



# STAFF REPORT

**MEETING DATE:** June 30, 2022

**TITLE:**

Hold public hearing and consider a recommendation on a rezoning for 2.395 acres out of Farm Lot 10 East of Main Street, located East of Pecan Street from P2 Rural to P4 Mix, within the city limits of Bastrop, Texas, and forward to City Council.

**STAFF REPRESENTATIVE:**

Jennifer C. Bills, Director of Planning & Development

**ITEM DETAILS:**

Site Address:	East of Pecan St (Exhibit A)
Total Acreage:	2.395 acres
Acreage Rezoned	2.395 acres
Legal Description:	2.395 acres out of Farm Lot 10 East of Main Street
Property Owner:	Gene Brown
Agent Contact:	Cliff Kendall / WGI
Existing Use:	Vacant/Undeveloped
Existing Zoning:	P2 Rural
Proposed Zoning:	P4 Mix (Attachment 4)
Character District:	North End
Future Land Use:	Neighborhood Residential (Attachment 5)

**BACKGROUND:**

The applicant has submitted an application for a Zoning Concept Scheme for 2.395 acres of Farm Lot 10 East of Main Street (Attachment 2). The development is proposed to be Place Type P4 – Mix zoning which allows the opportunity for either commercial or residential to occupy to the lot as long as they remain in a residential form and scale.

Place Type P4 – Mix is defined in the code as:

“More intense Building Types that provide more lifestyle choices. It provides for a mix of Residential Building Types. Commercial and Office uses are allowed in this District only in House form Structures. Because P4 is a transition area, the Street Types consists of multimodal Streets, but are primarily Residential urban fabric.”

The Future Land Use Plan for Industry shows this area as Neighborhood Residential:

“The Neighborhood Residential character area is for single-family residential subdivision development, associated amenities such as parks, trails, open spaces, and public uses such as schools, fire stations, and more. Although individual developments may exhibit common features including home size, lot size,

setbacks, impervious surface coverage, etc., the character area supports variations of these spatial and aesthetics characteristics, subject to appropriate transitions in form, scale, and density between blocks or adjacent developments. In some instances, transitions between developments and adjacent character areas may include higher density housing types or neighborhood oriented commercial uses of limited scale.”

While the FLUP calls for the area to be primarily single-family, the 2.395-acre tract is contiguous with property already zoned P4 Mix (which allows single and multi-family building types) and is located in close proximity to Mesquite Street which is a Primary Multimodal Street on the Master Transportation Plan and to State Highway 95. With these considerations, the proposed P4 Mix and Zoning Concept Scheme will be in compliance with the intents of Future Land Use Plan.

During the Zoning Concept Scheme review, the applicant requested to push many of the requirements from the ZCS to a later process, as the current owner does not plan to develop the property, his intention is to get all three tracts he owns under the same zoning designation.

Staff recommends requiring a Neighborhood Regulating Plan be completed prior to any further development of these three tracts in the future. During this review process, the 10% Civic Space requirement will be required to be met on the site with public amenities.

#### Drainage

A Zoning Concept Scheme must be accompanied by a Conceptual Drainage Plan to ensure that the proposed development is feasible. A Conceptual Drainage Plan has been reviewed and approved by the City Engineer. The Conceptual Drainage Plan shows that the three parcels owned by the property owner will be developed as on site, with the detention area at the southern boundary of the property at Pecan Street and Mesquite Street. The future developer will still have to complete a Preliminary Drainage Plan prior to Preliminary Plat and Final Drainage Plans before Final Plats and Site Development Plans. At each stage, the drainage and flood plain will be studied in more detail in relation to the intended development.

#### Traffic Impact Analysis

The Zoning Concept Scheme anticipates providing the streets required by the Master Transportation Plan and Street Grid Map and the Building Block grid. No Traffic Impact Analysis is anticipated to be required.

#### **PUBLIC COMMENTS:**

A notice was placed in the Bastrop Advertiser on June 15, 2022. Property owner notifications were sent to 4 adjacent property owners on June 15, 2022 (Attachment 3). At the time of this report, no responses have been received (Attachment 6).

#### **POLICY EXPLANATION:**

##### Texas Local Government Code

Sec. 211.006. PROCEDURES GOVERNING ADOPTION OF ZONING REGULATIONS AND DISTRICT BOUNDARIES. (a) The governing body of a municipality wishing to exercise the authority relating to zoning regulations and zoning district boundaries shall establish procedures for adopting and enforcing the regulations and boundaries. A regulation or boundary is not effective until after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard. Before the 15th day before the date of the hearing, notice of the time and place of the hearing must be published in an official newspaper or a newspaper of general circulation in the municipality.

*Notice was published in Austin American Statesman and notice was sent to property owners within 200 feet of the property boundary.*

(b) In addition to the notice required by Subsection (a), a general-law municipality that does not have a zoning commission shall give notice of a proposed change in a zoning classification to each property owner who would be entitled to notice under Section 211.007(c) if the municipality had a zoning commission. That notice must be given in the same manner as required for notice to property owners under Section 211.007(c). The governing body may not adopt the proposed change until after the 30th day after the date the notice required by this subsection is given.

*N/A. Bastrop is not a general-law municipality.*

(c) If the governing body of a home-rule municipality conducts a hearing under Subsection (a), the governing body may, by a two-thirds vote, prescribe the type of notice to be given of the time and place of the public hearing. Notice requirements prescribed under this subsection are in addition to the publication of notice required by Subsection (a).

*Notice of the meeting was posted at least 72 hours in advance.*

(d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either:

- (1) the area of the lots or land covered by the proposed change; or
- (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

(e) In computing the percentage of land area under Subsection (d), the area of streets and alleys shall be included.

*At the time of this report, no protest has been received. If a valid protest is received, a three-fourths vote of the City Council members would be required to approve the rezoning request.*

(f) The governing body by ordinance may provide that the affirmative vote of at least three-fourths of all its members is required to overrule a recommendation of the municipality's zoning commission that a proposed change to a regulation or boundary be denied.

*If the Planning & Zoning Commission recommends denial of the zoning request, the City Council must have a minimum vote of 4 out of 5 members to approve the zoning request.*

*At least 5 members of the Planning & Zoning Commission must vote to make an official recommendation to the City Council. Failure to reach five vote means no official recommendation can be forwarded, but this does not impact the City Council's vote requirement to approve or deny the request.*

Compliance with 2036 Comprehensive Plan:

Future Land Use Plan – The Neighborhood Residential character area is for single-family residential subdivision development, associated amenities such as parks, trails, open spaces, and public uses such as schools, fire stations, and more. Although individual developments may exhibit common features including home size, lot size, setbacks, impervious surface coverage, etc., the character area supports variations of these spatial and aesthetics characteristics, subject to appropriate transitions in form, scale, and density between blocks or adjacent developments. In some instances, transitions between developments and adjacent character areas may include higher density housing types or neighborhood oriented commercial uses of limited scale.

*While the FLUP calls for the area to be primarily single-family, the 2.395-acre tract is contiguous with property already zoned P4 Mix (which allows single and multi-family building types) and is located in close proximity to Mesquite Street which is a Primary Multimodal Street on the Master Transportation Plan and to State Highway 95. With these considerations, the proposed P4 Mix and Zoning Concept Scheme will be in compliance with the intents of Future Land Use Plan.*

#### Compliance with Bastrop Building Block (B<sup>3</sup>) Code:

B<sup>3</sup> CODE INTENT (See Executive Summary)

The code is built around three core intents:

- Fiscal Sustainability

New development and redevelopment must be done with a focus on the intersection of the Public and Private Realms. This is the area where city and utility infrastructure are maintained in an efficient manner and the commercial development creates a complete neighborhood.

*This 2.395-acre tract is to be developed with the adjacent tracts as one parcel. By zoning to P4 Mix, it will allow this area to provide a mix of single-family and multi-family or house style commercial, that will provide for a complete neighborhood and fiscal sustainability over time.*

- Geographically Sensitive Developments

Development will retain its natural form and visual character, which is derived from the topography and native environment.

*A part of this development is within the 1% Annual Chance Floodplain (previously 100-year Floodplain). P4 Mix allows for a greater diversity of building types with greater density, that will allow the floodplain to remain undisturbed.*

- Perpetuation of Authentic Bastrop

The B<sup>3</sup> Code will perpetuate the built form that has been predominate over the City's 189-year history. The recent trend of allowing parking and automobile traffic as the predominate feature has created a pattern that is contrary to the historical building patterns of the city and creates sites/buildings that are not adaptable and sustainable in the long-term.

*The proposed style of development is Traditional Neighborhood Development Pattern, which will provide a gridded network of streets that will provide connectivity for the area.*

### B<sup>3</sup> Code ARTICLE 5.1 INTENT OF DEVELOPMENT PATTERNS

(b) The Development Pattern type will be used to guide the creation of the Zoning Concept Scheme and Neighborhood Regulating Plan (see Article 2-3 Neighborhood Regulating Plans in B3 Technical Manual) configurations suitable for different geographies and Character Districts.

#### SEC. 5.2.002 TND STANDARDS

1. Detail the block perimeters, block lengths, pedestrian shed area, place type allocations per B<sup>3</sup> Code 3.2.002b.

*For P4 Mix in the North End Character District, a 330-foot block grid (Building Blocks) are the preferred development type. The applicant has demonstrated that the road network is possible, with the development of this tract and the other two under the same ownership. When developed in the future, a Neighborhood Regulating Plan will be required to establish the street network.*

#### **RECOMMENDATION:**

Hold public hearing and consider action to recommend approval on a rezoning for 2.395 acres out of Farm Lot 10 East of Main Street, located East of Pecan Street from P2 Rural to P4 Mix, with the requirement to do the Neighborhood Regulating Plan prior to development, within the city limits of Bastrop, Texas, and forward to City Council.

#### **ATTACHMENTS:**

- Exhibit A: Location Map
- Attachment 1: Zoning Concept Scheme
- Attachment 2: Applicant's Project Description Letter
- Attachment 3: Property Owner Notice
- Attachment 4: Proposed Zoning Map
- Attachment 5: Proposed Future Land Use Map