

Preferred Scenario Map Amendment Request

PSA-20-02

Near the Intersection of Old Bastrop
Highway and Staples Road



Summary

Request:	Change from Area of Stability-Low Intensity to Growth Area-Medium Intensity on the Preferred Scenario Map.		
Applicant:	Paul Kuo HK Real Estate Development 24607 Fairway Springs San Antonio, TX 78260	Property Owner:	Freeman Educational Foundation Frost National Bank Trust Robert Wynn, Frost Bank Trustee PO Box 2950 San Antonio, TX 78299

Notification

Application:	March 16, 2020	Neighborhood Meeting:	Meeting date TBD
Published:	April 12, 2020	# of Participants	Meeting date TBD
Posted:	April 10, 2020	Personal:	April 10, 2020
Response:	One letter that is neither in support no in opposition of the project has been received.		

Property Description

Legal Description:	Approximately 1,142 acres, more or less, out of the William West Survey No. 2, the S.A. & M.G. RR Company Survey No. 10, the J.W. Wilson Survey, the J. McGuire Survey No. 60, the W. Burnette Survey No. 59, the William Burnett Jr. Original Survey, the W.A. Matthews Original Survey, and the John McGuire Original Survey, Hays County.		
Location:	Near the intersection of Old Bastrop Highway and Staples Road		
Acreage:	1,142 +/-	PDD/DA/Other:	N/A
Existing Zoning:	ETJ	Proposed Zoning:	Planning Area District (PA)
Existing Use:	Vacant	Proposed Use:	Residential/Commercial
Existing Occupancy:	Restrictions Do Not Apply	Occupancy:	Restrictions Do Not Apply
Preferred Scenario:	Area of Stability-Low Intensity Zone	Proposed Designation:	Growth Area-Medium Intensity Zone
CONA Neighborhood:	N/A	Sector:	N/A
Utility Capacity:	Adequate/To Be Extended	Floodplain:	Yes
Historic Designation:	N/A	My Historic SMTX Resources Survey	No

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Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	ETJ	San Marcos River	Low Intensity Zone/Open Space
South of Property:	ETJ	Vacant Property	Low Intensity Zone
East of Property:	FD / ETJ	Vacant/Residential/Industrial	Low Intensity Zone
West of Property:	ETJ	San Marcos River/Vacant	Low Intensity Zone/Open Space

Staff Recommendation

X	Approval as Submitted		Alternate Approval		Denial
At this time, the Commission is acting on the request which will change the City's Preferred Scenario Map. As many options for development may occur with or without the approval of this request, the Commission should consider all aspects of this staff report, the attached maps and figures, as well as the existing codes in their decision. A summary of what may be permitted at this location, if the map amendment is approved, is attached.					
Staff: Shavon Caldwell		Title: Planner		Date: April 28, 2020	

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History

With the adoption of Vision San Marcos, the City's Comprehensive Plan, the Preferred Scenario Map replaced the City's Future Land Use Map, and the process for requesting changes to the Preferred Scenario Map was amended. In order for a property to develop, the appropriate zoning must be in place. If a zoning change is necessary, the underlying designation on the Preferred Scenario (Area of Stability, Intensity Zone, or Employment Area) must support the proposed zoning. This determination is made by using the Preferred Scenario Map and Land Use Intensity Matrix from Vision San Marcos, as well as the Table 4.1 Comprehensive Plan/District Translation in the San Marcos Development Code. If the proposed zoning is not permitted based on the Preferred Scenario and Intensity Matrix designation or if the applicant desires a higher intensity zoning, an amendment to the Preferred Scenario Map may be requested. The Comprehensive Plan recommends that amendments to the Preferred Scenario Map only be considered twice per year, and this language was adopted as part of the San Marcos Development Code. Preferred Scenario Amendment requests should be carefully examined using the tools provided in Vision San Marcos.

This site is currently Low Intensity-New Development on the Land Use Intensity Matrix. This matrix, attached, provides general uses that Vision San Marcos recommends in this type of area. Also attached is Table 4.1 of the San Marcos Development Code which identifies the types of zoning that can be requested for properties based on their Preferred Scenario Map classification. The site currently falls under the Low Intensity column. The applicant is requesting to amend the Preferred Scenario and designate this property as Medium Intensity.

Currently, the property has no zoning and is located in the ETJ (Extraterritorial Jurisdiction). City staff is currently working with the applicant on a Development Agreement for this property that, among other things, will provide provisions for annexation and zoning. This agreement will be processed concurrently with the Preferred Scenario Map Amendment and will stipulate the applicant follow zoning district standards in the San Marcos Development Code.

The applicant is proposing a mix of single-family, multi-family, and commercial uses at a density and intensity consistent with a Medium Intensity Area. The applicant is proposing to develop this mix of uses under a Planning Area (PA) zoning designation. This zoning designation, depending on whether the site is located in a Low, Medium, or High Intensity Area on the Preferred Scenario Map, allows for a mix of Character Districts. A comparison table outlining the general description and proportions of allowed Character Districts under a Low Intensity vs. a Medium Intensity Preferred Scenario Area is also included in the table below. A copy of Chapter 4, Division 3 of the San Marcos Development Code which outlines standards for each of the referenced zoning designations is also provided in this packet for reference.

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Planning Area Districts-Character District Allocation

Character District	Character District Description	Low Intensity Preferred Scenario Area	Medium Intensity Preferred Scenario Area
Character District-1 (CD-1)	Intended for the preservation of open space and the most sensitive natural resources in San Marcos. May include widely dispersed rural single-family homes but is primarily characterized by extensive, undisturbed landscapes.	50% minimum (CD-1 or CD-2)	10-30% (CD-1, CD-2, or CD-3)
Character District-2 (CD-2)	Intended for the development of single family and agricultural uses in a rural setting. Characterized by primarily agricultural with woodlands and wetlands and scattered buildings.	50% minimum (CD-1 or CD-2)	10-30% (CD-1, CD-2, or CD-3)
Character District-3 (CD-3)	Primarily intended to accommodate one- and two-family houses. Uses that would substantially interfere with the residential nature of this district are not allowed.	20-40%	10-30% (CD-1, CD-2, or CD-3)
Character District-4 (CD-4)	Intended to accommodate a variety of residential options including single family, two family, and multifamily with limited commercial or mixed use on the corners.	10-30%	30-60%
Character District-5 (CD-5)	Intended to provide for a variety of residential, retail, service, and commercial uses. To promote walkability and compatibility auto-oriented uses are restricted. CD-5 promotes mixed use and pedestrian oriented activity.	0-5%	10-30%

The proposed Planning Area (PA) zoning designation would allow a variety of commercial, residential, and mixed uses such as office, retail, restaurant, residential, apartments, and live-work. This zoning designation

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also allows for very limited industrial uses. A copy of Table 5.1 from the San Marcos Development Code which identifies the allowed uses within the proposed Character Districts is included in this packet for reference.

If the Preferred Scenario amendment request is not granted, the applicant would still be able to develop under a Planning Area District but would only be able to develop with the Character District allocations (i.e. percentages) shown in the “Low Intensity Preferred Scenario” column of the above table. A Planning and Zoning Commission recommendation and City Council approval is required for the proposed Preferred Scenario amendment and for the subsequent zoning of the property as a Medium Intensity Planning Area.

Additional Analysis

In reviewing the Land Use Suitability Map, staff noted that in general, the majority of the site is located on land considered to be minimally constrained. Approximately 14% of the site is considered highly constrained. This can be attributed to the site’s proximity to the San Marcos River as a portion of the site is located within the floodway and 100-year floodplain. This part of the site is also located within the San Marcos Water Quality and Water Quality Buffer zones which limit impervious cover and have additional restrictions on discharge and runoff, use of chemicals, and the types of wastewater collection and disposal systems used. The Comprehensive Plan recognizes the importance of the unique natural environment in San Marcos and identifies appropriate densities and development in environmental sensitive areas and flood resilience as two of the major goals in the Plan. It should be noted that according to the submitted Land Use Plan, the applicant is not proposing any residential or commercial development in this highly constrained area.

There is no wastewater infrastructure currently in place to serve this development and the applicant has applied for a discharge permit to the Texas Commission on Environmental Quality. In addition, the property owner has removed the Riley’s Point tract from the City’s Water CCN. As a stipulation of the development agreement that will accompany an approved Preferred Scenario Amendment, the applicant will be required to opt into the City’s Water and Wastewater CCN and extend utilities to serve the development. While this issue is not explicitly addressed in the Comprehensive Plan, it should be noted that annexing the property and requiring the development to connect to City utilities aligns with multiple City plans and policies in a variety of ways, including the fact that it:

- Avoids possible negative environmental impacts to the San Marcos River with the proposed package plant
- Is consistent with City Council policy to discourage package treatment plants in the ETJ
- Avoids creating a “donut hole” of an area not within city limits with city limits bounding it to the east
- Provides for the orderly extension of the water and wastewater utility system without “leap-frogging” that would reduce infrastructure investment recovery
- Enables wastewater to be sustainable as it is used as reclaimed water after treatment
- Utility revenue, property tax, and general fund franchise fee positive effects

In contemplating land use goals in the Comprehensive Plan it’s important to note that the subject property is not currently located adjacent to any existing Medium Intensity designations and is surrounded on all sides by property designated Low Intensity-Area of Stability. The closest areas within the City which are identified

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as Medium Intensity are the Triangle (intersection of Highway 80 and Highway 21) and the Medical District (Highway 123 and Redwood Road). However, the Comprehensive Plan also outlines goals for implementing appropriate density, impervious cover limitations, and other development standards to avoid adverse impacts to the City's water supply and natural resources. Should the applicant be granted a discharge permit, development under County development standards would still occur and negative environmental impacts to the San Marcos River are possible. It's also important to note that at the time the Comprehensive Plan was created there was not a lot of attention given or time spent discussing the ETJ.

Comments from Other Departments

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

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Evaluation			Criteria for Approval (Sec. 2.4.2.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			<p>Whether the proposed amendment is consistent with other policies of the Comprehensive Plan</p> <p>The development is consistent with a number of policies in the Comprehensive Plan. The Plan promotes infrastructure that supports industry and job growth as an Economic Development goal. The developer is proposing approximately 135 acres of mixed use and commercial development and will be required to extend utilities and road infrastructure to serve the development. The Comprehensive Plan also promotes developing land in accordance with the Land Use Suitability Map. The property is largely considered minimally constrained and well suited for future development. The areas that are considered highly constrained are not proposed to be developed. Finally, the Comprehensive Plan promotes development that protects the water quality of the San Marcos and Blanco rivers and the natural resources necessary to our community's health, wellbeing, and prosperity. The proposed amendment would avoid wastewater utility development under a discharge permit which could have negative effects on the San Marcos River.</p>
		<u>X</u>	<p>Whether the proposed amendment is consistent with any adopted small area plan or neighborhood character study for the area.</p> <p><i>Studies were not complete at the time of this request.</i></p>
<u>X</u>			<p>Whether the proposed amendment promotes the orderly and efficient growth and development of the community and furthers the public health, safety, and general welfare of the City</p> <p>The amendment provides for cohesive CCN boundaries and the orderly extension of utility systems without "leap frogging". It would also allow for the closing of a potential "donut hole" of an area not within city limits. Finally, the proposed amendment avoids possible negative environmental impacts to the San Marcos River if the proposed package plant is allowed under the discharge permit being pursued by the applicant.</p>

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<u>X</u>		<p>Whether the proposed amendment constitutes a substantial benefit to the City as a whole and is not solely for the good or benefit of a particular landowner or owners at a particular point in time</p> <p>The proposed amendment will provide for the extension of utility infrastructure that supports industry and job growth, provide for a variety of diverse housing options, and will ensure the development meets all applicable environmental regulations in the San Marcos Development Code.</p>
<u>X</u>		<p>Whether the proposed amendment will impact:</p> <ul style="list-style-type: none"> • Adjacent properties • Existing or future land use patterns • Existing or planned public services and facilities • Existing or planned transportation networks or greenways • The natural environment, including the quality and quantity of water and other natural resources, flooding, and wildlife management <p>The adjacent properties are largely vacant and undeveloped. The applicant will be required to dedicate parks and open space in accordance with the Development Code and will also be required to make the necessary transportation improvements as outlined in the San Marcos Master Transportation Plan.</p>