

Zoning Request	2506 S Old Bastrop Hwy Old Bastrop & McCarty Mixed Use FD to CD-4
ZC-24-06	



Summary

Request:	Zoning change from Future Development to Character District-4.		
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:	1 general enquiry and 1 objection (included in packet).		

Property Description

Legal Description:	36.91 acres, more or less, out of the Cyrus Wickson Survey, Abstract No. 474		
Location:	Between E McCarty and Old Bastrop Hwy with a small frontage on Rattler Rd		
Acreage:	36.91 acres	PDD/DA/Other:	N/A
Existing Zoning:	None (ETJ)	Proposed Zoning:	Character District-4
Existing Use:	Vacant	Proposed Use:	Townhomes/ Small Multifamily
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:	El Camino Real de los Tejas National Historic Trail runs along Old Bastrop Hwy	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:	ET/ CD-5/ Public	Vacant/ High School/ Residential (Multifamily and Rural Residential)	Medium Intensity Zone
East of Property:	Light Industrial/ ETJ	Relocation/ Moving Company	Medium Intensity Zone
West of Property:	ETJ	Residential/ Church	Medium Intensity Zone

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Commission Recommendation

<input checked="" type="checkbox"/> Approval as Submitted	<input type="checkbox"/> Approval with Conditions / Alternate	<input type="checkbox"/> Denial
<p>Speakers in favor or opposed John Kaschak (applicant)– in favor Bill Little (applicant) – in favor Reese Smoak (applicant)– in favor</p> <p>Recommendation from the Planning and Zoning Commission Meeting held August 27, 2024. A motion was made by Commissioner Spell, 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, Garber, Meeks, Spell) Against: 0 Absent: 1 (Kelsey)</p> <p>Discussion Topics: <u>Strip connecting to Rattler Rd:</u> Commissioner Agnew asked what the plans were for the 50’ strip of land connecting the development to Rattler Rd. Staff responded that the plans had yet to be finalized and that strip ran alongside a proposed Thoroughfare in the City’s Transportation Masterplan but developing it as a roadway may create intersection alignment issues with Cerro Vista Drive. The applicant noted that they would like to develop it as a greenway. <u>Parkland:</u> Commissioner Agnew asked if the development would include parkland, and whether it would need to be open to the public. Staff responded that based on discussions with the applicant and the indicative site plan included in the packet, parkland would be provided which would need to be accessible to the public to comply with parkland dedication requirements in the Land Development Code. Commissioner Agnew also asked if the green buffer shown on the indicative site plan could be considered parkland. Staff responded that it would need to meet a specific parkland type from Chapter 3, Article 10 of the Land Development Code if it were to count towards the parkland dedication requirements in the Code, which would be reviewed at the time of platting.</p>		

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

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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 Character District-4 (ZC-24-06) which the applicant is proposing as townhomes/ small multifamily, and another “CM” Commercial zoning request for approximately 10 acres along McCarty Lane. 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

See below.

Comments from Other Departments

Police	No Comment
Fire	No Comment
Public Services	No Comment
Engineering	No Comment

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>Per Table 4.1 in the Land Development Code, Character Districts should be “considered” in Medium Intensity zones.</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>X</u>			Whether the proposed zoning map amendment implements the policies of any applicable plan adopted by City Council <i>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.</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 in effect for this site.</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

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			Whether the proposed zoning will reinforce the existing or planned character of the area <i>The site is located next to existing and entitled multifamily development, including the Lantana apartment complex at the intersection of Old Bastrop and Rattler Rd.</i>
<u>X</u>			Whether the site is appropriate for the development allowed in the proposed district <i>The land is adjacent existing and entitled multifamily in addition to community amenities including a church and a school. One concern with new residential development east of I-35 is a lack of access to services, however there is an accompanying request for commercial zoning (ZC-24-07) which will ensure a mixture of uses as the annexation site is built out. CD-4 also allows for a limited number of commercial uses on corners.</i>
<u>X</u>			Whether there are substantial reasons why the property cannot be used according to the existing zoning <i>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.</i>
<u>X</u>			Whether there is a need for the proposed use at the proposed location <i>The City does not have an adopted housing target, however small scale multifamily products are generally considered to be a product that is needed in the City of San Marcos.</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 adjacent the site.</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>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
		<u>N/A</u>	Any other factors which shall substantially affect the public health, safety, morals, or general welfare