



## Legislation Text

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**File #:** Ord. 2020-77, **Version:** 1

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### **AGENDA CAPTION:**

Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-77, amending the Official Zoning Map of the City in Case No. ZC-20-12 by rezoning approximately 14.71 acres out of the J.W. Berry Survey, located near the 1500 block of N LBJ Drive (Steen Road) from "FD" Future Development District to "SF-6" Single Family District; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2020-77, on the first of two readings.

**Meeting date:** October 20, 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:** [Click or tap here to enter text.](#)

**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 - Choose an item.

☐ Parks, Public Spaces & Facilities - Choose an item.

☐ Transportation - Choose an item.

- ☐ Core Services
- ☐ Not Applicable

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

Choose an item.

**Background Information:**

This property was annexed in 2015 as part of a City-initiated annexation. The property maintained the default zoning district of Future Development. The applicant has stated that their intention is to entitle the property to sell.

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

At their meeting on September 22, 2020, the Planning & Zoning Commission voted 9-0 to recommend **denial** of the request.

**Planning and Zoning Commission Meeting: September 22<sup>nd</sup>, 2020**

**Speakers in favor or opposed:** Mike Siefert spoke in favor of the request. Randall and Diane Osborne, Steven Aycok, George Gilbert, Dr. Jane Saunders, Mary Ann and Robert Moerke, Dan Caldwell, Lee Elliott Stern, Harold Stern, Diane Eure, Naomi Medina and Richard Medina spoke in opposition of the request.

**Recommendation from the Planning and Zoning Commission:**

Recommendation for denial 9-0.

According to Section 2.2.4.2 of the San Marcos Development Code, a **super majority vote from City Council** is needed when the Planning and Zoning Commission recommends denial of an application in order for the development application to become effective.

Commissioner Kelsey originally motioned for postponement of the agenda item to allow for the neighbors and the applicant to meet and discuss the intentions of the applicant and work to appease some of the complaints from residents. Many of the complaints were focused on issues involving traffic on LBJ, potential flooding and water mitigation issues, lot sizes and a loss of the natural environment. The applicant made a point of stating that he and Tory Carpenter has tried to hold a previous meeting with the community by had 0 attendance,

potentially due to lack of notification for property owners outside of the 400-foot radius as pointed out by the commission. The commissioners raised the question to the applicant of what were the potential lot sizes, the applicant said they were envisioning 50-foot lots for the site.

Commissioner McCarty brought to the attention of the commissioners that in the staff report, the intention of the applicant is to entitle the land to sell, not to develop. The applicant did state that they were only land developers, not home builders, and would only build road ways on the site before selling to a home builder. The motion to postpone was then withdrawn and the discussion for denial was opened, focusing on criteria for denial being the potential traffic issues, environmental impacts and the effects of students. Many of the commissioners spoke in opposition of the zoning change and recommended the case for denial.

**Alternatives:**

N/A

**Recommendation:**

Staff recommends **approval** of the request as submitted.