

# Zoning Request ZC-18-16

## Earle Street & Baylor Avenue



### Summary

<b>Request:</b>	A zoning change from "SF-6" Single Family to "ND-3" Neighborhood Density -3.		
<b>Applicant:</b>	Lance Huber PO Box 2634 Seguin, TX 78155	<b>Property Owner:</b>	Lance Huber PO Box 2634 Seguin, TX 78155

### Notification

<b>Application:</b>	September 19, 2018	<b>Neighborhood Meeting:</b>	October 3, 2018
<b>Published:</b>	October 28, 2018	<b># of Participants</b>	3
<b>Posted:</b>	October 26, 2018	<b>Personal:</b>	October 26, 2018
<b>Response:</b>	Three citizens provided letters in opposition of this request. Additionally, at the November 13, 2018 Planning & Zoning Commission meeting, 8 people spoke against this request during the public hearing.		

### Property Description

<b>Legal Description:</b>	Lots 17, 18, 19, 20, 21, and 22 of the Z Williamson Second Addition		
<b>Location:</b>	Earle Street & Baylor Avenue		
<b>Acreage:</b>	1.206 acres +/-	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	Single Family (SF-6)	<b>Proposed Zoning:</b>	Neighborhood Density - 3 (ND-3)
<b>Existing Use:</b>	Vacant	<b>Proposed Use:</b>	Single Family Attached
<b>Preferred Scenario:</b>	Existing Neighborhood	<b>Proposed Designation:</b>	Same
<b>CONA Neighborhood:</b>	Westover	<b>Sector:</b>	2
<b>Utility Capacity:</b>	Available	<b>Floodplain</b>	No

### Surrounding Area

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

### Staff Recommendation

<input checked="" type="checkbox"/> <b>Approval as Submitted</b>	<input type="checkbox"/> <b>Approval Alternate</b>	<input type="checkbox"/> <b>Denial</b>
<b>Staff:</b> Tory Carpenter, CNU-A		
<b>Title :</b> Planner		<b>Date:</b> November 26, 2018

### Commission Recommendation

<input type="checkbox"/> <b>Approval as Submitted</b>	<input type="checkbox"/> <b>Approval Alternate</b>	<input checked="" type="checkbox"/> <b>Denial</b>
Denied with a vote of 7-1		

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### History

The property owner would like to rezone the property to Neighborhood Density -3 (ND-3) in order to subdivide the property into a maximum of 12 lots and construct zero lot line houses. The site is currently vacant.

The property is located in an Existing Neighborhood on the Comprehensive Plan, therefore, an Existing Neighborhood Regulating Plan is required to accompany the zoning request. If approved, the applicant will construct "Zero Lot Line House" Building Types on the property in accordance with the attached Existing Neighborhood Regulating Plan. Any deviations from the attached Existing Neighborhood Regulating Plan will require Planning and Zoning Commission and City Council approval.

### Additional Analysis

The proposed lot configuration includes several lots that are considered severely elongated, i.e. their depth is more than three times the lot width. An Alternative Compliance would be required at the time of plat to vary from this standard.

### Comments from Other Departments

Police	No Comment
Fire	No Comment
Public Services	No Comment
Engineering	No Comment

Evaluation			Compatibility of Uses & Density Criteria (Sec.4.1.2.5)
Consistent	Inconsistent	Neutral	
<u>X</u>			<b>Helps prevent the impacts of high density uses on low density areas</b> <i>The property is located in an Existing Neighborhood and is surrounded by residential uses. The proposed rezoning to allow for zero lot line houses would be consistent with the surrounding residential uses and density.</i>
		<u>N/A</u>	<b>Limits changes in neighborhood density categories unless directed by a small area plan or neighborhood character study</b> <i>Studies were not complete at time of request.</i>
<u>X</u>			<b>Encourages more opportunities for home ownership</b> <i>The proposed rezoning would allow additional properties to be created for single family use.</i>
<u>X</u>			<b>Ensures a diversity of housing to serve citizens with varying needs and interests</b> <i>ND-3 is intended to provide a variety of small-scale residential uses, including accessory dwelling units, house, cottage, and a zero lot line house.</i>

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			<p><b>Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map</b></p> <p><i>Vision San Marcos states that diversified housing options should serve citizens with varying needs and interests and allow for more infill housing (Neighborhoods &amp; Housing, Goal 3). In accordance with the Existing Neighborhood Regulating Plan, the proposed rezoning allows for an opportunity to establish infill housing.</i></p>
		<u>N/A</u>	<p><b>Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area</b></p> <p><i>Studies were not complete at time of request.</i></p>
		<u>N/A</u>	<p><b>Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect</b></p> <p><i>There is no development agreement affecting this site.</i></p>
<u>X</u>			<p><b>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></p> <p><i>The applicant is proposing a single family use in accordance with the attached Existing Neighborhood Regulation Plan and will be required to meet applicable residential standards.</i></p>
<u>X</u>			<p><b>Whether the proposed zoning will reinforce the existing or planned character of the area</b></p> <p><i>Approval of this zoning change would allow the property to develop according to the vision of the Comprehensive Plan (Neighborhood and Housing Goal 3), and will be compatible with the existing residential character of the neighborhood.</i></p>
<u>X</u>			<p><b>Whether the site is appropriate for the development allowed in the proposed district</b></p> <p><i>The property is vacant and is currently zoned Single-Family (SF-6) which is limited to residential uses. As reflected in the Existing Neighborhood Regulating Plan, the applicant is proposing that residential building types (Zero Lot Line Houses) be constructed on the property.</i></p>
		<u>N/A</u>	<p><b>Whether there are substantial reasons why the property cannot be used according to the existing zoning</b></p> <p><i>The property can currently be used in accordance with the existing zoning which would allow for six single-family homes.</i></p>
<u>X</u>			<p><b>Whether there is a need for the proposed use at the proposed location</b></p> <p><i>The rezoning does serve a public purpose as it furthers the neighborhoods and housing goals of the Comprehensive Plan.</i></p>

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<u>X</u>			<b>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</b> <i>The property has access to sufficient water, wastewater, electric and other City services applicable to properties within the City Limits.</i>
<u>X</u>			<b>Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property</b> <i>The majority of the area surrounding the property is residential and therefore, the proposed rezoning would be consistent with the surrounding residential uses.</i>
<u>X</u>			<b>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>Per Table 4.5, Neighborhood Density District / Existing Zoning Translation Table, a proposed rezoning to ND-3 in a Low Density Category is designated as "Consider". "Consider" requires that the request be considered based on the zoning criteria in Section 2.5.1.4 and compatibility of uses and density in Section 4.1.2.5 as outlined in this staff report.</i>
<u>X</u>			<b>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 located within a low to moderately constrained area according to the Land Use Suitability Map.</i>
		<u>X</u>	<b>Any other factors which shall substantially affect the public health, safety, morals, or general welfare</b> <i>None noted.</i>