



# STAFF REPORT

**MEETING DATE:** December 21, 2023

**TITLE:**

Hold Public Hearing and Consider action to approve the request for a Zoning Concept Scheme from P4 Mix to P-CS Civic Space for the area described as 1.08 +/- acres of land out of the Farm Lot 67 east of Main Street located at the northeast corner of State Highway 95 and Farm Street, within the city limits of Bastrop, Texas.

**AGENDA ITEM SUBMITTED BY:**

Doug Haggerty – Senior Planner, Development Services

**ITEM DETAILS:**

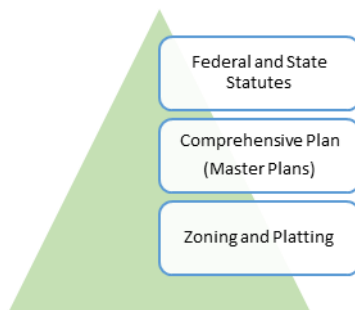
Site Address: 1207B & 1305 SH 95, Bastrop TX (Attachment 1)  
 Parcel ID # R32711 and R32747  
 Total Acreage: 1.078 acres  
 Acreage Rezoned: 1.078 acres  
 Legal Description: 0.711 acres out of Farm Lot, Block 67 E M Street and 0.367 acres out of Farm Lot, Block 67 E M Street  
 Property Owner: City of Bastrop  
 Existing Use: Vacant/Undeveloped  
 Existing Zoning: P5 Core and P4 Mixed Use  
 Proposed Zoning: Civic Space  
 Future Land Use: Parks and Open Space

**BACKGROUND:**

After the purchase of the property at 1305 SH 95, the City has removed the dilapidated building on site to ensure no public safety issues were present. The land is currently vacant and will match the surrounding zoning of the property the City owns next door, Civic Space. Eventually, this land could be used for Fairview Cemetery expansion. These policies will also apply to the City owned property at 1207B SH 95.

Infrastructure	Available (Y/N)	Proposed
Water	N/A	
Wastewater	N/A	
Drainage	N/A	
Transportation	N/A	
Parks and Open Space	N/A	

**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.

*Zoning Change signs were visibly placed in the front of the property 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 votes 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:**

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. Like, 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.

*Representative land uses are appropriate per the Future Land Use Map.*

**RECOMMENDATION:**

Hold public hearing and consider action on a recommendation for the 1207B & 1305 State Highway 95 Zoning Concept Scheme, changing the zoning of 0.711 and 0.367, respectively, totaling 1.078 acres out of the Farm Lot 67 E M Street survey, within the City of Bastrop from P5 Core and P4 - Mix to Civic Space, as shown on Attachment 2.

**ATTACHMENTS:**

- Attachment 1: Location Map
- Attachment 2: 1207B & 1305 SH 95 Current Zoning
- Attachment 3: Future Land Use Map