred Scenario Map, an Existing Neighborhood Regulating Plan is required to accompany the request. Any development of the site must comply with the attached Regulating Plan, in which the applicant identified the potential future building type as Small Multi-Family. Regulating Plans also establish required vegetative buffers between certain uses. These buffers are in addition to standard setbacks set by the zoning district. A buffer is required between ND-3.5 and SF-6, the applicant has proposed buffer B, which requires a 6 foot tall privacy fence with a 10 foot deep vegetative buffer. Within the vegetative buffer, the applicant will be required to plant 4 shade trees and 4 understory trees for every 100 feet.

The Small Multi-Family building type within the ND-3.5 zoning district is limited to 2 stories in height, 60 feet in width, and a maximum of 9 units per lot. Additionally, units are limited to no more than three bedrooms. One substantial difference between Duplex and ND-3.5 is that Duplex zoning is not required to comply with the Occupancy Restrictions that limit the number of unrelated persons in a dwelling unit. ND – 3.5 is required to comply with the Occupancy restrictions.

### 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			Compatibility of Uses & Density Criteria (Sec.4.1.2.5)
Consistent	Inconsistent	Neutral	
<u>X</u>			Helps prevent the impacts of high density uses on low density areas
	<u>X</u>		Limits changes in neighborhood density categories unless directed by a small area plan or neighborhood character study
		<u>X</u>	Encourages more opportunities for home ownership
<u>X</u>			Ensures a diversity of housing to serve citizens with varying needs and interests

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><i>Neighborhood Density Districts are identified as districts that may be "Considered" within Existing Neighborhoods as identified on the Comprehensive Plan.</i></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
		<u>N/A</u>	Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect
<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><i>The property is in a mixed zoning district area, consisting of Multifamily, Duplex, and Single Family zoning districts.</i></b>
<u>X</u>			Whether the proposed zoning will reinforce the existing or planned character of the area. <b><i>The area is currently a mix of multifamily, duplex, and single family uses.</i></b>
<u>X</u>			Whether the site is appropriate for the development allowed in the proposed district.

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			The type of development allowed within the ND-3.5 district is all residential in nature and must comply with the occupancy restrictions preventing more than one unrelated person from living in a dwelling unit.
	<u>X</u>		Whether there are substantial reasons why the property cannot be used according to the existing zoning <b><i>The property can be developed as a duplex with the current zoning</i></b>
		<u>X</u>	Whether there is a need for the proposed use at the proposed location
<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.
<u>X</u>			Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property <b><i>The area is currently a mix of multifamily, duplex, and single family uses.</i></b>
	<u>X</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 <b><i>Table 4.5 identifies this request as a "Not Preferred*" due to the fact that the request is to go from D to ND-3.5. Duplex is considered Low Density, while ND-3.5 is considered Medium Density. Because it is identified as not preferred, it will require an affirmative vote of 6 members of the Planning and Zoning Commission and 5 members of City Council.</i></b>
<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 <b><i>The property is not heavily treed, and is predominantly grassy. Additionally the property does not have steep slopes, but rather slopes gently towards Windmill Drive.</i></b>
		<u>N/A</u>	Any other factors which shall substantially affect the public health, safety, morals, or general welfare