

Zoning Request

ZC-22-05

Posey Road

FD – CD-3



Summary

Request:	Zoning change from “FD” Future Development to “CD-3”, Character District-3		
Applicant:	Steven Buffum Costello, Inc. 9050 N Capital of Texas Hwy, Suite 390 Austin, TX 78759	Property Owner:	James M Sims, III 12506 Rocky Knoll Houston, TX 77077

Notification

Application:	January 21, 2022	Neighborhood Meeting:	N/A
Published:	January 23, 2022	# of Participants	N/A
Posted:	January 21, 2022	Personal:	January 21, 2022
Response:	Two responses in objection received.		

Property Description

Legal Description:	55.344 acres out of the Henry Warnell Survey No. 21, Abstract No. 492		
Location:	Approximately 280’ northwest of the intersection of Posey Road and S Old Bastrop Hwy.		
Acreage:	55.344	PDD/DA/Other:	N/A
Existing Zoning:	FD	Proposed Zoning:	CD-3
Existing Use:	Vacant	Proposed Use:	Single-Family
Existing Occupancy:	Do Not Apply	Occupancy:	Do Not Apply
Preferred Scenario:	Low Intensity	Proposed Designation:	Same
CONA Neighborhood:	N/A	Sector:	N/A
Utility Capacity:	Extension Required at Developer’s Expense	Floodplain:	No
Historic Designation:	N/A	My Historic SMTX Resources Survey	No

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	ETJ	Single-Family	Low Intensity Zone
South of Property:	ETJ	Vacant	Low Intensity Zone
East of Property:	ETJ	Vacant & Single-Family	Low Intensity Zone
West of Property:	SF-6 & NC	Trace Single-Family & Vacant	Low Intensity Zone

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Staff Recommendation

<input checked="" type="checkbox"/>	Approval as Submitted	<input type="checkbox"/>	Alternate Approval	<input type="checkbox"/>	Denial
Staff: Susan Walker					
Title: Planner			Date: 2/2/2022		

Commission Recommendation

<input checked="" type="checkbox"/>	Approval as Submitted	<input type="checkbox"/>	Approval with Conditions / Alternate	<input type="checkbox"/>	Denial
<p>Speakers in favor or opposed:</p> <ol style="list-style-type: none">1. In Favor: Steven Buffum, Cory Nikolaus2. In Opposition: Debra Saban, Lisa Marie Coppoletta, John and Terry Carrillo (Board of Directors – San Pedro Cemetery), Yolanda & Valentin Almendarez <p>Recommendation from the Planning and Zoning Commission Meeting held February 8, 2022. A motion was made by Commissioner Spell, second by Commissioner Kelsey to recommend approval of the request. The vote passed with a 5-3 vote.</p> <p>For: (5) Chairperson Garber, Commissioner Spell, Commissioner Kelsey, Commissioner Sambrano, Commissioner Agnew Against: (3) Commissioner Meeks, Commissioner Moore, Commissioner Costilla Abstain: (1) Commissioner Rand</p> <p>Discussion Topics:</p> <ul style="list-style-type: none">• Discussion of the impact of drainage run-off onto adjacent property. The development needs to be neutral and not cause further impact to adjacent properties.• Discussion of the proposal that Council pursue the requirement of a buffer zone between the subject property and the adjacent cemetery.					

History

N/A

Additional Analysis

Annexation case AN-22-03 is scheduled to be heard before City Council on March 1, 2022. The developer is proposing approximately 135 single-family residential lots with detention pond and recreation center. A small portion of the proposed development is in the 100-year floodplain. A detention pond is proposed for this area. The proposed development will comply with all Land Development Code requirements.

Comments from Other Departments

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

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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>The site is shown a “Low Intensity” in the Preferred Scenario map. Per table 4.6 in the Development Code, CD-3 zoning should be “Considered” in Low Intensity zones.</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 <i>No small area plans or neighborhood character study have been undertaken for this area.</i>
		<u>X</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
<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 <i>The surrounding land is predominately single-family residential homes to the west. The proposed CD-3 zoning provides for low/medium density homes, which staff consider compatible with the existing residential neighborhood to the west.</i>
<u>X</u>			Whether the proposed zoning will reinforce the existing or planned character of the area
<u>X</u>			Whether the site is appropriate for the development allowed in the proposed district
<u>X</u>			Whether there are substantial reasons why the property cannot be used according to the existing zoning
		<u>X</u>	Whether there is a need for the proposed use at the proposed location <i>This zoning will provide for additional single-family residential homes.</i>

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Consistent	
<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
<u>X</u>			Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property
		<u>X</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 <i>This development is not located in a Neighborhood Density District.</i>
		<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
<u>X</u>			Any other factors which shall substantially affect the public health, safety, morals, or general welfare <i>None noted.</i>