

Zoning Request

ZC-25-06

E McCarty Lane/ Rattler Rd

CD-4 to CD-5



Summary

Request:	Zoning change from Character District-4 to Character District-5		
Applicant:	Erin Welch BGE, Inc 1701 Directors Blvd, Ste 1000 Austin, TX, 78744	Property Owner:	SM McCarty Lane 60 LLC & AV McCarty Lane GP 60 LLC 1801 Lavaca St, Suite 116 Austin, TX, 78701

Notification

Application:	3/18/2025	Neighborhood Meeting:	N/A
Published:	4/27/2025	# of Participants	N/A
Posted:	4/25/2025	Personal:	4/25/2025
Response:	None as of the date of this report		

Property Description

Legal Description:	Approximately 26.77 acres within the Cyrus Wickson Survey, Abstract No. 474, Hays County, TX.		
Location:	South of intersection between Rattler Rd and E McCarty Lane		
Acreage:	26.77 acres	PDD/DA/Other:	N/A
Existing Zoning:	Character District - 4	Proposed Zoning:	Character District-5
Existing Use:	Vacant	Proposed Use:	Mixed Use
Existing Occupancy:	Restrictions Do Not Apply	Occupancy:	Restrictions Do Not Apply
Preferred Scenario:	Mixed Use Medium	Proposed Designation:	Same
CONA Neighborhood:	N/A	Sector:	N/A
Utility Capacity:	Available	Floodplain:	No
Historic Designation:	N/A	My Historic SMTX Resources Survey	No

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	Light Industrial/ Heavy Commercial/ Commercial	Vacant (under development)	Mixed Use Medium
South of Property:	Character District-4	Vacant (under development)	Mixed Use Medium
East of Property:	Character District-4	Vacant (under development)	Mixed Use Medium
West of Property:	Character District-5/ ETJ	Rural residential and Vacant (under development)	Mixed Use Medium

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Staff Recommendation

<u>X</u>	Approval as Submitted		Alternate Approval		Denial
Staff recommends approval of this zoning change request as submitted.					
Staff: Julia Cleary		Title : Senior Planner		Date: 4/21/2025	

Commission Recommendation

<u>X</u>	Approval as Submitted		Approval with Conditions / Alternate		Denial
<p>Speakers in favor or opposed John Kaschak (applicant – in favor) William Little, III (applicant-in favor) Erin Welch (applicant – in favor) Arin Gray (applicant – in favor)</p> <p>Recommendation from the Planning and Zoning Commission Meeting held May 13, 2025 A motion was made by Chair Case, second by Commissioner Costilla, to recommend approval of the request. The vote passed with an 8-0 vote For: 8 (Agnew, Burleson, Case, Costilla, Dunn, Meeks, Spell, Van Oedekerke) Against: 0 Absent: 0</p> <p>Discussion Topics:</p> <p>380 Agreement Process – Commissioner Agnew asked for additional clarification on the 380 Incentive Agreement and the Alternative Equivalent Compliance referenced in the application letter. Staff gave a high-level overview of the process and noted that it was not uncommon for incentive agreements to provide development waivers similar to a development agreement.</p> <p>2 Story Height Minimum in CD-5 - Commissioner Spell asked if there were any concerns with the 2-story minimum height requirement in CD-5. The applicant responded that part of the recreation facility may not be two stories, but that the rest of the development would meet the 2-story minimum.</p> <p>Plans for Adjacent Parcel and Phasing – Commissioner Agnew said that he did not know if 5-stories made sense on this site because the adjacent CD-5 lot could be developed to only 3 stories, similar to other multifamily developments in the area. The applicant noted that they did also own the adjacent CD-5 parcel and that they intended to develop it as five stories. Commissioner Agnew asked what the phasing of the overall development would be. The applicant responded that the indoor/outdoor recreation facility would be the second phase of the project, with the first phase being the CD-4 residential construction to the rear of the site.</p> <p>Community to be served by the project – Commissioner Van Oedekerke asked the applicant to define the “community” he was referring to when discussing who the project would serve. The applicant responded that he was referring to the City of San Marcos, and not just those living in the residential subdivision.</p>					

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History

The +/-26.77-acre site is located within the city limits and was part of a wider 60-acre parcel which was annexed and zoned to CD-4 in 2022 (Ord. 2023-02). The site is located within the “East Village” in the Comprehensive Plan, which is *“intended to provide access to amenities and services for residents of the area. The proposed higher intensity mixed-use activity center will help alleviate development pressures by capturing and accommodating a large portion of the future housing and employment needs.”* The applicant is proposing a mixed-use development comprised of commercial, retail, and residential uses, including an indoor and outdoor recreation center. A Chapter 380 economic incentive agreement is being considered concurrently by Council.

Additional Analysis

See additional analysis below.

Comments from Other Departments

Police	No Comment
Fire	No Comment
Public Services	No Comment
Engineering	No Comment
Economic Development	The project is in line with the City's strategic goal of economic vitality (San Marcos as a destination) as well as a target in our economic development policy of attracting destination attraction projects.

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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>Character District-5 should be "Considered" in Mixed Use Medium Place Types per Table 4.1 of the Land Development Code.</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>The site is located within the limits of the East Village Regional Center within the Comprehensive Plan and a draft area plan is currently under review.</i>
		<u>N/A</u>	Whether the proposed zoning map amendment implements the policies of any applicable plan adopted by City Council <i>See above – the draft area plan for the East Village is still under development and has not yet been finalized.</i>
		<u>N/A</u>	Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect <i>There is no development agreement for this property.</i>
<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 land is relatively flat, with limited environmental constraints. The property fronts E McCarty Lane/FM 110 which makes it appropriate for more intense development.</i>
<u>X</u>			Whether the proposed zoning will reinforce the existing or planned character of the area <i>The surrounding area is predominantly undeveloped with some rural residential to the east. However, many of the surrounding properties were recently entitled and are going through the development permitting process including McCarty Industrial Park to the north, the Sahota Center gas station and commercial development to the northeast, and the Waters multifamily development to the west.</i>

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
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<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 <i>The site could be developed under Character District-4 which allows for small scale multifamily and residential, with limited commercial as part of mixed-use buildings and on corners.</i>
<u>X</u>			Whether there is a need for the proposed use at the proposed location <i>CD-5 allows a variety of residential, commercial and civic uses by right. The applicant is proposing to develop the site for a mixture of uses including residential, commercial, and an indoor/outdoor recreation facility.</i>
<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 <i>There are existing water and wastewater lines in front of the property.</i>
<u>X</u>			Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property <i>The proposed rezoning is not anticipated to have any adverse impacts on property in the vicinity of the subject property</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 <i>There are no known environmental constraints on the property</i>
		<u>X</u>	Any other factors which shall substantially affect public health, safety, morals, or general welfare <i>There are no other factors which are anticipated to substantially affect public health, safety, morals, or general welfare.</i>