

## **ZONING COMMISSION STAFF REPORT**

**DATE:** February 27, 2024  
**TO:** Planning and Zoning Commission  
**FROM:** Mindy Teague, Planning and Zoning Director  
**THROUGH:** Dr. Crystal Caldera, City Manager

**SUBJECT:** Presentation, Public Hearing, and Discussion, to Gain Preliminary Feedback From the Planning and Zoning Commission on a Request to Rezone an Approximately 27-Acre Tract of Land From R-1 Single Family to a Planned Development District (PDD) with R-6 Garden Home District Base Zoning, Being Lot 1, Block 1, CB 4430C Good Samaritan Lodge Nursing Home Inc Subdivision, Parcel 1, Abstract 399, CB 4429 and Parcel 11, Abstract 432, CB 4430, Located at 6518 Samaritan Drive, Leon Valley, Texas

### **PURPOSE**

The purpose of this item is to gain preliminary feedback on a request to rezone an approximately 27-acre tract of land from R-1 Single Family Dwelling District to a Planned Development District (PDD) with R-6 Garden Home District base zoning, located at 6518 Samaritan Drive, with 166 single family lots.

This PDD allows for flexible planning to:

1. Comply with the City Council's specific request and preference for a PDD across the Seneca West area properties.
3. Site Planning to allow for realistic future links to the adjacent properties for a potentially optimized Master Site Plan for the Seneca West properties.

### **History**

- 1971 – Area was annexed
- 1984 – Request to rezone existing Good Samaritan Nursing Home property from R-1 to B-2 (Retail) – request denied
- 1985 – Request to rezone 44 ac. from R-1 to R-6 – request denied
- 2007 – Request to rezone 68.569 acres from R-1 to R-7 (Single-Family Medium Density) – request denied
- 2007 – Residents of Seneca West petition to amend City Master Plan to remove recommendation of R-6 to only R-1 – petition approved
- 2010- Request to rezone approximately 65.704 acres from R-1 to R-6 – request denied
- 2011- The City Manager presented a TIF – proposal denied

## **VariANCES**

The applicant is requesting two variances:

1, Minimum Lot Width – a request to decrease the minimum R-6 lot width from 45' to 40', while keeping the minimum lot size requirement at 4,500 square feet.

2. The applicant will be requesting a variance from the City Council to Chapter 13 Tree Preservation but will also need a variance to the Zoning Code, Division 9 Landscaping, (f). The Code states:

“(4) An overall percentage of a residential lot (see appendix B,) in a residential zoning district, and an overall percentage of the street yard area, within the property line of all other zoning districts, shall be landscaped according to the use of the property and not necessarily the zoning of the property, as follows:

(A) R-1 single-family, R-2 two-family, R-3 multiple-family, R-3A multiple-family retirement, R-4 townhouse, R-6 garden house and R-7 single-family medium density projects - 35 percent. R-5 manufactured home - 25 percent.

*In the R-1 and R-6 districts, a minimum of two trees shall be planted and maintained in living condition at all times.”*

While the lots will have the required percentage of overall landscaping, the applicant intends to initially clear the property to its 1995 condition by the removal of 367 medium and 725 large trees. No heritage trees are to be removed, as there are none on the land. The applicant is requesting to reduce the planting of amount of required trees due to the lot size and proposes planting 1 – 1.5” diameter tree on each of the proposed new lots. The applicant would be required to pay a \$112,000 in fees in lieu of planting the 1,125 required number of trees upon the start of construction; however, he intends to ask the City Council to reduce that amount to \$50,000.

The applicant will be required to plat the unplatted portion of the property and provide parkland, or fees in lieu of parkland, prior to any building construction.

## **SPECIAL CONSIDERATIONS**

To meet the ingress/egress distance requirements of the Fire Code, the applicant is requesting the City provide an easement on its property at 6530 Samaritan for emergency access to the site. If the City does not agree to provide this emergency access easement, the developer will be required to fire sprinkle all homes.

The applicant is requesting that any future deviations to the plan be internally approved by the Planning and Zoning Director for subsequent development applications or amendments, as long as the deviation does not exceed 10% from the current plan. This would allow for minor deviations due to topography, drainage, etc.

## **Streets/Traffic Impact Analysis (TIA)**

The streets are proposed to have a 50' ROW, which meets the current code. The applicant had previously created a TIA, but it was based on a 60-acre tract in this area. We are waiting for the submittal of a revised TIA to reflect just the 27-acre property.

## **City Master Plan**

The current City Master Plan recommends R-1 Single Family Dwelling zoning for this area. Chapter 15 Zoning, Sec. 15.02.110 - Comprehensive planning activities states:

“The zoning administrator shall assist the planning and zoning commission in the development and implementation of the city's comprehensive master plan. There shall be no amendment made to this article which is not in compliance with the city's long-range comprehensive planning program and the city's master plan.”

However, the Code also states:

“Sec. 15.02.111 - Applicant qualifications

..... The planning and zoning commission or city council may, on its own motion, initiate proceedings to consider a change to the zoning on any property or to the regulations pertaining to property, when it finds that the public interest would be served by consideration of such a request.”

The applicant states:

“Although the current Master Plan calls for a recommended R-1 zoning, the majority of the surrounding zoning is R-6. Our proposed zoning and PDD is in sync with the majority of the surrounding neighborhoods. The proposed PD district fulfills the goals and objectives of the city's long-term vision of:

1. Increasing its citizenship
2. Increasing its tax-base
3. Economic Development Growth
4. Accommodating the design and construction that adapt to Market demand and affordability in this particular area of the City
5. This Development will have a substantial economic impact on the City. The approximate net impact of this proposed development on the City's Property Tax budget is approximately \$325,000 annually.”

## **Notification**

- Letters mailed 112
- Received in favor 0
- Letters received in opposition 0

- Letters undeliverable

**FISCAL IMPACT:**

The developer has paid all fees associated with the processing of this PDD. The development of a single-family housing subdivision will increase ad valorem and sales taxes in the city.

**RECOMMENDATION**

Due to the long history of the denial of rezoning requests in this area and the fact that it has remained vacant, staff recommends approval of the rezoning and variance requests. While the Master Plan recommends R-1 Single Family Dwelling zoning, by using the PDD tools, the surrounding property owners will have a greater say in how this property and this area in general is developed.

Chapter 15 Zoning, Sec. 15.02.721 - General statutes, ordinances and rules applying to the zoning commission (q) states:

(4) Motions to recommend approval or denial of any change in a zoning district may, when appropriate, contain statements of commission findings in the following areas:

- (A) Consistency and compatibility with the master plan;
- (B) Consistency and compatibility with surrounding zoning districts;
- (C) Consistency and compatibility with site and surrounding uses;
- (D) Protection of the health, safety and welfare of the general public; and/or
- (E) Protection and preservation of the property rights of the owner(s) of all real property affected by the proposed change in zoning district(s).

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

APPROVED WITH THE FOLLOWING AMENDMENTS:

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ATTEST:

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**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary