

Zoning Request	2000BLK E McCarty Ln Old Bastrop & McCarty Mixed Use FD to CM
ZC-24-07	



Summary

Request:	Zoning change from Future Development to Commercial		
Applicant:	Charles R. Hager V, P.E LJA Engineering, Inc 7500 Rialto Blvd, Bldg 2 Ste 100, Austin, TX, 78735	Property Owner:	SM McCarty Lane 46 LLC & AV McCarty Lane GP 46 LLC 1801 Lavaca St, Suite 116 Austin, TX, 78701

Notification

Application:	07/18/2024	Neighborhood Meeting:	N/A
Published:	08/11/2024	# of Participants	N/A
Posted:	08/09/2024	Personal:	08/09/2024
Response:	None as of the date of this report		

Property Description

Legal Description:	9.9 acres, more or less, out of the Cyrus Wickson Survey, Abstract No. 474		
Location:	Generally located on the southern side of FM-110/ East McCarty Lane, approximately 2,500 ft. west of the intersection between FM-110 and SH-123		
Acreage:	+/- 9.9 acres	PDD/DA/Other:	N/A
Existing Zoning:	None (ETJ)	Proposed Zoning:	Commercial
Existing Use:	Vacant	Proposed Use:	Commercial
Existing Occupancy:	N/A	Occupancy:	N/A
Preferred Scenario:	Medium Intensity Zone (East Village)	Proposed Designation:	Same
CONA Neighborhood:	N/A	Sector:	5
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/ ETJ	Vacant/ Public Services Complex	Medium Intensity Zone
South of Property:	ETJ (Proposed CD-4)	Vacant	Medium Intensity Zone
East of Property:	Light Industrial/ ETJ	Relocation/ Moving Company	Medium Intensity Zone
West of Property:	ETJ (proposed CD-4)	Vacant	Medium 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: Julia Cleary, AICP	Title : Senior Planner	Date: 21/08/2024

Commission Recommendation

<input checked="" type="checkbox"/> Approval as Submitted	<input type="checkbox"/> Approval with Conditions / Alternate	<input type="checkbox"/> Denial
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Speakers in favor or opposed

John Kaschak (applicant)– in favor
 Bill Little (applicant) – in favor
 Reese Smoak (applicant)– in favor

Recommendation from the Planning and Zoning Commission Meeting held August 27, 2024.

A motion was made by Commissioner Spell, second by Commissioner Burleson, to recommend approval of the request.

The vote passed with an 8-0 vote.

For: 8 (Agnew, Burleson, Case, Costilla, Dunn, Garber, Meeks, Spell)

Against: 0

Absent: 1 (Kelsey)

Discussion Topics:

Impact on High School– Commissioner Costilla recalled that there had been a previous zoning request near the High School for apartments which the Planning and Zoning Commission had recommended to deny and asked the Commissioners to consider what the impact would be on the High School. Commissioner Agnew stated that the CM portion (along McCarty) would not have any impact on the High School and the impact would come from the adjacent CD-4 townhouse request which fronts Old Bastrop Hwy.

Need for Services in Area

Commissioner Case noted that he liked that the proposal is providing commercial uses for the area which is currently underserved. Commissioner Spell stated that it was important to remember that the request was not for Heavy Commercial, Business Park, or General Commercial rather it is for CM Commercial which is more oriented towards services such as restaurants and grocery stores, and the residents in that area had been very clear that those types of amenities were needed near their neighborhood.

Need for a Preferred Scenario Amendment for “Not Preferred” Designation – Commissioner Agnew asked if the “Not Preferred” designation for a Special District in a Medium Intensity Zone required a Preferred Scenario Amendment. Staff responded that per Table 4.1 in the Land Development Code, a Preferred Scenario Amendment would not be required however extra scrutiny/ justification for the request would be needed.

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History

The site is currently located outside of the city limits and is accompanied by a request for annexation (AN-24-07) which is being considered concurrently. The approx. 50-acre annexation site was subject to two separate zoning change requests: this request for CM Commercial (ZC-24-07) and another “CD-4” Character District-4 zoning to the south and west of this site which is proposed for residential uses (ZC-24-06). The site is located within the “East Village” in the 2013 Comprehensive Plan, which is an area envisaged as an “*activity node centered around the intersection of Old Bastrop and Hwy 123, East Village will boast a mix of commercial, retail, and service-oriented activity. This area will offer a variety of residential options including single family homes, duplexes, townhomes, and small multifamily projects.*”

Additional Analysis

Table 4.1 in the development code states that this CM zoning district is “Not Preferred” in Medium Intensity Zones in the Comprehensive Plan. It should be noted that currently, there is no other zoning district in the Land Development Code which would require some element of commercial development while also requiring enhanced site design standards to encourage non-auto-oriented development. The City is currently undertaking planning efforts for the East Village Area Plan, and much of the community feedback has highlighted the need to provide additional services for the residents east of I-35. The proposed CM zoning designation would ensure that a portion of the wider annexation site is set aside for commercial uses to serve the wider community, as opposed to being developed entirely for residential uses.

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 CM Commercial is a Special District which per Table 4.1 is “Not Preferred” in Medium Intensity zones.
		<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 Studies were not complete at the time of the request.
<u>X</u>			Whether the proposed zoning map amendment implements the policies of any applicable plan adopted by City Council Per the current Comprehensive Plan, the East Village is intended to include a mix of commercial, retail, and service-oriented activity which are uses allowed by right in the proposed zoning district.
		<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 Out of all the proposed “Special” Districts in the Code, CM is the least intense. Uses permitted by right include Retail, Eating Establishments, Hotel, Vehicle Sales/ Rental, and Day Care Centers. Gas stations are not required by right in this zoning district – a CUP would be required.
<u>X</u>			Whether the proposed zoning will reinforce the existing or planned character of the area The existing character of this area is predominantly rural, although much of the land has recently become entitled and/ or is currently under development; constructing a mixture of residential, light industrial, and commercial uses.
<u>X</u>			Whether the site is appropriate for the development allowed in the proposed district The site is predominantly flat, with access to existing infrastructure, and there are no known environmental constraints on the property. The site fronts a key thoroughfare (FM-110) in addition to being adjacent new and proposed multifamily development, making it an appropriate location for the commercial uses allowed under CM zoning.
<u>X</u>			Whether there are substantial reasons why the property cannot be used according to the existing zoning The site will be automatically zoned as Future Development (FD) upon annexation. Per Section 4.4.1.1 of the Land Development Code, FD is intended to be a temporary zoning district for properties that shall develop in the future but have been newly annexed and/or are not yet ready to be zoned for a particular use.
<u>X</u>			Whether there is a need for the proposed use at the proposed location It should be noted that an end user for this site has not been specified at this time however as part of ongoing public outreach undertaken as part of the Second City Center/ East Village Area Plan, many community members expressed a desire for additional commercial uses such as eating establishments and retail which would be permitted by right in this zoning.

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property <i>There are no "bad neighbor" uses permitted by right within this district which are anticipated to have a significant adverse impact on adjacent properties.</i>
		<u>N/A</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 is not a request for 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 <i>There are no known environmental constraints on the property. The property is not located within the floodway, floodplain, Edwards Aquifer Recharge Zone or Contributing Zone. A Watershed Protection plan and</i>
		<u>N/A</u>	Any other factors which shall substantially affect the public health, safety, morals, or general welfare