



## Legislation Text

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**File #:** Ord. 2020-66(b), **Version:** 1

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**AGENDA CAPTION:**

Consider approval of Ordinance 2020-66, on the second of two readings, amending the Official Zoning Map of the City (ZC-20-20), by rezoning approximately 220.023 acre of land located at 2801 Staples Road, from “FD” Future Development District to “CD-3” Character District-3, and including procedural provisions.

**Meeting date:** September 15, 2020

**Department:** Planning & Development Services

**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]

n/a

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)]*

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**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 purpose of this zoning change to "Character District-3" is to allow for the development of approximately 220 acres of single-family residential uses along the future FM 110 corridor.

The applicant is also requesting a rezoning to LI, CD-4, and CD-5 for approximately 160 additional acres in the vicinity of the future FM 110 corridor between Staples Road and the San Marcos River. These requests are being considered as separate zoning requests (ZC-20-17, ZC-20-18 and ZC-20-19).

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:**

Recommended for **approval** 9-0

**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 2020-66 on the first of two readings. **The motion carried 7-0.**

At the meeting, the City Council asked if the applicant would be amenable to the requirement for a stone or masonry wall between the FM 110 right of way and residential lots. The applicant stated that a solid screening fence had been planned but agreed to provide a response regarding a stone or masonry wall by the second reading of the ordinance.

The ordinance in the agenda packet for second reading includes requirements to maintain a 35 foot buffer between any residential structure and the right-of-way of FM 110 and to construct a solid screening fence along the buffer or a masonry wall if the cost of constructing a wall is reimbursable as an improvement under a Public Improvement District for the property.

The 35' buffer will also be addressed via a separate agreement.

**Alternatives:**

n/a

**Recommendation:**

Although the proposed zoning change to Character District-3 is to be "Considered" in Low Intensity areas and is compatible with the single-family residential uses envisioned in the Comprehensive Plan for Low Intensity areas, the area immediately adjacent to the future FM 110 thoroughfare is not appropriate for single family lot development. The proposed single-family zoning does not align with the goals and intent for the FM 110 "Employment Corridor" stated in the Comprehensive Plan and block and access standards as well as privacy fence standards in the Development Code discourages this type of development along major thoroughfares such as FM 110.

Due to the varying factors regarding current and future land configurations around the subject property, staff is providing a **neutral** recommendation and leaves a decision of approval, denial, or a recommendation of a lesser zoning district up to the City Council.