

Zoning Request ZC-20-23

Near the Intersection of Highway 123
and Monterrey Oak Drive



Summary

Request:	Rezone approximately 12.5 acres of land that is currently in the Extraterritorial Jurisdiction of the City, which will be zoned Future Development (FD) upon annexation to Character District 2.5 (CD-2.5).		
Applicant:	Vantage at San Marcos 7334 Blanco Road Suite 200 San Antonio, TX 78666	Property Owner:	Mohnke Poor Farm LLC 540 Mission Valley Road New Braunfels, TX 78132

Notification

Application:	September 23, 2020	Neighborhood Meeting:	N/A
Published:	September 27, 2020	# of Participants	N/A
Posted:	September 25, 2020	Personal:	September 25, 2020
Response:	None as of the date of the Staff Report		

Property Description

Legal Description:	for approximately 12.5 acres, more or less, out of the J.F. Geister Survey, No 6 and No 7, Hays County		
Location:	Near the intersection of Highway 123 and Monterey Oak Drive		
Acreage:	12.5 +/-	PDD/DA/Other:	N/A
Existing Zoning:	ETJ – will be Future Development (FD)	Proposed Zoning:	Character District-2.5 (CD-2.5)
Existing Use:	Agricultural	Proposed Use:	Residential
Existing Occupancy:	Restrictions Do Not Apply	Occupancy:	Restrictions Do Apply
Preferred Scenario:	Medium Intensity Zone and Low Intensity Zone	Proposed Designation:	Same
CONA Neighborhood:	N/A	Sector:	N/A
Utility Capacity:	Adequate	Floodplain:	No
Historic Designation:	N/A	My Historic SMTX Resources Survey	No

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	ETJ	Vacant / Agricultural	Medium / Low Intensity
South of Property:	SF-6	Residential	Medium / Low Intensity
East of Property:	SF-6 / ETJ	Vacant / Residential	Low Intensity Zone
West of Property:	ETJ / P	Commercial / Industrial / High School	Medium Intensity Zone

Staff Recommendation

<input checked="" type="checkbox"/> Approval as Submitted	<input type="checkbox"/> Alternate Approval	<input type="checkbox"/> Denial
Staff: Will Parrish AICP, CNU-A		
Title : Planner		Date: September 30, 2020

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History

This property is located within the San Marcos Extraterritorial Jurisdiction (ETJ) and is adjacent to the Cottonwood Creek subdivision and across from the San Marcos High School on Highway 123.

The applicant previously made a request to rezone the property to Character District – 3 (CD-3) that was heard by the Planning and Zoning Commission and City Council earlier this year.

At their regularly scheduled meeting on 2/25/2020 the Planning and Zoning Commission voted 5 to 3 to recommend approval of the request to City Council.

At their regularly scheduled meeting on 3/14/2020 the City Council voted to deny the request 4-2. At the meeting Council members discussed concern over the lack single family occupancy restrictions within the CD-3 zoning district.

The applicant updated their request is to zone approximately 12.5 acres to Character District 2.5 (CD-2.5), which is a new residential zoning district. This zoning district was added to the San Marcos Development Code by City Council on September 1, 2020 in order to provide an alternative to CD-3.

The City of San Marcos will provide water and wastewater services to 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.

This zoning request is being processed concurrently with an annexation request for the property.

Additional Analysis

This property abuts the Cottonwood Creek Subdivision, which consists of single family homes zoned Single Family-6 (SF-6), Patio Home-Zero Lot Line (PH-ZL), and Town House (TH). Additionally, Cottonwood Creek contains Bowie Elementary School.

The proposed zoning district, CD-2.5, allows two building types, House and Accessory Dwelling Unit. The maximum building height allowed within this district is two stories. Any lots proposed to be 45 feet or less in width will require alley access.

The most substantial difference between CD-2.5 and the CD-3 zoning district is that the single family occupancy restrictions, which restrict the number of non-related persons within a dwelling unit, do apply to CD-2.5, but do not apply to CD-3.

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<u><i>Comments from Other Departments</i></u>	
Police	No Comment
Fire	No Comment
Public Services	No Comment
Engineering	No Comment

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			<p>Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map.</p> <p><i>Table 4.1 of the San Marcos Development Code identifies Character Districts as districts that are Considered in Low Intensity zones, all other districts are identified as Not Preferred.</i></p>
		<u>N/A</u>	<p>Whether the proposed zoning map 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>N/A</u>	<p>Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect.</p> <p><i>This property is requesting annexation, therefore no development agreement is proposed.</i></p>
<u>X</u>			<p>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.</p> <p><i>The uses allowed within this district are residential and have residential standards similar to those within the adjacent single family residential district.</i></p>
<u>X</u>			<p>Whether the proposed zoning will reinforce the existing or planned character of the area.</p> <p><i>The proposed district is consistent with the planned character of the area based on the Preferred Scenario Map and Comprehensive Plan, which states that the community needs diversified housing options (Neighborhood and Housing Goal 3). As this district is limited to one and two family dwelling units, it is similar in character to the adjacent residential neighborhood.</i></p>
<u>X</u>			<p>Whether the site is appropriate for the development allowed in the proposed district.</p> <p><i>This site has very few development constraints and is appropriate for residential development.</i></p>
		<u>N/A</u>	<p>Whether there are substantial reasons why the property cannot be used according to the existing zoning.</p> <p><i>The property is not currently zoned as it is outside City Limits. Upon annexation, if zoned FD it will be able to be used for rural residential or agricultural uses.</i></p>

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			Whether there is a need for the proposed use at the proposed location. <i>The rezoning does serve a public purpose as it furthers the goals and vision of the Comprehensive Plan.</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 located adjacent to City Limits and adequate existing City services. Roads and utility infrastructure will be required to extend into and through the development at the developer's cost.</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 currently undeveloped, as such development of any kind will have an impact on the abutting neighborhood. As this is proposed to be a residential district, the impact should be minimal when compared to more intense zoning districts allowed to be requested.</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. <i>This is not a request for a Neighborhood Density District.</i>
<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>This property is located within an area that has very little environmental constraints 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>