



STAFF REPORT

MEETING DATE: September 26, 2024

TITLE:

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.

STAFF REPRESENTATIVE:

Kennedy Higgins – Senior Planner, Development Services

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:

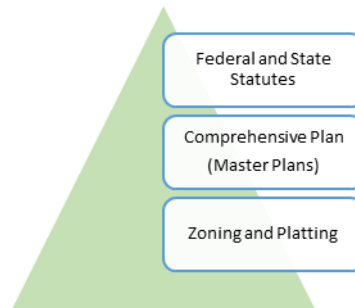
The applicant has applied for a Zoning Concept Scheme for 1101 SH 95. The proposal is to change the zoning from P5 Core to P3 Neighborhood in order to continue using the property for agriculture purposes.

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.

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:

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- Attachment 1: Location Map
- Attachment 2: Exhibits