



STAFF REPORT

MEETING DATE: March 25, 2025

TITLE:

Consider and act on Ordinance No. 2025-40 to amend the B3 Technical Manual Table 1.4.001A, Development Application Approval Process

AGENDA ITEM SUBMITTED BY:

Submitted by: Sylvia Carrillo-Trevino, ICMA-CM, CPM, City Manager

BACKGROUND/HISTORY:

The B3 Technical Manual is a subset of the B3 Code and details application requirements and other details related to development applications and the development process.

As staff works through the Comprehensive Plan process and amendments, an item in the table related to the Comprehensive Plan is in conflict with the Local Government Code, Chapter 213.

The B3 Manual requires “Personal Notice” to all affected residents of the Comprehensive Plan amendments and adopted the 2016 Comprehensive Plan by resolution.

TABLE 1.4.001A DEVELOPMENT APPLICATION APPROVAL PROCESS

Approval Process	Review and Approval Authority			Notice				
	Source	ZBA	P&Z	CC	Application Notice	Published Notice	Personal Notice	Posted Notice
Legislative								
Comprehensive Plan Map Amendment			R/PH/PM	D/PH/PH/PM	Y	Y	Y	Y

Personal notice defined as “A. Each owner of real property located within two hundred (200) feet of the exterior boundary of the property in question and any other persons deemed by the Lead Officer or decision-maker to be affected by this application; B. The applicant and/or property owner; and C. The appellant if an appeal.

TABLE 1.4.001B NOTIFICATION REQUIREMENTS

	Published Notice	Personal Notice	Posted Notice
Notification Location	Newspaper	United States Mail	Subject Property
Time Before Set Hearing	15 days	A. General: 10 days B. Comprehensive Plan or Place Type Zoning change: 10 days	A. General: 10 days B. Comprehensive Plan or Place Type Zoning change: 10 days
Include in Notice	A. Date, time, and location of hearing; B. Purpose of the hearing; and C. Identification of the subject property if the decision concerns an individual tract or parcel of land.	A. Name of the applicant; B. Date time, and location of the hearing; C. Purpose of the hearing; D. Identification of the subject property; and, E. The name of the appellant if an appeal.	A. Purpose of the request; and B. All public hearing dates.
Notification Instructions	Planning & Development Department will be responsible for posting the notice in the newspaper of general circulation.	A. Each owner of real property located within two hundred (200) feet of the exterior boundary of the property in question and any other persons deemed by the Lead Officer or decision-maker to be affected by this application; B. The applicant and/or property owner; and C. The appellant if an appeal.	A. Minimum 2'x2' sign placed on the street frontage in visible unobstructed location. B. Utilize a minimum 6" lettering. C. Shall stay in place until final action is taken or request is withdrawn

Personal notice to every resident regarding amendments to the overall plan, some of which are not substantive in nature, will result in a very costly mailout to residents each time an amendment is proposed.

The latest round of B3 code amendments resulted in costs exceeding \$10,000. Staff proposes to amend the table to require published notice and posted notice as required by Chapter 213 of the Local Government Code (LGC) *and add additional outreach efforts such as social media and workshops in various locations prior to the amendments being presented to Planning Commission and ultimately the City Council.*

Chapter 213 of the LGC stipulates that:

*Sec. 213.003. ADOPTION OR AMENDMENT OF COMPREHENSIVE PLAN. (a) A comprehensive plan may be adopted or amended **by ordinance** following:*

(1) a hearing at which the public is given the opportunity to give testimony and present written evidence; and

(2) review by the municipality's planning commission or department, if one exists.

(b) A municipality may establish, in its charter or by ordinance, procedures for adopting and amending a comprehensive plan.

Added by Acts 1997, 75th Leg., ch. 459, Sec. 1, eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 62, Sec. 13.07, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 1420, Sec. 12.002(2), eff. Sept. 1, 2001.

Bastrop's Charter stipulates:

Section 12.03 - Comprehensive Plan.

The comprehensive plan shall serve as a guide for the physical development of the City [and] shall contain the Commission's recommendations for growth, development and beautification of the City. A copy of the comprehensive plan, or any part thereof, shall be submitted to the Council, which may adopt such plan in whole or in part, after at least one (1) public hearing on the proposed action. The Council shall act on such plan, or part thereof, within sixty (60) days following its submission. If such plan, or part thereof, shall be rejected by the Council, the Commission may modify such plan, or part thereof, and resubmit it to the Council for reconsideration.

All amendments to the comprehensive plan recommended by the Commission shall be submitted and considered by the Council in the same manner as provided above.

Further, as the North End Prairie Development has shown, the affected neighbors were not fully aware of a "Neighborhood Regulating Plan (NRP)", a warrant (variance), or Preliminary Plat being submitted as the NRP and warrant are an administratively approved document and the Preliminary Plat is only seen by the Planning Commission. Amending these items to have public notice will serve to assist residents with information about what is happening in their immediate affected area. Further, deviations from the code (warrants) should be heard at a public hearing at Planning Commission and City Council.

RECOMMENDATION:

- 1) Remove the Personal Notice Requirement on Table 1.4.001A and adopt the requirements of LGC 213.003 and the City's Code of Ordinances.
- 2) Adopt future amendments to the Comprehensive Plan by ordinance and not resolution as was adopted in 2016, to meet the requirements of Chapter 213.
- 3) Require Preliminary Plat and Final Plat to have Personal Notice within 500 feet.
- 4) Require a Neighborhood Regulating Plan to have personal notice within 500 feet and have Planning Commission review and make recommendation to the City Council, with the City Council having the ultimate decision-making authority.
- 5) Require a Warrant (variance) to have personal notice within 500 feet and have Planning Commission review and make recommendation to the City Council, with the City Council having the ultimate decision-making authority.

ATTACHMENTS:

1. Ordinance
2. Proposed Redlines