

PLANNING & ZONING MEETING

February 23, 2023 at 6:30 P.M.

Meeting Minutes

The City of Bastrop Planning and Zoning Commission met Thursday, February 23, 2023, at 6:30 p.m. in the Council Chambers located at 1311 Chestnut Street, Bastrop, Texas 78602

1. CALL TO ORDER

Debbie Moore called the meeting to order at 6:38 p.m.

Debbie Moore	Present
Cynthia Meyer	Present
Ishmael Harris	Present
Carrie Caylor	Present
Scott Long	Absent
Patrice Parsons	Present
Judah Ross	Present
Kristi Koch	Present
David Barrow	Present

Staff Present:

Jennifer C. Bills, Director of Planning and Development
Melissa Gustafson, Planning Technician/Commission Secretary
Nicole Peterson, Administrative Executive Assistant
Rezzin Pullum, Assistant City Attorney

2. CITIZEN COMMENTS

There were no citizen comments.

3. ITEMS FOR INDIVIDUAL CONSIDERATION

- 3A. Consider action to approve meeting minutes from the January 26, 2023, Planning and Zoning Commission Regular Meeting

Patrice Parsons made a motion to approve the meeting minutes from January 26, 2023. Cynthia Meyer seconded the motion and the motion passed unanimously.

- 3B. Public hearing and consider action to recommend a Zoning Concept Scheme to change the base zoning district from Place Type 2 Rural to Place Type 5 Core, for 1.998 acres of the Nancy Blakey Survey, located at the northwest corner of FM 969 and SH 71 and forward to the March 28, 2023, City Council meeting.

Director of Planning and Development, Jennifer C. Bills, presented the request for a Zoning Concept Scheme to change the zoning district from Place Type 2 Rural to Place Type 5 Core, for 1.998 acres of the Nancy Blakey Survey, located at the northwest corner of FM 969 and SH 71.

Discussion commenced between the Planning Staff and Commissioners over the following topic:

1. Why do they want to remove the driveway on the Hwy 71 side and only have access on FM 969?
 - They would not be removing the driveway on 71. There will be access on HWY 71 as well as 969 that meet TxDOT code requirements. Access points will be permitted through TxDOT and will require a study through TxDOT regarding the changes to traffic flow.

Debbie Moore opened the Public Hearing at 6:45 p.m.

Adam Gates, applicant, had no questions. He was complimentary to Planning and Development staff regarding the level of assistance he received during the course of this project.

Debbie Moore closed the Public Hearing at 6:46 p.m.

Cynthia Meyer made the motion to recommend a Zoning Concept Scheme to change the base zoning district from Place Type 2 Rural to Place Type 5 Core, for 1.998 acres of the Nancy Blakey Survey, located at the northwest corner of FM 969 and SH 71 and forward to the March 28, 2023, City Council meeting. Carrie Caylor seconded the motion and the motion passed unanimously.

- 3C. Public hearing and consider action to recommend approval of an ordinance for amendments to the Bastrop Building Block (B³) Code, Chapter 6, Section 6.5.003 Building Standards Per Place Type, Authentic Bastrop Pattern Book, and Bastrop Code of Ordinance Section 3.01.001 International Code Council (ICC); International Code Family (c) Amendments to IBC 2018, Fences not over 7 feet (2134mm) high and forward to the March 28, 2023, City Council meeting for first reading.

Assistant City Attorney, Rezzin Pullum reminded the Commissioners in order to reflect for the record and per the City Council directions, Commissioner Koch should refrain and recuse herself from the deliberation and voting on items 3C and 3D.

Director of Planning and Development, Jennifer C. Bills presented to Commissioners a request for a public hearing and to consider action to recommend approval of an ordinance for amendments to the Bastrop Building Block (B³) Code, Chapter 6, Section 6.5.003 Building Standards Per Place Type, Authentic Bastrop Pattern Book, and Bastrop Code of Ordinance Section 3.01.001 International Code Council (ICC); International Code Family (c) Amendments to IBC 2018, Fences not over 7 feet (2134mm) high.

Discussion commenced between the Planning Staff and Commissioners over the following topics:

1. Could you remind us of what the first layer means?
 - The first layer is from the front of the house forward.
2. Where could you have a chain link fence?

- On an interior lot a chain link fence can be placed from the front layer to the third layer on both sides of the property. On a corner lot, the chain link fence can start at the first layer of the primary frontage and the third layer of the secondary frontage starting at the façade of the house.
3. What is the setback for the 4' or less?
 - The setback is on the property line unless it's located in a site triangle.
 4. Previously this was just for the Historic District and the Iredell District. Is this now all of Bastrop that is part of this proposed amendment?
 - Yes, this would include all of Bastrop. The previous Code did not address fences outside of the Iredell District, but it had what was allowed to encroach into the first layer and it did not list fences as something that could encroach. This will provide guidance on what type of fences may encroach.
 5. Is this something that HOA regulations would override for a particular neighborhood.
 - We do not enforce deed restrictions or HOA restrictions. Some of our neighborhoods in the area have their own specific zoning districts and they have their own fence standards that are written into their zoning districts. In those instances, their fence standards would apply, not these.
 6. If a privacy fence is over 6', it must have the engineering stamp?
 - If the fence is over 7' it must have the engineering stamp. This would also mean there are no height restrictions on fences.

Questions for Planning and Zoning Commission:

1. Are you okay with the locations for the 4' fences? Is the first layer appropriate? Do you want to make some changes if it's the secondary frontage?

Carrie Caylor, Vice Chair, spoke in favor of the 4' fence height stating it is a logical height as it is consistent with the International Code which requires a minimum of 4' around a pool.

Cynthia Moore, Commissioner, stated she understood the safety issues surrounding barbed wire, however, why would we not allow chain link? There are certain applications where it could be appropriate. What is the reason why we would not want it all? It's typically an aesthetic reason. If there are contextual reasons that we could code in, we could do that. We would have to identify what situations and where those would be appropriate, or you could just allow it by right.

2. Are these material/fence types appropriate? Do you feel chain link is appropriate in the first layer in the front yard? Are there any issues with not allowing barbed wire, razor wire or electric fences?

Debbie Moore, Chair, asked if someone had a chain link and wanted to replace it with another chain link that would be allowed? Yes, because you will not be required to get a permit to replace what is currently there.

Patrice Parsons, Commissioner, asked why would we allow an electrified fence, or a barbed wire fence, or a razor wire fence in an area where people will be? We are not allowing those type fences.

Judah Ross, Commissioner, asked proposed chain link is prohibited, correct? Yes, in the first layer. You could have it in the area marked in orange.

Judah Ross, Commissioner, asked if the City Manager could describe what cattle guard fencing is. Wide, square, heavy gauged wire. About 4"x4" square, 6'-8' length and 4' wide.

Judah Ross, Commissioner, stated he had that same concern about chain link and asked if chain link would be the most affordable option? Yes, chain link is the more affordable option.

Judah Ross, Commissioner asked if we did not want to make any distinctions in districts anymore? Like with the Historical District? No.

Judah Ross, Commissioner, questioned if other cities who have implemented policies like this have shown that it does create more of a neighborhood feel and people are coming out? Is that something that has been studied? Yes, there is a tendency to want to participate in the outdoors.

Debbie Moore, Chair, and David Barrow, Commissioner, both agreed that chain link fences should be allowed where other fences are allowed.

David Barrow, Commissioner, is this a blanket for all residential and commercial throughout Bastrop? It is for both Commercial and Residential.

Patrice Parsons, Commissioner, is concerned about back lash from everyone we have made do a 4' (3') fence, or does it matter? What is the history on that? I don't know that we have had a lot of 3' fences installed in the last 3 years since the Code was adopted. There were requirements prior to that on fence height in the old code as well. The Code continues to change.

Debbie Moore opened the Public Hearing at 7:06 p.m.

There were no citizen comments.

Debbie Moore closed the Public Hearing at 7:06 p.m.

Cynthia Meyer made a motion to approve the ordinance for amendments to the Bastrop Building Block (B³) Code, Chapter 6, Section 6.5.003 Building Standards Per Place Type, Authentic Bastrop Pattern Book, and Bastrop Code of Ordinance Section 3.01.001 International Code Council (ICC); International Code Family (c) Amendments to IBC 2018, Fences not over 7 feet (2134mm) high. with the recommendation to allow chain link fences in the first layer. David Barrow seconded the motion and the motion passed 7-1 with Kristi Koch abstaining.

- 3D. Public hearing and consider action to recommend approval of an ordinance for amendments to the Bastrop Building Block (B³) Code, Chapter 9, Historic Landmark Preservation & The Iredell District regarding when Certificate of Appropriateness are required and forward to the March 28, 2023, City Council meeting for first reading.

Item 3D was postponed.

4. UPDATES

- 4A. Update on recent City Council actions regarding Planning Department items.

Director of Planning and Development, Jennifer Bills presented updated on recent City Council actions regarding Planning Department items.

- 4B. Building and Planning Department Monthly Projects Volume Report.

Director of Planning and Development, Jennifer Bills presented the Building and Planning Department Monthly Projects Volume Report to Commissioners.

- 4C. Individual Requests from Planning & Zoning Commissioners that particular items to be listed on future agendas (no group discussion allowed).

Commissioner Cynthia Moore – Signs; Commissioner Patrice Parsons – Fire; Commissioner Judah Ross – Workshop for Learning the Code.

5. ADJOURNMENT

Cynthia Meyer made a motion to adjourn at 7:13 p.m. Judah Ross seconded the motion, and the motion passed unanimously.

Debbie Moore, Chair

Carrie Caylor, Vice Chair