



# STAFF REPORT

**MEETING DATE:** July 28, 2022

**TITLE:**

Hold public hearing and consider action on a Zoning Concept Scheme, rezoning the Lone Star Subdivision Reserve 75.140, located at the northeast corner of State Highway 71 and Farm-to Market Road 969 from P2 Rural to P4 Mix and P5 Core, 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:	Northeast Corner of SH 71 and FM 969 (Attachment 2)
Total Acreage:	75.140 acres
Acreage Rezoned	52.906 acres
Legal Description:	75.140 acres out of the Nancy Blakey Survey
Property Owner/Agent:	Spencer Harkness/PRC 02 Bastrop, LLC
Existing Use:	Vacant
Existing Zoning:	P5 Core (City Limits) and P2 Rural (after annexation) (Attachment 4)
Proposed Zoning:	P4 Mix, and P5 Core (Exhibit A)
Character District:	Cattleman's
Future Land Use:	Transitional Residential and General Commercial (Attachment 5)

**BACKGROUND:**

The applicant has submitted an application for a Zoning Concept Scheme for 75.140 acres of the Nancy Blakey Survey (Attachment 1). The development is proposed to be a mix of two Place Types P4 – Mix, and P5 – Core base zoning districts, with PCS – Civic Space to be determined at final plat through dedication or rezoning to PCS.

Place Type Definitions;

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. (While not being rezoned at this time, the applicant has proposed to provide Civic Space through parkland/open space dedication or rezoning to PCS at final plat once the specific areas are determined in relationship to the overall development.)

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

“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.”

“The General Commercial character area supports local and regional businesses that rely on heavy traffic volumes and the visibility that is associated with being located near major roadways. General Commercial developments typically involve varying development intensities, from smaller locally owned shops to big box retailers. These areas are predominantly auto oriented, with large accessory parking areas. While General Commercial development will continue to be auto-oriented, improved street-side and parking lot landscaping, buffers, appropriately designed and scaled signage, bicycle and pedestrian accommodations, higher quality building materials, and access management techniques (e.g., limited access points and inter-parcel connectivity) will help to improve overall development quality and appearance.

The applicant is proposing a mixed-use development, with a mix of multifamily residential, office, medical, hotel, restaurant, and retail shopping in a master planned development with an emphasis on connectivity and walkability (Attachment 1 Page 18-19).

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 four streets (two north-south, two east-west) that are proposed to be publicly dedicated streets (Attachment 1, Page 27). They are also showing several private street/drives and two pedestrian walkways that approximate the 330-foot Building Block dimensions (Attachment 1, Page 28). Due to Texas Department of Transportation spacing requirements, the development will be limited on the number of streets/driveways that can connect to FM 969 and SH 71. The actual streets and block configuration will be determined during the Subdivision process.

Zoning Concept Schemes also take into account the variety of place type zoning districts in a pedestrian shed (Attachment 1, Page 26). 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. The area to the north is in an annexation agreement, which would default to P2 Rural, which is the approximate designation the applicant has provided in the pedestrian shed analysis.

In the ZCS, the applicant has provided a conceptual design for the streetscape, depicting pedestrian zones with required encroachments and street trees (Attachment 1, Page 29). The actual design with trees and auto/pedestrian elements will be determined during the Public Improvement Plan process, the applicant has demonstrated an understanding and ability to comply with the intent of the B<sup>3</sup> Code.

### Drainage

A Zoning Concept Scheme must be accompanied by a Conceptual Drainage Plan to ensure that the proposed development is feasible (Attachment 1, Page 31-32). A Conceptual Drainage Plan has been reviewed and approved by the City Engineer. The site shows conveyance and detention would occur on 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 is under a 2011 Annexation Agreement that requires annexation upon development or property transfer. Upon annexation, the base zoning district will be P2 – Rural in 2019.

### **PUBLIC COMMENTS:**

Property owner notifications were sent to 11 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.

- 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, with on-site parking located internal to the lots.*
- 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 property is bounded by Blakey Lane to the north and the applicant is proposing a collector street along the southern boundary that will provide for access to the P-4/multifamily development.*
- 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 ROWs that would provide connectivity. Internal to this grid, the intent of the 330-foot grid pattern would be met with private streets/driveway and pedestrian walkways that provide internal circulation and off-street parking.*

Future Land Use Plan – The General Commercial character area supports local and regional businesses that rely on heavy traffic volumes and the visibility that is associated with being located near major roadways. General Commercial developments typically involve varying development intensities, from smaller locally owned shops to big box retailers. These areas are predominantly auto-oriented, with large accessory parking areas. While General Commercial development will continue to be auto-oriented, improved street-side and parking lot landscaping, buffers, appropriately designed and scaled signage, bicycle and pedestrian accommodations, higher quality building materials, and access management techniques (e.g., limited access points and inter-parcel connectivity) will help to improve overall development quality and appearance.

- Require new general commercial areas to be located on and take vehicular access from an arterial roadway.
  - *The applicant proposes to add several new public streets and private drives that will allow the lots to take access from the arterial streets.*
- Manage vehicular access by limiting the number and location of curb cuts, requiring cross-access easements (particularly for out-parcels) and providing minimum driveway throat lengths for motor vehicle queuing. Formalize access management standards through appropriate amendments to the City's land development regulations.
  - *The proposed ZCS demonstrates an understanding of the B<sup>3</sup> Code requirements to provide cross-access through streets, driveways, and pedestrian walkways.*
- Do not require minimum lot sizes as long as all other minimum requirements (e.g., parking, landscaping, setbacks, etc.) can be met without the need for a variance.

- *The B<sup>3</sup> Code does not require a minimum lot size, providing a lot of flexibility for the development to serve large and small commercial sites for the development of restaurants, hotel, office and retail shopping uses.*
- Construct sidewalks along all public and private rights-of-way and include designated and safe sidewalk connections to the main entrance of the building.
  - *The ZCS provides a conceptual design for the streetscape, showing the intent to comply with building placement and pedestrian zones to provide for the interaction between the public and private realms.*

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.

*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 private driveways and pedestrian walkways. 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 developed as detention and a park area, to retain the natural topography and utilize the existing drainage way.*

- 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 ZCS shows the intent to provide a mix of multifamily housing with commercial that will provide retail, restaurant, office and hotel building forms. The site utilizes the existing streets and highways bounding on four sides, while providing an internal grid of public streets and private drives and pedestrian walkways providing multiple routes for vehicular and pedestrian traffic throughout the development. There are large properties (Valverde and the Colony) within a half-mile radius of the development that will be served by the commercial*

development, while the multifamily housing within the development will provide housing opportunities for Bastrop while providing services within walking distance for the residents.

**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.

*The Character District of this project is Cattleman’s 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 the grid of public streets, private drives and pedestrian walkways.*

**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.

*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 applicant has largely 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 330-foot building blocks will be met by a mix of public, private drives and pedestrian walkways. The exact alignment and dedication will be determined during the Subdivision process, once the preliminary drainage, preliminary infrastructure and TXDot review is conducted.*

*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. The Pearl River site occupies a majority of the pedestrian shed area. With the proximity to SH 71, FM 969 and the future residential that will be provide in Valverde and The Colony, zoning to P4 and P5 with 10% allocated to Civic Space during platting meets the intent of the pedestrian shed analysis (Attachment 1, Page 20).*

**DIRECTOR ANALYSIS & RECOMMENDATION:**

The Zoning Concept Scheme meets the intent of the B<sup>3</sup> Code. The site has some existing development challenges (adjacent commercial development, TxDOT spacing requirements). The applicant has demonstrated the ability to comply with the intent of the B<sup>3</sup> Code with regard to providing the Farm Lot and Building Block grid, through a mix of public, private and pedestrian walkway methods.

Staff recommends requiring the provision of the 10% Civic Space requirement at final plat, either through the dedication of parkland/open space, or through rezoning.

**RECOMMENDATION:**

Hold public hearing and consider action to approve the Zoning Concept Scheme, rezoning the Lone Star Subdivision Reserve 75.140, located at the northeast corner of State Highway 71 and Farm-to Market Road 969 from P2 Rural to P4 Mix and P5 Core, as shown in Exhibit A, and providing the 10% Civic Space requirement at final plat through dedication or rezoning, 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 5: Future Land Use Map & Master Transportation Plan

