

# Zoning Request

## ZC-22-41

# McCarty Rd Business Park

## GC to LI



### Summary

<b>Request:</b>	Zoning change from "GC" General Commercial to "LI" Light Industrial		
<b>Applicant:</b>	Diane Bernal 11917 Oak Knoll Dr, Ste C Austin, TX 78759	<b>Property Owner:</b>	WUSD Properties PO Box 1300 Wimberley, TX 78676

### Notification

<b>Application:</b>	10/21/2022	<b>Neighborhood Meeting:</b>	N/A
<b>Published:</b>	10/23/2022	<b># of Participants</b>	N/A
<b>Posted:</b>	10/21/2022	<b>Personal:</b>	10/21/2022
<b>Response:</b>	One (1) in opposition		

### Property Description

<b>Legal Description:</b>	J. Veramendi Survey, Abstract 17		
<b>Location:</b>	Northwest corner of the E. McCarty Ln and Leah Ave. intersection		
<b>Acreage:</b>	42.51 acres	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	GC	<b>Proposed Zoning:</b>	LI
<b>Existing Use:</b>	Vacant	<b>Proposed Use:</b>	Distribution & Warehousing
<b>Existing Occupancy:</b>	N/A	<b>Occupancy:</b>	N/A
<b>Preferred Scenario:</b>	Employment Area	<b>Proposed Designation:</b>	Same
<b>CONA Neighborhood:</b>	Cottonwood Creek	<b>Sector:</b>	5
<b>Utility Capacity:</b>	Available	<b>Floodplain:</b>	No
<b>Historic Designation:</b>	N/A	<b>My Historic SMTX Resources Survey</b>	No

### Surrounding Area

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>North of Property:</b>	GC	Vacant	Employment Area
<b>South of Property:</b>	McCarty Commons PDD	Office	Employment Area
<b>East of Property:</b>	HI	Amazon Fulfillment	Employment Area
<b>West of Property:</b>	GC	Hotel	Employment Area

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### Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/> <b>Alternate</b>	Denial
Staff provides a <b>neutral</b> recommendation on the request for Light Industrial because, while the request meets many of the Code criteria for approval, LI is a more intense district than the previously requested HC and City Council indicated this location may be better suited for commercial development under the current zoning classification.		
Staff: Will Rugeley, AICP	Title: Planner	Date: 11/30/2022

### Commission Recommendation

Approval as Submitted	Approval with Conditions / Alternate	<input checked="" type="checkbox"/> <b>Denial</b>
<b>Speakers in favor or opposed:</b>  1. In Favor: (2) Copeland Rhea, Diane Bernal 2. In Opposition: (0)  <b>Recommendation from the Planning and Zoning Commission Meeting held November 9, 2022:</b> A motion was made by Commissioner Kelsey, seconded by Commissioner Costilla, to deny ZC-22-41. The motion carried 8-1.  <ul style="list-style-type: none"><li>For: (8) Chairperson Garber, Commissioner Agnew, Commissioner Case, Commissioner Costilla, Commissioner Kelsey, Commissioner Meeks, Commissioner Mendoza, and Commissioner Spell</li><li>Against: (1) Commissioner Sambrano</li><li>Absent: (0)</li></ul> <b>Discussion Topics:</b> The following topics were discussed: (1) the example buildings provided by the applicant and their architecture being mostly tilt-wall, (2) the property's location and proximity to the convention center making it potentially more suited for development under the property's existing GC zoning, (3) the desirability for development around the convention center to compliment the convention center, (4) the requested use seems to align with the Preferred Scenario Map's Employment Center designation and how the convention center itself may not align, yet it is already in existence, (5) the criteria in which zoning applications are considered and how this request seems to fit many which would make the proposed use appropriate, and (6) the previous P&Z recommendation of approval for HC zoning and how a denial recommendation for LI zoning seems contradictory to P&Z's previous recommendation.		

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### History

A request for “HC” Heavy Commercial was previously considered by the Planning & Zoning Commission and City Council at the July 12, 2022 and August 2, 2022 meetings, respectively. At both, staff recommended approval of the previous HC request due to it meeting code criteria. Coincidentally, P&Z recommended approval of HC zoning with an 8-0 vote. During that meeting P&Z discussed: (a) the rationale for the applicant requesting the HC district since the proposed warehouse and distribution uses would be permitted within other zoning districts. The applicant indicated that development of the property was being made on a speculative basis and the HC district provided the desired flexibility.

At the City Council meeting thereafter no action was taken, and the application was therefore rescheduled for City Council action on September 6, 2022. On August 30, 2022 the applicant’s withdrew their application for “HC” zoning. For reference, the following topics were discussed during the lone City Council meeting: (a) concerns over flooding, (b) the likelihood of the development's industrial buildings lacking character, (c) the project's adjacency to the City's conference center, and, more specifically, that (d) no utilitarian services/uses are within the nearby vicinity to service the area, and, therefore, (e) the land may be better suited for more complementary uses, and (f) moving to deny the application, with limited exception, would result in a one-year stay on the submittal of zoning applications for the same and similar intensity zoning districts.

### Additional Analysis

ZC-22-41 seeks to entitle the property for future warehousing and distribution development pursuant to the Light Industrial Zoning District regulations. A conceptual site plan was provided by the applicant and is included within the application documents file.

### Comments from Other Departments

<b>Police</b>	No Comment
<b>Fire</b>	No Comment
<b>Public Services</b>	No Comment
<b>Engineering</b>	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
		<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 <b><i>Studies were not complete at the time of the request.</i></b>
		<u>N/A</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 <b><i>The property is surrounded by uses that are similar to the proposed use.</i></b>
		<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 <b><i>Special Districts should be "Considered" in Employment Areas</i></b>
		<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
<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 <b><i>The site has access to existing utilities along E McCarty Ln and Leah Ave.</i></b>
		<u>X</u>	Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property
		<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.

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<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 <b><i>The site is not encumbered by any known environmental constraints.</i></b>
<u>X</u>			Any other factors which shall substantially affect the public health, safety, morals, or general welfare