

Zoning Request

ZC-18-13

128 Spring Road



Summary

Request:	Thomas Rhodes is requesting a zoning change from “FD” Future Development to “CD-3” Character District - 3 for approximately 4.851 acres, more or less, out of the J.M. Veramendi Survey No.2, located at 128 Spring Road, San Marcos, Texas.		
Applicant:	Thomas Rhodes, TKAR Commercial 415 N Guadalupe St #213 San Marcos, TX 78666	Property Owner:	Top of the Hill Properties, LLC 4001 Firstview Drive Austin, TX 78731

Notification

Application:	July 11, 2018	Neighborhood Meeting:	N/A
Published:	July 29, 2018	# of Participants	N/A
Posted:	July 27, 2018	Personal:	July 27, 2018
Response:	At the August 14 th Planning and Zoning Commission Meeting, four (4) citizens spoke in opposition of the request and one (1) citizen spoke in favor.		

Property Description

Legal Description:	4.851 acres, more or less, out of the J.M. Veramendi Survey No.2		
Location:	128 Spring Road		
Acreage:	4.851 acres +/-	PDD/DA/Other:	N/A
Existing Zoning:	Future Development (FD) <i>*Pending Annexation on September 18th</i>	Proposed Zoning:	Character District – 3 (CD-3)
Existing Use:	Residential	Proposed Use:	Residential
Preferred Scenario:	Area of Stability	Proposed Designation:	Area of Stability
CONA Neighborhood:	N/A; Outside City Limits	Sector:	N/A; Outside City Limits
Utility Capacity:	An Out of City Utility Extension for water and wastewater service is being considered at the September 18 th City Council Meeting.		

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	Multifamily (MF-18); ETJ	Multifamily Residential; Residential	Low Intensity
South of Property:	ETJ; Future Development (FD)	Residential; Sorority House	Low Intensity
East of Property:	Multifamily (MF-18); Future Development (FD)	Multifamily Residential; Sorority House	Low Intensity
West of Property:	ETJ	Residential	Low Intensity

Staff Recommendation

<input checked="" type="checkbox"/> Approval as Submitted	<input type="checkbox"/> Approval Alternate	<input type="checkbox"/> Denial
Staff: Andrea Villalobos, CNU-A		
Title : Planner		Date: August 23, 2018

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History

The subject property is currently located outside the City Limits in the City's Extraterritorial Jurisdiction (ETJ) and one single family house currently exists on the property. The property is surrounded by single-family residential uses outside the City Limits, multifamily residential uses, and a Sorority House. The property does not currently have a zoning designation, however, the zoning request is presented with the assumption of a current zoning of Future Development (FD) as the property is scheduled to be considered for annexation at City Council on September 18th and will be provided a FD zoning designation at that time.

The property owner is proposing to rezone the property to Character District - 3 (CD-3) in order to allow for the development of 27 single family lots and 2 water quality / detention pond lots. (Reference attached *Preliminary Plat*). The property is not located in an Existing Neighborhood on the Comprehensive Plan, therefore, an Existing Neighborhood Regulating Plan is not required to accompany the zoning request. If approved, the applicant will be allowed to construct residential Building Types including a House, Cottage, Accessory Dwelling Unit, Cottage Court, Duplex, Zero Lot Line House, or Civic Building.

The applicant currently has a Preliminary Plat in review with the City and intends to construct a "Cottage" Building Type in accordance with the applicable lot and development standards.

Additional Analysis

At the August 14th Planning and Zoning Commission Meeting, the Commission considered the request and postponed the request until the August 28th Meeting. Staff has provided additional information below based on the August 14th Discussions:

Comparison between SF-6 and CD-3 Zoning:

- Please reference the Comparison Table in the packet for a comparison of standards.
- Notably, CD-3 requires enhanced streetscape standards with larger sidewalks and a landscape strip between the sidewalk and the street.
- Also includes smaller block networks which promote vehicular and pedestrian connectivity as well as prohibiting surface parking in front of the house façade and requiring standards for garage orientation.
- CD-3 does allow for additional units per acre (10 max versus 5.5 max per acre) and allows for smaller lot sizes that are consistent with the "Cottage" Building Type which promotes housing affordability.

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Land Use Suitability

- The property is located within a constrained area on the Land Use Suitability Map. This is primarily due to the following components:
 - Portion of property is located in the Edwards Aquifer Recharge Zone. This area is limited to 40% Impervious Cover (IC) and the applicant is proposing 36.8% IC in this area.
 - Geological – there may be Karst Features on the property. This will be determined during the Watershed Protection Plan Phase 2 Process. If Karst Features are found there are additional requirements for protection of these features.
 - Soils – soil conditions are associated with the Recharge Zone and Geological location.
 - Sink Creek Watershed – the property will be providing water quality measures as required by the San Marcos Development Code.
- A Watershed Protection Plan Phase 2 + TCEQ Storm Water Protection Plan Permit is required.

Road Infrastructure

- Developer is required to improve existing roadways and construct new roadways in accordance with Block standards.
- Roads must include drainage facilities.
- Access will be off Spring Road as the developer does not own the adjacent properties that may connect to Post Road.
- A Traffic Impact Worksheet and Public Improvement Construction Plans are required.

Subsequent Approvals

- At this time, Zoning is being considered. There are several additional approvals that are needed in order to address infrastructure, environmental, and entitlement requirements:
 1. Annexation of Property (September 18th at City Council)
 2. Zoning (September 18th at City Council)
 3. Out of City Utility Extension (September 18th at City Council)
 4. Preliminary Plat Consideration (October 9th at P&Z)
 5. Watershed Protection Plan Phase 2 + TCEQ Storm Water Protection Plan Permit
 6. Public Improvement Construction Plans (PICPs)
 7. Traffic Impact Worksheet
 8. Final Subdivision Plat
 9. Building Permits

Additionally, please see the Comprehensive Plan Analysis Checklist and Criteria Checklists.

Comments from Other Departments

Police	No Comment
Fire	No Comment
Public Services	No Comment
Engineering	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 <i>CD-3 is intended to accommodate one and two family houses and includes uses that would not substantially interfere with the residential nature of the surrounding area.</i>
		<u>N/A</u>	Limits changes in neighborhood density categories unless directed by a small area plan or neighborhood character study <i>There is no small area plan or neighborhood character study affecting this site.</i>
<u>X</u>			Encourages more opportunities for home ownership <i>CD-3 zoning allows residential Building Types which can be constructed on individual lots to promote homeownership. The applicant intends to subdivide the property into 27 individual lots developed as a "Cottage" Building Type.</i>
<u>X</u>			Ensures a diversity of housing to serve citizens with varying needs and interests <i>CD-3 zoning allows for a variety of residential Building Types including a House, Cottage, Accessory Dwelling Unit, Cottage Court, Duplex, Zero Lot Line House, or Civic Building. The applicant intends to subdivide the property into 27 individual lots developed as a "Cottage" Building Type.</i>

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 <i>Character Districts are identified as districts that may be "Considered" within Low Intensity Areas as identified on the Comprehensive Plan. Per the Development Code, CD-3 should accommodate one and two family houses.</i>
		<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 <i>There is no small area plan or neighborhood character study affecting this site.</i>
		<u>N/A</u>	Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect <i>There is no development agreement affecting this site.</i>

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<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 <i>CD-3 is intended to be a residential zoning district and should be placed in areas where it would not substantially interfere with the residential nature of the area. Surrounding uses are primarily residential.</i>
<u>X</u>			Whether the proposed zoning will reinforce the existing or planned character of the area <i>A rezoning to CD-3 would be consistent with the residential character of the surrounding area.</i>
<u>X</u>			Whether the site is appropriate for the development allowed in the proposed district <i>The property currently is outside the City Limits and is not subject to zoning requirements. Rezoning to CD-3 allows for zoning requirements to be placed on the property.</i>
		<u>N/A</u>	Whether there are substantial reasons why the property cannot be used according to the existing zoning <i>The property is outside the City Limits and can currently be developed in accordance with the requirements of Hays County. There are no use or zoning requirements outside the City Limits.</i>
<u>X</u>			Whether there is a need for the proposed use at the proposed location <i>The rezoning would allow for additional residential options in the area.</i>
<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 <i>The property is requesting an Out of City Utility Extension Request by City Council to extend water and wastewater service to all proposed lots. The developer is also constructing Public Roads and Drainage Facilities in accordance with the Development Code.</i>
<u>X</u>			Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property <i>The property is surrounded by a mix of single-family residential, multifamily, and a sorority house. The rezoning would be consistent with the residential character of the area.</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

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<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>The property is located within a constrained area according to the Land Use Suitability Map.</i>
		<u>X</u>	Any other factors which shall substantially affect the public health, safety, morals, or general welfare <i>None noted.</i>