

# Zoning Request ZC-19-11

## Corner of Rattler Road and South Old Bastrop Highway



### Summary

<b>Request:</b>	Zoning change from "FD" Future Development to "CD-5" Character District – 5		
<b>Applicant:</b>	Ed Theriot Doucet and Associates 7401B Hwy 71 W, Ste 160 Austin, TX 78735	<b>Property Owner:</b>	Scott Snyder SHC Holdings, LLC P.O. Box 160523 Austin, TX 78716-0523

### Notification

<b>Application:</b>	November 5, 2019	<b>Neighborhood Meeting:</b>	N/A
<b>Published:</b>	November 24, 2019	<b># of Participants</b>	N/A
<b>Posted:</b>	November 20, 2019	<b>Personal:</b>	November 22, 2019
<b>Response:</b>	None as of Staff Report date		

### Property Description

<b>Legal Description:</b>	+/- 4.96 acre tract out of the Cyrus Wickson Survey, Abstract 474, Hays County		
<b>Location:</b>	Corner of Rattler Road and Old Bastrop Highway		
<b>Acreage:</b>	6	<b>PDD/DA/Other:</b>	Pending Annexation
<b>Existing Zoning:</b>	"FD" Future Development	<b>Proposed Zoning:</b>	"CD-5" Character District – 5
<b>Existing Use:</b>	Vacant / Rural	<b>Proposed Use:</b>	Commercial
<b>Preferred Scenario:</b>	"Growth Area – Medium Intensity".	<b>Proposed Designation:</b>	"Growth Area – Medium Intensity".
<b>CONA Neighborhood:</b>	N/A	<b>Sector:</b>	N/A
<b>Utility Capacity:</b>	Developer is responsible for extended utilities.	<b>Floodplain:</b>	No
<b>Historic District</b>	N/A		

### Surrounding Area

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>North of Property:</b>	ETJ	Single Family / Vacant	Growth Area - Medium Intensity
<b>South of Property:</b>	ETJ	Vacant	Growth Area - Medium Intensity
<b>East of Property:</b>	ETJ; "P" Public and Institutional; "CC" Community Commercial	Single Family / Vacant / San Marcos High School	Growth Area - Medium Intensity
<b>West of Property:</b>	ETJ	Single Family	Growth Area - Medium Intensity

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### Staff Recommendation

<input checked="" type="checkbox"/>	Approval as Submitted	<input type="checkbox"/>	Approval with Conditions / Alternate	<input type="checkbox"/>	Denial
<b>Staff:</b> Andrea Villalobos, CNU-A		<b>Title :</b> Senior Planner		<b>Date:</b> January 13, 2020	

### Commission Recommendation

<input checked="" type="checkbox"/>	Approval as Submitted	<input type="checkbox"/>	Approval with Conditions / Alternate	<input type="checkbox"/>	Denial
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#### **Planning and Zoning Commission Meeting: December 10, 2019**

##### **Speakers in favor or opposed:**

1. Ed Theriot (in favor)
2. Rosanna Ramirez (did not state position)
3. Angela Pates (did not state position)
4. Robert Tijerina (did not state position)
5. Richard Ramirez (did not state position)
6. Mary Alice Gomez (did not state position)

##### **Recommendation from the Planning and Zoning Commission meeting held December 10, 2019:**

A motion was made by Commissioner Gleason, seconded by Commissioner Moore to approve ZC-19-11. The motion carried 7-1.

- **For:** (7) Chairperson Garber, Vice Chairperson Gleason, Commissioner McCarty, Commissioner Haverland, Commissioner Dillon, Commissioner Moore, and Commissioner Agnew
- **Against:** (1) Commissioner Rand
- **Absent:** (1) Commissioner Kelsey

#### **City Council Discussion at January 7, 2020 Meeting**

At the January 7, 2020 meeting, council discussed concerns regarding the impacts of CD-5 zoning on the adjacent residential lots. Council postponed the item to the next available Council meeting to allow the applicant to provide a new zoning boundary exhibit.

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### History

The subject property is currently located outside the City Limits in the Extraterritorial Jurisdiction (ETJ). The property is currently vacant and is diagonally opposite from the San Marcos High School and adjacent to vacant and residential uses.

The purpose of this zoning change is to allow the development of retail corner uses allowed within CD-5 zoning. The applicant is also requesting a rezoning to CD-3 for 29.4 acres abutting the subject property. This request is being considered as part of a separate zoning request (ZC-19-10). Both zoning requests are being processed concurrently with an annexation request for the property.

The City of San Marcos will provide water and wastewater services at the site. The developer will be responsible for extending water and wastewater facilities through the site. Bluebonnet Electric Cooperative will provide electric service to this development.

In accordance with the discussion at the January 7, 2020 Council Meeting, the applicant has submitted a new exhibit which indicates a new zoning boundary of approximately 4.96 acres. This is a reduction from the original request of approximately 6 acres. The applicant has removed 1.04 acres from the original request. This 1.04 acres is no longer requested in the zoning change to CD-5 and will remain as Future Development "FD" zoning which is the default zoning applied to properties which are annexed. Council is considering approval of the annexation at the January 21st Council meeting.

The new boundary of approximately 4.96 acres includes approximately 35 feet of width between the neighboring residential property to the northwest. This 35 foot boundary replicates the width of the Type D Protective Yard Standard in Section 7.2.2.4 of the code. While the City cannot require that a fence or wall be constructed per the Protective Yard Standards, the 35 feet of width ensures that the CD-5 zoned property does not abut the neighboring residential property.

### Additional Analysis

Upon annexation, the property will be zoned "FD", the default classification for newly annexed land. The annexation request will be considered prior to the zoning change by City Council. See Comprehensive Plan Analysis Checklist and Criteria Checklists.

### 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>			<b>Helps prevent the impacts of high density uses on low density areas</b> <i>The subject property is located within a Medium Intensity - Growth Area on the Preferred Scenario Map. Character Districts, such as CD-5, are intended for new development within this designation on the Preferred Scenario Map. The property is also located at the corner of a major intersection.</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 the time of the request.</i>
<u>X</u>			<b>Encourages more opportunities for home ownership</b> <i>CD-5 zoning allows for a variety of residential uses which include townhome, apartment, mixed use shopfront, and live/work. These building types may offer homeownership opportunities through legal lots or condo regime.</i>
<u>X</u>			<b>Ensures a diversity of housing to serve citizens with varying needs and interests</b> <i>Allowable residential Building Types are Townhome, Apartment, Mixed Use Shopfront, and Live/Work.</i>

Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			<b>Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map</b> <i>Vision San Marcos states that the East Village Medium Intensity Zone should include a mix of commercial, retail, and service oriented activity including a variety of residential options. It further states that as the site of San Marcos' only high school, this area has a high potential for growth. The proposed request will add commercial, office, or residential uses to East Village and will be near the high school. In addition, Character Districts, such as CD-5, are designated as "C" Considered on the Comprehensive Plan / District Translation Table within a Medium Intensity District.</i>
		<u>N/A</u>	<b>Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area</b> <i>Studies were not complete at time of request.</i>

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<u>X</u>			<b>Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect</b> <i>A development agreement is not required because the property is being annexed.</i>
<u>X</u>			<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> <i>The property is surrounded by property that is outside the city limits and is not regulated with regards to zoning or use. However, the subject property is located across from the San Marcos High School and can serve the school and surrounding community. In addition, there is existing Community Commercial zoning across from the subject property.</i>
<u>X</u>			<b>Whether the proposed zoning will reinforce the existing or planned character of the area</b> <i>Approval of this zoning change would allow the property to develop according to the vision of the Comprehensive Plan, which states that the community needs diversified housing options (Neighborhood and Housing Goal 3) and directs growth in the East Village Medium Intensity Zone, which is planned for such growth. In addition, the subject property's proximity to the High School has the potential to provide convenient pedestrian and bike access between the property and the school.</i>
<u>X</u>			<b>Whether the site is appropriate for the development allowed in the proposed district</b> <i>The property is vacant and shown to be in a low constrained area. In addition, the subject property is near existing residential, commercial, and public uses.</i>
		<u>N/A</u>	<b>Whether there are substantial reasons why the property cannot be used according to the existing zoning</b> <i>The property is currently not zoned as it is located outside of the city limits.</i>
<u>X</u>			<b>Whether there is a need for the proposed use at the proposed location</b> <i>The rezoning does serve a public purpose as it furthers the goals and vision of the Comprehensive Plan.</i>
<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</b>

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			<b>stormwater facilities, public safety, and emergency services, while maintaining sufficient levels of service to existing development</b> <i>The property is located within the City's water service area and approximately 350 feet from the City's wastewater service area. Once the property is annexed, the City's wastewater service area boundary will be updated.</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 located within the East Village Medium Intensity Zone. Character districts are intended for new development in Medium Intensity Zone.</i>
		<u>N/A</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>This request is not for a Neighborhood Density District.</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 constrained area according to the Land Use Suitability Map. In addition, there is no floodplain on the property.</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>