



UPDATED STAFF REPORT

MEETING DATE: October 22, 2024

TITLE:

Conduct a public hearing, consider and act on the first reading of Ordinance No. 2024-38 of the City Council of the City of Bastrop, Texas, approving the zoning change for 2 +/- acres out of Building Block 110 east of Water Street, located east of SH 95, within the City of Bastrop from P5 Core to P3 Residential, as shown in Attachment 2; 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; and move to include on the November 12, 2024, Consent Agenda for second reading.

STAFF REPRESENTATIVE:

Submitted by: Kennedy Higgins – Senior Planner, Development Services

BACKGROUND:

The applicant has applied for a Zoning Concept Scheme for Valverde North 1101 SH 95. The proposal is to change the current zoning from P5 to P3 in order to appropriately incorporate single family residence.

PLANNING & ZONING COMMISSION RECOMMENDATION:

The P&Z Commission reviewed the Zoning Concept Scheme at their September 26, 2024, regular meeting, and recommended approval of the rezoning request, for a zone P3 Neighborhood, with a vote of 5-0.

STAFF RECOMMENDATION:

Conduct a public hearing, consider and act on the first reading of Ordinance No. 2024-38 of the City Council of the City of Bastrop, Texas, approving the zoning change for 2 +/- acres out of Building Block 110 east of Water Street, located east of SH 95, within the City of Bastrop from P5 Core to P3 Residential, as shown in Attachment 2; 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; and move to include on the November 12, 2024, Consent Agenda for second reading.

ATTACHMENTS:

- Attachment 1: Memo Staff Report for Valverde North 1101 SH 95 Zoning Concept Scheme
- Attachment 2: Ordinance No. 2024-38



To: Sylvia Carrillo, City Manager

From: Kennedy Higgins, Senior Planner- Planning & Development

Date: September 26, 2024

Subject: 1101 SH 95 Zoning Concept Scheme

UPDATED

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ITEM DETAILS:

Site Address: 1101 SH 95 (Attachment 1)
Property ID: R36633
Total Acreage: 2 +/- acres
Acreage Rezoned: 2 +/- acres
Legal Description: 2 +/- acres out of Building Block 110 east of Water Street

Property Owner: Esther Eula Johnson
Agent Contact: Venice Johnson

Existing Use: Agriculture
Existing Zoning: P5 Core
Proposed Zoning: P3 Neighborhood
Future Land Use: Neighborhood Commercial

BACKGROUND:

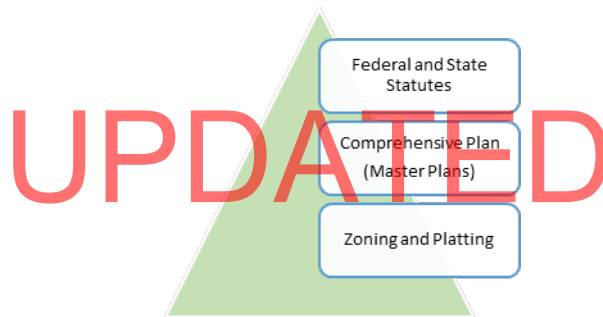
The applicant has applied for a Zoning Concept Scheme for 1101 SH 95. The proposal is to change the zoning from P5 Core to P3 Neighborhood in order to continue using the property for agriculture purposes.

LAND USE:

The existing land use is classified as 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.

P3 – Neighborhood per the Developers agreement. Low density residential areas. Planting is naturalistic and setbacks vary from relatively deep to shallow. The roads and blocks may be irregular to accommodate natural conditions.

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 09/11/2024, Zoning Change signs were visibly placed in the front of the property on 09/5/2024 and notice was sent to 20 property owners within 200 feet of the property boundary on 09/6/2024. 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.

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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 Commercial, the neighboring properties are Rural Residential. This lot is being requested for rezone alongside the owners adjacent properties.

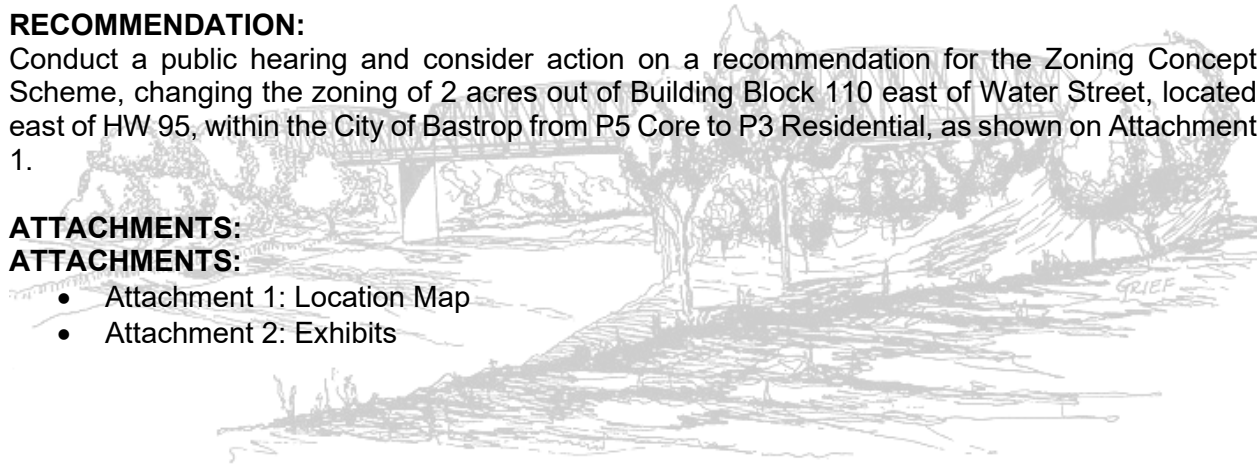
RECOMMENDATION:

Conduct a public hearing and consider action on a recommendation for the Zoning Concept Scheme, changing the zoning of 2 acres out of Building Block 110 east of Water Street, located east of HW 95, within the City of Bastrop from P5 Core to P3 Residential, as shown on Attachment 1.

ATTACHMENTS:

ATTACHMENTS:

- Attachment 1: Location Map
- Attachment 2: Exhibits



ORDINANCE 2024-38

**ZONING CONCEPT SCHEME CHANGE
1101 STATE HIGHWAY 95, R36633**

UPDATED

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, APPROVING THE ZONING CHANGE FOR 2 +/- ACRES OUT OF THE BUILDING BLOCK 110 EAST OF WATER STREET, IN CITY OF BASTROP, TEXAS, FROM P5 CORE TO P3 NEIGHBORHOOD; 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.

WHEREAS, the City of Bastrop, Texas (City) is a Home-Rule City acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, on or about August 5, 2024, Venice Johnson submitted a request for zoning modifications for a property located East of SH 95, within the City limits of Bastrop, Texas described as being 2 +/- acres out of the Building Block 110 East of Water Street (“Property”); and

WHEREAS, the City Staff has reviewed the request for zoning modifications, and finds it to be justifiable based upon the Future Current Use for this Property; and

WHEREAS, City Council has reviewed the request for zoning modifications, and finds the request to be reasonable and proper under the circumstances; and

WHEREAS, in accordance with Texas Local Government Code Chapter 211, public notice was given, and a public hearing was held before the City of Bastrop Planning and Zoning Commission (P&Z) on September 26, 2024 and a recommendation was made to approve the zoning change; and

WHEREAS, in accordance with Texas Local Government Code Chapter 211, public notice was given, and a public hearing was held before the City Council regarding the requested zoning modification; and

WHEREAS, Texas Local Government Code Section 51.001 provides the City general authority to adopt an Ordinance or police regulations that are for good government, peace, or order of the City and are necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, after consideration of public input received at the hearing, the information provided by the Applicants, and all other information presented, City

Council finds that it is necessary and proper to enact this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS THAT:

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Section 1: The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

Section 2: The Property, 2 +/- acres out of the Building Block 110 East of Water Street, more particularly shown and described in Exhibit A which is attached and incorporated herein, is hereby rezoned from P5 Core to P3 Neighborhood. The City Manager is hereby authorized to promptly note the zoning change on the official Zoning Map of the City of Bastrop, Texas.

Section 3: All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

Section 4: If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity or the unenforceability will not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision.

Section 5: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

Section 6: This Ordinance shall be effective immediately upon passage and publication.

[Signatures on following page]

READ & ACKNOWLEDGED on First Reading on this the 22nd day of October 2024.

READ & ADOPTED on Second Reading on this the 12th day of November 2024.

UPDATED

APPROVED:

Lyle Nelson, Mayor

ATTEST:

Irma Parker, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

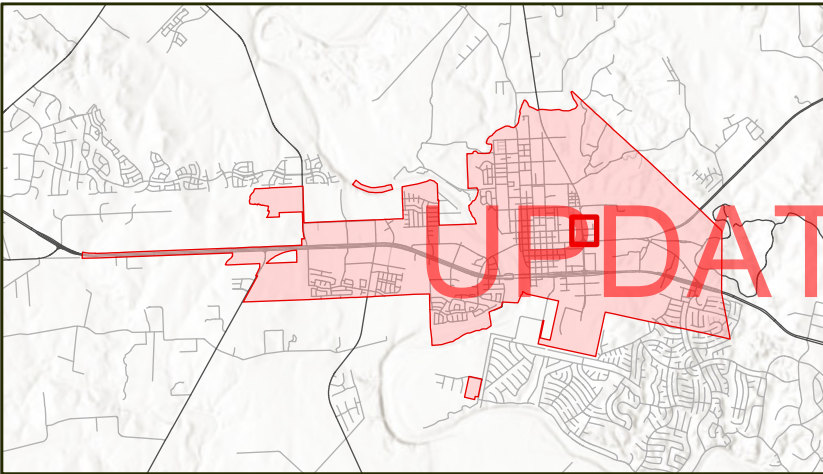
ATTACHMENT A

UPDATED
Property Description



Attachment A Location Map

Rezone of PID 36633



9/4/2024

0 100 200 300 400 ft

Scale 1:2,600

The City of Bastrop, Texas makes no warranties regarding the accuracy or completeness of the information used to compose this map or the data from which it was produced. The map does not purport to depict the boundaries between private and public lands. This map is general in nature and is not suitable for navigational purposes.