

Zoning Request ZC-21-08

parcHAUS CD-4 Centerpoint Road



Summary

Request:	Zoning change from "GC" and "FD" to "CD-4"		
Applicant:	LJA Engineering 7500 Rialto Blvd, Bldg 2, Ste 100, Austin, TX 78735	Property Owner:	Lowman Ranch, Ltd. P.O. Box 1021 Dahlonega, GA 30533

Notification

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

Property Description

Legal Description:	Approximately 29.66 acres out of the Edward Burleson Survey, Abstract No. 63, Hays County, Texas		
Location:	Generally located 300 feet west of the of the Centerpoint Rd and Center Point Ct. intersection.		
Acreage:	29.66 acres	PDD/DA/Other:	N/A
Existing Zoning:	General Commercial & ETJ	Proposed Zoning:	CD-4
Existing Use:	Agricultural	Proposed Use:	Multi-Family
Existing Occupancy:	N/A	Occupancy:	N/A
Preferred Scenario:	Low Intensity Zone	Proposed Designation:	Same
CONA Neighborhood:	N/A	Sector:	5
Utility Capacity:	Extension Required at Developer's Cost	Floodplain:	No
Historic Designation:	N/A	My Historic SMTX Resources Survey	No

Surrounding Area

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

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Staff Recommendation

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

Commission Recommendation

<u>X</u>	Approval as Submitted	Approval with Conditions / Alternate	Denial
Speakers in favor or opposed: 1. (1) Dave Holland (in favor) Recommendation from the Planning and Zoning Commission meeting held May 11, 2021: A motion was made by Commissioner Moore, seconded by Commissioner Sambrano, to approve ZC-21-07. The motion carried 8-0. For: (8) Chairperson Garber, Commissioner Agnew, Commissioner Costilla, Commissioner McCarty, Commissioner Moore, Commissioner Rand, and Commissioner Sambrano. Against: (1) Commissioner Spell Absent: (1) Commissioner Kelsey Discussion Topics: (a) Partnership with San Marcos Housing Authority: The Commission sought clarification on the partnership and how it would provide affordable housing options. The applicant explained that the partnership is not low income nor tax credit housing but instead is a partnership which will allow the apartment's leasing office to lease 50% of the units at market rate, 25% of the units will be leased to persons who make 70% of the area's medium income, and 25% of the units will be leased to persons who make 60% of the area's medium income. (b) Location: The Commission discussed that the project is ideally situated due to its adjacency with the outlet mall and that few other uses would be suitable in this particular location. (c) Ingress and Egress: The Commission noted that only one access point exists. The applicant noted that due to driveway spacing requirements only one access point is authorized, however, they are providing an emergency, gated access drive mid-block.			

History

The property is located within both the City Limits and ETJ with its northern half zoned General Commercial "GC." The property is currently vacant and is adjacent to rural/agricultural property as well as near the Tanger Outlet Mall. The City of San Marcos will provide water and wastewater services; however, the developer will be responsible for utility infrastructure construction. Pedernales Electric Service will provide electric service.

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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 29.66 acres associated with this zoning case is intended to be the first phase developed for 290 multifamily units. Its southern half is subject to annexation of which an application has been submitted and scheduled for Council consideration on 5/4, 6/1, and 6/15/2021.

Comments from Other Departments

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

Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
		<u>X</u>	Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map <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>
		<u>N/A</u>	Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area
		<u>N/A</u>	Whether the proposed zoning map amendment implements the policies of any applicable plan adopted by City Council
		<u>N/A</u>	Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			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 & boutique hotels, are limited by specific use standards or require approval of a conditional use permit.
	<u>X</u>		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 and open space
	<u>X</u>		Whether the site is appropriate for the development allowed in the proposed district The property is undeveloped, will have easy access to the nearby access to IH35, and will be required to prepare a TIA, to construct internal roadways and utility infrastructure consistent with the Character District-4 zoning district. Approval of this zoning change would allow the property to develop with diversified housing options which the Comprehensive Plan identifies as a community need
		<u>N/A</u>	Whether there are substantial reasons why the property cannot be used according to the existing zoning The property's southern 1/3 is currently not zoned as it's located outside the City Limits. Its northern 2/3, however, is zoned General Commercial and residential uses are not permitted
		<u>X</u>	Whether there is a need for the proposed use at the proposed location
<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 The site is located either within or adjacent to City Limits with direct access to existing utilities and Centerpoint Road

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property <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>
		<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
<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>The property is not located within a constrained area</i>
<u>X</u>			Any other factors which shall substantially affect the public health, safety, morals, or general welfare