



# STAFF REPORT

**MEETING DATE:** November 21, 2024

**TITLE:**

Hold a public hearing, consider and act on a recommendation for the Zoning Concept Scheme for the FM 969 retail center, changing the zoning of 10.56 acres out of the Nancy Blakey Survey Abstract 98, located west of FM 969 - R30094, within the City of Bastrop from P2 Rural to P5 Core, as shown on Attachment 1.

**STAFF REPRESENTATIVE:**

Kennedy Higgins – Senior Planner, Development Services

**ITEM DETAILS:**

Site Address:	West of FM 969, North of SH 71
Property ID:	R30094
Total Acreage:	10.56 +/- acres
Acreage Rezoned:	10.56 +/- acres
Legal Description:	10.56 +/- Nancy Bakey Survey Abstract 98,
Property Owner:	SIS Bastrop LLC
Agent Contact:	Mirza Baig, PSCE Inc
Existing Use:	Vacant
Existing Zoning:	P2 Rural
Proposed Zoning:	P5 Core
Future Land Use:	Neighborhood Residential

**BACKGROUND:**

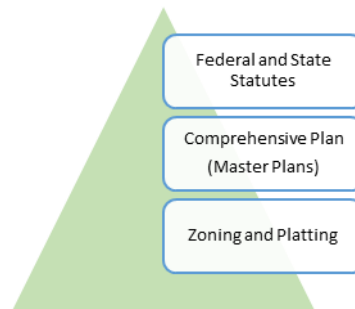
The applicant has applied for a Zoning Concept Scheme for the newly annexed FM 969 Retail Center. When land is annexed, it is automatically zoned P2 Rural then is rezoned as needed. The proposal is to change the zoning from P2 Rural to P5 Core in order to develop the property as a gas station and retail center.

**LAND USE:**

The existing land use is classified as Place Type P2 – Rural and is defined in the code as Rural living and sparsely settled lands to be located in a manner that does not cause a nuisance to a more intensely inhabited area. P2 consists of sparsely settled lands in open or cultivated states that may include food production.

Place Type P5 – Core is defined in the code as a higher density mixture of building types that accommodate commercial, retail, offices, row houses, and apartments. It has a tight network of streets, with wide sidewalks, steady street tree plantings, and buildings set close to the sidewalks. P5 is a highly walkable area. A continuous line of buildings is critical to define the public frontage and allow for visible activity along the street edge.

## 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.

(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).

*The public meeting was noticed in the newspaper 11/06/2024, Zoning Change signs were visibly placed in the front of the property on 11/06/2024 and notice was sent to 24 property owners within 200 feet of the property boundary on 11/06/2024. 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.*

(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 makes a unanimous recommendation of the denial of the zoning request, the City Council must have a minimum vote of three-fourths majority to approve the zoning request.*

Compliance with 2036 Comprehensive 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 future land use map calls for this area to be Neighborhood Residential, the neighboring properties are zoned for residential. There is a lot of development in this area for residential, but not as much development for commercial properties in order to serve the surrounding areas. This rezone to P5 Core would create much needed commercial services.*

**RECOMMENDATION:**

Hold a public hearing, consider and act on a recommendation for the Zoning Concept Scheme for the FM 969 retail center, changing the zoning of 10.56 acres out of the Nancy Blakey Survey Abstract 98, located west of FM 969 - R30094, within the City of Bastrop from P2 Rural to P5 Core, as shown on Attachment 1.

**ATTACHMENTS:**

- Attachment 1: Location Map
- Attachment 2: Exhibits