



Legislation Details (With Text)

File #:	Ord. 2020-64(b)	Version:	1	Name:	
Type:	Ordinance	Status:	Individual Consideration		
File created:	9/1/2020	In control:	City Council		
On agenda:	9/15/2020	Final action:			
Title:	Consider approval of Ordinance 2020-64, on the second of two readings, amending the Official Zoning Map of the City in Case No. ZC-20-18, by rezoning approximately 30.326 acres of land located at 2801 Staples Road from “FD” Future Development District to “CD-5” Character District-5; including procedural provisions; and providing an effective date.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	1. Second Reading Ordinance, 2. ZC-20-18 Presentation, 3. ZC-20-18 CC Staff Report, 4. ZC-20-18_Alt Staff Recommendation, 5. ZC-20-18 Consent to Alternate Recommendation, 6. ZC-20-18_Maps, 7. ZC-20-18 Code Comparison, 8. ZC-20-18 Comprehensive Plan Checklist, 9. ZC-20-18 Personal Notification Letter, 10. ZC-20-18 Application				

Date	Ver.	Action By	Action	Result
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AGENDA CAPTION:

Consider approval of Ordinance 2020-64, on the second of two readings, amending the Official Zoning Map of the City in Case No. ZC-20-18, by rezoning approximately 30.326 acres of land located at 2801 Staples Road from "FD" Future Development District to "CD-5" Character District-5; including procedural provisions; and providing an effective date.

Meeting date: September 15, 2020

Department: Planning & Development

Amount & Source of Funding

Funds Required: n/a

Account Number: n/a

Funds Available: n/a

Account Name: n/a

Fiscal Note:

Prior Council Action: n/a

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 - Direct Growth, Compatible with Surrounding Uses
- ☐ Neighborhoods & Housing - Choose an item.
- ☐ Parks, Public Spaces & Facilities - Choose an item.
- ☒ Transportation - Safe, Well coordinated transportation system implemented in an environmentally sensitive manner
- ☐ Core Services
- ☐ Not Applicable

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

Vision San Marcos - A River Runs Through Us

Background Information:

The subject property is within City limits and was annexed in 2008. The property is currently vacant and is surrounded almost exclusively by vacant, rural/agricultural land as well as the San Marcos River along the northernmost extent of the subject tract and some existing residential and commercial uses in the Redwood community along the southernmost extent of the subject tract. In addition, FM 110 is proposed to be located adjacent to the subject property and right-of-way has already been dedicated in order to provide for the future construction of FM 110.

The original request was for a zoning change to "Character District-5" is to allow for the development of approximately 43 acres of mixed commercial and multi-family uses along the future FM 110 corridor. During consideration on first reading the developer indicated a willingness to exclude from the zoning request the 12.546 acre area defined as "Part 4" on the zoning exhibit. Accordingly, for second reading the total acreage was reduced by this amount for a total area to be rezoned of 30.326 acres.

The applicant is also requesting to rezone an additional approximate 337 acres in the vicinity of the future FM 110 corridor between Staples Road and the San Marcos River to CD-3 CD-4, and LI zoning. These requests are being considered as separate zoning requests (ZC-20-17, ZC-20-19, and ZC-20-20).

The City of San Marcos will provide wastewater services at the site and as the property is within the Crystal Clear CCN, Crystal Clear Special Utility District will provide water service. The developer will be responsible for extending water and wastewater facilities through the site as needed. Bluebonnet Electric Cooperative will

provide electric service to this development.

Council Committee, Board/Commission Action:

Planning and Zoning Commission Meeting: August 11, 2020

Speakers in favor or opposed:

1. David Earl (in favor)
2. Tory Hurt (in favor)

Recommendation from the Planning and Zoning Commission meeting:

Approved 9-0 with the alternate recommendation:

- Approval of requested CD-5 zoning with exclusion of the ~12.546-acre tract located within the regulatory floodway and Open Space Preferred Scenario map designation and referred to as “CD-5 Part 4” in the submitted metes & bounds.

City Council Meeting: September 1, 2020

Speakers in favor or opposed: David Earl spoke in favor of the request.

Vote for approval/denial from the City Council:

A motion was made by Councilmember Mihalkanin, seconded by Councilmember Rockey Moore, to approve Ordinance 2020-64, with the exclusion of the ~12.546-acre tract located within the regulatory floodway and Open Space Preferred Scenario designation, on the first of two readings. The motion carried 7-0.

At the meeting, the City Council discussed their desire to see the ~12.546-acre tract remain undeveloped and potentially be used as parkland or as a parkland amenity for residents. The City Council also discussed the possibility for clustered development adjacent to the San Marcos River and floodplain and asked if this requirement would be included in a separate agreement. The applicant stated they did intend to pursue cluster development (as allowed by the San Marcos Development Code) but did not intend to include it in a separate agreement since the next stages of development were not fully planned out yet. Finally, the City Council discussed including, by separate agreement, that the development would not be called “The Mayan”. The applicant stated they would be happy to commit to this requirement in a separate agreement.

Alternatives:

n/a

Recommendation:

The Development Code states that a request for Character District-5 zoning in an Area of Stability - Low Intensity designation should be “Considered” based on the criteria provided in Section 2.5.1.4. Requests for this zoning in Area of Stability-Open Space designations are “Not Preferred” and require additional scrutiny.

Although the proposed zoning change to Character District-5 is not compatible with surrounding existing uses

(rural and agricultural land) the subject property's location abutting the proposed FM 110 San Marcos eastern loop may provide justification for support as it meets the intent of an "Employment Corridor" identified on the Preferred Scenario Map. FM 110 is identified as a major transportation network and will be initially funded by a Transportation Reinvestment Zone (TRZ) to capture a portion of the increased value of development occurring along the alignment. In addition, while the Comprehensive Plan envisions low intensity uses such as single family residential, bed and breakfasts, home offices, etc. in Low Intensity areas it also identifies mixed-use building types as appropriate at future nodes and corridors. While the interior street network of this development has not been identified at this time, the majority of the proposed CD-5 zoning is located along the FM-110 corridor.

A portion of the subject property is located within the regulatory floodway. This portion of the proposed CD-5 zoning district is also located within an Open Space designation on the Preferred Scenario Map which according to the Comprehensive Plan is suitable for limited residential, agricultural, preservation, or limited active recreation uses.

To help address concerns with the zoning district's lack of alignment with the purpose and intent of Open Space designations on the Preferred Scenario Map and its location within the floodway, staff offers the below **alternate recommendation** for the Council's consideration:

- Approval of requested CD-5 zoning with exclusion of the ~12.546-acre tract located within the regulatory floodway and Open Space Preferred Scenario designation.