



## Legislation Details (With Text)

**File #:** Ord. 2018-35    **Version:** 1    **Name:**  
**Type:** Action Item    **Status:** Individual Consideration  
**File created:** 8/14/2018    **In control:** City Council  
**On agenda:** 9/4/2018    **Final action:**  
**Title:** Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2018-35, amending the Official Zoning Map of the City by rezoning approximately .78 acres, more or less, tract of land, located at 128 Windmill Drive from "D" Duplex Residential District, to "ND-3.5" Neighborhood Density - 3.5; and including procedural provisions; and consider approval of Ordinance 2018-35, on the first of two readings.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ZC-18-10 Council Cover Memo, 2. Ordinance, 3. ZC-18-10 Notification Map, 4. List of Addresses, 5. ZC-18-10 Aerial Map, 6. ZC-18-10 Staff Report, 7. ZC-18-10 Comp Plan Analysis, 8. ZC-18-10 Reg Plan.pdf, 9. ZC-18-10 Single Family Preservation Buffer, 10. ZC-18-10 Land Use Matrix - Comparison, 11. ZC-18-10 Zoning District Comparison Chart, 12. ZC-18-10 Letters of opposition, 13. ZC-18-10 Application, 14. Zc-18-10 CC Powerpoint Presentation

Date	Ver.	Action By	Action	Result
9/4/2018	1	City Council	denied	Pass

**AGENDA CAPTION:**

Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2018-35, amending the Official Zoning Map of the City by rezoning approximately .78 acres, more or less, tract of land, located at 128 Windmill Drive from "D" Duplex Residential District, to "ND-3.5" Neighborhood Density - 3.5; and including procedural provisions; and consider approval of Ordinance 2018-35, on the first of two readings.

**Meeting date:** September 4, 2018

**Department:** Planning and Development Services

**Amount & Source of Funding**

**Funds Required:** NA

**Account Number:** NA

**Funds Available:** NA

**Account Name:** NA

**Fiscal Note:**

**Prior Council Action:** NA

**City Council Strategic Initiative:** [Please select from the dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

**Comprehensive Plan Element (s):** [Please select the Plan element(s) and Goal # from dropdown menu below]

- ☐ Economic Development - Choose an item.
- ☐ Environment & Resource Protection - Choose an item.
- ☐ Land Use - Choose an item.
- ☒ Neighborhoods & Housing - Diversified housing options to serve citizens with varying needs and interests
- ☐ Parks, Public Spaces & Facilities - Choose an item.
- ☐ Transportation - Choose an item.
- ☐ Not Applicable

**Master Plan:** [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Choose an item.

### **Background Information:**

The applicant is requesting a change in zoning from Duplex (D) to Neighborhood Density - 3.5.

ND-3.5 is intended for residential living. Additional building types are allowed that provide opportunities for affordable and diverse housing types. ND-3.5 should be applied in areas where the land use pattern is mixed including detached and attached single family, townhouses, or small-scale multifamily.

Table 4.4 of the San Marcos Development Code requires additional analysis based on the Single Family Preservation Buffer (Pac Man) due to the fact that the applicant is requesting a zoning change from a Low Density Conventional Zoning District to a Medium Density Neighborhood Density District. Review of the Buffer shows that 52% of the surrounding property within 200 feet of the request is zoned Single Family - 6 (SF-6). The remaining 48% are a mix of Duplex, Multifamily - 24, and Townhouse.

Because the property is located within an Existing Neighborhood on the Preferred Scenario Map, an Existing Neighborhood Regulating Plan is required to accompany the request. Any development of the site must comply with the attached Regulating Plan, in which the applicant identified the potential future building type as Small Multi-Family.

The Small Multi-Family building type within the ND-3.5 zoning district is limited to 2 stories in height, 60 feet in width, and a maximum of 9 units per lot. Additionally, units are limited to no more than three bedrooms. ND - 3.5 is required to comply with the Occupancy restrictions.

### **Council Committee, Board/Commission Action:**

At their August 14th Planning and Zoning Commission Meeting, the Commission recommend approval of the zoning change with a 6-2 vote

**Alternatives:**

**Recommendation:**

Staff provides this request to the Council for your consideration and Staff recommends approval of the request for a zoning change from Duplex (D) to Neighborhood Density - 3.5 (ND-3.5).

Because more than 50% of the property within the Single Family Preservation Buffer is zoned SF-6, an affirmative vote of 5 members of City Council is required to approve the request.