



STAFF REPORT

MEETING DATE: July 28, 2022

TITLE:

Hold public hearing and consider action on a Zoning Concept Scheme, rezoning 42.697 acres out of the Nancy Blakey Survey, Abstract 98. located at 151 FM 20, from P2 Rural to P1 Nature, P4 Mix, P5 Core, and PCS Civic Space, as shown in Exhibit A, within the city limits of Bastrop, Texas and forward to the August 23, 2022 City Council meeting.

STAFF REPRESENTATIVE:

Jennifer C. Bills, Director of Planning & Development

ITEM DETAILS:

Site Address: 151 FM 20 (Attachment 2)
Total Acreage: 42.697 acres
Acreage Rezoned: 42.697 acres
Legal Description: 42.697 acres out of the Nancy Blakey Survey

Property Owner: Jackson Su/FM 20 Development, LLC
Agent Contact: Victoria McCurdy/Stantec LLC

Existing Use: Vacant/Manufacture homes/RVs
Existing Zoning: P2 Rural (Attachment 4)
Proposed Zoning: P1 Nature, P4 Mix, 5 Core and PCS Civic Space
Character District: The Vistas
Future Land Use: Transitional Residential (Attachment 5)

BACKGROUND:

The applicant has submitted an application for a Zoning Concept Scheme for 42.697 acres of the Nancy Blakey Survey (Attachment 1). The development is proposed to be a mix of four Place Types P1 – Nature, P4 – Mix, P5 – Core, and PCS – Civic Space base zoning districts.

Place Type Definitions;

Place Type 1 - Nature - Lands in a natural state or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology or vegetation. P1 is intended to preserve areas that contain sensitive habitats, active or passive Open Spaces, parks and limited agriculture uses.

Place Type 4 – Mix: 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.

Place Type 5 – Core: 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.

CS - Civic Space/Civic Building: Civic Spaces and/or Civic Buildings serve as community features appropriate to their Place Types. Civic Spaces provide relief from the urban environment inside each neighborhood.

The Future Land Use Plan shows this area as Transitional Residential:

“The Transitional Residential character area is for lands to be developed with higher densities and a variety of housing types. The character area supports high density single-family detached, single-family attached (duplexes, triplexes, townhouses) and multifamily (apartments), and institutional residential uses such as nursing homes and assisted living facilities. Variation in form, scale, and density is allowed but appropriate transitions must be provided between land uses. In some cases, Transitional Residential uses may be included as part of a larger planned development within areas otherwise designated as Neighborhood Residential. Likewise, Transitional Residential character areas may also include associated amenities such as parks, trails, open spaces, and public uses such as schools, fire stations, and more.”

For P4 and P5, the development is required to provide public streets every 330 feet to create the building block grid. The applicant is showing six streets (three north-south, three east-west) that are proposed to be publicly dedicated streets (Attachment 1). The center road that will provide the main access into the development from FM 20 is a 330-foot grid street. The remainder of the 330-foot building blocks will be provided with defined alleys and parkland/open space that will provide pedestrian access to the blocks.

Zoning Concept Schemes also take into account the variety of place type zoning districts in a pedestrian shed. Within the pedestrian shed area, most of the land is outside of the city limits and not currently zoned. The applicant has provided a mix of Place Types within the project area that complies with the pedestrian shed distribution (Attachment 1 – B³ Code Analysis).

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 site shows conveyance and detention would occur on the southwestern corner and the east side of the property, where the current drainage flows. The maximum impervious cover allowed in Place Type 4 is 70% and Place Type 5 is 80%.

Annexation

The property was annexed into the city limits in the 2011 Annexation Plan with a base zoning district of AG/OS which converted to P2 – Rural in 2019. At the time of annexation, the property

was in use with some scattered manufactured homes and RVs, which has been allowed to continue as a legal non-conforming use.

PUBLIC COMMENTS:

Property owner notifications were sent to 6 adjacent property owners on July 15, 2022 (Attachment 8). At the time of this report, no responses have been received.

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 the Bastrop Advertiser 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.

(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 Transitional Residential character area is for lands to be developed with higher densities and a variety of housing types. The character area supports high density single-family detached, single-family attached (duplexes, triplexes, townhouses) and multifamily (apartments), and institutional residential uses such as nursing homes and assisted living facilities. Variation in form, scale, and density is allowed but appropriate transitions must be provided between land uses. In some cases, Transitional Residential uses may be included as part of a larger planned development within areas otherwise designated as Neighborhood Residential. Likewise, Transitional Residential character areas may also include associated amenities such as parks, trails, open spaces, and public uses such as schools, fire stations, and more.

- Allow small-lot single-family detached homes where they can be served by rear access garages in alleys, leaving the front of the property to serve more pedestrian uses.
 - *The proposed ZCS shows single-family detached, attached and townhome building types that will be served by alleys for auto use.*
- Orient new multi-family and townhouse buildings toward existing street frontage, even where remaining buildings face the interior of the development. Apply urban characteristics to street facing buildings including street-facing pedestrian access and internal stairwells and landings
 - *Buildings are shown to be oriented toward public streets, trails, parks and open space.*
- New development where a majority of the project is comprised of townhouse or multi-family uses should take access from a collector roadway or greater in functional classification.
 - *The applicant is proposing a multimodal road (72 feet ROW) with a median for the main access for the development off of FM 20.*
- Allow neighborhood commercial development of limited scale (5,000 sf or less, single tenant occupancy), and only if designed in a manner that is architecturally integrated with the principal residential development
 - *The applicant is proposing a mix of live/work units near FM 20 at the front of the development that would provide smaller scale commercial developments that would integrate with the residential neighborhood.*

- Minimize dead-end streets and cul-de-sacs. Internal streets should take on a grid-based street pattern with high connectivity. Adjustments to a rigid grid should be permitted in areas of varied topography so long as street connectivity can be promoted.
 - *The proposed ZCS provides the 720-foot grid pattern for proposed and future ROWs that would provide connectivity. Internal to this grid, the intent of the 330-foot grid pattern would be met with gridded alleys and pedestrian walkways that provide internal circulation and off-street parking.*

Compliance with Bastrop Building Block (B³) Code:

B³ 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.

The applicant has provided a ZCS that shows the intent to provide the 720-foot grid streets in compliance with the Master Transportation Plan. The internal circulation within the Farm Lots will be determined during the subdivision process and is currently shown as blocks that are bounded by alleys, trails, and open space/parks. The Master Transportation Plan streets and the alleys will provide the areas to efficiently run the necessary infrastructure.

- Geographically Sensitive Developments

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

The area to the east is a drainage way. The ZCS contemplates this area to be zoned P1 to retain the natural topography and utilize the existing drainage way.

- Perpetuation of Authentic Bastrop

The B³ 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 ZCS shows the intent to provide a mix of housing types with the opportunity for smaller scale commercial that will integrate into the neighborhood, while providing multiple routes for vehicular and pedestrian traffic throughout the neighborhood and with future connections to the properties to the north, south, and east.

B³ 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.

The Character District of this project is the Vistas which allows for Traditional Neighborhood Development (TND) using the standard building block pattern, or Village Center Development, which focuses the development around a pedestrian center with the vehicular traffic kept to a street network at the outer edges of the development. The development is proposing the TND form, which allows for the blocks to be centered around pedestrian features, such as open space, parks, and the main thoroughfare in the center of the development.

SEC. 5.2.002 TND STANDARDS

1. Detail the block perimeters, block lengths, pedestrian shed area, place type allocations per B³ Code 3.2.002b.

In P4 Mix and P5 Core, the block perimeter maximum is 1320 feet. This is the distance around one building block, which is a block length of 330 feet. The zoning concept scheme does not meet this requirement. The applicant has met the farm lot (720-foot grid) requirement by showing right-of-way required at the 720-foot level as shown on the Master Transportation Plan. The roads on the north, south, and east are provided along property lines, so the applicant is required to provide the half of the ROW that abuts the property. The construction of the partial road to provide connectivity will be determined during the Subdivision process.

A quarter-mile radius around the development creates the pedestrian shed for the area. The goal of a pedestrian shed is to ensure the neighborhood created is walkable. Allocations of various place types provide variety in a neighborhood to promote a complete neighborhood. Changing the place types to four Place Types P1 – Nature, P4 – Mix, P5 – Core, and PCS – Civic Space complies with the intent to create a complete neighborhood.

DIRECTOR ANALYSIS & RECOMMENDATION:

This Zoning Concept Scheme meets the intent of the B³ Code. The site has some geographic sensitive issues on the east side of the development where there are natural drainage ways that will make continuing the main center road through the development difficult. The street connections to FM 20 are permitted through TxDot, so some change in the street connections/alignments may occur during the Subdivision process. The applicant has demonstrated the ability to comply with the intent of the B³ Code with regard to providing the Farm Lot and Building Block grid, through a mix of streets, alleys, pedestrian sidewalks and park/open space access.

RECOMMENDATION:

Hold public hearing and consider action to approve the Zoning Concept Scheme, rezoning 42.697 acres out of the Nancy Blakey Survey, Abstract 98, located at 151 FM 20, from P2 Rural to P1 Nature, P4 Mix, P5 Core, and PCS Civic Space, as shown in Exhibit A, within the city limits of Bastrop, Texas and forward to the August 23, 2022 City Council meeting.

ATTACHMENTS:

- Exhibit A: Requested Place Type Zoning
- Attachment 1: Zoning Concept Scheme Submittal
- Attachment 2: Location Map
- Attachment 3: Property Owner Notice & Responses
- Attachment 4: Existing Zoning Map
- Attachment 7: Future Land Use Map & Master Transportation Plan

