

Zoning Request

ZC-22-29

E McCarty Ln
FD to CD-5



Summary

Request:	Zoning change from "FD" Future Development to "CD-5" Character District 5		
Applicant:	Charles Hager 7500 Rialto Blvd Bldg. 2, Ste 100 Austin, TX 78735	Property Owner:	AV McCarty Lane GP LLC & et. al. 1801 Lavaca St, Ste 116 Austin, TX 78701

Notification

Application:	6/23/2022	Neighborhood Meeting:	N/A
Published:	6/26/2022	# of Participants	N/A
Posted:	6/24/2022	Personal:	6/24/2022
Response:	None as of the date of this report		

Property Description

Legal Description:	Cyrus Wickson Survey, Abstract 474		
Location:	750' northwest of the Rattler Rd and E McCarty Ln intersection		
Acreage:	40.74 acres	PDD/DA/Other:	N/A
Existing Zoning:	FD	Proposed Zoning:	CD-5
Existing Use:	Vacant	Proposed Use:	Commercial
Existing Occupancy:	N/A	Occupancy:	N/A
Preferred Scenario:	Medium Intensity	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	Vacant	Medium Intensity
South of Property:	Smart Code	Vacant	Medium Intensity
East of Property:	Vacant	Vacant	Medium Intensity
West of Property:	McCarty Commons PDD	Apartments & Single Family	Medium Intensity

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Staff Recommendation

<input checked="" type="checkbox"/> Approval as Submitted	<input type="checkbox"/> Alternate Approval	<input type="checkbox"/> Denial
Staff: Will Rugeley, AICP	Title: Planner	Date: 7/27/2022

Commission Recommendation

<input checked="" type="checkbox"/> Approval as Submitted	<input type="checkbox"/> Approval with Conditions / Alternate	<input type="checkbox"/> Denial
Speakers in favor or opposed: 1. N/A. Recommendation from the Planning and Zoning Commission Meeting held July 12, 2022: A motion was made by Commissioner Costilla, seconded by Commissioner Agnew, to approve ZC-22-29. The motion carried 8-0. <ul style="list-style-type: none">For: (8) Commissioner Agnew, Commissioner Case, Commissioner Costilla, Commissioner Kelsey, Commissioner Meeks, Commissioner Mendoza, Commissioner Sambrano, and Commissioner SpellAgainst: (0)Absent: (1) Chairperson Garber Discussion Topics: <p>The Commission discussed the number of properties appearing to be within the notification area and why the notification list seemed less. Upon review, staff authenticated the notification recipients finding that the ownership info of the lots have not yet been updated within both HCAD and the City's GIS data. Nonetheless, after P&Z's discussion, staff generated and sent courtesy notices to all address points within the notification area.</p>		

History

ZC-22-29 seeks zoning for multifamily development pursuant to the CD-5 Zoning District regulations. An annexation application (AN-22-14) is being considered concurrent with this zoning change application.

Additional Analysis

The subject property is within the East Village Intensity Area on the City's Preferred Scenario Map. East Village is a growth area due to it containing an elementary school and the City's only high school. East Village is intended for a mix of commercial, retail, and service-oriented activity, as well as for a variety of 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 <i>East Village is intended for a mix of commercial, retail, and residential development. Situated within East Village is the City's only high school and therefore East Village is identified as an area with potential for high growth.</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>Studies were not complete at the time of the request.</i>
		<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 <i>As of today, the area is mostly vacant, but is contiguous with the McCarty Commons mixed use development.</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 <i>The property is not zoned as it's located outside the City limits</i>
		<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 <i>The site is located adjacent to the City limit with access to existing utilities and E McCarty Ln.</i>

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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>The surrounding area is largely vacant, and this proposal can be classified as greenfield development.</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
<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>The site is not encumbered by any known environmental constraints.</i>
<u>X</u>			Any other factors which shall substantially affect the public health, safety, morals, or general welfare