

Bastrop Planning and Zoning Commission

Agenda

Bastrop Convention Center

1408 Chestnut

Bastrop, TX 78602

(512) 332-8800



November 21, 2024

Agenda - Planning and Zoning Commission at 5:00 PM

Bastrop Planning and Zoning Commission meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary at (512) 332-8800 or write 1311 Chestnut Street, 78602, or by calling through a T.D.D. (Telecommunication Device for the Deaf) to Relay Texas at 1-800-735-2989 at least 48 hours in advance of the meeting.

1. **CALL TO ORDER**

2. **CITIZEN COMMENTS**

At this time, three (3) minute comments will be taken from the audience on any topic. Anyone in attendance wishing to address the Board/Commission must complete a citizen comment form and give the completed form to the Board/Commission Secretary prior to the start of the Board/Commission meeting. In accordance with the Texas Open Meetings Act, if a citizen discusses any item not on the agenda, the Board/Commission cannot discuss issues raised or make any decision at this time. Instead, the Board/Commission is limited to making a statement of specific factual information or a recitation of existing policy in response to the inquiry. Issues may be referred to City Manager for research and possible future action.

It is not the intention of the City of Bastrop to provide a public forum for the embarrassment or demeaning of any individual or group. Neither is it the intention of the Board/Commission to allow a member of the public to slur the performance, honesty and/or integrity of the Board/Commission, as a body, or any member or members of the Board/Commission individually or collectively, or members of the City's staff. Accordingly, profane, insulting or threatening language directed toward the Board/Commission and/or any person in the Board/Commission's presence will not be tolerated.

3. **INTRODUCTION OF NEW MEMBER, Jeffrey Estes appointed November 12, 2024.**

4. **ITEMS FOR INDIVIDUAL CONSIDERATION**

4A. Consider action to approve meeting minutes from the September 26, 2024 and October 30, 2024, Planning and Zoning Commission Meetings.

Alondra Macias, Development Services Planner I

4B. **1. Hold public hearing, consider, and act to amend section 6.3.005 ALLEYS & DRIVEWAY LOCATIONS (a) to clarify the intent, (b) to remove alley entrance as the preferred means of vehicular access, (c) remove text related to the benefits of alleys.**

This amendment seeks to (a) clarify the intent of the code, (b) allow residents the flexibility to create or construct parking in the area between the street and the front façade of their home and gives an option to developments who do not want to create alley entrances; and (c) remove text reference to the perceived benefits of alleys.

2. Hold public hearing, consider and act to amend section 6.3.006 PARKING to remove parking maximums, allow residential garage facades to begin in the first layer, and allow parking in the first layer.

This amendment seeks to allow residents the flexibility to continue to park in the “first layer”, the area between the street and the front façade of their home, build a garage façade facing the street within required building setbacks, and allow for parking on the garage driveway in the first layer.

3. Hold public hearing, consider and act to amend the B3 Technical Manual SEC. 2.1.006 PARKING AREAS to allow for parking in the first layer.

This amendment seeks to allow residents or developments, to park in the area between the house and the street. Parking in the first layer is currently not allowed in the B3 code.

4. Hold a public hearing, consider and act to amend SEC. 6.3.003 BUILDING PLACEMENT(a) (3)(A) to allow parking in the first layer.

This amendment seeks to allow residents or developments, to park in the area between the house and the street. Parking in the first layer is currently not allowed in the B3 code.

5. Hold public hearing, consider and act to amend section 6.3.006 PARKING, (a), (b)(1) and (b)(2) to allow shared parking and create onsite parking requirements.

This amendment seeks to clarify the intent of the parking regulations, clarify where shared parking is allowed; (where it does not create undue hardship as referenced in other areas of the code), and it also seeks to require a minimum of two (2) parking spaces per dwelling unit to be included on the site, as opposed to placing all parking on the street causing street congestion and making it difficult for first responders to navigate congested streets.

6. Hold a public hearing, consider, and act on amending section 6.3.007 CROSS ACCESS CONNECTIONS (a) to allow no cross access where a hardship or inappropriate traffic flow would exist.

This amendment would allow staff the flexibility to incorporate safe connectivity if cross access connections would create unsafe conditions.

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

4C. Hold public hearing, consider, and act to amend section 6.5.003 BUILDING STANDARDS PER PLACE TYPE A- LOT OCCUPACTION (table) to reduce lot occupation standards also known as impervious cover ratios to reduce flooding risk.

This amendment seeks to reduce impervious cover (concrete, asphalt, other) that water cannot travel through, and require more greenspace on lots to reduce flood risk throughout the city.

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

4D. Hold a public hearing, consider, and act on section 6.5.003 BUILDING STANDARDS PER PLACE TYPE A – LOT OCCUPATION (table) by adding additional dwelling unit (ADU) category; and to modify the number of ADUs allowed by right shall be one, and two ADUs shall be allowed subject to meeting Section 6.3.006 Parking (as amended) and Section 6.5.003 (A) – Lot Occupation Standards, unless authorized by the Development Review Committee and/or the Planning Commission.

This amendment seeks to allow one (1) ADU by right, and administratively allow two (2) if the onsite parking and drainage requirements can be met. Additionally, water, sewer, and other infrastructure considerations must also be met.

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

4E. 1. Hold public hearing, consider, and act to amend section 6.3.004 PROTECTED & HERITAGE TREES to decrease the caliper per tree that will be protected from future development.

This amendment seeks to increase protection of trees by reducing the caliper inch for when mitigation begins from 13 caliper inches.

2. Hold public hearing, consider, and act to amend section 6.3.004 PROTECTED & HERITAGE TREES to add the requirement of a tree survey, add penalties, and further explanation of the requirements for tree protection.

This amendment seeks to improve tree protections by adding requirements for a tree survey and also adding penalties when not followed.

3. Hold public hearing, consider, and act to amend TABLE 2.1.003 PREFERRED PLANT LIST to add the Pecan Tree amongst others and remove some current trees.

This amendment seeks to additional species to the existing plant list and remove some trees based on recommendations from the native plant society and independent arborists.

Submitted by: Kennedy Higgins, Senior Planner, Development Services Department

- 4F. Hold a public hearing, consider and act on a recommendation for the Zoning Concept Scheme for the FM 969 retail center, changing the zoning of 10.56 acres out of the Nancy Blakey Survey Abstract 98, located west of FM 969 - R30094, within the City of Bastrop from P2 Rural to P5 Core, as shown on Attachment 1.

Submitted by: Kennedy Higgins, Senior Planner, Development Services Department

5. **UPDATES**

- 5A. Update on the DRAFT Community Enrichment Fund for Public Open Space Ordinance.

- 1. Discuss the intent of the ordinance to fund parks and open spaces by development projects.
- 2. Request input from the Commission.

- 5B. Future development related items.

- 5C. Individual Requests from Planning & Zoning Commissioners that particular items to be listed on future agendas (no group discussion allowed).

- 5D. Development Services Department Monthly Project Volume Report.

- 5E. Update on the status of the Certified Local Government (CLG).

6. **ADJOURNMENT**

Notice is hereby given of the possibility of a quorum of any of the City of Bastrop Boards and Commissions and City Council at this Planning and Zoning Commission meeting.

NO Board/Commission/Council action will be taken; NO deliberations will be held; and NO Board/Commission/Council business will be conducted.

I, the undersigned authority, do hereby certify that this Notice of Meeting as posted in accordance with the regulations of the Texas Open Meetings Act on the bulletin board located at the entrance to the City of Bastrop City Hall, a place of convenient and readily accessible to the general public, as well as to the City’s website, www.cityofbastrop.org and said Notice was posted on the following date and time: November 15, 2024 at 5:30 p.m. and remained posted for at least two hours after said meeting was convened.

Kennedy Higgins, Senior Planner, Development Services Department



Planning and Zoning STAFF REPORT

MEETING DATE: November 21, 2024

TITLE:

Consider action to approve meeting minutes from the September 26, 2024, Planning and Zoning Commission Meeting.

AGENDA ITEM SUBMITTED BY:

Alondra Macias, Development Services Planner I

ATTACHMENTS:

- Meeting Minutes from September 26, 2024

PLANNING & ZONING MEETING
MINUTES

September 26, 2024, at 6:00 P.M.

The City of Bastrop Planning and Zoning Commission met Thursday, September 26, 2024, at 6:08 PM in the Council Chambers located at 1311 Chestnut Street, Bastrop, Texas 78602.

1. CALL TO ORDER

Chairman Ishmael Harris called the meeting to order at 6:08 PM. The delay was to ensure quorum was met.

Ishmael Harris	Present
Ashleigh Henson	Absent
David Barrow	Present
Gary Moss	Present
Jordan Scott	Present
Patrice Parsons	Absent
Keith Ahlborn	Present
Joshua Bingaman	Present

2. CITIZEN COMMENTS

There were no citizen comments.

3. ITEMS FOR INDIVIDUAL CONSIDERATION

- 3A. Consider action to approve meeting minutes from the August 29, 2024, Planning and Zoning Commission Meeting.

Alondra Macias, Development Services Planner I

Commissioner Jordan Scott made a motion to approve the meeting minutes from the August 29, 2024, Planning and Zoning Commission Meeting. Vice-Chairman David Barrow seconded the motion. The motion passed unanimously.

- 3B. Consider action to approve the vacation of Valverde Section 1 Phase 1 And 2 Lots 52 And 71 Block C Final Plat, being 1.33 acres in the S8212 - Valverde Section 1 Phase 1 And 2, located west of FM 969, within the City Limits of Bastrop, Texas, as shown in Exhibit A.

Presented by Kennedy Higgins, Senior Planner, Development Services Department

Discussion amongst the commissioners began.

Commissioner Gary Moss made a motion to approve the vacation of Valverde Section 1 Phase 1 And 2 Lots 52 And 71 Block C Final Plat, being 1.33 acres in the S8212 - Valverde Section 1 Phase 1 And 2, located west of FM 969, within the City Limits of Bastrop, Texas, as shown in Exhibit A. Commissioner Keith Ahlborn seconded the motion. The motion passed unanimously.

- 3C. 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.

Presented by Kennedy Higgins, Senior Planner, Development Services Department

The Public Hearing Opened at 6:13 PM.

Vanice Johnson, residing at 3651 Comales Ave, spoke in favor of the change in zoning as the property is intended to be used for a future residence.

Carol Reynolds, residing at 1706 Farm St, spoke in favor of the change in zoning and stated that the property owners never intended to change the into commercial zoning.

Kendrick Williams, residing at 1105 CP Johnson Ln, spoke in favor of the change in zoning as commercial development is hard to accomplish on this site as it is on a hill area.

Kenneth Williams, residing at 1105 CP Johnson Ln, spoke in favor of the change in zoning and mentioned some of the history of the property and the family living there.

Mona Williams, residing at 1105 CP Johnson Ln, spoke in favor of the change in zoning as CP Johnson was the owner and was passed down to the family.

The Public Hearing Closed at 6:23 PM.

Discussion amongst the Commissioners began regarding the zoning of adjacent properties and ownership of the property in hand.

A recommendation was made by Commissioner Jordan Scott to approve 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 and forward to the October 22, 2024, City Council meeting. Commissioner Gary Moss seconded the motion. The recommendation passed unanimously.

- 3D. Conduct a public hearing and consider action on a recommendation for the Zoning Concept Scheme, changing the zoning of 2.20 acres out of Building Block 111 east of Water Street, located east of HW 95, within the City of Bastrop from P4 Mix to P3 Residential.

Presented by Kennedy Higgins – Senior Planner, Development Services

The Public Hearing Opened at 6:31 PM.

Carol Reynolds, residing at 1706 Farm St, spoke in favor of the change in zoning and stated that they are interested in having a comprehensive rezone of the neighboring residential properties that got rezoned previously to commercial zoning.

The Public Hearing Closed at 6:33 PM.

Discussion amongst the Commissioners began and clarification was received from the property owner regarding the property line boundaries.

A recommendation was made by Commissioner Gary Moss to approve the Zoning Concept Scheme, changing the zoning of 2.20 acres out of Building Block 111 east of Water Street, located east of HW 95, within the City of Bastrop from P4 Mix to P3 Residential and forward to the October 22, 2024, City

Council meeting. Commissioner Jordan Scott seconded the motion. The recommendation unanimously.

- 3E. Conduct a public hearing consider action to recommend approval to adopt the 2025 Schedule of Uniform Submittal Dates for Plats in accordance with the Bastrop Building Block (B³) Code Section 2.3.004 Annual Adoption of Schedule of Uniform Submittal Dates, and the Bastrop Building Block (B³) Technical Manual Section 1.2.002 Uniform Submittal Dates, as shown in Exhibit A, and forward to the October 22, 2024 City Council meeting.

Presented by: Kennedy Higgins – Senior Planner, Development Services

Discussion amongst the Commissioners began.

The Public Hearing Opened at 6:44 PM.

The Public Hearing Closed at 6:45 PM.

Commissioner Gary Moss made a motion to recommend approval to adopt the 2025 Schedule of Uniform Submittal Dates for Plats in accordance with the Bastrop Building Block (B³) Code Section 2.3.004 Annual Adoption of Schedule of Uniform Submittal Dates, and the Bastrop Building Block (B³) Technical Manual Section 1.2.002 Uniform Submittal Dates, as shown in Exhibit A, and forward to the October 22, 2024 City Council meeting. Vice-chairman David Barrow seconded the motion. The recommendation passed unanimously.

- 3F. Consider and act on a recommendation from the Historic Landmark Commission to begin work again towards becoming a Certified Local Government.

Presented by: Sylvia Carrillo – City Manager

Commissioner Gary Moss made a motion to table the recommendation to begin work again toward becoming a Certified Local Government until the next regular Planning and Zoning meeting full Commission were present. Commissioner Keith Ahlborn seconded the motion. The motion passed unanimously

4. UPDATES

- 4A. Follow up on assigning Planning and Zoning commission members to each other board and commission as a liaison.

Presented by Kennedy Higgins – Senior Planner, Development Services

Chairman Ishmael Harris chose to join the Cultural Arts board.

Commissioner Patrice Parsons was absent.

- 4B. Future development related items

City Manager Sylvia Carrillo stated that the state of the city is posted on the website and has useful information about the development that is coming.

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

There were no requests from the Planning and Zoning Commissioners.

- 4D. Reminder for the upcoming Boards and Commissions banquet on October 24th at 6:30 PM and group photo

- 4E. Development Services Department Monthly Project Volume Report

Development Director James E Cowey presented the monthly project volume report to the commission.

5. ADJOURNMENT

Vice-chairman David Barrow made a motion to adjourn the meeting at 7:06 PM. Commissioner Gary Moss seconded the motion. The motion passed unanimously.

Ishamel Harris, Chair

David Barrow, Vice Chair



Planning and Zoning STAFF REPORT

MEETING DATE: November 21, 2024

TITLE:

Consider action to approve meeting minutes from the October 30, 2024, Planning and Zoning Commission Meeting.

AGENDA ITEM SUBMITTED BY:

Alondra Macias, Development Services Planner I

ATTACHMENTS:

- Meeting Minutes from October 30, 2024

PLANNING & ZONING SPECIAL MEETING
MINUTES

October 30, 2024, at 5:00 P.M.

The City of Bastrop Planning and Zoning Commission met Thursday, October 30, 2024, at 5:20 PM in the Council Chambers located at 1311 Chestnut Street, Bastrop, Texas 78602.

1. CALL TO ORDER

Chairman Ishmael Harris called the meeting to order at 5:20 PM. The delay was to ensure the City Attorney was present.

Ishmael Harris	Present
Christopher Toth	Present
David Barrow	Present
Gary Moss	Present
Jordan Scott	Present
Patrice Parsons	Present
Keith Ahlborn	Present
Joshua Bingaman	Present

1A. WELCOME NEW MEMBERS

City Manager Sylvia Carrillo welcomed the new members that joined the Planning and Zoning Commission

1B. DISCUSS “WHY AN AMENDED AGENDA

City Manager Sylvia Carrillo explained the reasoning behind the amendment of the agenda for the workshop.

2. CITIZEN COMMENTS

Mayor Lyle Nelson, as mayor, wanted to welcome the new members and returning members that joined the Planning and Zoning Commission.

Judith Hoover, resident at 1316 Wilson St, spoke in favor for the amendments that were brought forward.

Debbie Moore, resident at 1306 Church St, stated her concerns regarding the amendments that were brought forward.

Jimmy Crouch, resident at 605 Buttonwood St, stated his concerns about the trees that are too close to the Right of Way area and drainage issues.

Cecilia Serna, resident at 1104 Hill St, stated her concern about the understanding of the B3 Code and the changes proposed.

Debra Jones, chair of the Parks Board, stated that there are amendments to the trees and parkland that their board will be working on with the Planning and Zoning Commission

Mike Goobel, resident at 136 Carriage Court, discussed the plant list and stated some concerns with some of the trees added into the preferred plant list.

Jerod Hruska, resident at 1105 Buttonwood St, spoke in favor of the amendments that are proposed.

Tom Dickey, resident at 601 Chestnut St, stated his concern about decreasing the number of dwelling units allowed and the impact it can have on the community.

Richard Smarzik, resident at 925 Main St, spoke in favor of the amendments and stated that the changes needed to be made already.

Terry Beattie, resident at 616 Rebecca Ln, stated his concern about decreasing the number of dwelling units and the impact it will have on the residents.

Jen Lucas, resident at 1709 Garfield St, stated her concern about decreasing the number of dwelling units and property rights.

Tom Leibowitz, resident at 1909 Main St, stated his concerns about decreasing the number of dwelling units and believes the right to build those ADUs needs to be taken advantage of.

Jodie Smith, resident at 1909 Main St, stated her concerns about decreasing the number of dwelling units and the effect it will have on the current residents and affordability and the addition of hackberry trees in the plant list and is interested in seeing the caliper inch of the trees being planted to be decreased to 2 inches.

Luke Thompson, resident at 216 Waikakaaua, stated his concerns about decreasing the number of dwelling units and stated he is in favor of adding reinforcements to the tree ordinance.

Courtney Dyer, resident at 234 Antioch Rd, spoke in favor of the plants added to the plant list and stated that there are many pollinators to the list.

Patricia Raine, resident at 428 Gotier Trace, the tree list should only include native trees to the area, and include assistance from the master gardeners for advice.

Patricia Todd, resident at 608 Pecan, stated her concern about the current list and needs some work.

Laura Munoz, works at 702 Chestnut St, stated her concern about decreasing the number of dwelling units and the effect that it will have on the affordability of living.

3. WORKSHOP

- 3A. **PARKING REQUIREMENTS** – Altogether, these proposals seek to allow residents the flexibility to continue to park in the “first layer”, give options to developers on whether or not they’d like to create alley entrances in new subdivision developments, and more importantly, to ease vehicular congestion in city streets.

1) Proposal to amend section SEC. 6.3.005 ALLEYS & DRIVEWAY LOCATIONS to remove alley entrance as the preferred means of vehicular access.

This proposal seeks to allow residents the flexibility to create or construct parking in the area between the street and the front façade of their home and gives an option to developments who do not want to create alley entrances.

2) Proposal to amend section SEC. 6.3.006 PARKING to remove parking maximums, allow residential garage facades to begin in the first layer, and allow parking in the first layer.

This proposal seeks to allow residents the flexibility to continue to park in the “first layer”, the area between the street and the front façade of their home, build a garage façade facing the street within required building setbacks, and allow for parking on the garage driveway in the first layer.

3) Proposal to amend the B3 Technical Manual SEC. 2.1.006 PARKING AREAS to allow for parking in the first layer. This proposal seeks to allow residents or developments to park in the area between the house and the street. Parking in the first layer is currently not allowed in the B3 code.

4) Proposal to amend section SEC. 6.3.006 PARKING to create onsite parking requirements.

This proposal seeks to require parking to be included on the site, as opposed to placing all parking on the street causing street congestion and making it difficult for first responders to navigate congested streets.

Proposal to amend section SEC. 6.5.003 BUILDING STANDARDS PER PLACE TYPE A- LOT OCCUPATION (table) to reduce lot occupation standards also known as impervious cover ratios to reduce flooding risk. This proposal seeks to reduce the impervious cover (the amount of area that water cannot travel through) on a lot in order to minimize the impact of water and flooding on the drainage system. Current maximums reach 80% in the commercial areas.

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

Discussion was had amongst commissioners.

No action was taken.

3B. Proposal to amend section SEC. 6.5.003 BUILDING STANDARDS PER PLACE TYPE A- LOT OCCUPATION (table) to reduce lot occupation standards also known as impervious cover ratios to reduce flooding risk. This proposal seeks to reduce the impervious cover (the amount of area that water cannot travel through) on a lot in order to minimize the impact of water and flooding on the drainage system. Current maximums reach 80% in the commercial areas.

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

Discussion was had amongst commissioners.

No action was taken.

- 3C. Proposal to amend section SEC. 6.5.003 BUILDING STANDARDS PER PLACE TYPE A – LOT OCCUPATION (table) by adding additional dwelling unit category and to reduce the number of dwelling units allowed by right from two (2) to one (1) unless authorized by the Development Review Committee and/or the Planning Commission.

This proposal seeks to limit the number of additional dwelling units on a lot where the existing infrastructure or impervious cover (drainage) cannot be met. It allows relief from the code if the property owner can show the existing infrastructure can meet the necessary requirements.

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

Discussion was had amongst commissioners.

No action was taken.

- 3D. TREE PROTECTION – Altogether these proposals seek to amend the B3 code by increasing tree protections through decreased caliper requiring protection and decreasing the caliper required for a tree survey. It also adds additional species for protection.

1) Proposal to amend section SEC 6.3.004 PROTECTED & HERITAGE TREES to decrease the caliper per tree that will be protected from future development. This proposal seeks to decrease the tree caliper from 13” to 10” requiring protection.

2) Proposal to amend section SEC 6.3.004 PROTECTED & HERITAGE TREES to add the requirement of a tree survey, add 2. penalties, and further explanation of the requirements for tree protection. This proposal seeks to improve tree protections by adding requirements for a tree survey and also adding penalties when not followed.

3) Proposal to amend TABLE 2.1.003 PREFERRED PLANT LIST to add the Pecan Tree amongst others and remove some current trees. This proposal adds additional species to the existing plant list.

Presented by Kennedy Higgins, Senior Planner

Discussion was had amongst commissioners.

No action was taken.

- 3E. Proposal to amend the B3 Development Code by adding a section to create a Community Enrichment Fund to be used to fund park development, improvement, and art in parks.

This proposal seeks to add a fee in lieu of land dedication for park development.

Presented by Sylvia Carrillo-Trevino, ICMA-CM, CPM, City Manager

Discussion was had amongst commissioners.

No action was taken.

4. UPDATES

4A. Future development related items

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

There were no requests from the Planning and Zoning Commissioners.

4C. Development Services Department Monthly Project Volume Report

Development Director James E Cowey presented the monthly project volume report to the commission.

5. ADJOURNMENT

Vice-chairman David Barrow made a motion to adjourn the meeting at 7:40 PM. Commissioner Patrice Parsons seconded the motion. The motion passed unanimously.

Ishamel Harris, Chair

David Barrow, Vice Chair



STAFF REPORT

MEETING DATE: November 21, 2024

TITLE:

1. Hold public hearing, consider, and act to amend section 6.3.005 ALLEYS & DRIVEWAY LOCATIONS (a) to clarify the intent, (b) to remove alley entrance as the preferred means of vehicular access, (c) remove text related to the benefits of alleys.

This amendment seeks to (a) clarify the intent of the code, (b) allow residents the flexibility to create or construct parking in the area between the street and the front façade of their home and gives an option to developments who do not want to create alley entrances; and (c) remove text reference to the perceived benefits of alleys.

2. Hold public hearing, consider and act to amend section 6.3.006 PARKING to remove parking maximums, allow residential garage facades to begin in the first layer, and allow parking in the first layer.

This amendment seeks to allow residents the flexibility to continue to park in the “first layer”, the area between the street and the front façade of their home, build a garage façade facing the street within required building setbacks, and allow for parking on the garage driveway in the first layer.

3. Hold public hearing, consider and act to amend the B3 Technical Manual SEC. 2.1.006 PARKING AREAS to allow for parking in the first layer.

This amendment seeks to allow residents or developments, to park in the area between the house and the street. Parking in the first layer is currently not allowed in the B3 code.

4. Hold a public hearing, consider and act to amend SEC. 6.3.003 BUILDING PLACEMENT(a) (3)(A) to allow parking in the first layer.

This amendment seeks to allow residents or developments, to park in the area between the house and the street. Parking in the first layer is currently not allowed in the B3 code.

5. Hold public hearing, consider and act to amend section 6.3.006 PARKING, (a), (b)(1) and (b)(2) to allow shared parking and create onsite parking requirements.

This amendment seeks to clarify the intent of the parking regulations, clarify where shared parking is allowed; (where it does not create undue hardship as referenced in other areas of the code), and it also seeks to require a minimum of two (2) parking spaces per dwelling unit to be included on the site, as opposed to placing all parking on the street causing street congestion and making it difficult for first responders to navigate congested streets.

6. Hold a public hearing, consider, and act on amending section 6.3.007 CROSS ACCESS CONNECTIONS (a) to allow no cross access where a hardship or inappropriate traffic flow would exist.

This amendment would allow staff the flexibility to incorporate safe connectivity if cross access connections would create unsafe conditions.

AGENDA ITEM SUBMITTED BY:

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

BACKGROUND/HISTORY:

The B3 code was adopted in November of 2019, and subsequently amended in April of 2022. From 2016 to 2023, Bastrop's population grew by approximately 34.3%. With the increased growth from Austin to the west, the availability of large land parcels, the availability of water, and abundant natural resources, the growth shows no signs of slowing.

“The intent of the Code is to establish the Standards that enable, encourage, and ensure the community achieves:

- ✓ ***Fiscal Sustainability***
- ✓ ***Geographically Sensitive Developments***
- ✓ ***Perpetuation of Authentic Bastrop” pg. 11 – B3 Code***

While the aspirational ideas envisioned in the preamble of the B3 code (as noted above) to provide for fiscal sustainability, geographically sensitive developments, and perpetuation of Authentic Bastrop, several segments of the code accomplished just the opposite.

The B3 code removed several key factors to orderly growth in favor of a community that envisions no vehicles in the future.

“Create a framework of transit, Pedestrian, and bicycle systems that provide

alternatives to the automobile.” Pg 12 -The B3 Code

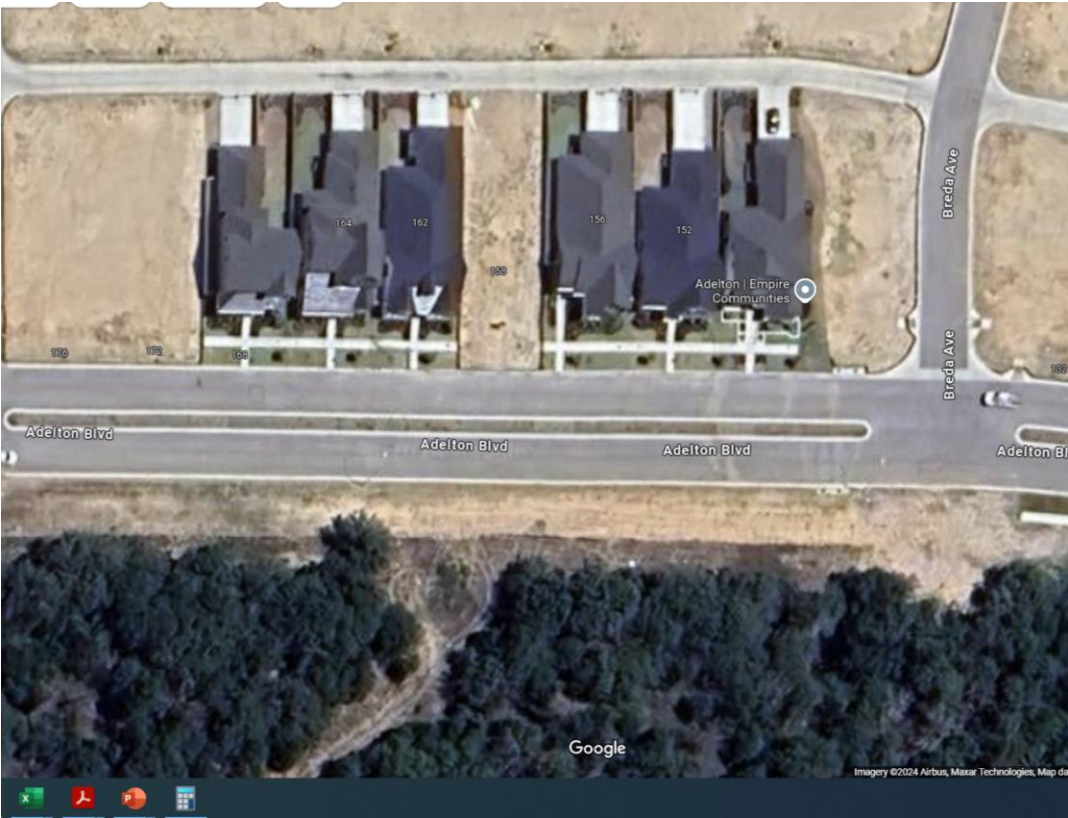
While that may be a lofty aspirational goal, without a mass transit ability, the densification of the neighborhoods allowed in the B3 creates an urban catastrophe in a suburban/rural area.

The proposed amendments for Sections 6.3.005 Alleys & Driveway Locations, Section 6.3.006 Parking, Section 2.1.006 Parking Areas (B3 Technical Manual), are proposed to rectify the original intent of the B3 code which removed the ability for a homeowner to park in the front of their home (in the first layer), instead opting to require alley entrances, and NO parking minimums.

It went from allowing this:



To requiring this but only IF parking is going to be provided per unit:



To be clear, this code amendment did not impact existing homes such as Pecan Park and Riverside Grove, UNLESS a 50% or more construction limit was reached. In which case, a home in a previously developed subdivision would need to come into compliance, as was the case of a home on Barbara Way in the Riverside Grove subdivision.





The home shown above was damaged and had to create parking at the rear of the home; this requirement forced the home to go from a 3/2 to a 2/2 home.

To compound the parking situation, the B3 Code eliminated lot size minimums, and incorporated rather high impervious cover ratios. What does this mean? You can put more homes in an area with more concrete and less greenspace, but have ZERO parking requirements, forcing those cars onto the streets. This type of development pattern does have a place in American society; however, it must be inclusive of mass transit ability.

Bastrop is a semi-rural city which lacks adequate mass transit ability without major taxation. The new urbanist approach has a place in many cities across the country, and could have a place in Bastrop, however, not at the expense of existing residents whose authenticity lies in the open spaces of Bastrop's rich natural beauty.

A master sidewalk plan has been discussed at a Planning and Zoning workshop that will be incorporated into the Master Transportation plan is much safer and comprehensive way to address pedestrian friendly and multimodal access. This is currently underway.

Onsite Parking

The existing code removed all facets of onsite parking (parking on your lot) and moved it to the street with the elimination of minimum parking ratios (MPRs)

After public input and commission input, staff is proposing a minimum of 2 parking spaces for every dwelling unit located on the lot. The commercial ratio has no proposal at this time as staff continues to weigh the impact of overparking in commercial areas as well. The code does a decent job of requiring shared parking when it does not create undue hardship, a competing car dealership for example.

The proposed amendment to the parking regulations allows residents enjoy their neighborhood without over densification, as well as create a relief to street congestion.

Lastly, it should be noted that if a developer chooses to submit a development concept scheme that allows for alley access, reduced front yards, wider sidewalks, and other similar amenities, it is allowed under the Planned Unit Development (PUD) section of the ordinance which provides Planning and Zoning Commission as well as the City Council an opportunity to have a greater say in the overall development of the community in order to reduce the negative impact of any surrounding existing neighborhoods.

Shared Access and Cross Connections

This amendment applies to the Employment Center (EC) zone. Shared access and cross connections are valuable. This amendment seeks to provide staff some latitude in the code without requiring a variance. An example is a car dealership off of Hwy 71. This type of business normally has a do not compete clause with neighboring dealerships; to require cross connection in this circumstance is not viable. The alternative is to send all of these types of decisions to the Zoning Board of Adjustment or Planning Commission for these types of decisions.

FISCAL IMPACT:

None

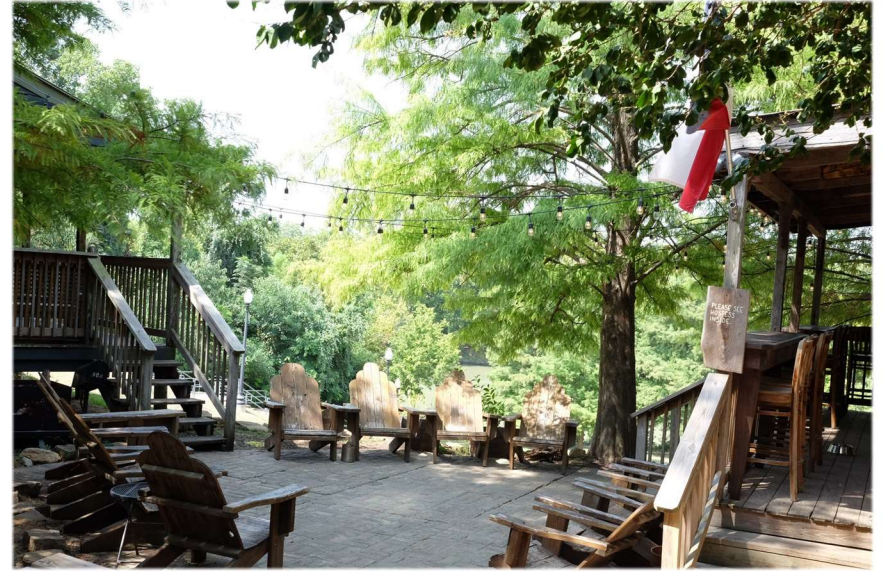
RECOMMENDATION:

Recommend the amendments as proposed by staff.

ATTACHMENTS:

1. B3 Code Proposed Amendment in redline

CHAPTER 6: PRIVATE REALM DEVELOPMENT STANDARDS



.....
ARTICLE 6.1 GENERAL
.....

SEC. 6.1.001 INTENT

The Private Realm is intended to support the Public Realm with its Standards. The configuration of the Private Realm contains endless opportunities based on the minimum use Standards, Lot requirements, and with a wide variety of Building Types. Character Districts and Place Types determine the intensity of Building Types that can occur on the private lots.

SEC. 6.1.002 INSTRUCTIONS

(a) Lots and buildings located in the Private Realm within the City of Bastrop shall be subject to the requirements of this section.

(1) Lots and buildings shall be regulated according to the Building Type, Lot Occupation, Building placement, Building height, Private Frontage, use, parking spaces, parking placement, landscaping and signage Standards.

(b) Regulatory terminology related to private lots used in this section is diagrammed for illustrative purposes only.

(1) Building Types diagrammed are provided for illustrative purposes only.

(c) Development Process

The Development processes for all Application types is demonstrated in the B³ Flowchart within the Introduction of this Code.

.....
ARTICLE 6.2 PERMITTING REQUIREMENTS
.....

(a) Building or Construction permits shall not be issued for Development or redevelopment of private lots prior to the approval of a Building or Site Plan drawn to scale with the following details:

(1) For preliminary Site and Building plan approval:

- A. See B³ Technical Manual for Site Plan Review requirements.
- B. See the Bastrop Development Manual for review timeline and Site Plan Checklists.

(2) Individual home applications in P3 shall be exempt from the Site Plan process.

(3) Building and Site Plans submitted under this Code shall be prepared by the Applicant and shall be submitted for Administrative Approval once all Code Standards are met.

ARTICLE 6.3 GENERAL LOT STANDARDS

SEC. 6.3.001 LOT DIMENSIONS

(a) Lot width is measured between the side Lot lines at the Street Setback line.

(b) Lots may have multiple Frontages as illustrated on Table 6.1. One Frontage Line is designated the Primary Frontage Line and all remaining Frontage Lines are designated as Secondary Frontage Lines.

(c) Lots shall be divided into regulatory Layers as illustrated on Table 6.1 and Table 6.2. Standards for the second and third Layers pertain only to the Primary Frontage. Standards for the First Layer pertain to both Frontages.

(1) The First Layer is the area of a Lot from the Frontage Line to the Facade of the Principal Building.

(2) The Second Layer is the area of the Lot set behind the First Layer to a depth of 20 feet in all Place Types.

(3) The Third Layer is the area of a Lot set behind the Second Layer and extending to the rear Lot Line.

A. The location of the Build-to-Line, on Infill properties, is established on Section 6.5.003 Building Standards per Place Type, and, for new neighborhoods, on the Neighborhood Regulating Plan or Zoning Concept Scheme.

(d) All buildings and Structures must be located at or behind the side or rear International Building Code (IBC) separation line.

SEC. 6.3.002 LOT LAYERS & FRONTAGE LINES

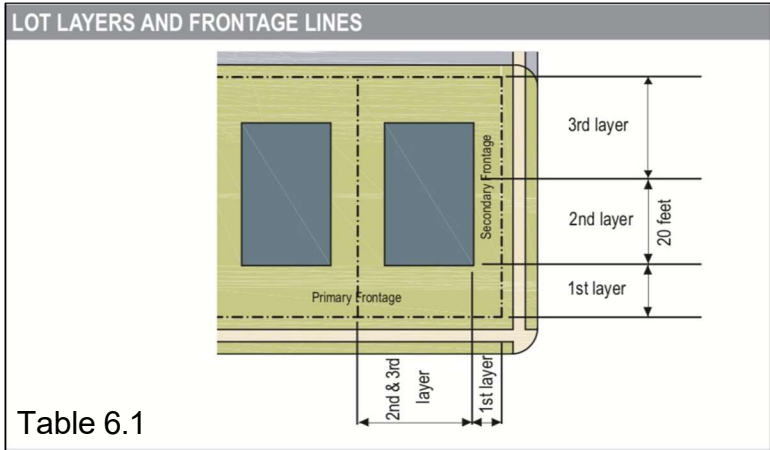


Table 6.1

SEC. 6.3.003 BUILDING PLACEMENT

- (a) Principal buildings shall be positioned on a Lot in accordance with Section 6.5.003 Building Standards per Place Type.
- (1) The First Layer is the area of land between the Frontage Line and the Build-to-Line. The First Layer is measured from the Frontage Line.
- (2) The required Build-to-Line is the minimum percentage of the front Building Facade that must be located within the First Layer, measured based on the width of the Building divided by the width of the Lot.
- (3) A Building Facade must be placed within the First Layer for the first 30 feet along the Street extending from any Block corner.
- A. All Structures and encroachments customarily allowed on the Lot are permitted in the First Layer, ~~with the exception of parking.~~

SEC. 6.3.005 BUILDING SEPARATION

- (a) Fences and screening walls may extend into the IBC Building separation line and Alley Setback.
- (b) Side and rear Building separation will be determined by the IBC as adopted by the City.

SEC. 6.3.005 ALLEYS & DRIVEWAY LOCATIONS

- ~~(a) Intent: Building walkable cities means that while vehicles are part of modern life, they should have minimal disruption to the Public Realm.~~ The Standards of the Code intend to ensure all modes of Transportation are respected and create safe means of transportation along all transportation types, including walk, bike, car, and other.
- ~~(b) The preferred means of vehicular access to lots is through the use of Alleys. Alleys provide a location to hide unsightly functions of our communities such as garages, garbage cans, transformers, electric meters, and telephone equipment~~
- ~~(c) Other benefits of Alleys include:~~

~~(1) Alleys make it possible for rear accessed lots to be created, preserving the public frontages from interruptions of driveways and Curb-cuts.~~

~~(2) Safety as sidewalks and pedestrians become separated from the access requirements of vehicles.~~

~~(3) They create a more casual neighborhood space adjacent to backyard activity centers leaving the front of the House as a more formal community space.~~

(d) Driveways:

(1) Where Alleys are present, all vehicular access shall be provided from the Alley.

(2) Where a Lot does not have access to an Alley, driveways are allowed in accordance with this section.

(3) For corner lots, all driveways shall be located at the Secondary Frontage.

(4) Driveways shall be located as far from the adjacent public Street intersection as practical to achieve maximum

available corner clearance, with consideration of property limits, adjacent Curb cuts, topography, and existing Drainage facilities. Non-Alley loaded driveways may intersect a Street no closer than twenty (20) feet from the intersection of 2 Street rights-of-way in P1, P2, and P3, and forty (40) feet in P4 and P5.

(5) Mid-Block lots greater than 40' in width at the Frontage are allowed one Driveway with a maximum width of 24' for two-way and 12' for one-way driveways.

(6) In P4 and P5, driveways accessing up to 80 feet wide of Street right-of-way must be spaced 200 feet apart centerline to centerline, and driveways accessing more than an 80 feet wide Street right-of-way must be spaced 300 feet apart centerline to centerline.

(7) Nothing in this section shall prevent all Site access to any property.

SEC. 6.3.006 PARKING

(a) Intent: Parking shall not be the driver of Site planning. ~~The Standards in the Code support this notion through limited and eliminating parking. The intent of building a walkable, bikeable, and an easily navigable City means all mode of transportation are available to reduce the reliance on the car.~~

(b) The location of the parking shall be established and shown on the Neighborhood Regulating Plan, Zoning Concept Scheme, and/or Site Plan:

(1) Shared parking is available and determined with the Site Plan in P2, P4, and P5, where it does not cause undue hardship to the existing built environment or neighborhood. Lot coverage shall not exceed the Place Type Standards.

(2) Parking requirements ~~in P3 will be market driven~~ shall require two (2) parking spaces per residential dwelling. Lot coverage shall not exceed the Place Type Standards.

(3) Parking in EC shall be recommended by the DRC and part of the submittal package submitted for approval and handled through a public consultation process.

~~(4) P5 shall establish parking maximums based on the market demands per use as determined by the DRC at the time of Application.~~

~~(5) On-site surface parking must be located in the Second Layer or Third Layer of each Lot as defined by the Place Types Standards.~~

(6) Residential garage access is permitted from the public Street or from an Alley. Access may be taken from the Street or corner lots, in which case the garage doors may face the side street.

~~(7) Residential garage front facades must begin in the Third Layer.~~

(8) Open parking areas shall be masked from the Frontage by building or Street screening and will be regulated in size by Lot cover requirements of the Place Type.

~~(9) Parking spaces provided internal to a Lot shall be located entirely behind the minimum rear Setback as specified by Building Type and Place Type.~~

SEC. 6.3.007 CROSS ACCESS CONNECTIONS

(a) Cross-access easements and connections to adjoining properties shall be required to connect driveways and parking lots where no Alley is present. In the event these conditions cannot be met without undue hardship or if such connections would create undesirable traffic flow, the DRC may waive the connection requirement

(b) Internal vehicular circulation areas shall be designed and installed to allow for cross-access between abutting lots;

(c) In the event these conditions cannot be met without undue

hardship or if such connections would create undesirable traffic flow, the DRC may waive the connection requirement.

- (d) Where a parking lot connection is required, an easement for ingress and egress to adjacent lots shall be recorded on the Plat or by separate instrument as appropriate. Additional Standards shall be found in the B³ Technical Manual.

SEC. 6.3.008 LOT OCCUPATION

In P2-P4, ~~three two buildings may be built on each Lot, one Principal Building and two one Accessory Units or and one Accessory Dwelling Units as generally illustrated on Article 6.4 Lot Structure Description & Diagram.~~ The number of Accessory Dwelling Units (ADUs) allowed by right shall be one, and two (ADUs) shall be allowed subject to meeting the established impervious cover standards as well as the onsite parking requirements set forth in 6.003.006(b)(2) as amended.

- (a) More than two (2) Additional structures may be approved if the impervious cover requirements and other infrastructure demands can be met.

- (b) Lot coverage by buildings (i.e. impervious surface requirements) are specified in Section 6.5.003.A.
- (c) For Building height see standard by Place Type and Character District. If the Building height is undefined in the B³ Code see the International Building Code as adopted by the City of Bastrop.
- (d) Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial Building, which shall be a minimum of 11 feet with a maximum of 25 feet.
- (e) In the 100-year Floodplain, a first level Residential or lodging shall be raised a minimum of 2 feet from the Base Flood Elevation.

SEC. 6.3.009 PRIVATE FRONTAGE

- (a) Permitted Encroachments into the First Layer of any Lot are specified in Section 6.5.002, Permitted Encroachments per Place Type. Terminology used to identify these elements is diagrammed for illustrative purposes only.
- (b) The Facade of the Principal Building shall be built parallel to the Frontage Line or to the tangent of a curved Frontage Line of a Lot, and along a minimum percentage of the Frontage width at the Build-to-Line as specified as

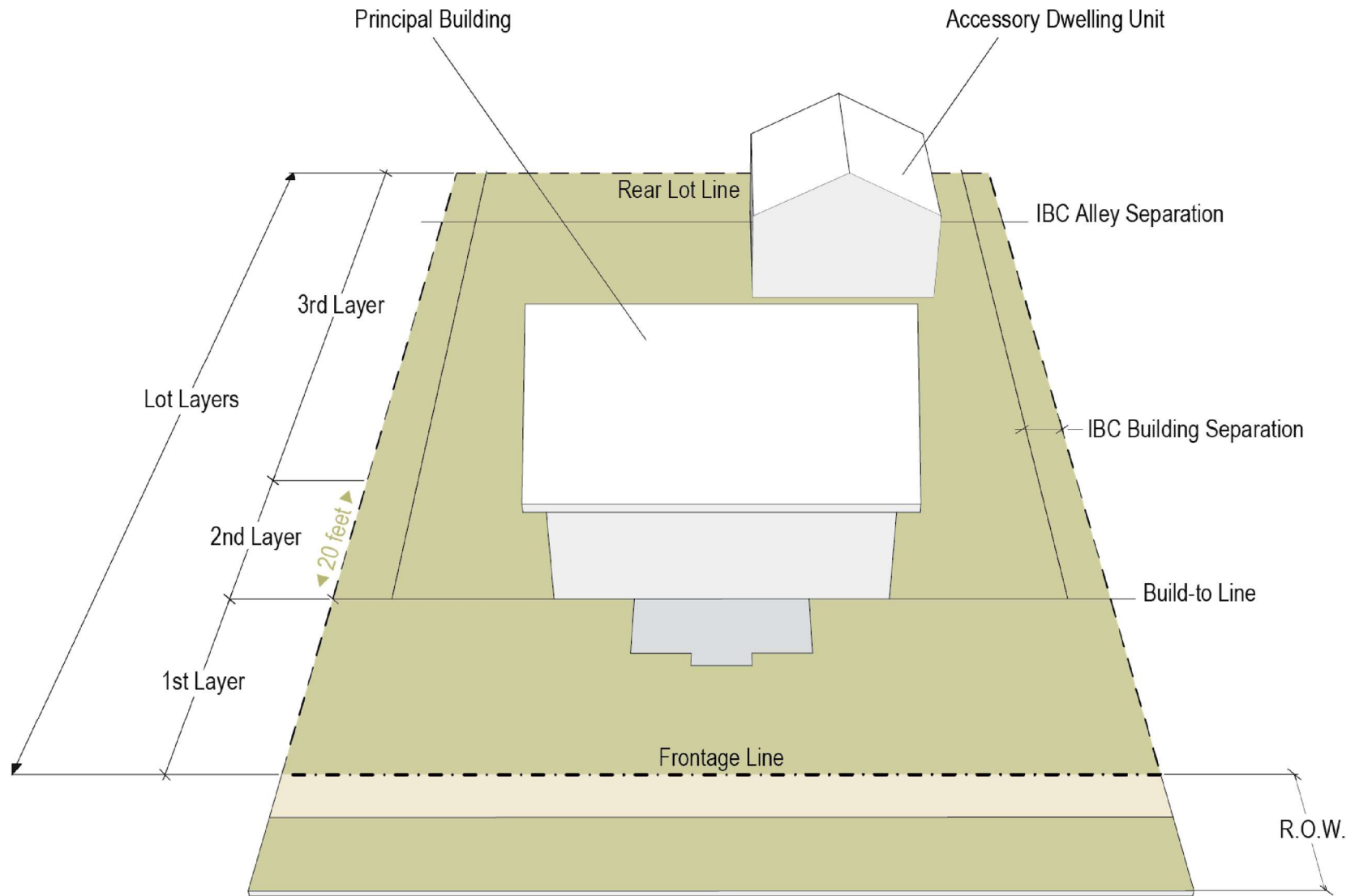
Facade Buildout in Section 6.5.003, Building Standards per Place Type.

- (c) All Facades shall be glazed with clear glass not less than 20% of the first Story. Glazing shall be calculated as the total combined area of window glazing (lights or panes within each window's casing) divided by the total area of the Facade for the target Story of a Building.
- (d) Buildings with a first floor Commercial Use shall be glazed with clear glass no less than 70% of the first Story.
- (e) Openings above the first Story shall not exceed 50% of the total Building wall area, with each Facade being calculated independently.
- (f) All opening, including porches, galleries, Arcades, and windows, with the exception of shopfronts, shall be square or vertical in proportion.

ARTICLE 6.4 LOT STRUCTURE DESCRIPTION & DIAGRAM

BUILDINGS	
Principal Building	The main Building on a Lot.
Accessory Structures	A secondary Building usually located toward the rear of the same Lot as a Principal Building such as a garage, carport, or workshop and may include a dwelling unit, but no more than two per Lot.
LOT LAYERS	
First Layer	The area of a Lot from the Frontage Line to the Facade of the Principal Building.
Second Layer	The area of a Lot set behind the First Layer to a depth of 20 feet in all Place Types.
Third Layer	The area of a Lot set behind the Second Layer and extending to the rear Lot Line.
LOT	
Build-to-Line	The minimum percentage of the front Building Facade that must be located within the First Layer.
Lot Width	The length of the Principal Frontage Line of a Lot.
Frontage Line	Where the Property Line meets R.O.W.
Rear Lot Line	Where the Property Line meets Alley R.O.W. or an adjoining side/ rear property line.

LOT STRUCTURE DIAGRAM



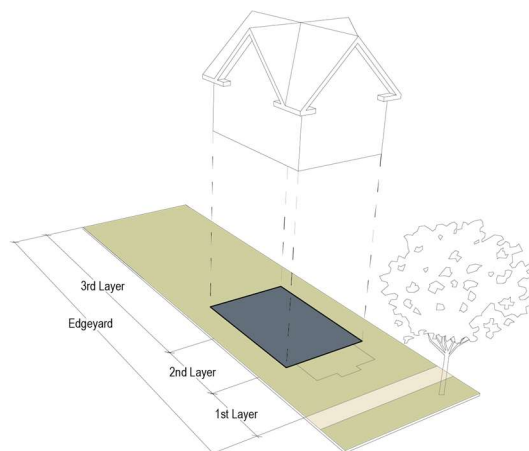
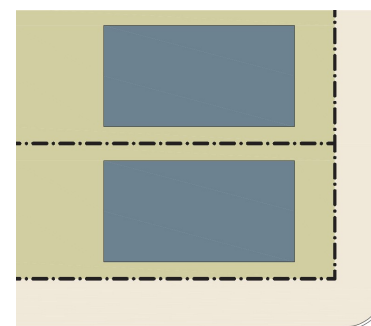
ARTICLE 6.5 BUILDING TYPES

(a) EDGEYARD

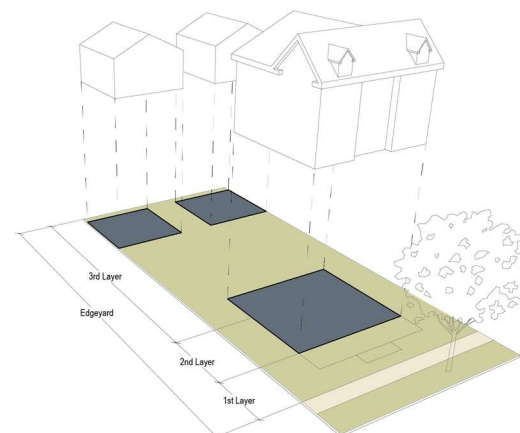
The placement of a Building within the boundaries of its Lot to create an Edgeyard around the Building, with IBC separation on all sides. This is the least urban of types as the front yard sets the Building back from the Public Frontage, while the side yards weaken the spatial definition of the Thoroughfare in front of the Building.

Variants:, House, Duplex, Triplex, Fourplex

GENERAL PLACEMENT



HOUSE



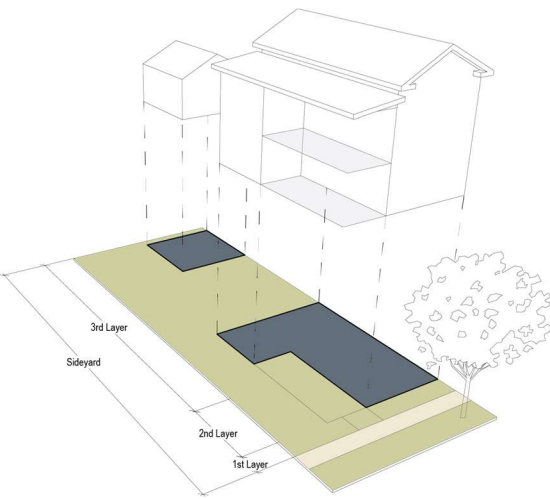
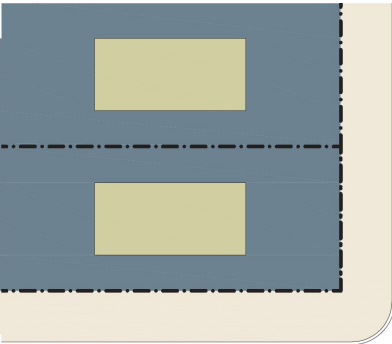
DUPLEX, TRIPLEX, FOURPLEX

(b) SIDEYARD

The placement of a Building within the boundaries of its Lot to create a private Sideyard, with a Setback to one side. A shallow Front Setback defines a more urban condition. If the adjacent Building is similar with a blank side wall, the yard can be quite private. This type permits systematic climatic orientation response to the sun or the breeze. If a Sideyard House abuts a neighboring Sideyard House, the type is known as a twin or double House.

Variants: Sideyard House

GENERAL PLACEMENT



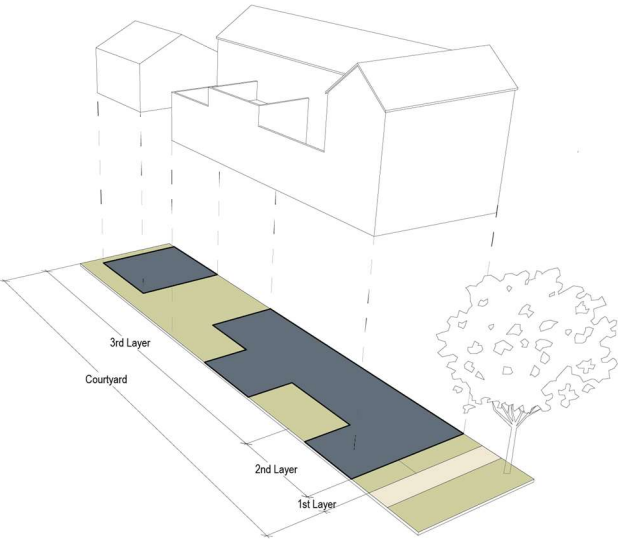
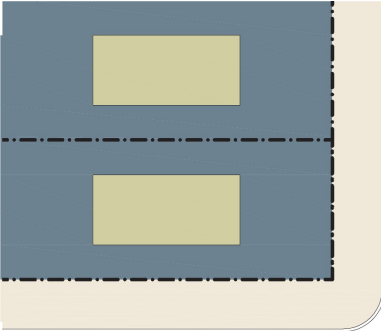
SIDEYARD

(c) COURTYARD

A Building placed within the boundaries of its Lot to create a private Courtyard, while internally defining one or more private patios. Common walls shared with adjacent buildings create a continuous Facade along the Frontage Line that steadily defines the public Thoroughfare in front of the Building. This is the most urban of types, as it is able to shield the Private Realm from all sides.

Variants: Courtyard House, Courtyard Apartment Building

GENERAL PLACEMENT



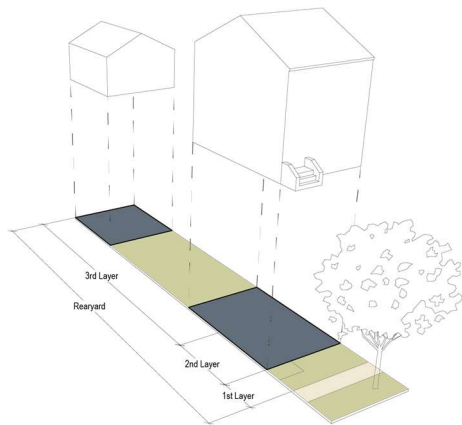
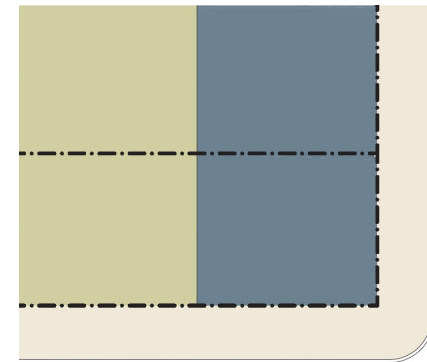
COURTHOUSE

(d) REARYARD

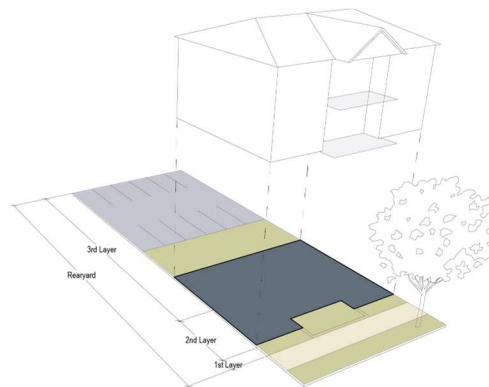
The placement of a Building within the boundaries of its Lot to create a Rearyard, leaving the rear of the Lot as private space or available for dedicated parking in its Commercial form. Common walls shared with adjacent buildings create a continuous Facade along the Frontage Line that steadily defines the public Thoroughfare in front of the Building. Rear elevations may be articulated for functional purposes.

Variants: Rowhouse, Apartment Building (5+ Units), Commercial Building, Live-Work Building, Mixed-Use Building,

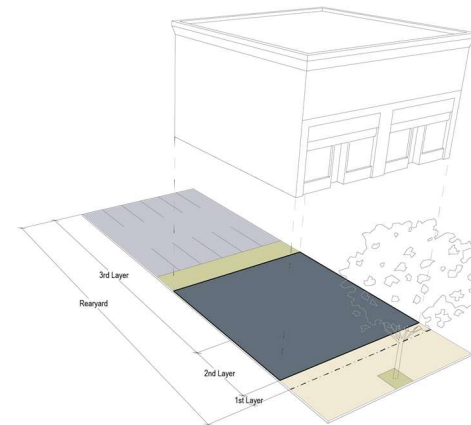
GENERAL PLACEMENT



ROWHOUSE



APARTMENT BUILDING



COMMERCIAL BUILDING

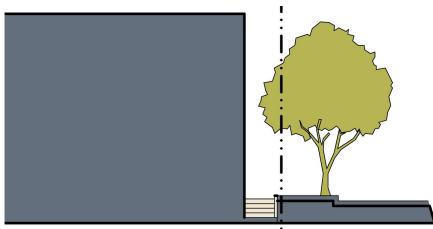

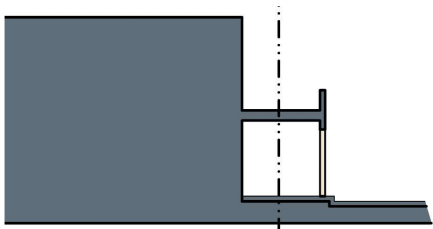

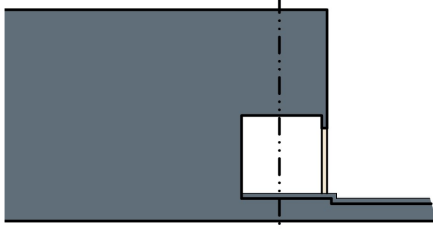
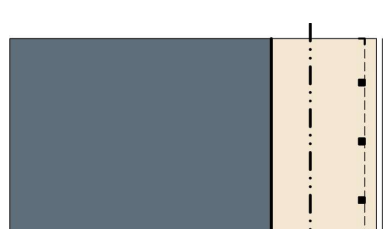
SEC 6.5.001 PERMITTED BUILDING TYPES PER PLACE TYPE

	P1	P2	P3	P4	P5
A: REARYARD					
COMMERCIAL BUILDING	NP	NP	NP	NP	P
APARTMENT BUILDING	NP	NP	NP	P**	P
ROWHOUSE	NP	NP	NP	P	P
B: SIDEYARD					
SIDEYARD	NP	NP	NP	P	P
C: COURTYARD					
COURTYARD HOUSE	NP	NP	NP	P	P
COURTYARD APARTMENT BUILDING	NP	NP	NP	P**	P
D: EDGEYARD					
RANCH HOUSE, VILLA	NP	P	P	NP	NP
HOUSE	NP	P	P	P	NP
DUPLEX	NP	P	P	P	NP
TRIPLEX, FOURPLEX	NP	NP	NP	P	NP

P** SEE OVERLAY DISTRICTS P = PERMITTED NP = NOT PERMITTED

SEC. 6.5.002 PERMITTED ENCROACHMENTS PER PLACE TYPE

	Private Realm Public Realm		P3	P4	P5	DESCRIPTION
PORCH			P	P	NP	A roof covered raised platform at the entrance to a building.
DOORYARD			NP	P	P	An elevated front yard extending to the Frontage Line, buffering it from Pedestrian activity of the Sidewalk.
TERRACE			NP	P	P	An elevated, paved patio or veranda at the entrance to a Building. This type is suitable for first floor Commercial Uses as outdoor seating space.
STOOP			NP	P	P	An exterior stair and landing leading to an elevated first Story of a Building.

	Private Realm Public Realm		P3	P4	P5	DESCRIPTION
LIGHTWELL			NP	P	P	An exterior stair and landing leading to a below grade Story of a Building.
GALLERY			NP	P	P	An attached cantilevered shed or a lightweight colonnade extending from a Building Facade to overlap the sidewalk.
ARCADE			NP	NP	P	Colonnade supported upper stories of a Building projecting over the Sidewalk, where the Facade of the first Story remains or behind the Frontage Line.

P = PERMITTED NP = NOT PERMITTED

SEC. 6.5.003 BUILDING STANDARDS PER PLACE TYPE

Place Types	P1	P2	P3	P4	P5
A. LOT OCCUPATION					
Lot Coverage		40% max	50 60% max	60 70% max	65 80% max
Facade Buildout at Build-to-Line		40% min	40% min	60% min	80% min
Build-to-Line		10 ft—no max	10 ft—25 ft*	5 ft—15 ft	2 ft—15 ft
Additional Dwelling Unit		1 2	1 2	1 2	

*Lots exceeding 1/2 acre may extend the 1 layer of the Lot up to 60 ft from the Frontage Line.

B. BUILDING HEIGHT (STORIES)

Principal Building	2 max	2 max	3 max**	5 max / 3 max*
Accessory Dwelling Unit	2 max	2 max	2 max	2 max

* CD Downtown/ Old Town
 ** 2 1/2 Max in Overlay

C. ENCROACHMENTS

First Layer Encroachments

Open Porch	50% max	50% max	80% max	n/a
Balcony and/or Bay Window	25% max	25% max	50% max	100% max
Stoop, Lightwell, Terrace or Dooryard	NP	NP	100% max	100% max

R.O.W. Encroachments ***

Place Types	P1	P2	P3	P4	P5
Awning, Gallery, or Arcade		NP	NP	to within 2 ft. of the Curb	to within 2 ft. of the Curb

First Layer Encroachment Depths

Porch		5 ft min	8 ft min	8 ft min	n/a
Gallery		NP		10 ft min	10 ft. min.
Arcade		NP			12 ft. min.

D. PARKING LOCATION

Second Layer		P	P	NP	NP
Third Layer		P	P	P	P
*** Required to go through an Encroachment process					



STAFF REPORT

MEETING DATE: November 12, 2024

TITLE:

Hold public hearing, consider, and act to amend section SEC. 6.5.003 BUILDING STANDARDS PER PLACE TYPE A- LOT OCCUPATION (table) to reduce lot occupation standards also known as impervious cover ratios to reduce flooding risk.

This amendment seeks to reduce impervious cover (concrete, asphalt, other) that water cannot travel through, and require more greenspace on lots to reduce flood risk throughout the city.

AGENDA ITEM SUBMITTED BY:

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

BACKGROUND/HISTORY:

The B3 code was adopted in November of 2019, and subsequently amended in April of 2022. From 2016 to 2023, Bastrop's population grew by approximately 34.3%. With the increased growth from Austin to the west, the availability of large land parcels, the availability of water, and abundant natural resources, the growth shows no signs of slowing.

“The intent of the Code is to establish the Standards that enable, encourage, and ensure the community achieves:

- ✓ ***Fiscal Sustainability***
- ✓ ***Geographically Sensitive Developments***
- ✓ ***Perpetuation of Authentic Bastrop” pg. 11 – B3 Code***

While the aspirational ideas envisioned in the preamble of the B3 code (as noted above) to provide for fiscal sustainability, geographically sensitive developments, and perpetuation of Authentic Bastrop, several segments of the code accomplished just the opposite.

The B3 code removed several key factors to orderly growth under the guise of “affordability” and “fiscal sustainability” by perpetuating the belief that denser neighborhoods create a larger tax base, and that denser development means the reduction of infrastructure costs, or that the cost can be spread among more people.

1. <https://archive.epa.gov/greenbuilding/web/pdf/density.pdf>
2. <https://www.cityofbastrop.org/upload/page/0569/docs/City%20of%20Bastrop%20Drainage%20Master%20Plan.pdf>

Further, the Code was written during a development moratorium meant to address flooding in the community; instead of lowering the impervious cover ratios which would have decreased runoff that would decrease flooding; the code decreased lot sizes by removing lot size minimums, increase impervious cover ratios, and called for onsite detention of runoff water on private development.

In the publication, "Creating Great Neighborhoods: Density in Your Community"¹, written in coordination with the National Association of Realtors, the Local Government Commission, and the Environmental Protection Agency, the publication cites many of the same arguments heard in Bastrop:

- 1) *Density helps create walkable neighborhoods*
- 2) *Density supports housing choice and affordability*
- 3) *Density helps expand housing choices*
- 4) *Density helps support community fiscal health*
- 5) *Density helps improve security*
- 6) *Density helps protect the environment*

However, the publication goes further into a "lessons learned" where density did not work, and ways to improve design to achieve denser neighborhoods or areas. This includes:

- 1) *"Increase densities in appropriate locations*
- 2) *Connect people and places through a complete street network that invites walking and bicycling and provides convenient access to bus or rail,*
- 3) *Mix uses to create a quality of life where people may choose to live near their work, walk to the local store, or bike to the library with their kids,*
- 4) *Place parking in alternative locations to support density and create inviting places to walk,*
- 5) *Create great places for people.*

The combination of these five principles, along with resident involvement, helps ensure that density contributes to the community's economic, social and environmental health" pg. 12

While many will argue that 1000's of people had input into the development of the B3 code, many residents are unaware of the implications of the code beyond a pretty picture, and especially those who live in "town proper" are not aware that their neighbor may tear down an existing home, subdivide the lot, and create a series of tiny homes on tiny lots which currently allow for 60% maximum in the P3 (normal residential) zoning.

1. <https://archive.epa.gov/greenbuilding/web/pdf/density.pdf>
2. <https://www.cityofbastrop.org/upload/page/0569/docs/City%20of%20Bastrop%20Drainage%20Master%20Plan.pdf>

Place Types	P1	P2	P3	P4	P5
A. LOT OCCUPATION					
Lot Coverage		40% max	50%-60%-max	60%-70% max	65%-80%
Facade Buildout at Build-to-Line		40% min 40	40% min	60% min	80% min
Build-to-Line		ft--no-max	10 ft – 25 ft*	5 ft – 15 ft	2 ft – 15 ft
Additional		1 2	1 2	1 2	1—2
Dwelling Units allowed per Lot*					

** Additional Dwelling Units may be increased if the applicant can meet all infrastructure requirements.*

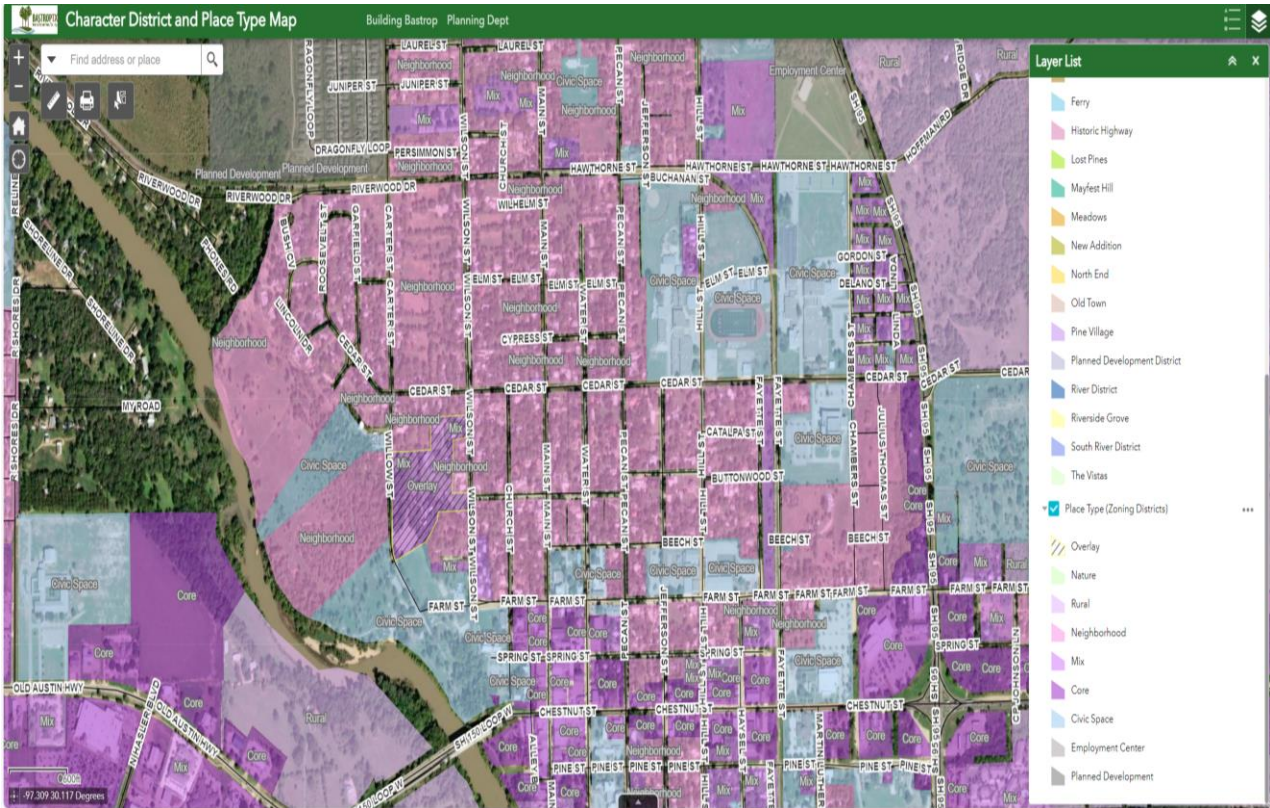
Strike through in the “Build-to-Line” will be dependent on the type of development and parking proposed. For example, if a development chooses front layer parking, the setback should be adequate to allow for a parking space that would not cause the vehicle to hang over into the sidewalk causing an obstruction to walkers. Alternatively, if a developer proposes alley loaded parking, the rear setback should be adequate enough to park a vehicle also without encroachment. This “Build-to-Line” requires scrutiny at the site development process and needs further refinement. Evidence of an unsafe “Build-to-Line” can be seen at the multifamily development on 969.

The existing zoning map shows the vast majority of “town proper” to be zoned P3 shown in the areas highlighted in pink. P3 is called out as “low density”, however, the not lot size minimum, as well as 60% impervious cover, two (2) additional dwelling units, although well intentioned in the graphic below, does not fit the “low density” label.

SEC 3.1.005 PLACE TYPE ZONING DISTRICTS TABLE



- <https://archive.epa.gov/greenbuilding/web/pdf/density.pdf>
- <https://www.cityofbastrop.org/upload/page/0569/docs/City%20of%20Bastrop%20Drainage%20Master%20Plan.pdf>



Further, the absence of mass transit or a fully developed transportation system renders many of these points moot.

Drainage Costs

Increased impervious cover numbers increase the amount of runoff on a piece of property. The City received a draft drainage plan² from Halff and Associates in 2023 with a price tag of more than \$121M dollars.

- 1. <https://archive.epa.gov/greenbuilding/web/pdf/density.pdf>
- 2. <https://www.cityofbastrop.org/upload/page/0569/docs/City%20of%20Bastrop%20Drainage%20Master%20Plan.pdf>

Table 5-4: Drainage CIP Project Ranking

Ranking	Project ID	Project Name	Estimated Project Cost	Ranking Value
Mitigation Projects				
1	SB-01	Detention Pond at Hunters Crossing	\$709,000	83.3
2	GB-02	Gills Branch Flood Mitigation Improvements	\$14.05 M	73.3
3	GB-01	SH-95 at Gills Branch	\$688,000	71.7
4	PC-02	Riverwood Dr. at Piney Creek	\$2.29 M	68.3
5	GB-03	Water, Spring, & Cedar St. Drainage	\$25.66 M	66.7
6	PC-04	Local Storm Drain Improvements Near Piney Creek	\$5.14 M	63.3
6	PC-05	Pecan St. Bypass & Pond Diversion	\$23.73 M	63.3
6	GB-04	Hill, Pecan, & Pine St. Drainage	\$8.70 M	63.3
9	GB-05	Pecan, Beech, & Haysel to Gills Branch	\$20.56 M	61.7
10	PC-01	SH-95 at Piney Creek (2% ACE LOS)	\$6.72 M	60.0
11	PC-01	SH-95 at Piney Creek (1% ACE LOS)	\$13.61 M	58.3

The drainage improvements needed in “town proper” are more than \$86M dollars. Increasing density and increasing impervious cover serves to spread this cost among existing residents.

Quite simply, increased impervious cover as provided for in the existing B3 increases the propensity for flood.

This proposal seeks to reduce the impervious cover ratio in the P3 to 50% max, P4 60% max, and P5 to 65% max, and places the needs of residents above the desire for denser development.

Representatives with Half and Associates will be available for discussion and questions from the Commission.

FISCAL IMPACT:

None

RECOMMENDATION:

Recommend the amendments as proposed by staff.

ATTACHMENTS:

1. B3 Code Proposed Amendment in redline

1. <https://archive.epa.gov/greenbuilding/web/pdf/density.pdf>
2. <https://www.cityofbastrop.org/upload/page/0569/docs/City%20of%20Bastrop%20Drainage%20Master%20Plan.pdf>

CHAPTER 6: PRIVATE REALM DEVELOPMENT STANDARDS



.....
ARTICLE 6.1 GENERAL
.....

SEC. 6.1.001 INTENT

The Private Realm is intended to support the Public Realm with its Standards. The configuration of the Private Realm contains endless opportunities based on the minimum use Standards, Lot requirements, and with a wide variety of Building Types. Character Districts and Place Types determine the intensity of Building Types that can occur on the private lots.

SEC. 6.1.002 INSTRUCTIONS

(a) Lots and buildings located in the Private Realm within the City of Bastrop shall be subject to the requirements of this section.

(1) Lots and buildings shall be regulated according to the Building Type, Lot Occupation, Building placement, Building height, Private Frontage, use, parking spaces, parking placement, landscaping and signage Standards.

(b) Regulatory terminology related to private lots used in this section is diagrammed for illustrative purposes only.

(1) Building Types diagrammed are provided for illustrative purposes only.

(c) Development Process

The Development processes for all Application types is demonstrated in the B³ Flowchart within the Introduction of this Code.

.....
ARTICLE 6.2 PERMITTING REQUIREMENTS
.....

(a) Building or Construction permits shall not be issued for Development or redevelopment of private lots prior to the approval of a Building or Site Plan drawn to scale with the following details:

(1) For preliminary Site and Building plan approval:

- A. See B³ Technical Manual for Site Plan Review requirements.
- B. See the Bastrop Development Manual for review timeline and Site Plan Checklists.

(2) Individual home applications in P3 shall be exempt from the Site Plan process.

(3) Building and Site Plans submitted under this Code shall be prepared by the Applicant and shall be submitted for Administrative Approval once all Code Standards are met.

ARTICLE 6.3 GENERAL LOT STANDARDS

SEC. 6.3.001 LOT DIMENSIONS

(a) Lot width is measured between the side Lot lines at the Street Setback line.

(b) Lots may have multiple Frontages as illustrated on Table 6.1. One Frontage Line is designated the Primary Frontage Line and all remaining Frontage Lines are designated as Secondary Frontage Lines.

(c) Lots shall be divided into regulatory Layers as illustrated on Table 6.1 and Table 6.2. Standards for the second and third Layers pertain only to the Primary Frontage. Standards for the First Layer pertain to both Frontages.

(1) The First Layer is the area of a Lot from the Frontage Line to the Facade of the Principal Building.

(2) The Second Layer is the area of the Lot set behind the First Layer to a depth of 20 feet in all Place Types.

~~(3) The Third Layer is the area of a Lot set behind the Second Layer and extending to the rear Lot Line.~~

~~A. The location of the Build-to-Line, on Infill properties, is established on Section 6.5.003 Building Standards per Place Type, and, for new neighborhoods, on the Neighborhood Regulating Plan or Zoning Concept Scheme.~~

(d) All buildings and Structures must be located at or behind the side or rear International Building Code (IBC) separation line.

SEC. 6.3.002 LOT LAYERS & FRONTAGE LINES

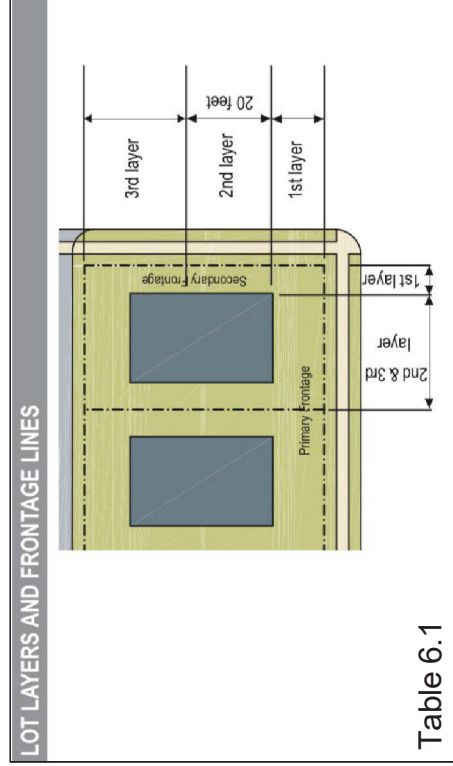


Table 6.1

SEC. 6.3.003 BUILDING PLACEMENT

(a) Principal buildings shall be positioned on a Lot in accordance with Section 6.5.003 Building Standards per Place Type.

(1) The First Layer is the area of land between the Frontage Line and the Build-to-Line. The First Layer is measured from the Frontage Line.

(2) ~~The required Build-to-Line is the minimum percentage of the front Building Facade that must be located within the First Layer, measured based on the width of the Building divided by the width of the Lot.~~

(3) ~~A Building Facade must be placed within the First Layer for the first 30 feet along the Street extending from any Block corner.~~

A. All Structures and encroachments customarily allowed on the Lot are permitted in the First Layer, with the exception of parking.

SEC. 6.3.005 BUILDING SEPARATION

(a) Fences and screening walls may extend into the IBC Building separation line and Alley Setback.

(b) Side and rear Building separation will be determined by the IBC as adopted by the City.

SEC. 6.3.005 ALLEYS & DRIVEWAY LOCATIONS

(a) Intent: Building walkable cities means that while vehicles are part of modern life, they should have minimal disruption to the Public Realm. The Standards of the Code intend to ensure all modes of Transportation are respected and create safe means of transportation along all transportation types, including walk, bike, car, and other.

(b) ~~The preferred means of vehicular access to lots is through the use of Alleys. Alleys provide a location to hide unsightly functions of our communities such as garages, garbage cans, transformers, electric meters, and telephone equipment~~

(c) ~~Other benefits of Alleys include:~~

- ~~(1) Alleys make it possible for rear accessed lots to be created, preserving the public frontages from interruptions of driveways and Curb-cuts.~~
- ~~(2) Safety as sidewalks and pedestrians become separated from the access requirements of vehicles.~~
- ~~(3) They create a more casual neighborhood space adjacent to backyard activity centers leaving the front of the House as a more formal community space.~~

(d) Driveways:

- (1) Where Alleys are present, all vehicular access shall be provided from the Alley.
- (2) Where a Lot does not have access to an Alley, driveways are allowed in accordance with this section.
- (3) For corner lots, all driveways shall be located at the Secondary Frontage.
- (4) Driveways shall be located as far from the adjacent public Street intersection as practical to achieve maximum

available corner clearance, with consideration of property limits, adjacent Curb cuts, topography, and existing Drainage facilities. Non-Alley loaded driveways may intersect a Street no closer than twenty (20) feet from the intersection of 2 Street rights- of-way in P1, P2, and P3, and forty (40) feet in P4 and P5.

- (5) Mid-Block lots greater than 40' in width at the Frontage are allowed one Driveway with a maximum width of 24' for two-way and 12' for one-way driveways.
- (6) In P4 and P5, driveways accessing up to 80 feet wide of Street right-of-way must be spaced 200 feet apart centerline to centerline, and driveways accessing more than an 80 feet wide Street right-of-way must be spaced 300 feet apart centerline to centerline.
- (7) Nothing in this section shall prevent all Site access to any property.

SEC. 6.3.006 PARKING

- ~~(a) Intent: Parking shall not be the driver of Site planning. The Standards in the Code support this notion through a limited and eliminating parking. The intent of building a walkable, bikeable, and an easily navigable City means all mode of transportation are available to reduce the reliance on the car.~~

(b) The location of the parking shall be established and shown on the Neighborhood Regulating Plan, Zoning Concept Scheme, and/or Site Plan:

(1) Shared parking is available and determined with the Site Plan in P2, P4, and P5, where it does not cause undue hardship to the existing built environment or neighborhood. Lot coverage shall not exceed the Place Type Standards.

(2) Parking requirements in P3 will be market driven shall require two (2) parking spaces per residential dwelling. Lot coverage shall not exceed the Place Type Standards.

(3) Parking in EC shall be recommended by the DRC and part of the submittal package submitted for approval and handled through a public consultation process.

(4) P5 shall establish parking maximums based on the market demands per use as determined by the DRC at the time of Application.

(5) On-site surface parking must be located in the Second Layer or Third Layer of each Lot as defined by the Place Types Standards.

(6) Residential garage access is permitted from the public Street or from an Alley. Access may be taken from the Street or corner lots, in which case the garage doors may face the side street.

(7) ~~Residential garage front facades must begin in the Third Layer.~~

(8) Open parking areas shall be masked from the Frontage by building or Street screening and will be regulated in size by Lot cover requirements of the Place Type.

(9) ~~Parking spaces provided internal to a Lot shall be located entirely behind the minimum rear Setback as specified by Building Type and Place Type.~~

SEC. 6.3.007 CROSS ACCESS CONNECTIONS

(a) Cross-access easements and connections to adjoining properties shall be required to connect driveways and parking lots where no Alley is present. In the event these conditions cannot be met without undue hardship or if such connections would create undesirable traffic flow, the DRC may waive the connection requirement

(b) Internal vehicular circulation areas shall be designed and installed to allow for cross-access between abutting lots;

(c) In the event these conditions cannot be met without undue

hardship or if such connections would create undesirable traffic flow, the DRC may waive the connection requirement.

- (d) Where a parking lot connection is required, an easement for ingress and egress to adjacent lots shall be recorded on the Plat or by separate instrument as appropriate. Additional Standards shall be found in the B³ Technical Manual.

SEC. 6.3.008 LOT OCCUPATION

In P2-P4, ~~three two buildings may be built on each Lot, one Principal Building and two one Accessory Units or and one Accessory Dwelling Units as generally illustrated on Article 6.4 Lot Structure Description & Diagram.~~

~~The number of Accessory Dwelling~~

~~Units (ADUs) allowed by right shall be one, and two (ADUs) shall be allowed subject to meeting the established impervious cover standards as well as the onsite parking requirements set forth in 6.003.006(b)(2) as amended.~~

- (a) ~~More than two (2) Additional structures may be approved if the impervious cover requirements and other infrastructure demands can be met.~~

- (b) Lot coverage by buildings (i.e. impervious surface requirements) are specified in Section 6.5.003.A.

- (c) For Building height see standard by Place Type and Character District. If the Building height is undefined in the B³ Code see the International Building Code as adopted by the City of Bastrop.

- (d) Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial Building, which shall be a minimum of 11 feet with a maximum of 25 feet.

- (e) In the 100-year Floodplain, a first level Residential or lodging shall be raised a minimum of 2 feet from the Base Flood Elevation.

SEC. 6.3.009 PRIVATE FRONTAGE

- (a) Permitted Encroachments into the First Layer of any Lot are specified in Section 6.5.002, Permitted Encroachments per Place Type. Terminology used to identify these elements is diagrammed for illustrative purposes only.

- (b) The Facade of the Principal Building shall be built parallel to the Frontage Line or to the tangent of a curved Frontage Line of a Lot, and along a minimum percentage of the Frontage width at the Build-to-Line as specified as

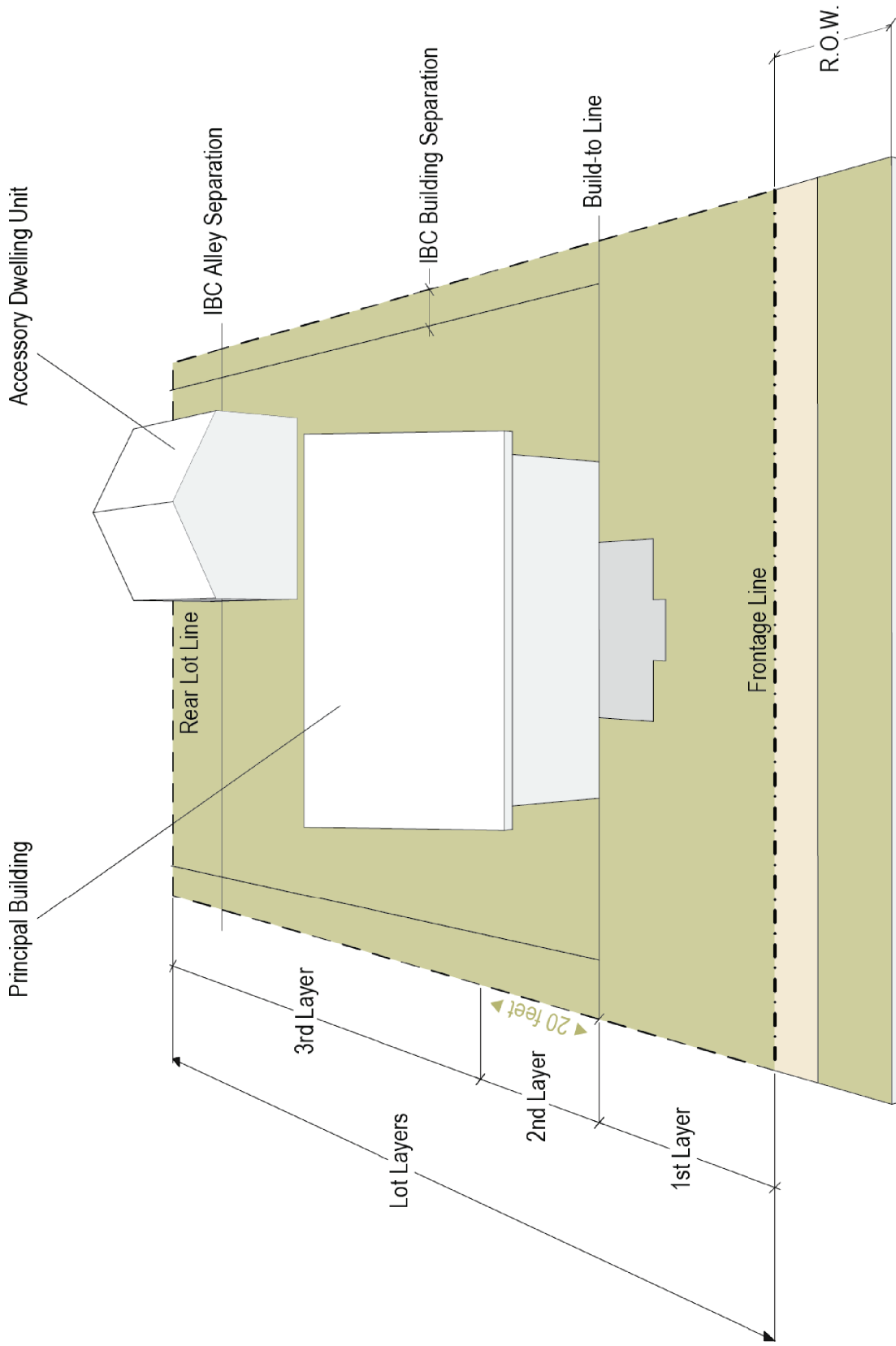
Facade Buildout in Section 6.5.003, Building Standards per Place Type.

- (c) All Facades shall be glazed with clear glass not less than 20% of the first Story. Glazing shall be calculated as the total combined area of window glazing (lights or panes within each window's casing) divided by the total area of the Facade for the target Story of a Building.
- (d) Buildings with a first floor Commercial Use shall be glazed with clear glass no less than 70% of the first Story.
- (e) Openings above the first Story shall not exceed 50% of the total Building wall area, with each Facade being calculated independently.
- (f) All opening, including porches, galleries, Arcades, and windows, with the exception of shopfronts, shall be square or vertical in proportion.

ARTICLE 6.4 LOT STRUCTURE DESCRIPTION & DIAGRAM

BUILDINGS	
Principal Building	The main Building on a Lot.
Accessory Structures	A secondary Building usually located toward the rear of the same Lot as a Principal Building such as a garage, carport, or workshop and may include a dwelling unit, but no more than two per Lot.
LOT LAYERS	
First Layer	The area of a Lot from the Frontage Line to the Facade of the Principal Building.
Second Layer	The area of a Lot set behind the First Layer to a depth of 20 feet in all Place Types.
Third Layer	The area of a Lot set behind the Second Layer and extending to the rear Lot Line.
LOT	
Build-to-Line	The minimum percentage of the front Building Facade that must be located within the First Layer.
Lot Width	The length of the Principal Frontage Line of a Lot.
Frontage Line	Where the Property Line meets R.O.W.
Rear Lot Line	Where the Property Line meets Alley R.O.W. or an adjoining side/ rear property line.

LOT STRUCTURE DIAGRAM



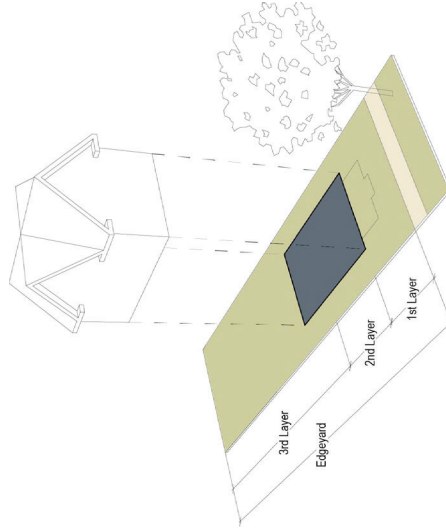
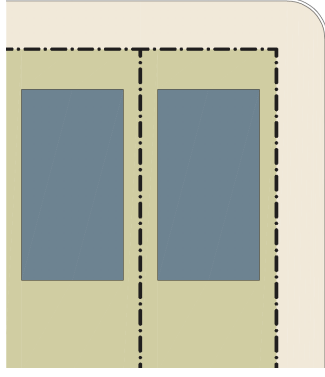
ARTICLE 6.5 BUILDING TYPES

(a) EDGEYARD

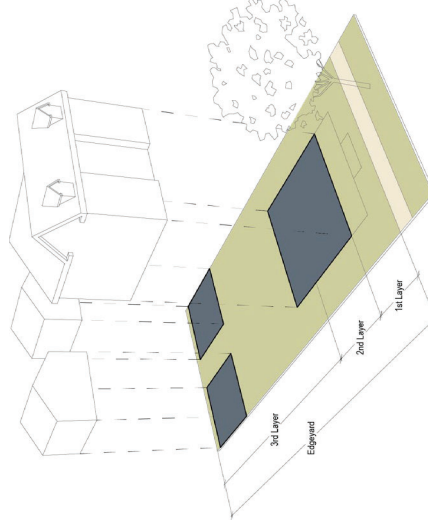
The placement of a Building within the boundaries of its Lot to create an Edgeyard around the Building, with IBC separation on all sides. This is the least urban of types as the front yard sets the Building back from the Public Frontage, while the side yards weaken the spatial definition of the Thoroughfare in front of the Building.

Variants: House, Duplex, Triplex, Fourplex

GENERAL PLACEMENT



HOUSE

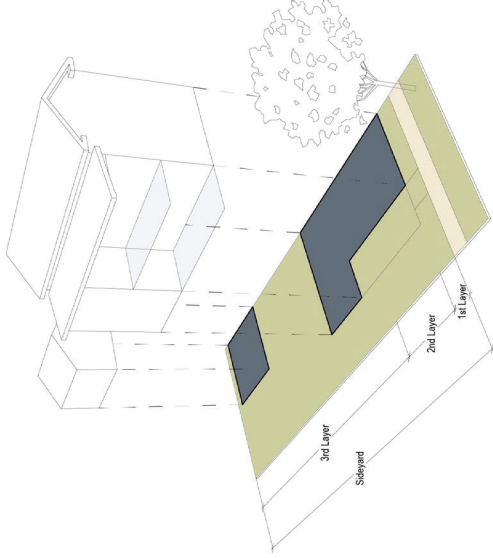


DUPLEX, TRIPLEX, FOURPLEX

(b) SIDEYARD

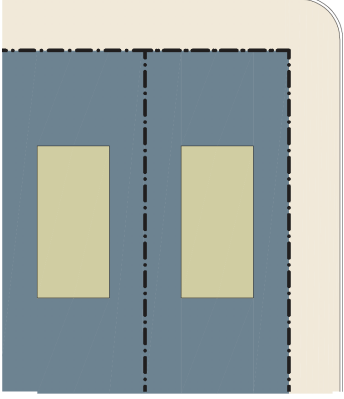
The placement of a Building within the boundaries of its Lot to create a private Sideyard, with a Setback to one side. A shallow Front Setback defines a more urban condition. If the adjacent Building is similar with a blank side wall, the yard can be quite private. This type permits systematic climatic orientation response to the sun or the breeze. If a Sideyard House abuts a neighboring Sideyard House, the type is known as a twin or double House.

Variants: Sideyard House



SIDEYARD

GENERAL PLACEMENT

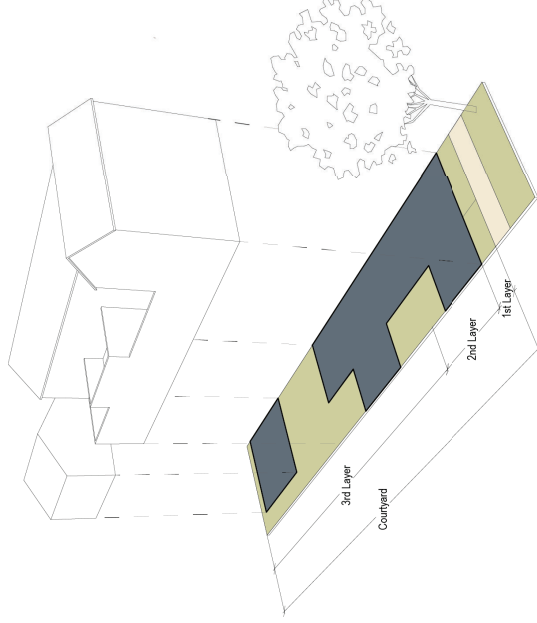
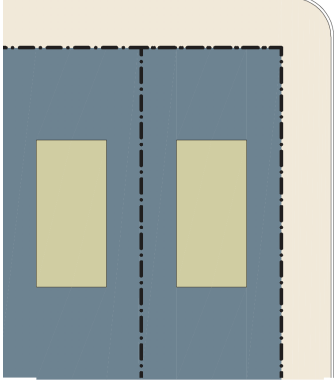


(c) COURTYARD

A Building placed within the boundaries of its Lot to create a private Courtyard, while internally defining one or more private patios. Common walls shared with adjacent buildings create a continuous Facade along the Frontage Line that steadily defines the public Thoroughfare in front of the Building. This is the most urban of types, as it is able to shield the Private Realm from all sides.

Variants: Courtyard House, Courtyard Apartment Building

GENERAL PLACEMENT

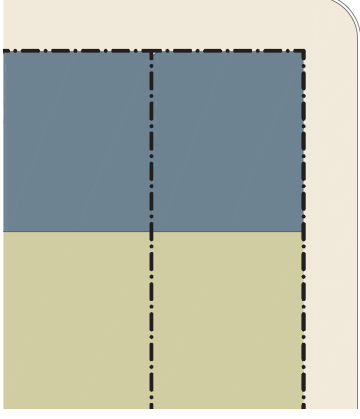


COURTHOUSE

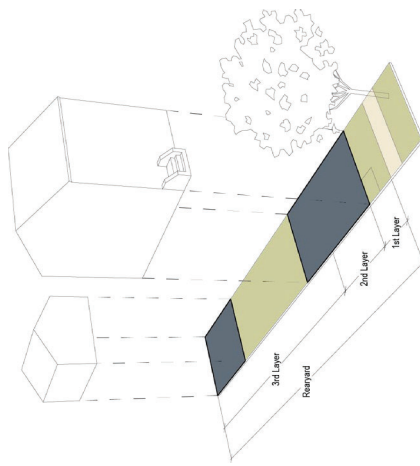
(d) REARYARD

The placement of a Building within the boundaries of its Lot to create a Rearyard, leaving the rear of the Lot as private space or available for dedicated parking in its Commercial form. Common walls shared with adjacent buildings create a continuous Facade along the Frontage Line that steadily defines the public Thoroughfare in front of the Building. Rear elevations may be articulated for functional purposes.

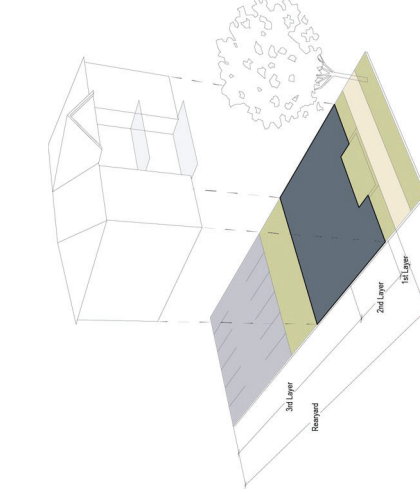
GENERAL PLACEMENT



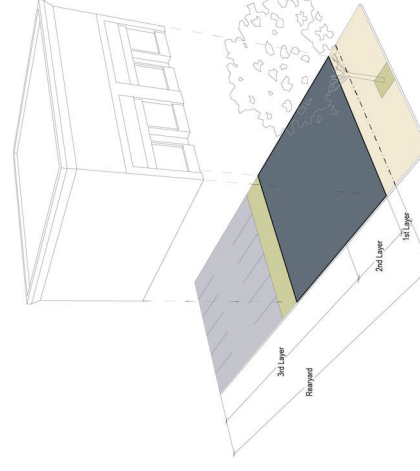
Variants: Rowhouse, Apartment Building (5+ Units), Commercial Building, Live-Work Building, Mixed-Use Building,



ROWHOUSE



APARTMENT BUILDING



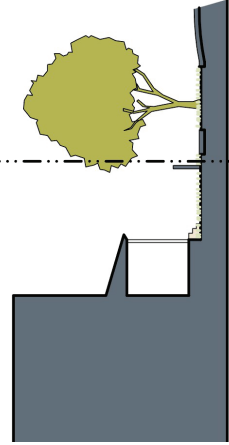
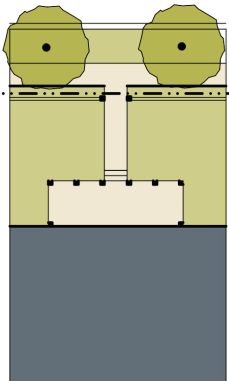
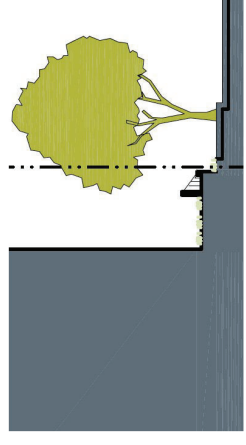
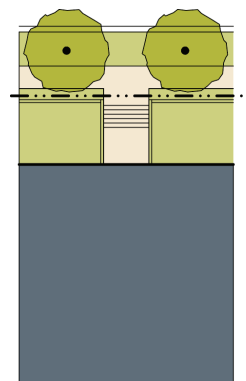
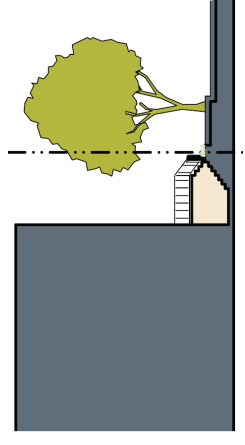
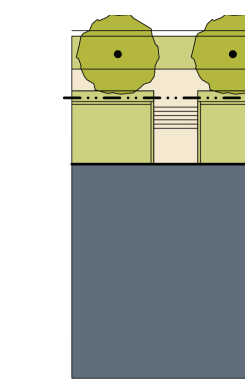
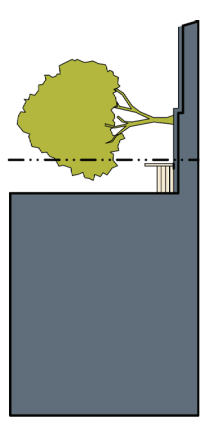
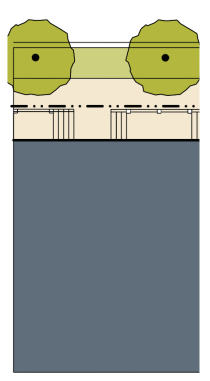
COMMERCIAL BUILDING

SEC 6.5.001 PERMITTED BUILDING TYPES PER PLACE TYPE

	P1	P2	P3	P4	P5
A: REARYARD					
COMMERCIAL BUILDING	NP	NP	NP	NP	P
APARTMENT BUILDING	NP	NP	NP	P**	P
ROWHOUSE	NP	NP	NP	P	P
B: SIDEYARD					
SIDEYARD	NP	NP	NP	P	P
C: COURTYARD					
COURTYARD HOUSE	NP	NP	NP	P	P
COURTYARD APARTMENT BUILDING	NP	NP	NP	P**	P
D: EDGEYARD					
RANCH HOUSE, VILLA	NP	P	P	NP	NP
HOUSE	NP	P	P	P	NP
DUPLEX	NP	P	P	P	NP
TRIPLEX, FOURPLEX	NP	NP	NP	P	NP

P** SEE OVERLAY DISTRICTS P = PERMITTED NP = NOT PERMITTED

SEC. 6.5.002 PERMITTED ENCROACHMENTS PER PLACE TYPE

	Private Realm Public Realm		P3	P4	P5	DESCRIPTION
PORCH			P	P	NP	A roof covered raised platform at the entrance to a building.
DOORYARD			NP	P	P	An elevated front yard extending to the Frontage Line, buffering it from Pedestrian activity of the Sidewalk.
TERRACE			NP	P	P	An elevated, paved patio or veranda at the entrance to a Building. This type is suitable for first floor Commercial Uses as outdoor seating space.
STOOP			NP	P	P	An exterior stair and landing leading to an elevated first Story of a Building.

			P3	P4	P5	DESCRIPTION
Private Realm Public Realm			NP	P	P	An exterior stair and landing leading to a below grade Story of a Building.
			NP	P	P	An attached cantilevered shed or a lightweight colonnade extending from a Building Facade to overlap the sidewalk.
			NP	NP	P	Colonnade supported upper stories of a Building projecting over the Sidewalk, where the Facade of the first Story remains or behind the Frontage Line.
LIGHTWELL						
GALLERY						
ARCADE						

P = PERMITTED NP = NOT PERMITTED

SEC. 6.5.003 BUILDING STANDARDS PER PLACE TYPE

Place Types	P1	P2	P3	P4	P5
A. LOT OCCUPATION					
Lot Coverage		40% max	50%-60%-max	60%-70% max	65%-80%
Facade Buildout at Build-to-Line		40% min 40	40% min	60% min	80% min
Build-to-Line		ft → no-max	40 ft → 25 ft*	5 ft → 15 ft	2 ft → 15 ft
Additional Dwelling Units allowed per Lot*	1 2	1 2	1 2	1 2	4 → 2

** Additional Dwelling Units may be increased if the applicant can meet all infrastructure requirements.*

B. BUILDING HEIGHT (STORIES)

Principal Building	2 max	2 max	2 max	3 max**	5 max / 3 max*
Accessory Dwelling Unit	2 max	2 max	2 max	2 max	2 max

* CD Downtown/Old Town
 ** 2 1/2 Max in Overlay

C. ENCROACHMENTS

First Layer Encroachments					
Open Porch		50%-max	50%-max	80%-max	n/a-
Balcony and/or Bay Window		25%-max-	25%-max-	50%-max	100%-max
Stoop, Lightwell, Terrace or Dooryard		N/P	N/P	100%-max	100%-max

R.O.W. Encroachments ***

Place Types	P1	P2	P3	P4	P5
Awning, Gallery, or Arcade		NP	NP	to within 2 ft. of the Curb	to within 2 ft. of the Curb

First Layer Encroachment Depths

Porch	5 ft min	8 ft min	8 ft min	n/a
Gallery	NP	10 ft min	10 ft min	10 ft. min.
Arcade	NP	NP	NP	12 ft. min.

D. PARKING LOCATION

Second Layer	P	P	P	NP	NP
Third Layer	P	P	P	P	P
*** Required to go through an Encroachment process					



STAFF REPORT

MEETING DATE: November 12, 2024

TITLE:

Hold a public hearing, consider, and act on section SEC. 6.5.003 BUILDING STANDARDS PER PLACE TYPE A – LOT OCCUPATION (table) by adding additional dwelling unit (ADU) category; and to modify the number of ADUs allowed by right shall be one, and two ADUs shall be allowed subject to meeting Section 6.3.006 Parking (as amended) and Section 6.5.003 (A) – Lot Occupation Standards, unless authorized by the Development Review Committee and/or the Planning Commission.

This amendment seeks to allow one (1) ADU by right, and administratively allow two (2) if the onsite parking and drainage requirements can be met. Additionally, water, sewer, and other infrastructure considerations must also be met.

AGENDA ITEM SUBMITTED BY:

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

BACKGROUND/HISTORY:

Based on public input at the October 30th meeting, the communication needed to be clarified that two (2) ADUs can be allowed on a lot, if parking drainage and other infrastructure requirements can be met,

The B3 code was adopted in November of 2019, and subsequently amended in April of 2022. From 2016 to 2023, Bastrop’s population grew by approximately 34.3%. With the increased growth from Austin to the west, the availability of large land parcels, the availability of water, and abundant natural resources, the growth shows no signs of slowing.

“The intent of the Code is to establish the Standards that enable, encourage, and ensure the community achieves:

- ✓ ***Fiscal Sustainability***
- ✓ ***Geographically Sensitive Developments***
- ✓ ***Perpetuation of Authentic Bastrop” pg. 11 – B3 Code***

While the aspirational ideas envisioned in the preamble of the B3 code (as noted above) to provide for fiscal sustainability, geographically sensitive developments, and perpetuation of Authentic Bastrop, several segments of the code accomplished just the opposite.

1. <https://www.cityofbastrop.org/upload/page/0569/docs/City%20of%20Bastrop%20Drainage%20Master%20Plan.pdf>

In 2023, Council was presented with a draft Drainage Master Plan that cost more than 120M dollars.¹

The “fiscal sustainability” aspect of the code means a greater tax base for the City, not fiscal sustainability for the resident.

The existing B3 code allows for two (2) additional dwelling units per lot. It allows an additional accessory unit for a total of four (4) buildings per lot with the primary structure included.

However, the code does not require onsite parking; all parking shifts from the lot to the street and the neighborhood is left a congested mess.

Further, the elimination of lot size minimums creates a mathematical problem that may be too expensive for the city to maintain.

Example: An existing parcel of land containing 3.7 acres, of which the existing surrounding environment lot size is ½ acre lots is planned for subdivision. The proposal is for more than 30+ units in the same footprint previous planners planned for 7-8 units. Now add 2 additional dwelling units as well as no parking number required. The previous 8 units has become a potential 10X increase in the number of dwellings.

This increased density is an increase in water demand, wastewater demand, electrical demand, and stormwater runoff increase which is only partially paid by the development community and the rest is paid via utility rates, etc of existing consumers and residents.

The proposal is to allow by right, one (1) additional ADU per lot; two (2) ADUs can be administratively allowed if all of the infrastructure components such as parking, drainage, water, and wastewater can be met.

INSERTED

Place Types	P1	P2	P3	P4	P5
A. LOT OCCUPATION					
Lot Coverage		40% max	50% 60% max	60% 70% max	65% 80%
Facade Buildout at Build-to-Line		40% min 40	40% min	60% min	80% min
Build-to-Line		ft no max	10 ft – 25 ft*	5 ft – 15 ft	2 ft – 15 ft
Additional		1 2	1 2	1 2	1 2
Dwelling Units allowed per Lot*					

** Additional Dwelling Units may be increased if the applicant can meet all infrastructure requirements.*

FISCAL IMPACT:

None

RECOMMENDATION:

1. <https://www.cityofbastrop.org/upload/page/0569/docs/City%20of%20Bastrop%20Drainage%20Master%20Plan.pdf>

Recommend the amendments as proposed by staff.

ATTACHMENTS:

1. None – Redlines shown above

1. <https://www.cityofbastrop.org/upload/page/0569/docs/City%20of%20Bastrop%20Drainage%20Master%20Plan.pdf>



STAFF REPORT

MEETING DATE: November 21, 2024

TITLE:

- 1) **1. Hold public hearing, consider, and act to amend section 6.3.004 PROTECTED & HERITAGE TREES to decrease the caliper per tree that will be protected from future development.**

This amendment seeks to increase protection of trees by reducing the caliper inch for when mitigation begins from 13 caliper inches.

- 2) **2. Hold public hearing, consider, and act to amend section 6.3.004 PROTECTED & HERITAGE TREES to add the requirement of a tree survey, add penalties, and further explanation of the requirements for tree protection.**

This amendment seeks to improve tree protections by adding requirements for a tree survey and also adding penalties when not followed.

- 3) **3. Hold public hearing, consider, and act to amend TABLE 2.1.003 PREFERRED PLANT LIST to add the Pecan Tree amongst others and remove some current trees.**

This amendment seeks to additional species to the existing plant list and remove some trees based on recommendations from the native plant society and independent arborists.

AGENDA ITEM SUBMITTED BY:

Submitted by: Kennedy Higgins, Senior Planner, Development Services Department

BACKGROUND/HISTORY:

The B3 code was adopted in November of 2019, and subsequently amended in April of 2022. From 2016 to 2023, Bastrop's population grew by approximately 34.3%. With the increased growth from Austin to the west, the availability of large land parcels, the availability of water, and abundant natural resources, the growth shows no signs of slowing.

“The intent of the Code is to establish the Standards that enable, encourage, and ensure the community achieves:

- ✓ ***Fiscal Sustainability***
- ✓ ***Geographically Sensitive Developments***

✓ **Perpetuation of Authentic Bastrop” pg. 11 – B3 Code**

While the aspirational ideas envisioned in the preamble of the B3 code (as noted above) to provide for fiscal sustainability, geographically sensitive developments, and perpetuation of Authentic Bastrop, several segments of the code accomplished just the opposite.

The B3 code removed several key factors to preserving the natural environment .

“Retain its natural infrastructure and visual character derived from topography, woodlands, farmlands and waterways;.” Pg 12 -The B3 Code

While that may be a lofty aspirational goal, without increased protections for the natural environment, the minimal tree standards and penalties for removal of trees in the B3 creates a situation where it is easier to cut down trees, than it is to save them.

The proposed amendments for Sections 6.3.004 Protected & Heritage Trees, and Table 2.1.003 Preferred Plant List (B3 Technical Manual), are proposed to rectify the original intent of the B3 code which allows for any tree not on the preferred plant list to be taken down without penalty.

TABLE 2.1.003 PREFERRED PLANT LIST

Canopy		Accent	Grasses and Shrubs
American Elm	Texas Hickory	Crape Myrtle	Anthony Waterer Spirea
Austrian Pine	Texas Red Oak	Deciduous Magnolia	Apache Plume
Bald Cypress	Western Soapberry	Eastern Red Cedar	Autumn Sage
Black Jack Oak		Eve’s Necklace	Dwarf Wax Myrtle
Bur Oak		Mexican Buckeye	Gray Santolina
Caddo Maple		Mexican Plum	Gulf Muhly
Cedar Elm		Red Bud	Indian Grass
Chinese Pistache		Smoke Tree	Inland Sea Oats
Chinquapin Oak		Vitex	Lindheimer Muhly
Lacebark Elm		Wichita Blue Juniper	Little Bluestem Grass
Live Oak			Little Bunny Fountain Grass
Loblolly Pine			Mexican Feather Grass
Magnolia			Rose Creek Abelia
Post Oak			Rosemary
Red Cedar			Seep Muhly
Shumard Red Oak			Texas Sage
Southern Magnolia			
Sweetgum			

Currently, mitigation for removal of a tree starts at 13 caliper inches, as long as the tree is on the preferred plant list. If it is not on the preferred plant list (see above), no mitigation is required. One important thing to note is that the Pecan tree (Texas state tree) is not on that list. State legislation allows Cities to begin mitigating at as low as 10 inches. This amendment to the B3 code will

ensure that more trees will either be protected, or there will be a fee in lieu of in order to cover the cost of a replacement tree.

Additionally, a tree survey is required for any tree on a property that is over 6 inches. There are not currently regulations around the tree survey. These amendments will add an expiration date to the tree survey, to ensure that an accurate and recent survey of the trees on site is provided. It will also add further requirements to ensure adequate protections. *From the last meeting White Mulberry has been removed as it is invasive per the native plant society.

One recommendation from independent arborists is to use the Arbor Day Foundation Tree list. This list has many trees, but does also include some invasive species and trees that might not thrive here since it is not a Texas specific list.

The proposed amendment to the tree protections allows residents and visitors enjoy the natural environment and the trees that are so vital to the community.

FISCAL IMPACT:

None

RECOMMENDATION:

Recommend the amendments as proposed by staff.

ATTACHMENTS:

1. B3 Code Proposed Amendment in redline

B3 Code changes

SEC. 6.3.004 PROTECTED & HERITAGE TREES

- (a) Tree Determinations: Protected or heritage tree designations are determined by measuring at the height of the tree at 4.5 feet above the ground or Diameter at Breast Height (DBH), for various tree species for purposes of applying the Standards of this section. Multi-trunk trees are to be measured with the largest trunk counting for full DBH inches plus 50 percent of the DBH sum of the additional trunks, if the tree is classified as protected or heritage.

When the trunk branches or splits less than 4.5 feet from the ground, measure the smallest circumference below the lowest branch. See Figure 6.3B. If the tree has a branch or a bump at 4.5 feet, it is better to measure the diameter slightly below or above the branch/bump.

- (b) No grading or tree removal shall take place on any undeveloped property without obtaining a permit unless exempted from this code
- (c) Tree Survey
- (1) A tree survey and preservation plan for all areas of soil disturbance and construction activity including all work within rights-of-way and easements shall be submitted within a zoning concept scheme application. If rezoning is not applicable for a property, then this document shall be submitted at the time of public improvement plans or site development plans, whichever is first.
 - (2) The tree survey and preservation plan shall be approved and signed by a certified arborist and licensed surveyor and the information submitted shall not be older than two years.
 - (3) The tree survey and preservation plan must be reviewed
 - (4) The requirement of a tree survey and preservation plan may be appealed to the Planning and Zoning Commission. If sufficient information is provided to review the various provisions of this Code and the Commission determines that a tree survey and preservation plan is not necessary, the Commission may recommend that this requirement may be waived by the City Council the City Council shall make the final decision on whether a tree survey and preservation plan is necessary for development.

- (d) Protected Trees:

- (1) Tree species listed in the Preferred Plant List in the B3 Technical Manual with a ~~43 caliper inch~~ 10-inch caliper diameter or greater measured at the DBH.
- (2) Protected trees must be preserved, protected, and integrated in the Development of the property.
- (3) Proposed Removal of healthy protected trees must be submitted for approval to the DRC.

(4) Granted Removal of protected trees shall be replaced by planting trees from the Preferred Plant List in the B3 Technical Manual, on the property equal to the total caliper inches of the trees removed, measured at 12 inches in height from the ground.

Strict

i. Said replacement trees shall be a minimum of four-inch (4") diameter (measured at twelve [12"] above ground) and seven (7') in height when planted.

i. A sufficient number of trees shall be planted to equal, in caliper, the caliper of the tree removed. Said replacement trees shall be a minimum of three (3) inches caliper when planted.

ii. A replacement tree that dies within two years of the date it was planted must be replaced by another replacement tree in compliance with this Code.

(5) Alternative compliance may be submitted to the DRC for approval or a fee in lieu shall be paid if the Site can not meet the Standards of this section. See the City Fee Schedule for tree replacement cost.

(6) This mitigative measure is not meant to supplant good site planning. Tree replacement will be considered only after all design alternatives, which could save more existing trees, have been evaluated and reasonably rejected.

(e) Heritage Trees:

(1) Tree species listed in Preferred Plant List in the B3 Technical Manual with a 24 caliper inch circumference or greater measured DBH.

(2) Heritage trees must be preserved, protected, and integrated in the Development of the property.

(3) Proposed Removal of healthy heritage trees must be submitted for approval to the DRC.

(4) Granted Removal of heritage trees shall be replaced by planting trees from the Preferred Plant List in the B3 Technical Manual, on the property equal to the total caliper inches removed, measured at 12 inches in height from the ground.

Strict

i. Said replacement trees shall be a minimum of four-inch (4") diameter (measured at twelve [12"] above ground) and seven (7') in height when planted.

Moderate

i. A sufficient number of trees shall be planted to equal, in caliper, the caliper of the tree removed. Said replacement trees shall be a minimum of three (3) inches caliper when planted.

ii. A replacement tree that dies within two years of the date it was planted must be replaced by another replacement tree in compliance with this Code.

(5) Alternative compliance may be submitted to the DRC for approval or a fee in lieu shall be paid if the Site can not meet the Standards of this section. See the City Fee Schedule for tree replacement cost.

(6) This mitigative measure is not meant to supplant good site planning. Tree replacement will be considered only after all design alternatives, which could save more existing trees, have been evaluated and reasonably rejected.

(g) Tree Preservation Credits.

(1) For every healthy protected tree ten (10) inches caliper or larger) located outside of the flood plain that is preserved, the developer shall be given credit, according to the following chart. When interior parking lot landscaping is also required, only those trees preserved in the parking area shall be considered for credit for the parking area, according to the following:

i. Trees ten (10) inches to twenty-four (24) inches caliper: one and one-half (1½) inches credit for each one (1) inch preserved.

ii. Trees over twenty-four (24) inches caliper: Two (2) inches credit for each one (1) inch preserved.

iii. Healthy unprotected trees, over twelve (12) inches in size, located outside the flood plain, may be considered for tree credits only when individually field inspected and approved by a designated representative of the City of Bastrop.

(h) Replacement of Trees.

(1) In the event it is necessary to remove a tree six (6) inches caliper or larger, the developer, builder or property owner shall be required to replace the tree to be removed with comparable or better spacious trees somewhere within the planned development or subdivision. The City Council may allow such trees to be located to other areas in the City if it is deemed necessary by City staff, and space is available. Otherwise, the developer, builder or property owner shall, at the City's option, escrow funds sufficient to meet the requirements of this Ordinance

(2) Trees planted to satisfy landscape requirements that are indicated herein, and successfully transplanted trees, shall count toward the tree replacement requirements, inch for inch. Transplanted trees must successfully survive one (1) full year after planting to count as a preserved tree.

(f) Exempt Trees:

(1) Any protected or heritage trees determined to be diseased, overly-mature, dying or dead, by a certified arborist are exempted from the Standards of this Code.

Technical Manual Changes

Canopy <u>Shade</u> <u>Trees</u>		Accent <u>Small</u> <u>Medium Native and</u> <u>Ornamental Trees</u>		Grasses and Shrubs <u>Native</u> <u>Grasses</u>	
American Elm	Lacebark Elm	Crepe Myrtle	Wichita Blue Juniper	Anthony Waterer Spirae	Indian Grass
Austrian Pine	Chinquapin Oak	Deciduous Magnolia	Red Bud	Little Bluestem Grass	Lindheimer Muhly
Bald Cypress	Post Oak	Eastern Red Cedar (ST)	Vitex	Apache Plume	Little Bunny Fountain Grass
Black Jack Oak	Texas Hickory	Eve's Necklace	Mexican Plum	Autumn Sage	Mexican Feather Grass
Bur Oak	Loblolly Pine	Mexican Buckeye	<u>Red Buckeye</u>	Dwarf Wax Myrtle	Rose Creek Abelia
Gaddo Maple	Texas Red Oak	Smoke Tree	<u>Mimosa</u>	Gray Santolina	Rosemary
Cedar Elm	<u>Western Soapberry</u>	<u>Arroyo Sweet Wood</u>	<u>Kidney Wood</u>	Inland Sea Oats	Seep Muhly
Chinese Pistache	<u>Eastern</u> Red Cedar	<u>Rough Leaf Dogwood</u>	<u>Persimmon</u>	Gulf Muhly	Texas Sage
Magnolia	Southern Magnolia	<u>Red Mulberry</u>	<u>Passomhaw</u>	<u>Side Oats Gramma</u>	<u>Weeping Muhly</u>
Live Oak		<u>Flame Leaf Sumac</u>	<u>Yaupon</u>	<u>Big Blue Stem</u>	
Sweetgum	<u>Hackberry</u>	<u>Evergreen Sumac</u>	<u>Mexican Olive</u>	<u>Blue Gramma</u>	
<u>Texas Ash</u>	<u>Pin Oak</u>	<u>Mountain Laurel</u>	<u>Desert Willow</u>	<u>Gulf Coast Muhly</u>	
<u>Wafer Ash</u>	<u>Monterrey Oak</u>	<u>Goldenball Lead Tree</u>	<u>Soap Berry</u>		
<u>Box Elder</u>	<u>Montezuma Cypress</u>	<u>Ratama or Palo Verde</u>	<u>Fragrant Sumac</u>		
<u>Bodark</u>	<u>Mexican Sycamore</u>	<u>Southern Wax Myrtle</u>	<u>Huisache</u>		
<u>Catalpa</u>	<u>Lacey Oak</u>		<u>Barbados Cherry</u>		
Shumard Red Oak	<u>Pecan Tree</u>				

Appendix A-

Tree Mitigation ~~Fee- \$600 per 4 caliper inch Tree~~ \$150 per 1 caliper inch.

Strict

Penalties for Unauthorized Removal of Trees. If any tree is removed from any real property, including injury to a tree resulting from the owner's failure to follow required tree protection guidelines, that results in or may reasonably be expected to result in the death of the subject tree(s), the property owner shall be determined to be in violation of this Ordinance.

Any person or corporation violating any of the provisions of this ordinance shall upon conviction be fined the sum of two thousand dollars (\$2,000.00) per day; and each and every day that the provisions of this ordinance are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district where such property owner may be affected or invaded by a violation of the terms of the ordinance to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.

ModeratePenalty.

1. Any person, firm, corporation, agent, or employee thereof who violates the provisions of this Code by removing trees without a permit shall be guilty of a misdemeanor and upon conviction hereof shall be fined in an amount not to exceed two hundred and fifty dollars (\$250.00) per caliper inch of the tree(s) removed or damaged not to exceed two thousand dollars (\$2,000) per incident.

2. A person firm, corporation, agent, or employee thereof violates any other provisions of this Code shall be guilty of a misdemeanor and upon conviction hereof shall be fined a minimum of five hundred dollars (\$500.00) but not to exceed two thousand dollars (\$2,000) per incident. The unlawful injury, destruction or removal of each protected tree shall be considered a separate incident and each incident subjects the violator to the maximum penalty set forth herein per tree.



STAFF REPORT

MEETING DATE: November 21, 2024

TITLE:

Hold a public hearing, consider and act on a recommendation for the Zoning Concept Scheme for the FM 969 retail center, changing the zoning of 10.56 acres out of the Nancy Blakey Survey Abstract 98, located west of FM 969 - R30094, within the City of Bastrop from P2 Rural to P5 Core, as shown on Attachment 1.

STAFF REPRESENTATIVE:

Kennedy Higgins – Senior Planner, Development Services

ITEM DETAILS:

Site Address:	West of FM 969, North of SH 71
Property ID:	R30094
Total Acreage:	10.56 +/- acres
Acreage Rezoned:	10.56 +/- acres
Legal Description:	10.56 +/- Nancy Bakey Survey Abstract 98,
Property Owner:	SIS Bastrop LLC
Agent Contact:	Mirza Baig, PSCE Inc
Existing Use:	Vacant
Existing Zoning:	P2 Rural
Proposed Zoning:	P5 Core
Future Land Use:	Neighborhood Residential

BACKGROUND:

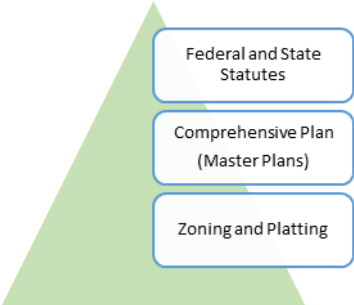
The applicant has applied for a Zoning Concept Scheme for the newly annexed FM 969 Retail Center. When land is annexed, it is automatically zoned P2 Rural then is rezoned as needed. The proposal is to change the zoning from P2 Rural to P5 Core in order to develop the property as a gas station and retail center.

LAND USE:

The existing land use is classified as Place Type P2 – Rural and is defined in the code as Rural living and sparsely settled lands to be located in a manner that does not cause a nuisance to a more intensely inhabited area. P2 consists of sparsely settled lands in open or cultivated states that may include food production.

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.

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 11/06/2024, Zoning Change signs were visibly placed in the front of the property on 11/06/2024 and notice was sent to 24 property owners within 200 feet of the property boundary on 11/06/2024. 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.

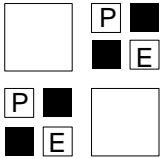
While the future land use map calls for this area to be Neighborhood Residential, the neighboring properties are zoned for residential. There is a lot of development in this area for residential, but not as much development for commercial properties in order to serve the surrounding areas. This rezone to P5 Core would create much needed commercial services.

RECOMMENDATION:

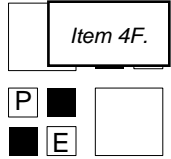
Hold a public hearing, consider and act on a recommendation for the Zoning Concept Scheme for the FM 969 retail center, changing the zoning of 10.56 acres out of the Nancy Blakey Survey Abstract 98, located west of FM 969 - R30094, within the City of Bastrop from P2 Rural to P5 Core, as shown on Attachment 1.

ATTACHMENTS:

- Attachment 1: Location Map
- Attachment 2: Exhibits



PROFESSIONAL STRUCIVIL ENGINEERS, INC.



STRUCTURAL CIVIL TRANSPORTATION

2205 W PARMER LN., SUITE #201, AUSTIN, TEXAS 78727
512.238.6422 PSCE@PSCEINC.COM REGISTERED FIRM F-4951

ENGINEER'S SUMMARY LETTER

September 25th, 2024

City of Bastrop
Planning Department
1311 Chestnut Street,
Bastrop, TX 78602

Reference: FM 969 Retail Center
FM969 & US 21
City of Bastrop, Texas

The proposed project, known as FM 969 Retail Center, located at the intersection of FM969 and US 21 in the City of Bastrop, will occur on 10.60 acres. The area included within the limits of construction for this project will be 10.60 acres. The site is located in the Piney Creek-Colorado River Watershed. The property is in the City of Bastrop ETJ. The legal description associated with the site is ABS A98 Blakey, Nancy, Tract 1 FR, 10.559 recorded in document number 202107639, Official Public Records, Bastrop County, Texas.

The proposed development consists of a gas station with 12 fueling positions and a convenience store along with the associated parking and drive aisles. We volunteer to annex the property into the City of Bastrop. Upon annexation, the site would be zoned P-2 to then be appropriately rezoned to P-5 Core to support the development.

Access to the property would be provided from FM 969. The project lies outside of the Edwards Aquifer Recharge Zone. The water will be provided by Aqua Water. The wastewater will be provided by City of Bastrop. The electric provider will be Bluebonnet Electric Cooperative.

Please reach out if there are any questions concerning this submittal.

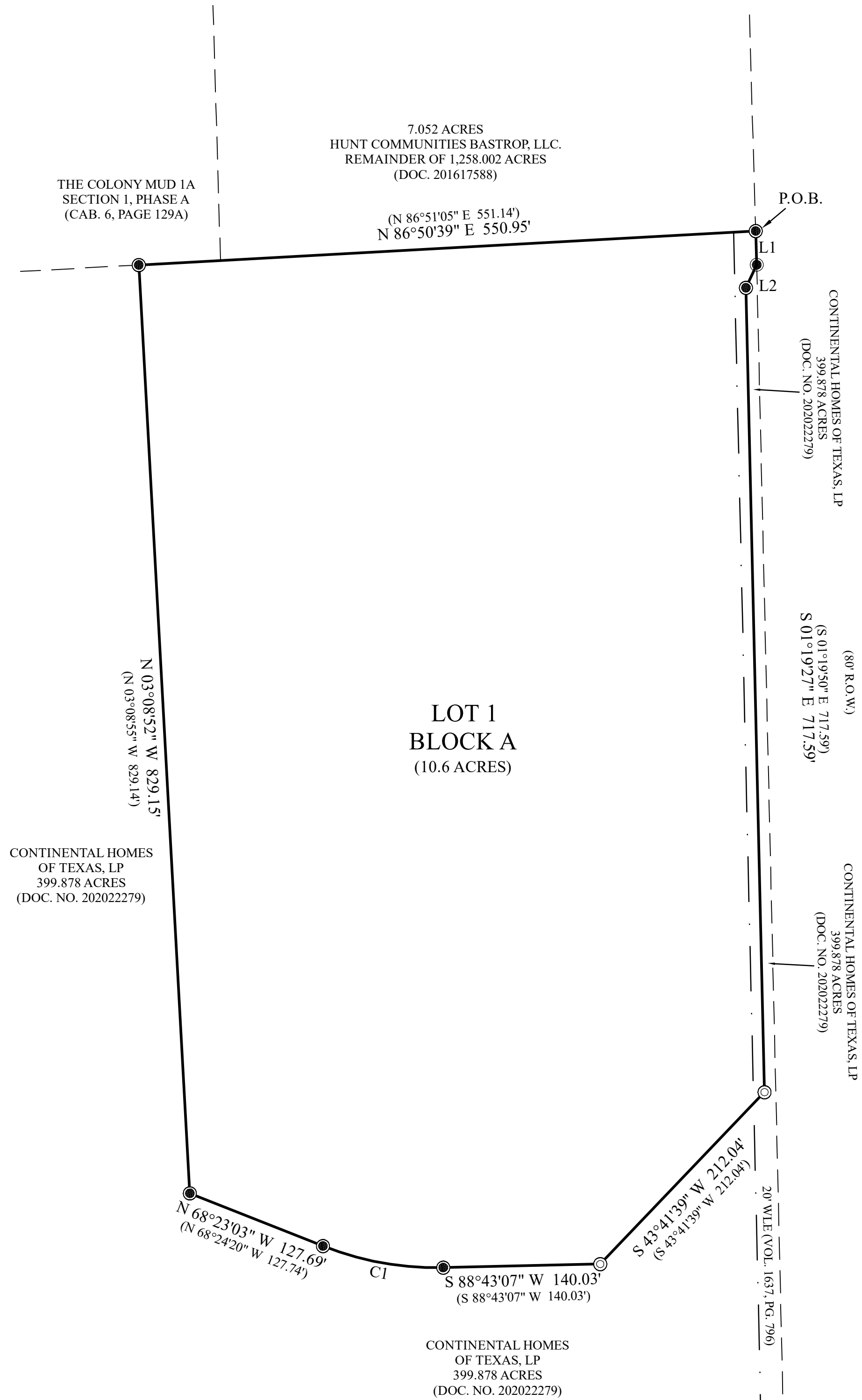
Sincerely,

PROFESSIONAL StruCIVIL ENGINEERS, INC.



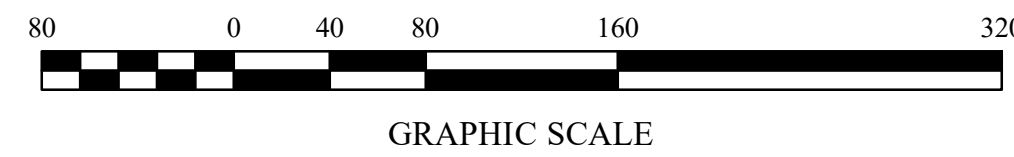
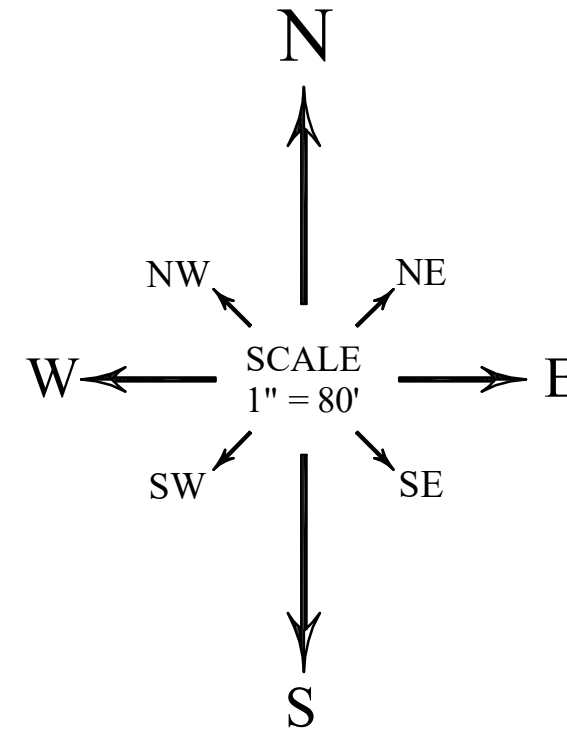
Mirza Tahir Baig, P.E.
Principal

SIS BASTROP LLC 10.60 ACRE PLAT



LEGEND

- 1/2" ROD FOUND
- 1/2" ROD W/CAP SET "ALLSTAR 5729"
- WLE WATER LINE ESMT
- () RECORD INFORMATION



BEARING BASIS:
BEARINGS ARE GRID NORTH BASED ON THE TEXAS COORDINATE SYSTEM
CENTRAL TEXAS ZONE (4203) NAD83 HARN HORIZONTAL CONTROL.

OWNER: SIS BASTROP LLC, A TEXAS LIMITED LIABILITY COMPANY
13600 N. FM 973
MANOR, TEXAS 78653

ACREAGE: 461,621.07 SQ. FT. - 10.60 ACRES

NUMBER OF BLOCKS: 1

NUMBER OF LOTS: 1

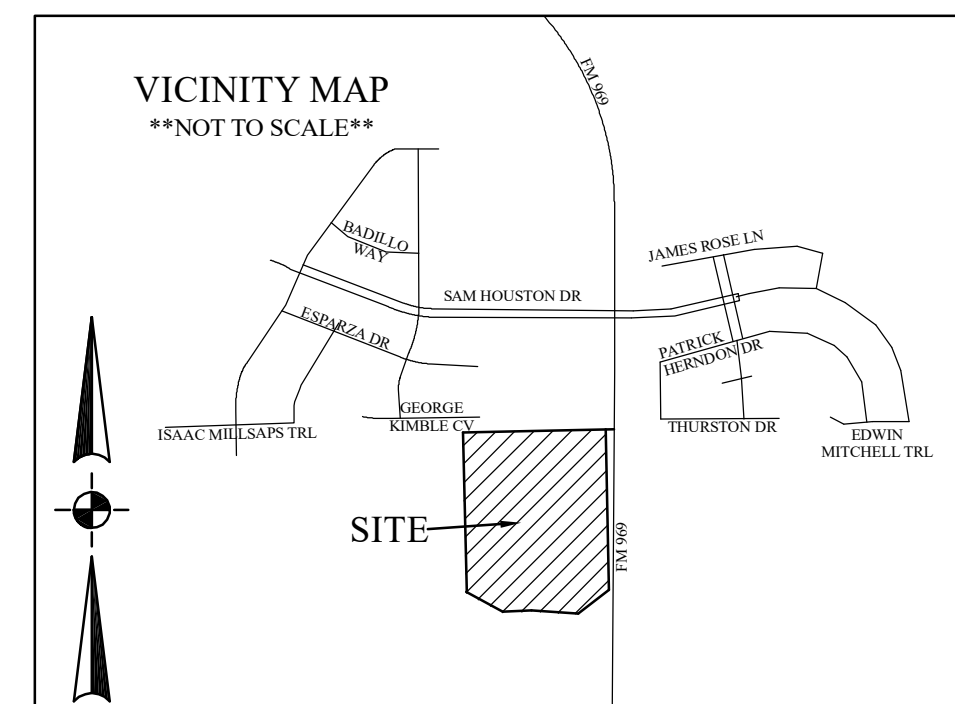
SUBMITTAL DATE: 10/06/2022

DATE OF REVISION: 09/28/2022

SURVEYOR: ALL STAR LAND SURVEYING - FIRM: 10135000
9020 ANDERSON MILL ROAD, AUSTIN, TEXAS 78729
(512) 249-8149 REF# A0404821

ENGINEER: PROFESSIONAL STRUCIVIL ENGINEERS, INC. - FIRM F-4951
2205 W. PARMER LN., STE. 201, AUSTIN, TX 78727
512-238-6422

PROJECT DATUM: NORTH AMERICAN DATUM 1983 (NAD 83)
PROJECTION: TEXAS STATE PLANE -
CENTRAL ZONE (4203)
UNITS: US SURVEY FEET



ALLSTAR Land Surveying
9020 ANDERSON MILL RD
AUSTIN, TEXAS 78729
(512) 249-8149 PHON
(512) 331-5217 FAX
TBPELS FIRM NO. 10135000

SCALE:	1" = 80'
BEGIN DATE:	10/06/2022
DRAWN BY:	DAMIAN SMITH
JOB NO.:	A0909622
REVISED DATE:	-

SIS BASTROP LLC 10.60 ACRE PLAT
BEING ALL OF THAT CERTAIN 10.60 ACRE TRACT IN THE NANCY BLAKELY SURVEY,
ABSTRACT NO. 38, BASTROP COUNTY, TEXAS
BEING THE SAME 10.599 ACRE TRACT CONVEYED TO SIS BASTROP, LLC
RECORDED IN DOCUMENT NO. 202107639,
OFFICIAL PUBLIC RECORDS, BASTROP COUNTY, TEXAS.

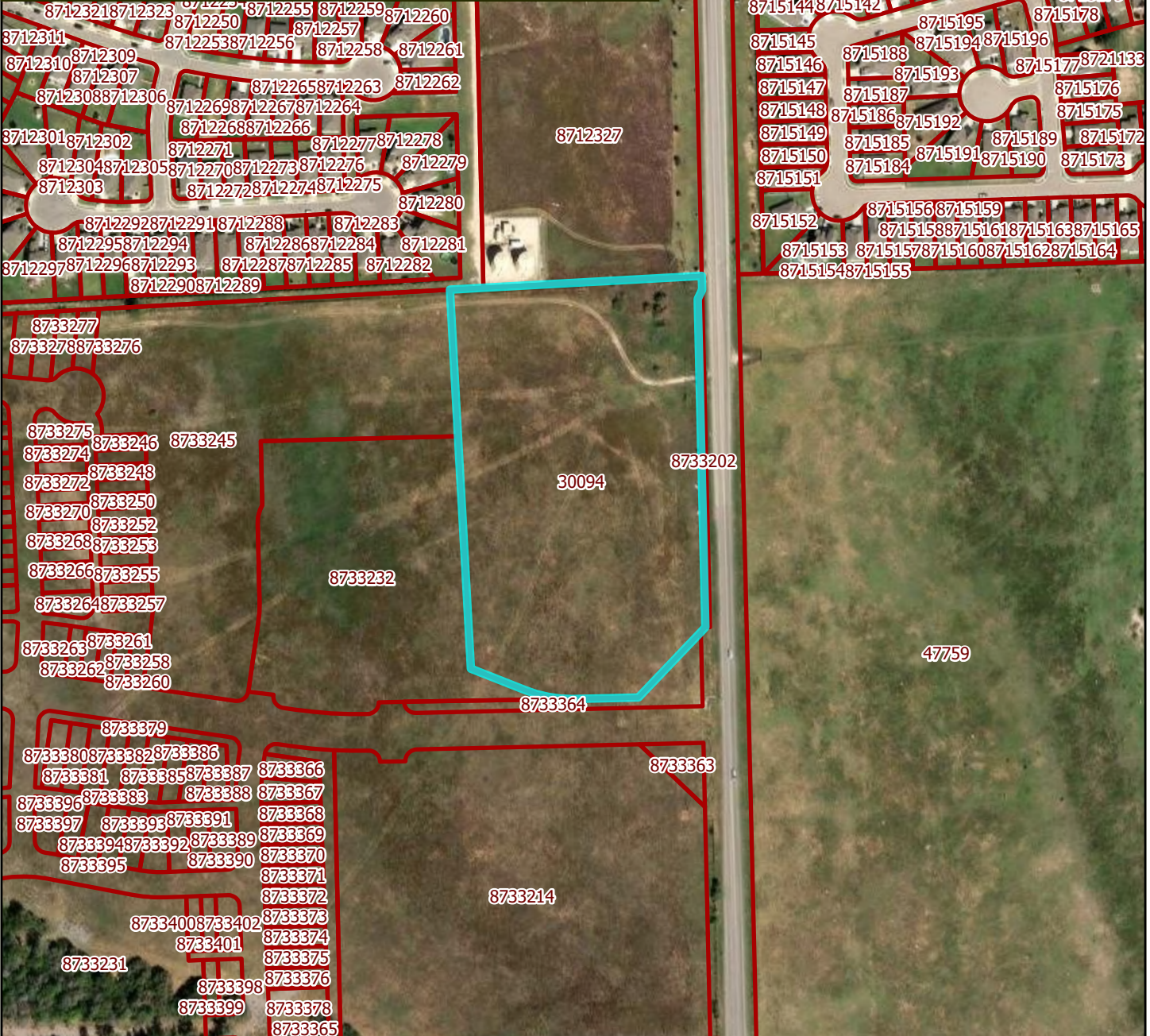
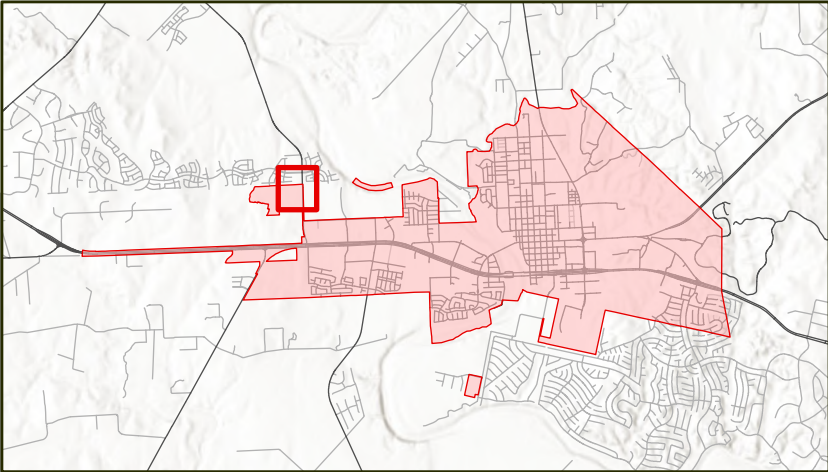
F.I.R.M. MAP INFORMATION
THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AND HAS A ZONE "X" RATING AS SHOWN ON THE FLOOD INSURANCE RATE MAPS
F.I.R.M. MAP NO.: 48201C055E
PANEL: 0355E
DATED: 01/19/2006
THIS CERTIFICATION IS FOR INSURANCE PURPOSES ONLY AND IS NOT A GUARANTEE THAT THIS PROPERTY WILL OR WILL NOT FLOOD. CONTACT YOUR LOCAL FLOOD PLAN ADMINISTRATOR FOR THE CURRENT STATUS OF THIS TRACT.

SHEET
1
OF 2

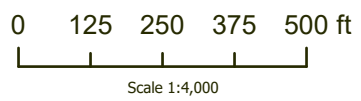


Attachment 1 Location Map

Rezone PID 30094



10/23/2024



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.



STAFF REPORT

MEETING DATE: November 20, 2024

TITLE:

Update on the DRAFT Community Enrichment Fund for Public Open Space Ordinance.

1. Discuss the intent of the ordinance to fund parks and open spaces by development projects.
2. Request input from the Commission.

AGENDA ITEM SUBMITTED BY:

Vivianna Nicole Andres, Assistant to the City Manager

BACKGROUND/HISTORY:

The City of Bastrop is seeking to adopt an ordinance that will establish a process and mechanism for accepting and assessing a fee-in-lieu of land dedication for parks when a development is unwilling or unable to provide for public open space.

Additionally, creating a fee that would assist in funding maintenance and improvement to existing parks.

Staff has drafted an ordinance and is seeking feedback from the Planning and Zoning Commission regarding the standards in the ordinance.

RECOMMENDATION:

Provide feedback and direction to Staff regarding the DRAFT Community Enrichment Fund for Public Open Space Ordinance.

ATTACHMENTS:

1. DRAFT Community Enrichment Fund for Public Open Space Ordinance

Chapter 17

COMMUNITY ENRICHMENT FUND FOR PUBLIC OPEN SPACE

Sec. 17.01.001 Purpose.

- A. The purpose of this Section is to provide City planned recreational areas in the form of public parks as a function of the subdivision of land for residential uses and site development in the City.
- B. Public parks are those public open spaces providing for a variety of outdoor recreational opportunities and located at convenient distances within a development from a majority of the residences to be served by said development. The primary cost of public parks should be borne by the City with the assistance of the ultimate residential property owners or developer who, by reason of the proximity of their property to such parks, shall be the primary beneficiaries of such facilities.

Sec. 17.01.002 Applicability.

Public Park dedications shall be established at the time of filing a subdivision plat with the City of Bastrop. The development/developer will have the option to choose to pay a fee-in-lieu to the City of Bastrop to mitigate the parkland dedication requirements established in this Section. The fee will be assessed at the time of the filing of the plat with the City of Bastrop, and collected prior to the recordation of the plat at the Bastrop County Clerk's Office.

Sec. 17.01.003 Exemptions.

- A. The following shall be excluded from the requirements of this Section:
 - 1. Land developed for nonresidential uses;
 - 2. Preliminary Plats shall either demonstrate the developments ability to satisfy the Parkland dedication requirements of this ordinance, OR have a plat note added to the face of the plat acknowledging the obligation to pay a fee-in-lieu in place of parkland dedication, which will be assessed at the time of submitting any plat for the project with for the purpose of recordation, and will be collected prior to the recordation of said plat at the Bastrop County Clerk's Office.
 - 3. Amending plats which have previously satisfied the requirements of this Section, OR are not creating additional lots;
 - 4. Other exemptions?

Sec. 17.01.004 Park Development Fund.

- A. A special fund is established for the deposit of all sums paid in lieu of land dedication in accordance with this Section or any preceding regulations. The fund shall be known as the "Park Development Fund."

- B. The City shall account for all sums paid in lieu of land dedication under this Section with reference to the individual plats involved. Any funds paid for such purposes shall be expended by the City within seven years from the date received by the City for the acquisition or development of public parks.
1. Such funds shall be considered to be spent on a first-in, first-out basis. If not so expended, the owners of the property on the last day of such period shall be entitled to a pro-rata refund of such sum, computed on a square footage of area basis. The owners of such property shall request such refund in writing within 12 months of the last day of the seven-year period, or such refund right shall be terminated.
- C. If the City accepts the fee-in-lieu of land, the fees shall be placed in the City's Park Development Fund and shall be used within the applicable City Development Quadrant as established by the exhibit below.

Sec. 17.01.005 Land Dedication.

- A. Whenever a final plat within the City's jurisdiction (City limits) for the development of a residential subdivision is filed with the City of Bastrop, such plat shall contain a clear, fee simple dedication of an area of land within the subdivision to the City for park purposes.
- B. For subdivisions where all lots are for single-family housing types, the dedication requirement shall be determined by the ratio of 1 acre for each 100 proposed dwelling units. (Example: 1 dwelling unit (du) = 0.01 acres; 25 du's = 0.25 acres; 75 du's = 0.75 acres; 200 du = 2 acres.)
1. For residential subdivisions creating less than 50 residential lots, a fee-in-lieu as established in Section 17.01.006 shall be required in place of parkland dedication.
- C. For subdivisions where all lots are for multifamily housing types, the dedication requirement shall be determined by the ratio of 1 acre for each 200 proposed dwelling units. (Example: 1 dwelling unit (du) = 0.005 acres; 25 du's = 0.125 acres; 75 du's = 0.375 acres; 300 du = 1.5 acres.)
- D. For subdivisions with both single-family and multifamily housing types, the appropriate dedication requirement in paragraphs 17.01.005.B and 17.01.005.C shall apply proportionately.
- E. A preliminary plat shall show the area proposed to be dedicated under this Section. The required land dedication of this subsection may be met by payment of a fee-in-lieu of land when permitted or required by the other provisions of this Section.
- F. In the event that parkland dedication is required due to the change of a subdivision developed for nonresidential use into a residential subdivision and a preliminary or final plat is not required, this dedication shall be met prior to the issuance of a building permit.
- G. The area of the park to be dedicated shall be measured and calculated at the centerline of any street bound by said park within the subdivision.

Sec. 17.01.006 Park Enrichment Fee.

- H. The City will require a fee in lieu of land dedication to be known as the Park Enrichment Fee. The Park Enrichment Fee shall be made at or prior to the time of filing the plat for recordation at the Bastrop County Clerk's Office.

- I. The Park Development Fee shall be met by a payment each year based on city council action as part of the fiscal budgeting process
- J. Park Development Funds shall be used for the acquisition of land for a public park and/or the development or construction of improvements for a public park, including utility extensions required to serve recreational areas.

Sec. 17.01.007 Park Development Improvements.

A developer may propose to construct the public park improvements in lieu of the park development fees described in Subsection 17.01.006. Before the City can approve the developer's proposal, a recommendation for approval of proposed improvements is required from the Director of the Parks and Recreation Department. All improvements either shall be financially guaranteed or accepted by the City prior to the filing of the plat. The process of financial guarantee shall be the same as that found in Section 1.4.003 of the Bastrop Building Block (B3) Code. Once improvements are accepted by the City, the developer shall deed the property and improvements to the City.

Sec. 17.01.008 Additional Dedication.

- A. If the actual number of completed dwelling units exceeds the figure upon which the original dedication was based, additional dedication shall be required and shall be made by the developer by payment of the cash in lieu of land or by the conveyance of additional land required by the City.
- B. For residential development where parkland was neither previously dedicated nor payment was made with the filing of a plat for recordation at the Bastrop County Clerk's Office, the additional dedication or payment in lieu of land required by this Section shall be made at the time of the building permit application.

Sec. 17.01.009 Prior Dedication.

- A. Credit shall be given for land dedicated or money paid in accordance with this Chapter.
- B. If a dedication requirement arose prior to the effective date of these provisions, that dedication requirement shall be controlled by the public open space dedication requirements in effect at the time such obligation arose, except that additional dedication shall be required if the actual density of structures constructed upon the property is greater than the previously- assumed density. Additional dedication shall be required only for the increase in density and shall be based upon the ratio set forth in Section 17.01.005 of this Section.

Sec. 17.01.010 Additional Requirements.

- A. Any land dedicated to the City under this Section shall be suitable for park and recreation uses as determined by the City.
- B. Detention or retention areas may be accepted in addition to the required dedication, but may not be the sole asset being dedicated for open space to the City. If accepted as part of the park, the detention or retention area design shall be as recommended by the Parks and Recreation Department and shall meet all park requirements consistent with the Parks, Recreation and Open Space Master Plan.

C. Parks should be easy to access and open to public view so as to benefit area development, enhance the visual character of the City, protect public safety and minimize conflict with adjacent land uses. The following guidelines should be used in designing parks and adjacent development:

1. Where physically feasible, park sites should be located adjacent to greenways or schools in order to encourage both shared facilities and the potential co-development of new sites.
2. A proposed subdivision adjacent to a park shall not be designed to restrict reasonable access to the park from other area subdivisions. Street and greenway connections to existing or future adjoining subdivisions may be required to provide reasonable access to parks.
3. Streets abutting a public park shall be built in accordance with the Master Transportation Plan and the standards of this Bastrop Building Block (B3) Code, Code of Ordinances, and any other applicable code; however, the City may require any local collector street built adjacent to a park to be constructed to a primary multi-modal street width along the park frontage to ensure access and prevent traffic congestion. The developer shall be entitled to oversize participation in such situations.

Sec. 17.01.011 Review of Dedication Requirements.

The City Council shall review the fees set forth in this Section only once every two years. The City Council shall take into account inflation as it affects land and park development costs as well as the City's targeted level of service for parkland per 1,000 population.