

# Zoning Request

ZC-20-24

Picoma

2400 Block of Hwy 123



## Summary

<b>Request:</b>	Zoning change from “FD” Future Development to “CD-5” Character District – 5		
<b>Applicant:</b>	Ed Theriot Doucet & Associates, Inc. 7401B Hwy 71 W Ste 160 Austin, TX 78735	<b>Property Owner:</b>	Jaime J Russek Martinez 910 Rio Verde New Braunfels, TX 78130

## Notification

<b>Application:</b>	September 22, 2020	<b>Neighborhood Meeting:</b>	N/A
<b>Published:</b>	October 11, 2020	<b># of Participants</b>	N/A
<b>Posted:</b>	October 9, 2020	<b>Personal:</b>	October 9, 2020
<b>Response:</b>	None as of Staff Report date		

## Property Description

<b>Legal Description:</b>	+/- 32.24 acre tract out of the Barnett O. Kane Survey, Abstract No. 281, Hays County and being Lot 1, Block 1, R&R Subdivision Section 2		
<b>Location:</b>	2400 Block of Hwy 123		
<b>Acreage:</b>	32.24	<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>	Multifamily
<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>	5
<b>Utility Capacity:</b>	Developer is responsible for extending 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 (Outside City Limits)	Commercial / Warehouse	Growth Area – Medium Intensity
<b>South of Property:</b>	Multifamily-12 (MF-12) ETJ (Outside City Limits)	Rural / Vacant	Area of Stability – Low Intensity
<b>East of Property:</b>	Character District-4 (CD-4) ETJ (Outside City Limits)	Senior Living / Multifamily	Growth Area – Medium Intensity
<b>West of Property:</b>	ETJ (Outside City Limits)	Rural / Vacant	Growth Area – Medium Intensity

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### Staff Recommendation

<b>X</b>	<b>Approval as Submitted</b>	X	Approval with Conditions / Alternate		Denial
<b>Staff:</b> Andrea Villalobos, AICP, CNU-A <b>Title:</b> Senior Planner <b>Date:</b> October 28, 2020					

### Commission Recommendation

<b>X</b>	<b>Approval as Submitted</b>		Approval with Conditions / Alternate		Denial
<b>Planning and Zoning Commission Meeting: October 27, 2020</b>					
<b>Speakers in favor or opposed:</b>					
1. Ed Theriot (in favor)					
2. Lisa Marie Coppoletta (did not state whether in favor or opposed)					
<b>Recommendation from the Planning and Zoning Commission meeting held October 27, 2020:</b>					
A motion was made by Commissioner Moore, seconded by Commissioner Spell, to approve ZC-20-24. The motion carried 8-1. Discussion from the Commission included the desire to have a mix of uses on the site such as retail, office, and residential uses instead of just a potential single multifamily use.					
<ul style="list-style-type: none"><li>• <b>For:</b> (8) Chairperson Gleason, Vice Chairperson Kelsey, Commissioner Dillon, Commissioner Spell, Commissioner McCarty, Commissioner Haverland, Commissioner Moore, and Commissioner Agnew.</li><li>• <b>Against:</b> (1) Commissioner Rand</li><li>• <b>Absent:</b> (0)</li></ul>					

### History

The majority of the subject property is currently located outside the City Limits in the San Marcos Extraterritorial Jurisdiction (ETJ). There is an approximately 30 foot wide strip of land along the southeastern property line that was annexed and zoned Future Development "FD" in 2008 as part of a wastewater line extension and easement (see survey for depiction). The property is currently vacant and is adjacent to rural/vacant property and a few commercial/warehouse structures along Redwood. The property is also across the street from the La Vista retirement community, a proposed multifamily project along Redwood Road, and also abuts Hwy 123. The purpose of this zoning change is for the development of a potential residential multifamily project or other allowable uses in CD-5.

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

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#### **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. At this time, the applicant has stated that the property is intended to be developed as multifamily, however, other uses allowed in CD-5 zoning may be considered.

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

#### **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			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>The subject property is located within the Medical District Growth Area – Medium Intensity designation as outlined on the Preferred Scenario Map. Vision San Marcos states that the Medical District Medium Intensity Zone should include a mix of uses to allow residents to live, work, and do many day-to-day tasks within the district. Character Districts, such as CD-5, are intended for new development within this designation on the Preferred Scenario Map and is designated as “C” Considered on the Comprehensive Plan / District Translation Table within a Medium Intensity District.</i></p> <p><i>Zoning districts, such as Character Districts allow for a diverse array of building types, land uses, and densities that provide additional housing opportunities and services for a neighborhood so that resident’s needs are more accessible. Character Districts are intended to be walkable and require multi-modal transportation improvements through block standards and streetscape standards such as sidewalks and street trees.</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>A development agreement is not required because the property is requesting annexation into the city limits.</i></p>

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<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>  <i>CD-5 zoning allows for a variety of uses including residential, commercial, and office (see attached land use matrix comparison table). Per the Development Code, "The CD-5 district is 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."</i></p> <p><i>The subject property's location in the Medical District Medium Intensity Zone indicates that the area is planned for a mix of uses that should be well-connected. CD-5 zoning aligns with this vision as outlined in the comprehensive plan.</i></p>
<u>X</u>			<p><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 Medical District Medium Intensity Zone is planned for a live, work, play built environment.</i></p> <p><i>Character District-5 allows for a diverse array of building types, land uses, and densities that provide additional housing opportunities and services for a neighborhood so that resident's needs are more accessible. CD-5 is intended to be walkable and require multi-modal transportation improvements through block standards and streetscape standards such as sidewalks, shared use paths, and street trees.</i></p>
<u>X</u>			<p><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 to moderately constrained area. The rezoning does serve a public purpose as it furthers the goals and vision of the Comprehensive Plan and the Medical District Medium Intensity Zone by providing a zoning district that allows for a diverse array of uses.</i></p>

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Consistent	Evaluation		Criteria for Approval (Sec.2.5.1.4)
	Inconsistent	Neutral	
		<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 is currently not zoned as it is located outside City Limits.</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 goals and vision of the Comprehensive Plan.</i></p>
<u>X</u>			<p><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></p> <p><i>The property is located within the City's water service area and adjacent to the City's wastewater service area. There are several public water and wastewater lines existing on the subject property that are located along the perimeter of the property. Additional services lines may be extended through the property depending on the proposed site and subdivision layout. Once the property is annexed, the City's wastewater service area boundary will be updated.</i></p> <p><i>The developer will be responsible for constructing public roadways in accordance with the Transportation Master Plan and the block standards required for CD-5. These roadways will include streetscape improvement such as sidewalks, bike lanes, street trees, and landscaping in accordance with the Development Code. In addition, a greenway is required through the property that will connect the proposed High Branch greenway east of the property to the south per the Greenway Master Plan.</i></p>

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			<p><b>Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property</b></p> <p><i>The subject property is surrounded by a mix of uses and zoning districts. There are two sites immediately surrounding the property that are planned for multifamily (CD-4 and MF-12 zoning) and the existing La Vista Senior Housing across the street from the subject property includes multifamily residential units for seniors. In addition, there are several vacant tracts of land that are either located outside the city limits or are still zoned Future Development. A few commercial/warehouse uses exist along Redwood Road. In general, the majority of the immediately surrounding area is located in the Medium Intensity Zone and is planned for a diverse array of uses. The proposed zoning district to CD-5 will align with the comprehensive plan and provide additional uses, services, and transportation connections in the Medical District Intensity Zone.</i></p>
		<u>N/A</u>	<p><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></p> <p><i>This request is not for a Neighborhood Density District.</i></p>
<u>X</u>			<p><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></p> <p><i>The property is located within a moderately constrained area according to the Land Use Suitability Map and there is no floodplain on the property. A Watershed Protection Plan is required prior to development.</i></p>
<u>X</u>			<p><b>Any other factors which shall substantially affect the public health, safety, morals, or general welfare</b></p> <p><i>None noted.</i></p>