Zoning Request	2801 Staples Road
ZC-20-19	

Summary

Request:	Zoning change from "FD" Future Development to "CD-4" Character District-4		
Applicant:	Todd Burek The Mayan at San Marcos River LLC 22711 Fossil Peak San Marcos, TX 78216	**Property Owner:**	Todd Burek The Mayan at San Marcos River LLC 22711 Fossil Peak San Marcos, TX 78216

Notification

Application:	July 14, 2020	**Neighborhood Meeting:**	N/A
Published:	July 26, 2020	**# of Participants**	N/A
Posted:	July 24, 2020	**Personal:**	July 24, 2020
Response:	None as of Staff Report date		

Property Description

Legal Description:	+/- 78.853 acre tract out of the Benjamin & Graves Fulcher Survey, Abstract No. 21, Guadalupe County, Texas, the Benjamin & Graves Fulcher Survey, Abstract No. 813, and the William A. Matthews Survey, Abstract No. 305, Hays County, Texas		
Location:	2801 Staples Road		
Acreage:	+/- 78.853 acres	**PDD/DA/Other:**	N/A
Existing Zoning:	"FD" Future Development	**Proposed Zoning:**	CD-4 "Character District-4"
Existing Use:	Vacant / Rural	**Proposed Use:**	Mixed Use (Commercial/Residential/Multifamily)
Preferred Scenario:	Area of Stability-Low Intensity	**Proposed Designation:**	Area of Stability-Low Intensity
CONA Neighborhood:	N/A	**Sector:**	N/A
Utility Capacity:	Developer is responsible for extending utilities.	**Floodplain:**	No
Historic District	N/A		

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	ETJ	San Marcos River/Vacant/Residential	Area of Stability-Open Space/Area of Stability-Low Intensity

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South of Property:	ETJ	Vacant/Redwood Community (Residential & Commercial Uses)	Area of Stability-Low Intensity
East of Property:	ETJ	Vacant/Rural	Area of Stability-Low Intensity
West of Property:	ETJ	Vacant/Rural	Area of Stability-Low Intensity

Staff Recommendation

X	**Approval as Submitted**		Approval with Conditions / Alternate		Denial
Staff: Shavon Caldwell		**Title:** Planner		**Date:** August 11, 2020	

Commission Recommendation

X	Approval as Submitted		Approval with Conditions / Alternate		Denial

Planning and Zoning Commission Meeting: August 11th, 2020

Speakers in favor or opposed: David Earl and Tory Hurt spoke in favor of the request.

Recommendation from the Planning and Zoning Commission meeting held August 11, 2020:
Recommendation for **approval** 9-0

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History

The subject property is within City limits and was annexed in 2008. The property is currently vacant and is surrounded almost exclusively by vacant, rural/agricultural land as well as the San Marcos River along the northernmost extent of the subject tract and some existing residential and commercial uses in the Redwood community along the southernmost extent of the subject tract. In addition, FM 110 is proposed to be located adjacent to the subject property and right-of-way has already been dedicated in order to provide for the future construction of FM 110.

The purpose of this zoning change to "Character District-4" is to allow for the development of approximately 79 acres of mixed commercial and residential uses.

The City of San Marcos will provide wastewater services at the site and as the property is within the Crystal Clear CCN, Crystal Clear Special Utility District will provide water service. The developer will be responsible for extending water and wastewater facilities through the site as needed. Bluebonnet Electric Cooperative will provide electric service to this development.

Additional Analysis

Analysis of the proposed zoning request includes deliberation of existing surrounding land uses, proposed transportation networks, and the goals and policies of the Comprehensive Plan. A few major points for consideration in the analysis are as follows:

- Low Intensity Areas on the Preferred Scenario Map are varied and diverse with respect to environmental sensitivity and development suitability. Development in these areas should be guided by the Land Use Suitability Map. The proposed zoning district is in a low to moderately constrained area on the Land Use Suitability Map.
- The Comprehensive Plan states that being in an area of stability does not mean that an area should or will not change but only that new zoning requests should be carefully planned so that the character of the area remains. While the existing rural and agricultural character of the area would not remain with CD-4 development, the Comprehensive Plan considers single family residential, home office, and corner retail and mixed use all appropriate uses and building types in Low Intensity areas.
- The FM 110 thoroughfare will alter the existing character of the surrounding area and the subject property's location along FM 110 would allow for a variety of residential uses to be developed in accordance with city standards and with access to a major transportation thoroughfare.

- Hays County provides the following overview of the FM 110 project:

  This project continues the loop east of San Marcos and involves initially constructing two travel lanes (one in each direction) with 10-foot shoulders where no road currently exists for the approximately 11.3-mile corridor and includes an interchange at SH 21 and a railroad overpass at the Union Pacific Railroad tracks. As traffic increases over time, two additional travel lanes and additional interchanges would be constructed. Initial construction costs will be funded through Transportation Reinvestment Zones (TRZs) created by Hays County and the City of San Marcos to capture a portion of the increased value of development occurring

along the alignment. Caldwell County will also contribute to the project cost. The County is funding and conducting project development simultaneously for the initial stage of all three sections. TxDOT will let and manage construction of the project. Water line relocations will be in construction contracts.

- Additional details regarding this analysis is outlined in the staff report and the Comprehensive Plan Analysis checklist.

Comments from Other Departments

Police	No issues with the proposed development.
Fire	This development is outside the City's existing fire station network's coverage area and a fire station location would ensure optimal coverage and response times. Portions of the development fall outside a 5-road mile distance (based on current road network) from an existing station which results in an ISO PPC (ISO Public Protection Program) rating of 10+. This rating indicates that the area's fire suppression doesn't meet the program's minimum criteria.
Public Services	No issues with the proposed development.
Engineering	No Comment

Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
X			**Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map** *The subject property is located within an "Area of Stability-Low Intensity" designation on the Preferred Scenario Map. Per the Comprehensive Plan, "Character Districts" such as Character District-4 zoning are "Considered" within Low Intensity designations.* *Vision San Marcos Comprehensive Plan states that "Areas of Stability-Low Intensity" will generally maintain their existing character. The Comprehensive Plan states that "being located in an area of stability does not mean that these areas should or will not change. It means that any changes whether new developments, zoning requests, or public improvements should be carefully planned and implemented so that the character of the area remains." Although the proposed zoning does not ensure "that the character of the area remains", the Comprehensive Plan envisions single family, home office, and corner retail in Low Intensity Areas which are all uses and building types that are allowed in CD-4.*

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
		N/A	**Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area** *Studies were not complete at time of request.*
		X	**Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect** *A development agreement is not in effect.*
X			**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** *Character District-4 zoning primarily allows primarily for a variety of residential uses and some limited commercial uses that except for bed & breakfasts or boutique hotels, are limited by specific use standards or require approval of a conditional use permit.* *The immediately surrounding area is currently agriculture/rural and there are no adjacent residential or commercial uses, however, the future FM 110 development adjacent to the property is likely to attract a diverse array of uses.*
X			**Whether the proposed zoning will reinforce the existing or planned character of the area** *Approval of this zoning change will not reinforce the existing character of the area which is primarily rural/agricultural. However, the planned FM 110 will alter the existing character of the surrounding area as it will be a major eastern transportation loop. In addition, approval of this zoning change would allow the property to develop with diversified housing options which the Comprehensive Plan envisions and states as a community need and will allow development of the general use categories and building types envisioned in by the Comprehensive Plan in Low Intensity areas.*
X			**Whether the site is appropriate for the development allowed in the proposed district** *The property is vacant, will have easy access to the future FM 110, and will be required to construct roadways and utility infrastructure consistent with the Character District-4 zoning district. The subject property is shown to be on a low to moderately constrained area on the Land Use Suitability Map.*

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
X			**Whether there are substantial reasons why the property cannot be used according to the existing zoning** *The property is currently zoned Future Development (FD). The FD zoning district is intended to serve as a temporary zoning district for recently annexed properties that shall be developed in the future but are not yet ready to be zoned for a particular use.*
X			**Whether there is a need for the proposed use at the proposed location** *The proposed rezoning would allow primarily residential uses with some limited allowances for commercial uses. The subject property's location along FM 110 would allow for such uses to be developed in accordance with city standards with access to a major transportation thoroughfare.*
X			**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** *The property is not located within the City's water service area and will be served by Crystal Clear Special Utility District. The property is not located within the City's wastewater service area and will be required to extend City wastewater lines to the property. This development is outside the City's existing fire station network's coverage area and a fire station location would ensure optimal coverage and response times.*
X			**Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property** *The surrounding property is primarily vacant agricultural/rural. While this existing land type does not complement the proposed Character District-4 zoning there are no anticipated adverse impacts.*
		N/A	**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** *This request is not for a Neighborhood Density District.*

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
X			**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** *The subject property is located within a low to moderately constrained area according to the Land Use Suitability Map.*
X			**Any other factors which shall substantially affect the public health, safety, morals, or general welfare** *None noted.*