



# STAFF REPORT

**MEETING DATE:** April 11, 2023

**TITLE:**

Consider action to approve the second reading of Ordinance No. 2023-06 of the City Council of the City of Bastrop Texas, approving the zoning change for 1.998 acres out of the Nancy Blakey Survey, abstract 98, Bastrop County, Texas from P2 Rural to PS Core; providing for findings of fact; providing for repealer; providing for severability; providing for enforcement; providing for proper notice and meeting; and establishing an effective date.

**STAFF REPRESENTATIVE:**

Keehren Baah, Assistant Director of Planning & Development

**BACKGROUND/HISTORY:**

The applicant has submitted an application for a Zoning Concept Scheme (ZCS) for 1.998 acres of the Nancy Blakey Survey, located at the northwest corner of FM 969 and SH 71 (Exhibit A). The request is to rezone two lots from P2 Rural to P5 Core. This area was annexed into the city limits in 2011 with a default base zoning district of Agricultural/Open Space, which was rezoning in 2019 to P-2 Rural. The automotive shop and residential home were existing and considered as legal non-conforming for the existing buildings. The property to the north wishes to develop as a commercial site. The property to the south does not have any plans at this time but brings the site into a conforming zoning district.

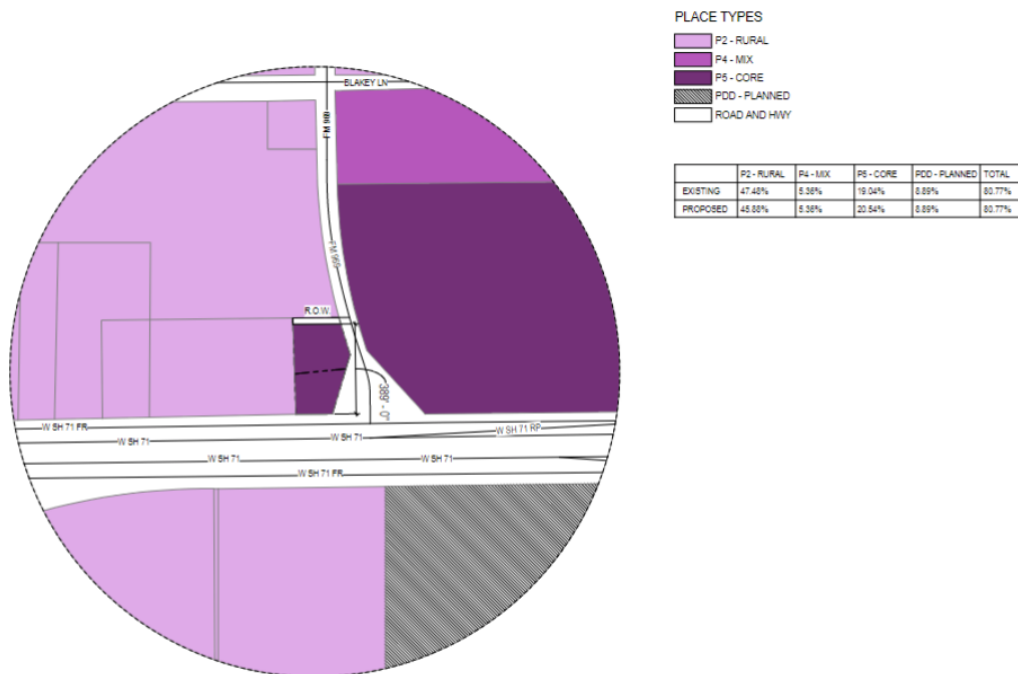
P5 Core Center is defined in the code as “Higher density mixture of Building Types that accommodate commercial, retail, offices, row houses, and apartments. It has a tight network of Streets, with wide sidewalks, steady Street Tree plantings, and buildings set close to the sidewalks. P5 is a highly walkable area. A continuous line of buildings is critical to define the Public Frontage and allow for visible activity along the Street edge.” Rezoning two parcels that have frontage onto two major thoroughfares (SH 71 W and FM 969) is compatible with the intent of the P5 Core Place Type.

To the west, the development is adjacent to Premier Portable Buildings, which is outside of the city limits. To the north, the property is adjacent to the Valverde development. To the south and east, the property is bounded by two major thoroughfares (SH 71 W & FM 969). The applicant is proposing to relocate their driveway to take access off FM 969 at the time of development.

Zoning Concept Schemes also take into account the variety of place type zoning districts in a pedestrian shed. For this area, the applicant has shown one pedestrian sheds around the requested area. The applicant is requesting P5 – Core base zoning, which appropriate given the existing surrounding zoning and the location at the corner of two highways.



For the Pedestrian Shed mix, P5 Core is a required Place Type to be within the Traditional Neighborhood and Village Center Development patterns. This development is proposing Traditional Neighborhood Development pattern and is showing the required dedication of the proportional share of the street right-of-way on the north edge of the property. This ROW is where the development will take access from FM 969.



### 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 for the proposed new development and approved by the City Engineer. With the new development, the plan identifies a new drainage pond to mitigate the new development.

### **PUBLIC COMMENTS:**

Property owner notifications were sent to four adjacent property owners on February 8, 2023 (Attachment 4). At the time of this report, no responses have been received. (Attachment 5)

### **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, and signage was posted on site.*

(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 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 proposed Zoning Concept Scheme is in compliance with the 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.

*The development provides street and infrastructure connections to existing infrastructure with a Conceptual Utility Plan and Conceptual Drainage Plan.*

- **Geographically Sensitive Developments**

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

*The ZCS is providing additional connectivity for this and future developments at the north edge of the property that meets the requirements of block structure. The Conceptual Drainage Plan is addressing the existing topography with the placement of the drainage infrastructure at the front of the lot, to minimize disruption to the natural terrain.*

- **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.

*This zoning and auto-oriented use is compatible with the existing highway intersection and will provide local street access to the north of the property for this and future development.*

#### **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 (VCD). The development is proposing the TND form by providing internal blocks and external future connections to create new blocks with existing streets.*

## 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.

*This ZCS is depicting future right-of-way at the north side of the property, which approximates the 330 Building Block grid while meeting Texas Department of Transportation separation requirements.*

### **PLANNING & ZONING COMMISSION RECOMMENDATION:**

The P&Z Commission reviewed the Zoning Concept Scheme at their February 23, 2023, regular meeting and recommended approval of the rezoning request for P5 Core zoning by a vote of 6-0.

### **STAFF RECOMMENDATION:**

Consider action to approve the second reading of Ordinance No. 2023-06 of the City Council of the City of Bastrop Texas, approving the zoning change for 1.998 acres out of the Nancy Blakey Survey, abstract 98, Bastrop County, Texas from P2 Rural to PS Core; providing for findings of fact; providing for repealer; providing for severability; providing for enforcement; providing for proper notice and meeting; and establishing an effective date.

### **ATTACHMENTS:**

- Ordinance No. 2023-06
- Exhibit A: Zoning Concept Scheme
- Attachment 1: Location Map
- Attachment 3: Applicant's Project Description Letter
- Attachment 4: Property Owner Notice
- Attachment 5: Zoning Map
- Attachment 6: Future Land Use Map