

# Zoning Request ZC-21-06

## parcHAUS CD-1 Centerpoint Road



### Summary

<b>Request:</b>	Zoning change from “FD” Future Development to “CD-1” Character District 1		
<b>Applicant:</b>	LJA Engineering 7500 Rialto Blvd, Bldg 2, Ste 100, Austin, TX 78735	<b>Property Owner:</b>	Lowman Ranch, Ltd. P.O. Box 1021 Dahlonega, GA 30533

### Notification

<b>Application:</b>	4/20/2021	<b>Neighborhood Meeting:</b>	N/A
<b>Published:</b>	4/25/2021	<b># of Participants</b>	N/A
<b>Posted:</b>	4/22/2021	<b>Personal:</b>	4/23/2021
<b>Response:</b>	None as of the date of this report		

### Property Description

<b>Legal Description:</b>	Approximately 10.19 acres out of the Edward Burleson Survey, Abstract No. 63, Hays County, Texas		
<b>Location:</b>	Generally located 2,000 feet southwest of the Centerpoint Rd and Center Point Ct. intersection		
<b>Acreage:</b>	10.19 acres	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	N/A – ETJ	<b>Proposed Zoning:</b>	CD-1
<b>Existing Use:</b>	Agricultural	<b>Proposed Use:</b>	Detention Pond
<b>Existing Occupancy:</b>	N/A	<b>Occupancy:</b>	N/A
<b>Preferred Scenario:</b>	Low Intensity Zone	<b>Proposed Designation:</b>	Same
<b>CONA Neighborhood:</b>	N/A	<b>Sector:</b>	5
<b>Utility Capacity:</b>	Extension Required at Developer’s Cost	<b>Floodplain:</b>	No
<b>Historic Designation:</b>	N/A	<b>My Historic SMTX Resources Survey</b>	No

### Surrounding Area

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>North of Property:</b>	General Commercial	Outlet Mall	Employment South
<b>South of Property:</b>	ETJ	Agricultural	Low Intensity
<b>East of Property:</b>	ETJ	Agricultural	Low Intensity
<b>West of Property:</b>	ETJ	Agricultural	Low Intensity

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### Staff Recommendation

<b>X</b>	<b>Approval as Submitted</b>	Alternate Approval	Denial
<b>Staff:</b> Will Rugeley, AICP			
<b>Title:</b> Planner		<b>Date:</b> 4/27/2021	

### Commission Recommendation

<b>X</b>	<b>Approval as Submitted</b>	Approval with Conditions / Alternate	Denial
<b>Speakers in favor or opposed:</b> <ol style="list-style-type: none"> <li>(2) Dave Holland and Charles Hager (in favor)</li> <li>(1) Lisa Marie Coppoletta (in opposition)</li> </ol>			
<b>Recommendation from the Planning and Zoning Commission meeting held May 11, 2021:</b> A motion was made by Commissioner Agnew, seconded by Commissioner Costilla, to approve ZC-21-06. The motion carried 8-0. <ul style="list-style-type: none"> <li><b>For:</b> (8) Chairperson Garber, Commissioner Agnew, Commissioner Costilla, Commissioner McCarty, Commissioner Moore, Commissioner Rand, Commissioner Sambrano, and Commissioner Spell.</li> <li><b>Against:</b> (0)</li> <li><b>Absent:</b> (1) Commissioner Kelsey</li> </ul>			
<b>Discussion Topics:</b> (a) Housing: The Commission discussed the City strategic goal of achieving housing options that accommodates the full life cycle of citizens. The Commission discussed how this project is a product unlike any other within the City. (b) Drainage: The Commission requested information on how the drainage would impact downstream properties as well as the aesthetics of the detention pond. The applicant informed the Commission that all City standards would be achieved, and the drainage improvements will largely be undisturbed to maintain its wetlands vegetation.			

### History

The City of San Marcos will provide water and wastewater services at the site; however, the developer will be responsible for utility infrastructure construction. Pedernales Electric Service will provide electric service.

### Additional Analysis

ZC-21-06, ZC-21-07 and ZC-21-08 seek to entitle a multifamily development pursuant to the CD-1, CD-4, and CD-5 Zoning District Regulations. The 10.19 acres associated with this zoning case is intended to serve as the development's detention area. An annexation request is being considered concurrent with the zoning change requests.

### 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>Low Intensity Areas are varied and diverse with respect to environmental sensitivity and development suitability of the land. They are generally made up of larger undeveloped tracts of land where the preservation of sensitive environmental areas, flood hazard areas and agricultural lands should be considered as part of any development proposal. Development in these areas should be guided by the Land Use Suitability Map of the Comprehensive Plan</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>
		<u>N/A</u>	<p><b>Whether the proposed zoning map amendment implements the policies of any applicable plan adopted by City Council</b></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>
<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></p> <p><i>Detention facilities are authorized within all zoning districts</i></p>
<u>X</u>			<p><b>Whether the proposed zoning will reinforce the existing or planned character of the area</b></p> <p><i>Approval of this zoning change would allow the property to develop in a manner that is subject to ad hoc considerations that requires comparison between the proposed use and the intent of the applicable character district as described by Table 4.5 of the Development Code</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 site is appropriate for the development allowed in the proposed district</b>  <i>The CD-1 District is intended for the preservation of open space and to protect the most sensitive natural resources in San Marcos. It may include widely dispersed rural single-family homes but is primarily characterized by extensive, undisturbed landscapes. However, detention facilities are permitted within all zoning districts</i></p>
		<u>N/A</u>	<p><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's 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>
<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>  <i>The site is located adjacent to City Limits with access to existing utilities and Centerpoint Road</i></p>
<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>  <i>The immediately surrounding area is either located in an Employment or Low Intensity Area and surrounding zoning is either General Commercial or not zoned. With the Outlet Mall to the north and a hotel to the east, the proposed development is consistent with existing higher intensity uses</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>
<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>  <i>The property is not located within a constrained area</i></p>
<u>X</u>			<p><b>Any other factors which shall substantially affect the public health, safety, morals, or general welfare</b></p>