

# Bastrop Planning and Zoning Commission Agenda

Bastrop City Hall City Council Chambers  
1311 Chestnut Street  
Bastrop, TX 78602  
(512) 332-8800



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April 27, 2023

## Agenda - Planning and Zoning Commission at 6:30 PM

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*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.*

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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. **CONSENT AGENDA**

3A. Consider action to approve meeting minutes from the March 30, 2023 Planning and Zoning Commission Meeting.

Submitted by: Melissa Gustafson, Development Technician

- 3B. Consider action to approve Bastrop Grove Section 3, Lots 9-19 Final Plat, being 18.265 acres out of the Nancy Blakey Survey, Abstract No. 98, located south of SH 71 and east of SH 304, within the city limits of Bastrop, Texas, as shown in Exhibit A.

Submitted by: Keehren Baah, Assistant Director of Development Services

- 3C. Consider action to approve Bastrop Grove Section 5, Final Plat, being 25.865 acres out of the Nancy Blakey Survey, Abstract No. 98, located south of Agnes Street and east of State Highway 304, within the city limits of Bastrop, Texas, as shown in Exhibit A.

Submitted by: Keehren Baah, Assistant Director of Development Services

4. **ITEMS FOR INDIVIDUAL CONSIDERATION**

- 4A. Consider and act on amending Consider and act on amending SEC. 2.4.001 NONCONFORMING USES AND STRUCTURES Continuing Lawful Use of Property & Existence of Structures item (4) No nonconforming use or Structure may be expanded, reoccupied with another nonconforming use, or increased as of the effective date of this Code, unless authorized by the ZBA by adding an administrative relief component for residents.

Submitted by: Sylvia Carrillo, City Manager

5. **WORKSHOP**

- 5A. Workshop to discuss critical information related to the newly created Development Services Department.

6. **UPDATES**

- 6A. Update on recent City Council actions regarding Development Services Department items.
- 6B. Planning & Development Department Monthly Project Volume Report.
- 6C. Individual Requests from Planning & Zoning Commissioners that particular items to be listed on future agendas (no group discussion allowed).

7. **ADJOURNMENT**

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](http://www.cityofbastrop.org) and said Notice was posted on the following date and time: Friday, April 21, 2023 at 5:00 p.m. and remained posted for at least two hours after said meeting was convened.

/s/Keehren Baah  
Keehren Baah, Assistant Director of Development Services



# STAFF REPORT

**MEETING DATE:** April 27, 2023

**TITLE:**

Consider action to approve meeting minutes from the March 30, 2023 Planning and Zoning Commission Meeting.

**STAFF REPRESENTATIVE:**

Melissa Gustafson, Development Technician

**ATTACHMENTS:**

- Meeting Minutes



# PLANNING & ZONING COMMISSION MEETING

## March 30, 2023, at 6:00 P.M.

### Meeting Minutes

The City of Bastrop Planning and Zoning Commission met Thursday, March 30, 2023, at 6:00 PM in the Council Chambers located at 1311 Chestnut Street, Bastrop, Texas 78602

#### 1. CALL TO ORDER 6:00 PM

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

#### 2. CITIZEN COMMENTS

No Citizen Comments

#### 3. ITEMS FOR INDIVIDUAL CONSIDERATION

- 3A. Consider action to approve meeting minutes from the February 23, 2023, Impact Fee Advisory Meeting.

Carrie Caylor made a motion to approve, with Ishmael Harris seconding the motion. The motion passed unanimously.

- 3B. Consider action to approve meeting minutes from the February 23, 2023, Planning and Zoning Commission Regular Meeting

Chair Debbie Moore stated the last name to on page 10 (Cynthia Moore) needed to be corrected to Cynthia Meyer. Carrie Caylor made a motion to approve the correction, with Patrice Parsons seconding the motion. The motion carried unanimously.

- 3C. Consider action to approve Pecan Park Commercial Lot 5 Final Plat, being 16.811 acres out of the Nancy Blakey, Abstract 98, located south of State Highway 71 and west of Hasler Blvd., within the city limits of Bastrop Texas, as shown in Exhibit A.

Discussion commenced between Staff and Commissioners over the following:

- How many streets have an entrance on Highway 71?
  - Orchard Parkway is the only entrance located on Highway 71 in the Pecan Park Commercial Lot 5 Plat.
- What does the traffic flow look like and how many lanes are being proposed on Agnes?



- Traffic flow will come from Sterling and then proceed down Agnes. Agnes will be a four-lane road.
3. Where Agnes ties into Hasler, are there plans to improve where Agnes intersects HWY 71 since it will increase traffic significantly?
    - The apartments will be required to take their access North to HWY 71.
  4. Will the Pecan Orchard disappear with Agnes bisecting through the property?
    - There will be a street that goes through the Orchard.
  5. How will that affect the nature in that area?
    - There are tree protection requirements that are built into the zoning codes. Certain types of trees are protected, and others are heritage trees. If they do remove trees, they will have to mitigate that by planting additional trees.
  6. Will there be another plat below Agnes in the unnamed section? Is that a separate development?
    - Yes, it is a separate section, which has been preliminary platted. It will also trigger the roads being built.
  7. Is Multifamily allowed within the Commercial zoning.
    - This is a Planned Development which has its own set of zoning rules, and it allows a percentage of apartments in this area.
  8. Is the location from Agnes South also going to be Multifamily or Commercial?
    - Staff stated that portion will all be all commercial.

Cynthia Meyer made a motion to approve Pecan Park Commercial Lot 5 Final Plat, being 16.811 acres out of the Nancy Blakey, Abstract 98, located south of State Highway 71 and west of Hasler Blvd., within the city limits of Bastrop Texas. Ishmael Harris seconded the motion, and the motion was carried unanimously.

3D. Consider action to amend Article 2.4 Administration, SEC. 2.4.001 NONCONFORMING USES AND STRUCTURES in the following areas:

(a) Intent of the Provisions by adding a statement that the intent was not to create a disparate impact to the residents.

(b) Continuing Lawful Use of Property & Existence of Structures

(4) No nonconforming use or Structure may be expanded, reoccupied with another nonconforming use, or increased as of the effective date of this Code, unless authorized by the ZBA by adding an administrative relief component for residents.

Commissioners asked how do we define what is considered disparate or non-disparate? Staff recommended considering 3E as well before continuing with 3D. Commissioners agreed to move forward to 3E prior to proceeding with 3D.

Commissioners asked if this would be applied to commercial properties. Staff stated it would be universal.

Cynthia Meyer made a motion to approve the amendment to Article 2.4 Administration, SEC. 2.4.001 NONCONFORMING USES AND STRUCTURES as listed in item 3D. Carrie Caylor seconded the motion and the motion carried unanimously.

- 3E. Consider and act on amending Continuing Lawful Use of Property & Existence of Structures item (4) No nonconforming use or Structure may be expanded, reoccupied with another nonconforming use, or increased as of the effective date of this Code,

unless authorized by the ZBA by adding an administrative relief component for residents.

Commissioners asked if the example of the 200' radius was hypothetical or was it a model used in other cities. Staff stated it was a model used in a prior city.

Cynthia Meyer made a motion to approve an amendment to Continuing Lawful Use of Property & Existence of Structures item (4) No nonconforming use or Structure may be expanded, reoccupied with another nonconforming use, or increased as of the effective date of this Code, unless authorized by the ZBA by adding an administrative relief component for residents. Ishmael Harris seconded the motion, and the motion was carried unanimously.

- 3F. Consider and Act on amending Chapter 1, Subdivision, Lots of Record, SEC. 1.3.006 LOTS OF RECORD of the City of Bastrop B3 Development Code by adding a section for existing lots of record who can receive administrative approval outside of the normal platting procedure,

Commissioners questioned where the date of April 20, 1981, came from. Staff stated that it came from the First Zoning Ordinance approved.

Carrie Caylor made a motion to approve an amendment to Chapter 1, Subdivision, Lots of Record, SEC. 1.3.006 LOTS OF RECORD of the City of Bastrop B3 Development Code by adding a section for existing lots of record who can receive administrative approval outside of the normal platting procedure. Patrice Parsons seconded the motion, and the motion was carried unanimously.

#### **4. UPDATES**

- 4A. Update on recent actions related to the Development Services Department, previously known as the Building and Planning Department.

The Iredell District is under a Temporary Moratorium, therefore for the time being the City will not be enforcing the B3 Pattern Book standards.

George Arimes spoke to Commissioners about the following:

- System Assessment Process
- Gathering Perspective and Feedback
- Change Management Structure
- Feedback Methods
- Customer Survey Statistics
- Development Services System Components
- Core Business Processes
- People Interactions
- Regulatory Framework
- Technology

Commissioners asked if MyGov is the system the City of Bastrop purchased and are some of the issues because of an information gap within the organization? That is correct.

Can these changes be made and still meet the Shot Clock deadline? That is one of the problems, along with having so little staff, which hopefully will be changed soon.

Commissioner asked if Customer Advisory Group is mainly developers? Yes, consultants, developers, real estate agents and a few others.

Commissioners requested a workshop with City Staff and the Planning and Zoning Commission to discuss the B3 Code.

Commissioners asked if the City is going to streamline the MyGov system or replace it. Staff stated that yes, the City is working on streamlining.

Commissioners asked how the Advisory Committee was selected. Staff stated a group of people who were more vocal started meeting, then the group grew and needed to be streamlined. The group voted for individuals to represent them.

Commissioners asked who all is left who are well versed in the B3 Code? Staff stated that Trey and a couple of other staffers in the department were well versed in B3 Code.

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

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

- Parking situation in Downtown Parking and how to improve it.
- Resident Parking Permit/Paid Parking
- Handicap parking on Main Street

## 5. ADJOURNMENT

Cynthia Meyer made a motion to adjourn at 7:32 p.m. Ishmael Harris seconded the motion, and the motion passed unanimously.

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Debbie Moore, Chair

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Carrie Caylor, Vice Chair



# STAFF REPORT

**MEETING DATE:** April 27, 2023

**TITLE:**

Consider action to approve Bastrop Grove Section 3 Lots 9-19 Final Plat, being 18.265 acres out of the Nancy Blakey Survey, Abstract No. 98, located south of SH 71 and east of SH 304, within the city limits of Bastrop, Texas, as shown in Exhibit A.

**STAFF REPRESENTATIVE:**

Keehren Baah, Assistant Director of Planning & Development

**ITEM DETAILS:**

Site Address:	South of SH 71 and east of SH 304 (Attachment 1)
Total Acreage:	18.265 acres
Legal Description:	18.265 acres of the Nancy Blakey Survey, Abstract No. 98
Property Owner:	Douglas MacMahon, 71 Retail Partners, LP
Agent Contact:	Matt Synatschk, Carlson, Brigrance, and Doering, Inc.
Existing Use:	Vacant/Undeveloped
Existing Zoning:	P5 Core (Previously C-1 Commercial)
Special Agreement:	Bastrop Grove Settlement Agreement January 2023
Future Land Use:	General Commercial

**BACKGROUND/HISTORY:**

The applicant has submitted a Final Plat application for Bastrop Grove Section 3 Lot 9-19 (Exhibit A). This section was previously preliminary platted in 2017 as one lot (Lot 9). This final plat includes 11 commercial lots, extending a new street Orr Drive from State Highway 71 south to Agnes Street. (Attachment 1). The proposed plat is following standards established in a 2023 Settlement Agreement that largely uses grandfathered subdivision standards in the Bastrop Code of Ordinances Chapter 10 and zoning standards in Chapter 14 in effect at the time of preliminary platting in 2017, prior to B<sup>3</sup> Code adoption, some B<sup>3</sup> Code standards, such as the P-5 height allowance of up to 5 feet are allowed in the Agreement.

Traffic Impact and Streets

A traffic impact analysis (TIA) was conducted at the time of development of Section 1 in the subdivision, which includes Ascension Seton. The TIA included assumptions of uses and trips for the entire subdivision and the public street improvements needed to safely accommodate those trips. The as each lot is platted and developed, the trips generated will be reviewed against the TIA triggers for additional improvements required by the Texas Department of Transportation. The existing driveway with a deceleration lane from eastbound SH 71 will be dedicated as a 50-foot right-of-way and Orr Drive will be extended to connect SH 71 to Agnes Street. Additional

access easements between the lots will provide internal circulation to the development.

### Utilities

Water service (domestic and fire) will be provided by the City of Bastrop by tapping into an existing line along SH 304 and extend the public line east through the site, and then extend two lines south, one through an easement and one along Orr Drive, to connect to the existing line on Agnes Streets. A Preliminary Infrastructure Plan was approved by the City Engineer.

Wastewater collection and treatment will also be provided by the City of Bastrop by tapping into the existing lines along Agnes Street on the southeast corner on the property.

### Drainage

Stormwater runoff generated within the property will be routed through an open ditch system on the southern boundary of the property, which continues an open ditch flowing to the east that feeds into the large drainage channel that flows south to discharge into the Colorado River. The drainage plan is using the updated rainfall totals of Atlas 14. A Final Drainage Plan has been reviewed and approved by the City Engineer.

### **POLICY EXPLANATION:**

Final Plats are reviewed and approved by the Planning & Zoning Commission.

### Compliance with 2036 Comprehensive Plan:

Future Land Use Plan – General Commercial: The General Commercial character area supports local and regional businesses that rely on heavy traffic volumes and the visibility that is associated with being located near major roadways. General Commercial developments typically involve varying development intensities, from smaller locally owned shops to big box retailers. These areas are predominantly auto-oriented, with large accessory parking areas. While General Commercial development will continue to be auto-oriented, improved street-side and parking lot landscaping, buffers, appropriately designed and scaled signage, bicycle and pedestrian accommodations, higher quality building materials, and access management techniques (e.g., limited access points and inter-parcel connectivity) will help to improve overall development quality and appearance.

*This plat complies with the Future Land Use Plan, which shows General Commercial in this area. The plat proposes a non-residential lot with managed public access. Sidewalks and landscaping will be required at the time of site development planning.*

### Local Government Code

Sec. 212.002. Rules.

After a public hearing on the matter, the governing body of a municipality may adopt rules governing plats and subdivisions of land within the municipality's jurisdiction to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality.

*Bastrop adopted subdivision regulations in 1981. The B<sup>3</sup> Code, Chapter 1: Subdivision outlines the process and requirements for plats within the Bastrop city limits and Extra Territorial Jurisdiction (ETJ). The B<sup>3</sup> Code replaced Bastrop Code of Ordinances Chapter 10, which previously addressed subdivision requirements.*

### Section 212.004 Plat Required

- (a) The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared.

*The applicant has proposed subdividing an undeveloped tract into eleven commercial lots.*

### Sec. 212.010. Standards for Approval

- (a) The municipal authority responsible for approving plats shall approve a plat if:
- (1) it conforms to the general plan of the municipality and its current and future streets, alleys, parks, playgrounds, and public utility facilities;

*The preliminary plat conforms to the Future Land Use Plan, which is designated General Commercial for this area.*

- (2) it conforms to the general plan for the extension of the municipality and its roads, streets, and public highways within the municipality and in its extraterritorial jurisdiction, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities;

*A traffic impact analysis (TIA) for the overall development of the nine-lot Bastrop Grove Subdivision has been previously approved by the City and TXDOT and the plat is consistent with the recommendations of that analysis. Improvements along SH 71 were built with a previous section and included items such as turning and deceleration lanes. Provisions for additional turning and deceleration lanes and improvements to SH 304 will be required in future development phases.*

- (3) a bond required under Section 212.0106, if applicable, is filed with the municipality; and

*A fiscal guarantee will be provided for the construction and maintenance of the infrastructure improvements before any final plats can be recorded.*

- (4) it conforms to any rules adopted under Section 212.002.

*The plat complies with the requirements of the Settlement Agreement and Bastrop Code of Ordinances Chapter 10 – Subdivision in effect at the time of the Preliminary Plat submittal. This was established in a 2023 Settlement Agreement.*

### B<sup>3</sup> Code – Chapter 1: Subdivisions

- Section 1.3.001 Standard Procedure - Platting

*Any subdivision requiring the extension of public infrastructure or of more than four lots require the approval of a Preliminary Drainage Plan, Preliminary Infrastructure Plan, Preliminary Plat, Public Improvement Plan, Public Improvement Plan Agreement and a Final Plat.*

- Section 1.3.002 Preliminary Plat or Section 1.3.003 Final Plat  
*The Preliminary Plat was approved by the Planning and Zoning Commission on January 26, 2023.*

*The Final Drainage Plan to determine drainage requirements is pending approval by the City Engineer.*

*The Preliminary Infrastructure Plan for the feasibility of the construction of the subdivision improvements was approved by the City Engineer on January 12, 2023.*

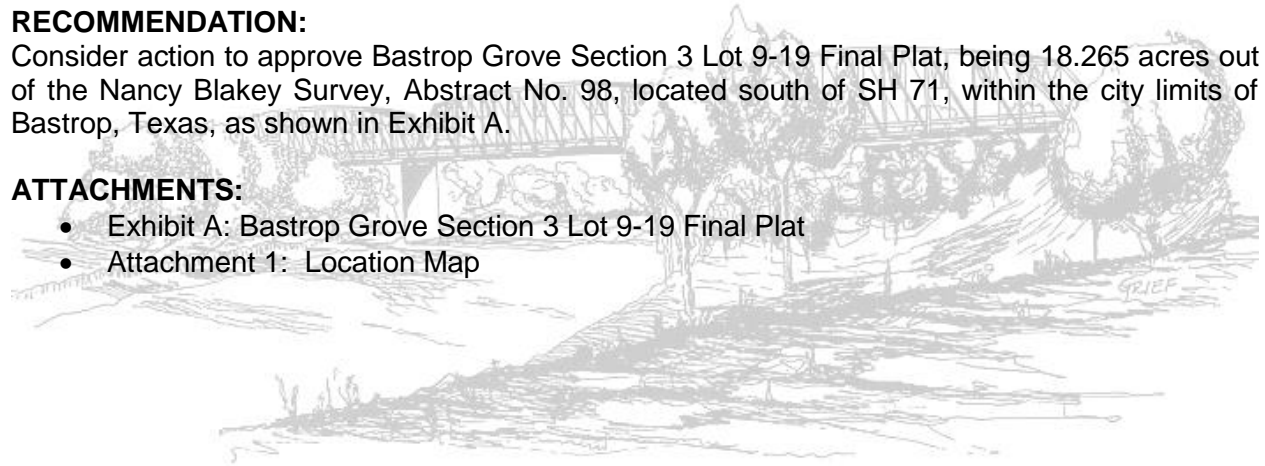
- Section 1.3.004 Plat Requirements  
*The Development Review Committee reviewed the Final Plat for Bastrop Grove Section 3 Lot 9-19 for compliance with subdivision and utility standards and deemed the plat administratively complete. The Assistant Director recommends approval.*

**RECOMMENDATION:**

Consider action to approve Bastrop Grove Section 3 Lot 9-19 Final Plat, being 18.265 acres out of the Nancy Blakey Survey, Abstract No. 98, located south of SH 71, within the city limits of Bastrop, Texas, as shown in Exhibit A.

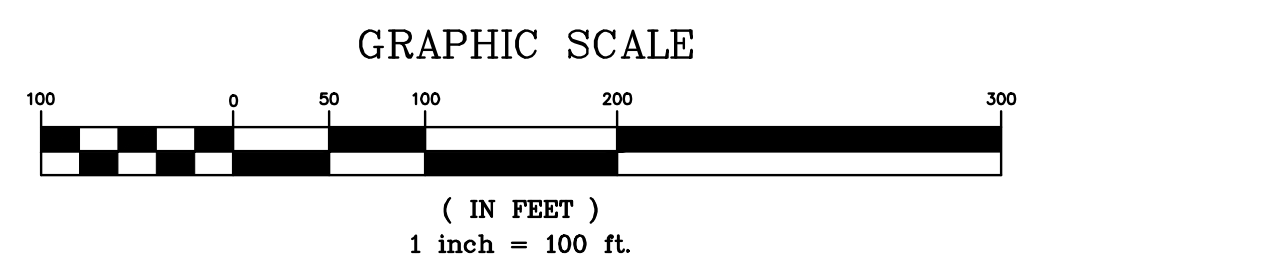
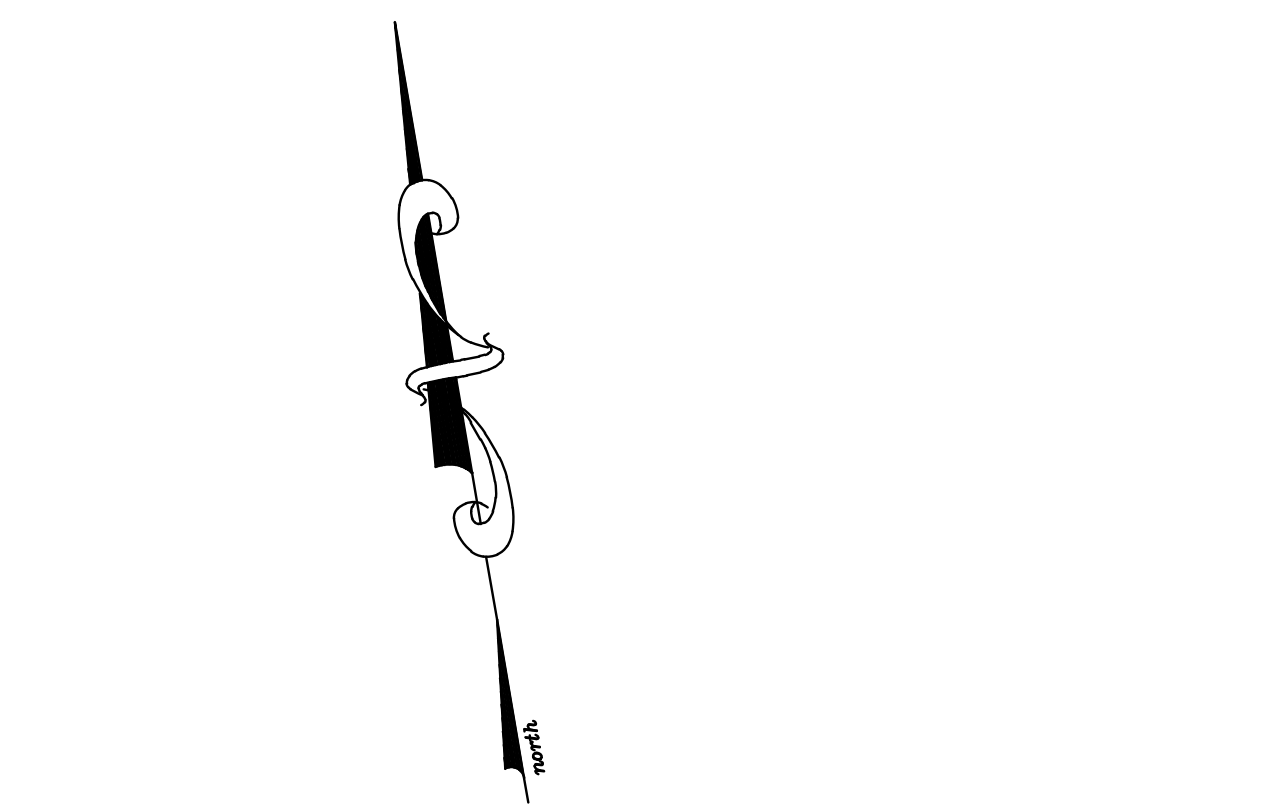
**ATTACHMENTS:**

- Exhibit A: Bastrop Grove Section 3 Lot 9-19 Final Plat
- Attachment 1: Location Map

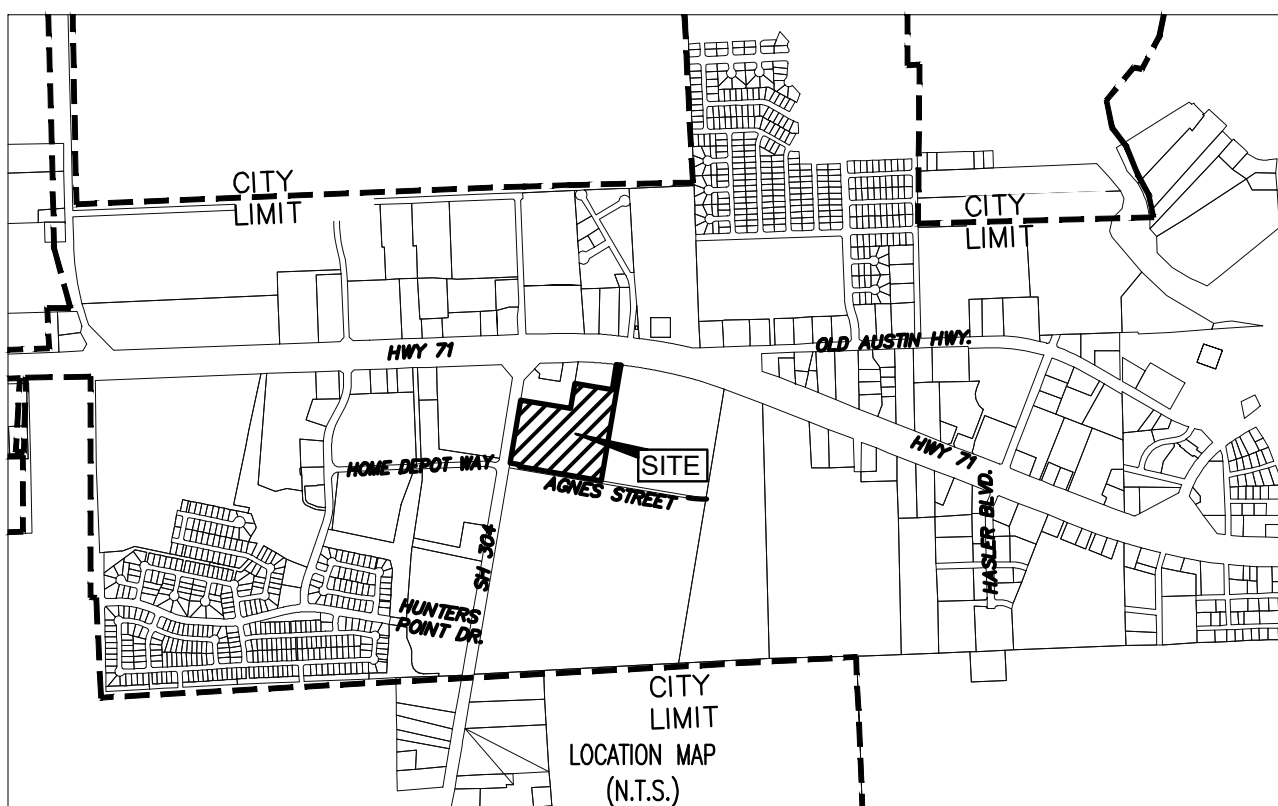




# FINAL PLAT BASTROP GROVE, SECTION 3, LOTS 9-19



- LEGEND**
- 1/2" IRON ROD FOUND - (AS NOTED)
  - 1/2" CAPPED IRON ROD SET
  - ▲ MAG NAIL FOUND
- P.R.B.C.TX. PLAT RECORDS OF BASTROP COUNTY, TEXAS  
O.P.R.B.C.TX. OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS  
S.W.E. SIDEWALK EASEMENT  
PUE PUBLIC UTILITY EASEMENT  
BENCHMARK



**LINEAR FOOTAGE OF RIGHT-OF-WAY**

ORR DRIVE	50.00 R.O.W.	1,221 FT	1,400 AC	LOCAL
TOTAL		1,221 FT	1,400 AC	

TOTAL ACREAGE: 18.265 ACRES  
SURVEY: NANCY BLAKEY SURVEY, ABSTRACT No. 98

COMMERCIAL LOTS 11  
TOTAL: 16.865 ACRES

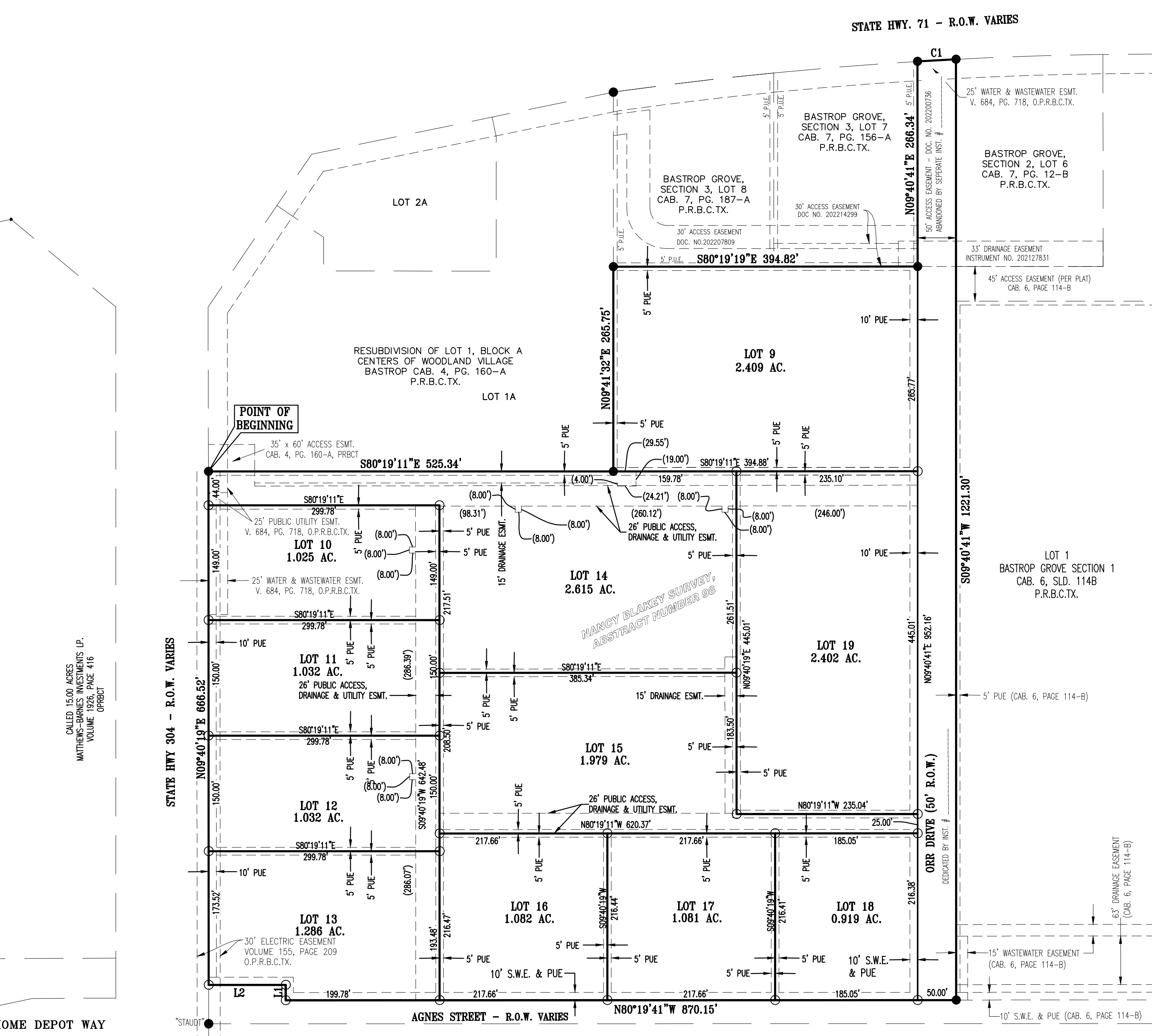
NO. OF BLOCKS: 1  
TOTAL: 18.265 ACRES

DATE: NOVEMBER 21, 2022  
OWNER:  
71 RETAIL PARTNERS, LP,  
C/O DOUGLAS MACMAHON  
8214 WESTCHESTER DR. SUITE 550  
DALLAS, TX. 75225

ENGINEER & SURVEYOR:  
CARLSON, BRIGANCE & DOERING, Inc.  
12129 RR 620 NORTH, SUITE 600  
AUSTIN, TEXAS 78750  
(512) 280-5160  
(512) 280-5165 fax

F.E.M.A. MAP NO. 48021 C 0355E  
BASTROP COUNTY, TEXAS DATED: JANUARY 19, 2006

REV.	DESCRIPTION	DATE



**Curve Table**

Curve #	Length	Radius	DELTA	Chord Direction	Chord Length	Tangent
C1	50.08	5058.89	0°34'02"	S83°32'12"E	50.08	25.04

**Line Table**

Line #	Direction	Length
L1	N09°40'19"E	20.00
L2	N87°19'41"W	100.00

FIELD NOTES

ALL OF THAT 18.265 ACRE TRACT OR PARCEL OF LAND OUT OF THE NANCY BLAKEY SURVEY, ABSTRACT NUMBER 98, SITUATED IN BASTROP COUNTY, TEXAS, BEING PART OF THE REMAINDER OF THAT CALLED 52.684 ACRE TRACT CONVEYED TO 71 RETAIL PARTNERS, LP, IN VOLUME 2245, PAGE 878, OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS (O.P.R.B.C.TX.); MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN AT A 1/2" IRON ROD FOUND ON THE EAST RIGHT-OF-WAY LINE OF STATE HIGHWAY 304 (R.O.W. VARIES) MONUMENTING THE SOUTHWEST CORNER OF LOT 1, BLOCK A, RESUBDIVISION OF LOT 1, BLOCK A CENTERS OF WOODLAND VILLAGE ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET 4, PAGE 160-A, PLAT RECORDS OF BASTROP COUNTY, TEXAS (P.R.B.C.TX.), SAME BEING THE NORTHWEST CORNER OF THE ABOVE REFERENCED REMAINDER OF A 52.684 ACRE TRACT, FOR THE WEST MOST NORTHWESTERN CORNER AND POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE ALONG THE COMMON LINE OF SAID REMAINDER OF A 52.684 ACRE TRACT AND SAID LOT 1, THE FOLLOWING TWO (2) COURSES:

- S87°19'11"E A DISTANCE OF 525.34 FEET TO A 1/2" IRON ROD FOUND; AND,
- N09°40'19"E A DISTANCE OF 20.00 FEET TO A 1/2" IRON ROD FOUND STAMPED 'CBD SETSTONE' MONUMENTING THE SOUTHWEST CORNER OF BASTROP GROVE SECTION 3, LOT 9 ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET 7, PAGE 187-A, P.R.B.C.TX. FOR AN OUTSIDE CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE ALONG THE SOUTH LINE OF SAID LOT 8 AND BASTROP GROVE SECTION 3, LOT 7 ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET 7, PAGE 156-A, P.R.B.C.TX., S87°19'19"E A DISTANCE OF 394.82 FEET TO A 1/2" IRON ROD FOUND STAMPED 'CBD SETSTONE' FOR AN INSIDE CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE ALONG THE EAST LINE OF SAID LOT 7, N09°40'41"E A DISTANCE OF 286.34 FEET TO A 1/2" IRON ROD FOUND STAMPED 'CBD SETSTONE' ON THE CURVING SOUTH RIGHT-OF-WAY LINE TO THE RIGHT OF STATE HIGHWAY 71, SAME BEING THE NORTHEAST CORNER OF SAID LOT 7, FOR AN OUTSIDE CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE ALONG SAID CURVE AN ARC LENGTH OF 50.08 FEET, HAVING A RADIUS OF 5058.89 FEET AND WHOSE CHORD BEARS S83°32'12"E A DISTANCE OF 50.08 FEET TO A 1/2" IRON ROD FOUND STAMPED 'CBD SETSTONE' MONUMENTING THE NORTHWEST CORNER OF LOT 6, BASTROP GROVE SECTION 2 ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET 7, PAGE 12-B, P.R.B.C.TX., FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE ALONG THE WEST LINE OF SAID LOT 6 AND THE WEST LINE OF LOT 1, BASTROP GROVE SECTION 1 ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET 6, PAGE 114-B, P.R.B.C.TX., S09°40'19"W A DISTANCE OF 1221.30 FEET TO A 1/2" IRON ROD FOUND MONUMENTING THE SOUTHWEST CORNER OF SAID LOT 1, SAME BEING ON THE NORTH RIGHT-OF-WAY LINE OF AGNES STREET (R.O.W. VARIES), FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE ALONG THE NORTH LINE OF SAID AGNES STREET, THE FOLLOWING THREE (3) COURSES:

- N87°19'41"W A DISTANCE OF 870.15 FEET TO A 1/2" IRON ROD SET STAMPED 'CBD SETSTONE';
- N09°40'19"E A DISTANCE OF 20.00 FEET TO A 1/2" IRON ROD SET STAMPED 'CBD SETSTONE'; AND,
- N87°19'41"W A DISTANCE OF 100.00 FEET TO A 1/2" IRON ROD SET STAMPED 'CBD SETSTONE' ON THE EAST RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY 304 FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE ALONG SAID EAST RIGHT-OF-WAY LINE OF STATE HIGHWAY 304, N09°40'19"E A DISTANCE OF 666.52 FEET TO THE POINT OF BEGINNING AND CONTAINING 18.265 ACRES OF LAND.

FLOOD PLAN NOTE:  
NO PORTION OF THIS TRACT LIES WITHIN A DESIGNATED FLOOD HAZARD AREA, AS SHOWN ON THE FEDERAL FLOOD INSURANCE ADMINISTRATION RATE MAP NO. 48021 C 0355E, FOR BASTROP COUNTY TEXAS, DATED JANUARY 19, 2006.

- GENERAL NOTES:
- THE BENCHMARK USED IS LOCA MONUMENT # 4588 - 3" LOCA ALUMINUM DISK FOUND IN THE EAST RIGHT-OF-WAY LINE OF SH 304, BEING +/- 800' NORTH OF THE INTERSECTION OF HUNTERS POINT DRIVE AND SH 304, N. 10014712.67 E. 3238449.66 ELEV = 365.68'
  - ALL SUBDIVISION PERMITS SHALL CONFORM TO THE CITY OF BASTROP CODE OF ORDINANCES, PUBLIC IMPROVEMENT STANDARDS, AND GENERALLY ACCEPTED ENGINEERING PRACTICES.
  - CONSTRUCTION PLANS AND SPECIFICATIONS FOR ALL SUBDIVISION IMPROVEMENTS SHALL BE REVIEWED AND ACCEPTED BY THE CITY OF BASTROP PRIOR TO ANY CONSTRUCTION WITHIN THE SUBDIVISION.
  - THE OWNER OF THIS SUBDIVISION, AND HIS OR HER SUCCESSORS AND ASSIGNS, ASSUMES SOLE RESPONSIBILITY FOR PLANS FOR CONSTRUCTION OF SUBDIVISION IMPROVEMENTS WHICH COMPLY WITH APPLICABLE CODES AND REQUIREMENTS OF THE CITY OF BASTROP. THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT PLAT VACATION OR RE-PLATTING MAY BE REQUIRED, AT THE OWNER'S SOLE EXPENSE, IF PLANS TO CONSTRUCT THIS SUBDIVISION DO NOT COMPLY WITH SUCH CODES AND REQUIREMENTS.
  - EROSION AND SEDIMENTATION CONTROLS CONSTRUCTED WITH THE SUBDIVISION ORDINANCE OF THE CITY OF BASTROP ARE REQUIRED FOR ALL CONSTRUCTION ON EACH LOT.
  - ALL WORK, INCLUDING SIGNS, SHALL COMPLY WITH THE CITY OF BASTROP ORDINANCES.
  - FISCAL SURETY FOR SUBDIVISION CONSTRUCTION, IN A FORM ACCEPTABLE TO THE CITY OF BASTROP, SHALL BE PROVIDED PRIOR TO PLAT APPROVAL BY THE CITY.
  - BY APPROVING THIS PLAT, THE CITY OF BASTROP ASSUMES NO OBLIGATION TO CONSTRUCT ANY INFRASTRUCTURE IN CONNECTION WITH THIS SUBDIVISION. ANY SUBDIVISION INFRASTRUCTURE REQUIRED FOR THE DEVELOPMENT OF THE LOTS IN THIS SUBDIVISION IS THE SOLE RESPONSIBILITY OF THE DEVELOPER AND/OR THE OWNERS OF THE LOTS. FAILURE TO CONSTRUCT ANY REQUIRED INFRASTRUCTURE TO CITY STANDARDS MAY BE JUST CAUSE FOR THE CITY TO DENY APPLICATIONS FOR CERTAIN DEVELOPMENT PERMITS INCLUDING BUILDING PERMITS, SITE PLAN APPROVALS AND/OR CERTIFICATE OF OCCUPANCY.
  - NO LOT OR STRUCTURE SHALL BE OCCUPIED PRIOR TO THE APPLICANT SUBMITTING TO THE CITY OF BASTROP DOCUMENTATION OF LICENSING AND SITE RESTORATION WITH THE TEXAS DEPARTMENT OF LICENSING AND REGULATIONS (DLR) AND PROVIDE DOCUMENTATION OF REVIEW AND COMPLIANCE OF THE SUBDIVISION CONSTRUCTION PLANS WITH TEXAS ARCHITECTURAL BARRIERS ACT (TABA).
  - WATER IS PROVIDED BY THE CITY OF BASTROP.
  - WASTEWATER SERVICE IS PROVIDED BY THE CITY OF BASTROP.
  - ELECTRIC SERVICE WILL BE PROVIDED BY BLUEBONNET ELECTRIC.
  - GAS SERVICE WILL BE PROVIDED BY CENTERPOINT ENERGY.
  - CABLE SERVICE IS PROVIDED BY SPECTRUM.
  - NO LOT IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO THE APPROVED WATER DISTRIBUTION AND WASTEWATER COLLECTION FACILITIES.
  - WASTEWATER AND WATER SYSTEMS SHALL CONFORM TO TCEQ (TEXAS COMMISSION ON ENVIRONMENTAL QUALITY).
  - DEVELOPER/OWNER SHALL BE SOLELY RESPONSIBLE FOR ALL RELOCATIONS AND MODIFICATIONS TO EXISTING UTILITIES.
  - FLOOD WARNING: THE DEGREE OF FLOOD WATER PROTECTION REQUIRED BY THE CITY OF BASTROP FLOOD DAMAGE PREVENTION ORDINANCE IS CONSIDERED REASONABLE FOR THE REGULATORY PURPOSES AND IS BASED ON SCIENTIFIC AND ENGINEERING CONSIDERATIONS. ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. ACCEPTANCE OF THIS PRELIMINARY PLAT BY THE CITY COUNCIL DOES NOT IMPLY THAT LAND OUTSIDE OF THE AREA OF SPECIAL FLOOD HAZARDS OR USES PERMITTED IN SUCH AREAS WILL BE FREE FROM FLOODING OR FLOOD DAMAGES. NOR SHALL ACCEPTANCE OF THIS PRELIMINARY PLAT CREATE LIABILITY ON THE PART OF THE CITY OF BASTROP OR ANY OFFICIAL OR EMPLOYEE THEREOF FOR ANY FLOOD DAMAGES THAT RESULT FROM RELIANCE ON THE INFORMATION CONTAINED WITHIN THIS PRELIMINARY PLAT OR ANY ADMINISTRATION DECISION LAWFULLY MADE HERE UNDER.
  - AS SHOWN HEREON, A TEN (10) FOOT WIDE PUBLIC UTILITY EASEMENT (P.U.E.) IS HEREBY DEDICATED ADJACENT TO STREET RIGHTS-OF-WAY ON ALL LOTS. A FIVE (5) FOOT WIDE P.U.E. IS HEREBY DEDICATED ALONG EACH SIDE AND REAR LOT LINE.
  - TEMPORARY OR PERMANENT EASEMENTS ARE TO BE PROVIDED AS REQUIRED AT THE CITY'S SOLE DISCRETION FOR OFF-SITE WATER, WASTEWATER AND DRAINAGE IMPROVEMENTS.
  - PROPERTY OWNERS SHALL PROVIDE FOR ACCESS TO ALL EASEMENTS AS MAY BE NECESSARY AND SHALL NOT PROHIBIT ACCESS BY GOVERNMENTAL AUTHORITIES.
  - PUBLIC UTILITY AND DRAINAGE EASEMENTS WHERE SHOWN AND/OR DESCRIBED HEREON ARE INTENDED TO INDICATE AN EASEMENT FOR CONSTRUCTION, OPERATION, AND MAINTENANCE OF PUBLIC UTILITIES AND DRAINAGE WAYS INCLUDING, BUT NOT LIMITED TO, SANITARY SEWERS, FORCE MAINS, WATER LINES, TELEPHONE SIGNAL CONDUITS, ELECTRIC CONDUITS, DRAINAGE PIPES, AND NATURAL GAS LINES.
  - ALL NEW UTILITIES WILL BE UNDERGROUND.
  - IMPACT FEES SHALL BE ASSESSED IN ACCORDANCE WITH THE INFORMATION CONTAINED WITHIN THE TIME OF PLATTING.
  - NO BUILDING, FENCES, LANDSCAPING OR OTHER STRUCTURES ARE PERMITTED WITHIN DRAINAGE EASEMENTS SHOWN, EXCEPT AS APPROVED BY THE CITY OF BASTROP AND/OR BASTROP COUNTY.
  - ALL EASEMENTS ON PRIVATE PROPERTY SHALL BE MAINTAINED BY THE PROPERTY OWNER OR HIS OR HER ASSIGNEES.
  - SIDEWALKS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF THE CITY OF BASTROP.
  - PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS ON LOTS IN THE SUBDIVISION, BUILDING PERMITS WILL BE OBTAINED FROM THE CITY OF BASTROP.
  - SETBACK LINES SHALL BE IN ACCORDANCE WITH THE ORDINANCES OF THE CITY OF BASTROP.
  - WITH EACH FINAL PLAT, AN UPDATED TRA COUNT SHOWING COMPLIANCE WITH THE TRA DATED MAY 9, 2018 AND A WRITTEN DETERMINATION FROM THE TEXAS DEPARTMENT OF TRANSPORTATION OF WHAT, IF ANY, IMPROVEMENTS ARE REQUIRED.
  - ACCESS EASEMENTS SHOWN HEREON ARE INTENDED TO INDICATE AN EASEMENT ALLOWING UNRESTRICTED ACCESS TO THE TRAVELING PUBLIC.
  - THIS PLAT CONFORMS TO THE PRELIMINARY PLAT APPROVED BY THE PLANNING & ZONING COMMISSION ON JANUARY 26, 2023 A.D.

THE STATE OF TEXAS §  
COUNTY OF BASTROP § KNOW ALL MEN BY THESE PRESENTS:

I, KRISTIA BARTSCH, COUNTY CLERK OF BASTROP COUNTY, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, A.D. AT \_\_\_\_\_ O'CLOCK \_\_\_\_M., IN THE PLAT RECORDS OF BASTROP COUNTY, TEXAS IN PLAT CABINET \_\_\_\_\_, PAGE(S) \_\_\_\_\_.

FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, A.D.,  
WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, A.D.

DEPUTY  
KRISTIA BARTSCH  
COUNTY CLERK, BASTROP COUNTY, TEXAS

STATE OF TEXAS §  
COUNTY OF BASTROP § KNOW ALL MEN BY THESE PRESENTS:

THAT WE, 71 RETAIL PARTNERS, LP, ACTING HEREIN BY AND THROUGH DOUGLAS MACMAHON AND BEING THE OWNER OF THE REMAINDER OF THAT CERTAIN 52.684 ACRE TRACT OF LAND AS CONVEYED TO 71 RETAIL PARTNERS, LP BY DEED RECORDED IN VOLUME 2245, PAGE 878, OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, OUT OF THE NANCY BLAKEY SURVEY, ABSTRACT NUMBER 98, SITUATED IN BASTROP COUNTY, TEXAS, DOES HEREBY SUBDIVIDE 18.265 ACRES OF LAND, IN ACCORDANCE WITH THE ATTACHED MAP OR PLAT, TO BE KNOWN AS:

## "BASTROP GROVE, SECTION 3, LOTS 9-19"

SUBJECT TO EASEMENTS AND RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED AND DO HEREBY DEDICATE ANY STREETS AND/OR EASEMENTS SHOWN HEREON TO THE PUBLIC.

WITNESS MY HAND, THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, A.D.

DOUGLAS MACMAHON  
71 RETAIL PARTNERS, LP  
8214 WESTCHESTER DR. SUITE 550  
DALLAS, TX. 75225

THE STATE OF TEXAS §  
COUNTY OF BASTROP § KNOW ALL MEN BY THESE PRESENTS:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED \_\_\_\_\_, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT OF WRITING, AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

WITNESS MY HAND AND SEAL OF OFFICE, THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, A.D.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

THIS FLOOD STATEMENT, AS DETERMINED BY A H.U.D.-F.I.A. FLOOD INSURANCE RATE MAP, DOES NOT IMPLY THAT THE PROPERTY OR THE IMPROVEMENTS THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE, ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR, AND FLOOD HEIGHTS MAY INCREASE BY MAN-MADE OR NATURAL CAUSES.

THIS STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF ENGINEER OR SURVEYOR.

STATE OF TEXAS (X)  
COUNTY OF TRAVIS (X) KNOW ALL MEN BY THESE PRESENTS:

I, BRENDAN P. MCENTEE, P.E. DO HEREBY CERTIFY THAT THE STREETS AND DRAINAGE DESIGN, AS SHOWN HEREON, COMPLIES WITH THE SUBDIVISION REGULATIONS FOR THE CITY OF BASTROP, AND THAT THE 100 YEAR FLOOD PLAN IS AS SHOWN AND WILL BE CONTAINED WITHIN THE DRAINAGE EASEMENT AND OR DRAINAGE RIGHT-OF-WAY, AS SHOWN HEREON.

ENGINEERING BY: \_\_\_\_\_ DATE \_\_\_\_\_  
BRENDAN P. MCENTEE, P.E. NO. 96200  
CARLSON, BRIGANCE & DOERING, INC.  
12129 RR 620 NORTH, SUITE 600  
AUSTIN, TEXAS 78750



STATE OF TEXAS (X)  
COUNTY OF TRAVIS (X) KNOW ALL MEN BY THESE PRESENTS:

THAT I, STEPHEN R. LAWRENCE, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE ON-THE-GROUND SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATION OF THE CITY OF BASTROP, BASTROP COUNTY, TEXAS. ALL EASEMENTS OF RECORD HAVE BEEN IDENTIFIED ON THIS PLAT TO THE BEST OF MY KNOWLEDGE.

SURVEYED BY: \_\_\_\_\_ DATE \_\_\_\_\_  
STEPHEN R. LAWRENCE, R.P.L.S. NO. 6352  
CARLSON, BRIGANCE & DOERING, INC.  
12129 RR 620 NORTH, SUITE 600  
AUSTIN, TEXAS 78750  
stephen@cbdong.com



APPROVED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, A.D., BY THE PLANNING & ZONING COMMISSION OF THE CITY OF BASTROP.

APPROVED: \_\_\_\_\_ ATTEST: \_\_\_\_\_

PLANNING & ZONING COMMISSION CHAIRPERSON, CITY OF BASTROP, TEXAS  
CITY SECRETARY, CITY OF BASTROP, TEXAS

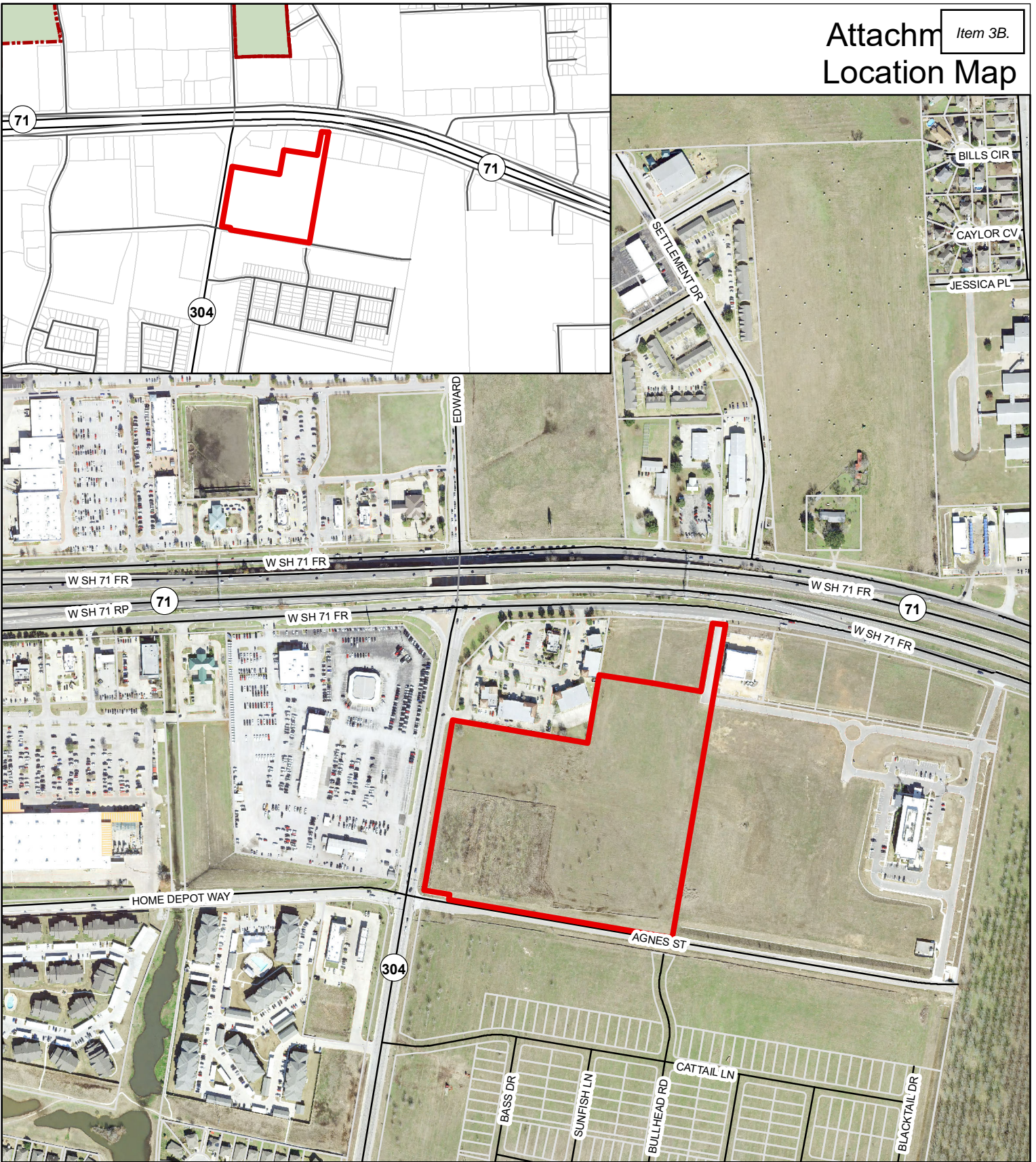
BEARING BASIS: TEXAS COORDINATE SYSTEM, CENTRAL ZONE (4203) NAD 83

**Carlson, Brigance & Doering, Inc.**  
Civil Engineering ♦ Surveying

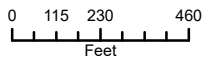
FIRM ID #F3791

- Main Office: 5501 West William Cannon Dr., Austin, Texas 78749, Phone No. (512) 280-5160
- North Office: 12129 RR 620 N., Ste. 600, Austin, Texas 78750, Fax No. (512) 280-5165





**Final Plat**  
**Bastrop Grove Section 3, Lots 9-19**



1 inch = 500 feet

Date: 1/20/2023

The accuracy and precision of this cartographic data is limited and should be used for information /planning purposes only. This data does not replace surveys conducted by registered Texas land surveyors nor does it constitute an "official" verification of zoning, land use classification, or other classification set forth in local, state, or federal regulatory processes. The City of Bastrop, nor any of its employees, do not make any warranty of merchantability and fitness for particular purpose, or assumes any legal liability or responsibility for the accuracy, completeness or usefulness of information, nor does it represent that its use will not infringe upon privately owned rights.







# STAFF REPORT

**MEETING DATE:** April 27, 2023

**TITLE:**

Consider action to approve Bastrop Grove Section 5 Final Plat, being 25.865 acres out of the Nancy Blakey Survey, Abstract No. 98, located south of Agnes Street and east of State Highway 304, within the city limits of Bastrop, Texas, as shown in Exhibit A.

**STAFF REPRESENTATIVE:**

Keehren Baah, Assistant Director of Development Service

**ITEM DETAILS:**

Site Address:	South of Agnes Street and east of State Highway 304 (Attachment 1)
Total Acreage:	25.865 acres
Legal Description:	25.865 acres of the Nancy Blakey Survey, Abstract No. 98
Property Owner:	Douglas MacMahon, 71 Retail Partners, LP
Agent Contact:	Taunia Halcomb, Carlson, Brigance, and Doering, Inc.
Existing Use:	Vacant/Undeveloped
Existing Zoning:	P5 Core (previously GR General Retail)
Special Agreement:	Bastrop Grove Settlement Agreement January 2023
Future Land Use:	Transitional Residential

**BACKGROUND/HISTORY:**

The applicant has submitted a Final Plat application for Bastrop Grove Section 5 (Exhibit A). The plat includes 16 commercial lots. Driveway access to this tract will be provided from the existing streets Cattail Lane, Greenleaf Fisk Drive, and Agnes Street. (Attachment 1). The proposed plat is following standards established in a 2023 Settlement Agreement that largely uses grandfathered subdivision standards in the Bastrop Code of Ordinances Chapter 10 and zoning standards in Chapter 14 in effect at the time in 2019, prior to B<sup>3</sup> Code adoption, some B<sup>3</sup> Code standards, such as the P-5 height allowance of up to 5 feet are allowed in the Agreement.

Traffic Impact and Streets

No TIA was completed for this section. Per the Settlement Agreement, each lot will be required to provide a prorated share of \$450,000 which will go towards the construction of the southern lanes of Agnes Street. The developer is not required to build any streets as a part of this development. Driveway access to SH 304 is permitted by TXDOT and the applicant will be required to go through their process to secure future driveways.

Utilities

Water service (domestic and fire) will be provided by the City of Bastrop by tapping into an existing line along the north side of Agnes Street and installing new lines along the south side of Agnes

Street and along the rear of the lots fronting SH 304 in a public utility easement to connect to the existing line on Greenleaf Fisk Drive. A Preliminary Infrastructure Plan was approved by the City Engineer.

Wastewater collection and treatment will also be provided by the City of Bastrop by tapping into the existing lines along Bullhead Road, Cattail Lane and Greenleaf Fisk Drive to run down the rear of the lots.

#### Drainage

Stormwater runoff generated within the property will be routed through underground storm sewer, that feeds into the large drainage channel that flows south to discharge into the Colorado River. The drainage plan is using the updated rainfall totals of Atlas 14. A Preliminary Drainage Plan has been reviewed and approved by the City Engineer.

#### **POLICY EXPLANATION:**

Final Plats are reviewed and approved by the Planning & Zoning Commission.

#### Compliance with 2036 Comprehensive Plan:

Future Land Use Plan – Transitional Residential Commercial: The Transitional Residential character area is for lands to be developed with higher densities and a variety of housing types. The character area supports high density single-family detached, single-family attached (duplexes, triplexes, townhouses) and multifamily (apartments), and institutional residential uses such as nursing homes and assisted living facilities. Variation in form, scale, and density is allowed but appropriate transitions must be provided between land uses. In some cases, Transitional Residential uses may be included as part of a larger planned development within areas otherwise designated as Neighborhood Residential. Likewise, Transitional Residential character areas may also include associated amenities such as parks, trails, open spaces, and public uses such as schools, fire stations, and more.

*This plat complies with the Future Land Use Plan, which shows Transitional Residential in this area as the retail/commercial/office sites provide for an appropriate transition from State Highway 304 and Agnes Street to the medium density residential neighborhood for Bastrop Grove Section 4. The plat proposes a non-residential lot with managed public access. Sidewalks and landscaping will be required at the time of site development planning.*

#### Local Government Code

Sec. 212.002. Rules.

After a public hearing on the matter, the governing body of a municipality may adopt rules governing plats and subdivisions of land within the municipality's jurisdiction to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality.

*Bastrop adopted subdivision regulations in 1981. The B<sup>3</sup> Code, Chapter 1: Subdivision outlines the process and requirements for plats within the Bastrop city limits and Extra Territorial Jurisdiction (ETJ). The B<sup>3</sup> Code replaced Bastrop Code of Ordinances Chapter 10, which previously addressed subdivision requirements.*

### Section 212.004 Plat Required

- (a) The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared.

*The applicant has proposed subdividing an undeveloped tract into sixteen commercial lots.*

### Sec. 212.010. Standards for Approval

- (a) The municipal authority responsible for approving plats shall approve a plat if:
- (1) it conforms to the general plan of the municipality and its current and future streets, alleys, parks, playgrounds, and public utility facilities;

*The final plat conforms to the Future Land Use Plan, which is designated Transitional Residential for this area.*

- (2) it conforms to the general plan for the extension of the municipality and its roads, streets, and public highways within the municipality and in its extraterritorial jurisdiction, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities;

*No TIA was completed for this section. Per the Settlement Agreement, each lot will be required to provide a prorated share of \$450,000 which will go towards the construction of the southern lanes of Agnes Street. The developer is not required to build any streets as a part of this development. Public water and wastewater lines will be extended to serve the lots. Underground storm sewer will be installed for drainage.*

- (3) a bond required under Section 212.0106, if applicable, is filed with the municipality; and

*A fiscal guarantee will be provided for the construction and maintenance of the infrastructure improvements before any final plats can be recorded.*

- (4) it conforms to any rules adopted under Section 212.002.

*The plat complies with the requirements of the Bastrop Code of Ordinances Chapter 10 – Subdivision in effect at the time of the Final Plat submittal. This was established in the grandfathering determination.*

### B<sup>3</sup> Code – Chapter 1: Subdivisions

- Section 1.3.001 Standard Procedure - Platting

*Any subdivision requiring the extension of public infrastructure or of more than four lots require the approval of a Preliminary Plat, Public Improvement Plan, and a Final Plat.*

- Section 1.3.002 Preliminary Plat and Section 1.3.003 Final Plat  
*The Preliminary Plat was approved by the Planning and Zoning Commission on January 26, 2023.*

*The Final Drainage Plan to determine drainage requirements is pending approval by the City Engineer.*

*The Preliminary Infrastructure Plan for the feasibility of the construction of the subdivision improvements was approved by the City Engineer on January 19, 2023.*

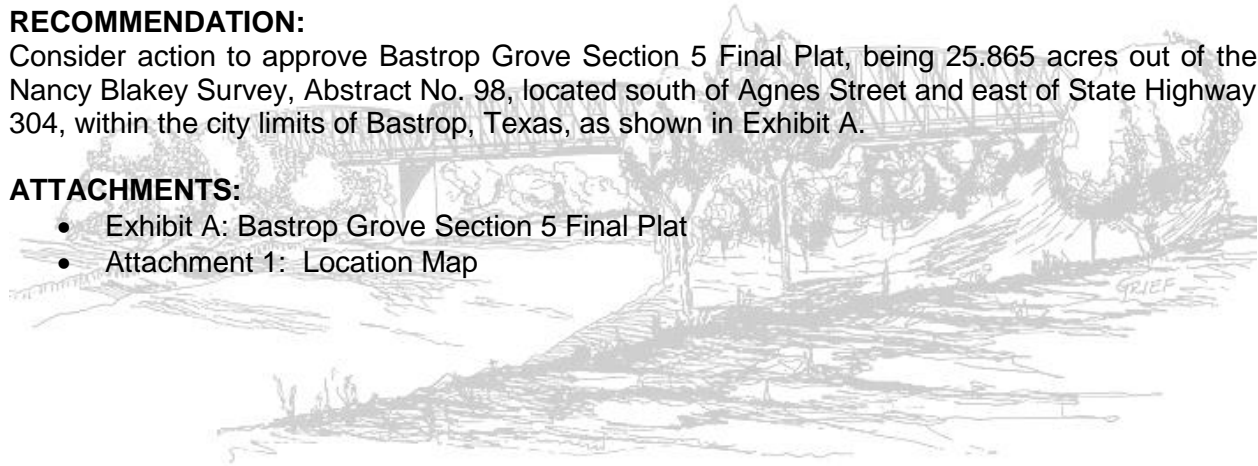
- Section 1.3.004 Plat Requirements  
*The Development Review Committee reviewed the Final Plat for Bastrop Grove Section 5 for compliance with subdivision and utility standards and deemed the plat administratively complete. The Planning Assistant Director recommends approval.*

**RECOMMENDATION:**

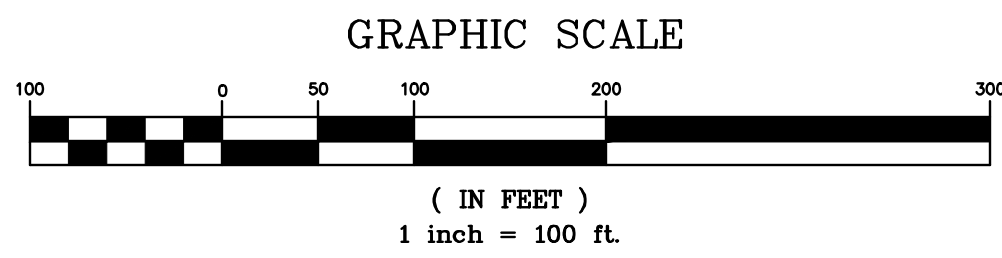
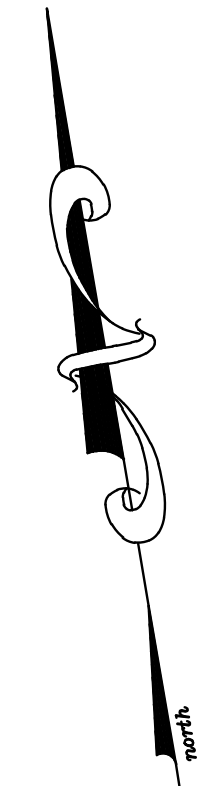
Consider action to approve Bastrop Grove Section 5 Final Plat, being 25.865 acres out of the Nancy Blakey Survey, Abstract No. 98, located south of Agnes Street and east of State Highway 304, within the city limits of Bastrop, Texas, as shown in Exhibit A.

**ATTACHMENTS:**

- Exhibit A: Bastrop Grove Section 5 Final Plat
- Attachment 1: Location Map

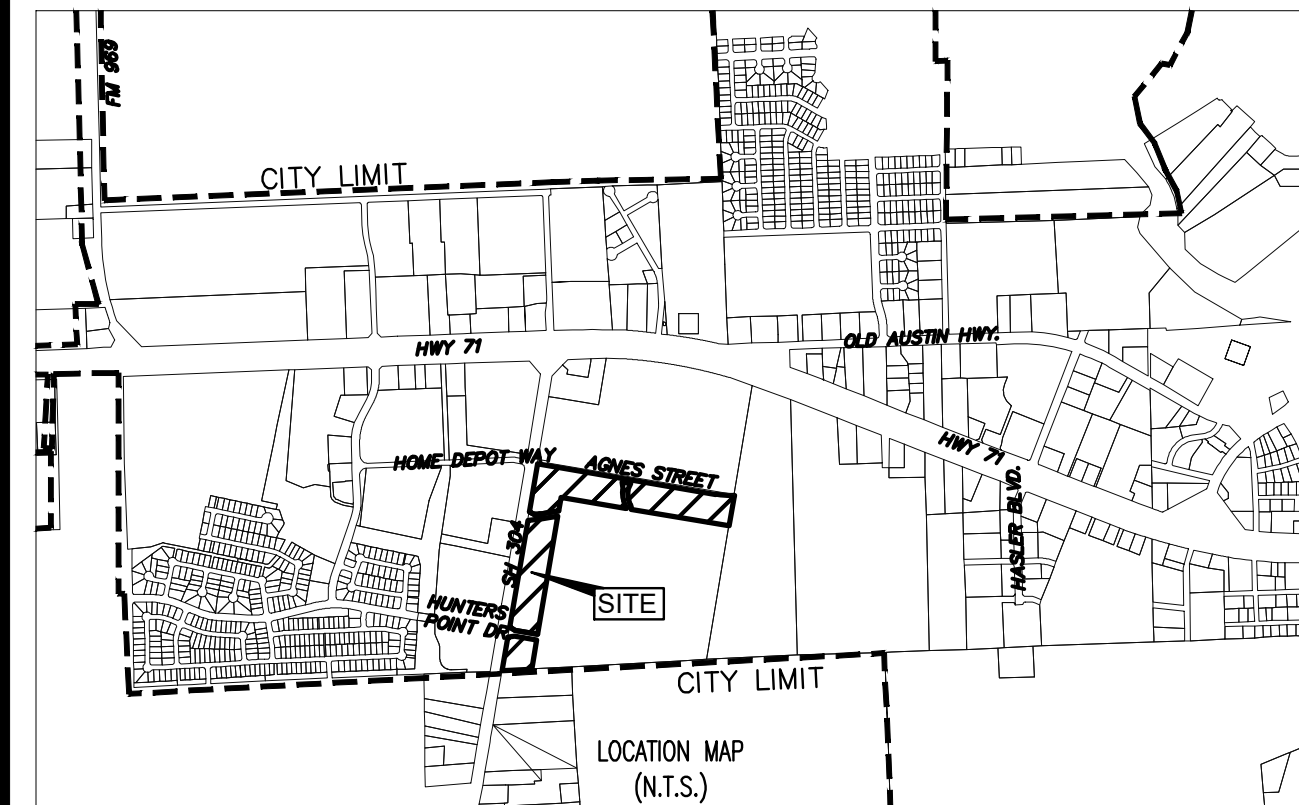


# FINAL PLAT BASTROP GROVE, SECTION 5



### LEGEND

- 1/2" IRON ROD FOUND - (AS NOTED)
- 1/2" CAPPED IRON ROD SET
- ▲ MAG NAIL FOUND



LINEAR FOOTAGE OF RIGHT-OF-WAY			
BLACKTAIL DRIVE	R.O.W. VARIES	263 FT	0.789 AC LOCAL
AGNES ADD. R.O.W.	R.O.W. VARIES	2,078 FT	1.838 AC
<b>TOTAL</b>		<b>2,341 FT</b>	<b>2.627 AC.</b>

BENCHMARK:  
1) LCRA MONUMENT # A688 - 3" LCRA ALUMINUM DISK FOUND IN THE EAST RIGHT-OF-WAY LINE OF SH 304, BEING +/- 800' NORTH OF THE INTERSECTION OF HUNTERS POINT DRIVE AND SH 304.  
N: 10,014,712.67 E: 3,239,449.66 ELEV = 365.68'

TOTAL ACRES: 25.865 ACRES  
SURVEY: NANCY BLAKEY SURVEY, ABSTRACT No. 98

COMMERCIAL LOTS	16	TOTAL:	23.238 ACRES
R.O.W. DEDICATION	2	TOTAL:	2.627 ACRES

NO. OF BLOCKS: 5  
TOTAL: 25.865 ACRES

REV.	DESCRIPTION	DATE

F.E.M.A. MAP NO. 48021 C 0355E  
BASTROP COUNTY, TEXAS DATED: JANUARY 19, 2006

DATE: JANUARY 30, 2023  
OWNER:  
MC BASTROP 71, LP  
8214 WESTCHESTER DRIVE, SUITE 550  
DALLAS, TEXAS 75225

ENGINEER & SURVEYOR:  
CARLSON, BRIGANCE & DOERING, Inc.  
12129 N. FM 620, STE. 600  
AUSTIN, TEXAS 78750  
(512) 280-5160  
(512) 280-5165 fax

HUNTERS CROSSING LOCAL GOVERNMENT CORPORATION  
4.307 AC  
DOC. NO. 202009883

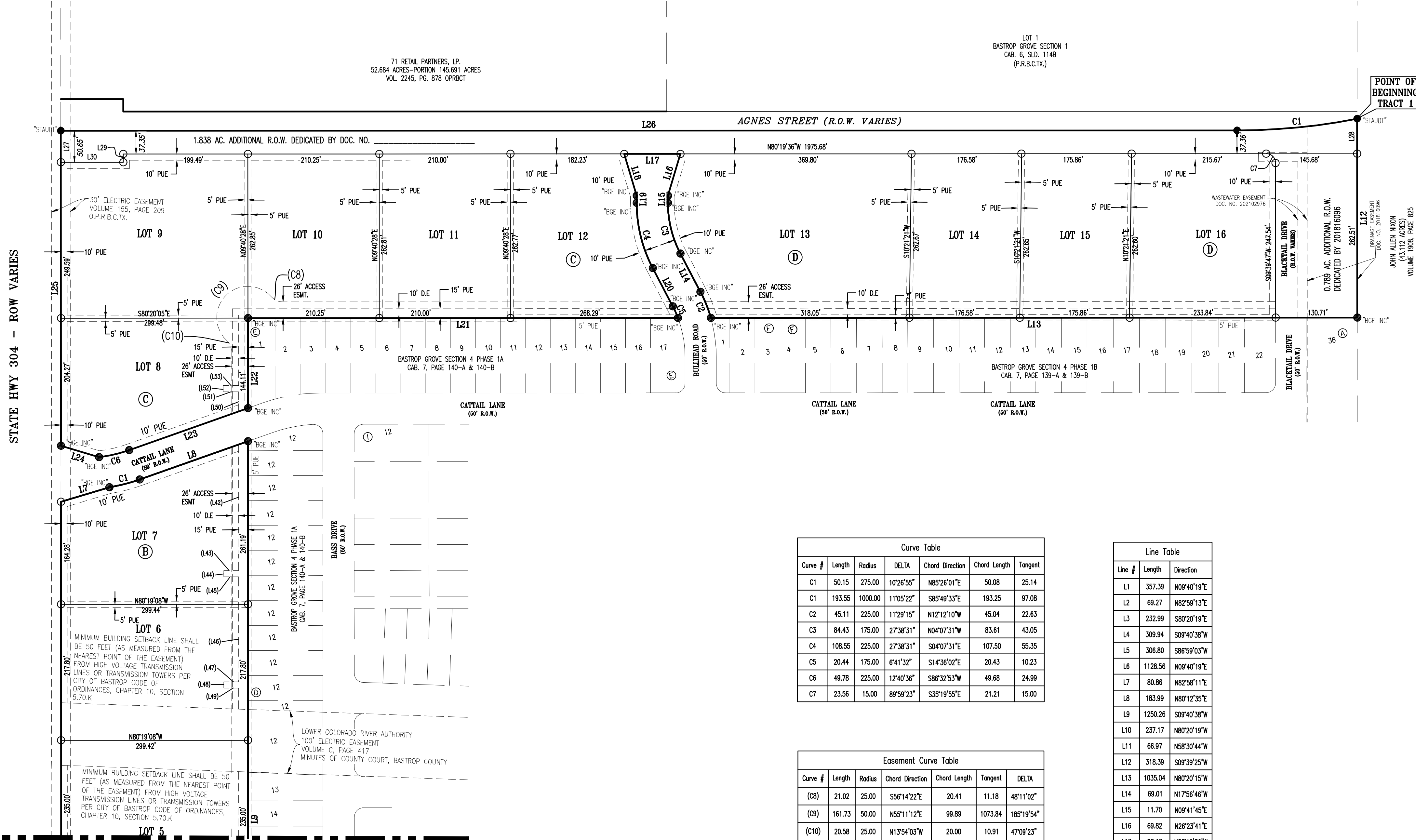
HOME DEPOT WAY

METRAMMO LLC  
3.102 AC  
VOL. 2309, PG. 89

THEVILLAGE AT HUNTERS CROSSING LLC  
3.102 AC  
VOL. 2017, PG. 95

71 RETAIL PARTNERS, LP  
52.684 ACRES-FORTION 145.691 ACRES  
VOL. 2245, PG. 878 OPBCT

LOT 1  
BASTROP GROVE SECTION 5  
CAB. 6, SLD. 114B  
(P.R.B.C.T.X.)



Curve Table						
Curve #	Length	Radius	DELTA	Chord Direction	Chord Length	Tangent
C1	50.15	275.00	10°26'55"	N85°26'01"E	50.08	25.14
C1	193.55	1000.00	11°05'22"	S85°49'33"E	193.25	97.08
C2	45.11	225.00	11°29'15"	N12°12'10"W	45.04	22.63
C3	84.43	175.00	27°38'31"	N04°07'31"W	83.61	43.05
C4	108.55	225.00	27°38'31"	S04°07'31"E	107.50	55.35
C5	20.44	175.00	6°41'32"	S14°36'02"E	20.43	10.23
C6	49.78	225.00	12°40'36"	S86°32'53"W	49.68	24.99
C7	23.56	15.00	89°59'23"	S35°19'55"E	21.21	15.00

Easement Curve Table						
Curve #	Length	Radius	Chord Direction	Chord Length	Tangent	DELTA
(C8)	21.02	25.00	S56°14'22"E	20.41	11.18	48°11'02"
(C9)	161.73	50.00	N55°11'12"E	99.89	1073.84	185°19'54"
(C10)	20.58	25.00	N13°54'03"W	20.00	10.91	47°09'23"

Easement Line Table		
Line #	Length	Direction
(L31)	23.75	N80°15'36"W
(L32)	10.00	N09°31'30"E
(L33)	23.77	S80°15'36"E
(L34)	214.88	N09°40'38"E
(L35)	23.74	N80°15'36"W
(L36)	10.00	N09°31'30"E
(L37)	23.77	S80°15'36"E
(L38)	290.00	N09°40'38"E
(L39)	23.74	N80°15'36"W
(L40)	10.00	N09°31'30"E
(L41)	23.76	S80°15'36"E
(L42)	201.67	N09°40'38"E
(L43)	23.76	S80°15'36"E

Easement Line Table		
Line #	Length	Direction
(L44)	10.00	N09°31'30"E
(L45)	23.73	N80°15'36"W
(L46)	168.21	N09°40'38"E
(L47)	23.76	S80°15'36"E
(L48)	10.00	N09°31'30"E
(L49)	23.73	N80°15'36"W
(L50)	31.46	N09°40'38"E
(L51)	24.72	N80°15'36"W
(L52)	10.00	N09°31'30"E
(L53)	24.75	S80°15'36"E
(L54)	42.34	N09°40'38"E

Line Table		
Line #	Length	Direction
L1	357.39	N09°40'19"E
L2	69.27	N82°59'13"E
L3	232.99	S80°20'19"E
L4	309.94	S09°40'38"W
L5	306.80	S86°59'03"W
L6	1128.56	N09°40'19"E
L7	80.86	N82°58'11"E
L8	183.99	N80°12'35"E
L9	1250.26	S09°40'38"W
L10	237.17	N80°20'19"W
L11	66.97	N58°30'44"W
L12	318.39	S09°39'25"W
L13	1035.04	N80°20'15"W
L14	69.01	N17°56'46"W
L15	11.70	N09°41'45"E
L16	69.82	N28°23'41"E
L17	90.12	N80°19'36"W
L18	69.79	S07°00'14"E
L19	11.70	S09°41'45"W
L20	69.01	S17°56'46"E

## SHEET NO. 1 OF 2

**Carlson, Brigance & Doering, Inc.**  
Civil Engineering ♦ Surveying

FIRM ID #F3791

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# FINAL PLAT BASTROP GROVE, SECTION 5

MATCH LINE SHEET 1

### FLOOD PLAIN NOTE:

NO PORTION OF THIS TRACT LIES WITHIN A DESIGNATED FLOOD HAZARD AREA, AS SHOWN ON THE FEDERAL FLOOD INSURANCE ADMINISTRATION RATE MAP NO. 48021 C 0355E, FOR BASTROP COUNTY TEXAS, DATED JANUARY 19, 2006.

### GENERAL NOTES:

- ALL SUBDIVISION PERMITS SHALL CONFORM TO THE CITY OF BASTROP CODE OF ORDINANCES, PUBLIC IMPROVEMENT STANDARDS, AND GENERALLY ACCEPTED ENGINEERING PRACTICES.
- THIS PLAT CONFORMS TO THE PRELIMINARY PLAT APPROVED BY THE PLANNING & ZONING COMMISSION ON JANUARY 26, 2023 A.D.
- CONSTRUCTION PLANS AND SPECIFICATIONS FOR ALL SUBDIVISION IMPROVEMENTS SHALL BE REVIEWED AND ACCEPTED BY THE CITY OF BASTROP PRIOR TO ANY CONSTRUCTION WITHIN THE SUBDIVISION.
- THE OWNER OF THIS SUBDIVISION, AND HIS OR HER SUCCESSORS AND ASSIGNS, ASSUMES SOLE RESPONSIBILITY FOR PLANS FOR CONSTRUCTION OF SUBDIVISION IMPROVEMENTS WHICH COMPLY WITH APPLICABLE CODES AND REQUIREMENTS OF THE CITY OF BASTROP. THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT PLAT VIOLATION OR RE-PLATING MAY BE REQUIRED, AT THE OWNER'S SOLE EXPENSE, IF PLANS TO CONSTRUCT THIS SUBDIVISION DO NOT COMPLY WITH SUCH CODES AND REQUIREMENTS.
- EROSION AND SEDIMENTATION CONTROLS CONSTRUCTED WITH THE SUBDIVISION ORDINANCE OF THE CITY OF BASTROP ARE REQUIRED FOR ALL CONSTRUCTION ON EACH LOT.
- ALL WORK, INCLUDING SIGNS, SHALL COMPLY WITH THE CITY OF BASTROP ORDINANCES.
- FISCAL SURETY FOR SUBDIVISION CONSTRUCTION, IN A FORM ACCEPTABLE TO THE CITY OF BASTROP, SHALL BE PROVIDED PRIOR TO PLAT APPROVAL BY THE CITY.
- BY APPROVING THIS PLAT, THE CITY OF BASTROP ASSUMES NO OBLIGATION TO CONSTRUCT ANY INFRASTRUCTURE IN CONNECTION WITH THIS SUBDIVISION. ANY SUBDIVISION INFRASTRUCTURE REQUIRED FOR THE DEVELOPMENT OF THE LOTS IN THIS SUBDIVISION IS THE SOLE RESPONSIBILITY OF THE DEVELOPER AND/OR THE OWNERS OF THE LOTS. FAILURE TO CONSTRUCT ANY REQUIRED INFRASTRUCTURE TO CITY STANDARDS MAY BE JUST CAUSE FOR THE CITY TO DENY APPLICATIONS FOR CERTAIN DEVELOPMENT PERMITS INCLUDING BUILDING PERMITS, SITE PLAN APPROVALS AND/OR CERTIFICATE OF OCCUPANCY.
- NO LOT OR STRUCTURE SHALL BE OCCUPIED PRIOR TO THE APPLICANT SUBMITTING TO THE CITY OF BASTROP DOCUMENTATION OF SUBDIVISION/SITE RESTORATION WITH THE TEXAS DEPARTMENT OF LICENSING AND REGULATIONS (TDLR) AND PROVIDE DOCUMENTATION OF REVIEW AND COMPLIANCE OF THE SUBDIVISION CONSTRUCTION PLANS WITH TEXAS ARCHITECTURAL BARRIERS ACT (TAB).
- WATER IS PROVIDED BY THE CITY OF BASTROP.
- WASTEWATER SERVICE IS PROVIDED BY THE CITY OF BASTROP.
- ELECTRIC SERVICE WILL BE PROVIDED BY BLUEBONNET ELECTRIC.
- GAS SERVICE WILL BE PROVIDED BY CENTERPOINT ENERGY.
- CABLE SERVICE IS PROVIDED BY SPECTRUM.
- NO LOT OR STRUCTURE SHALL BE OCCUPIED UNTIL CONNECTED TO THE APPROVED WATER DISTRIBUTION AND WASTEWATER COLLECTION FACILITIES.
- WASTEWATER AND WATER SYSTEMS SHALL CONFORM TO TCEQ (TEXAS COMMISSION ON ENVIRONMENTAL QUALITY).
- DEVELOPER/OWNER SHALL BE SOLELY RESPONSIBLE FOR ALL RELOCATIONS AND MODIFICATIONS TO EXISTING UTILITIES.
- FLOOD WARNING: THE DEGREE OF FLOOD WATER PROTECTION REQUIRED BY THE CITY OF BASTROP FLOOD DAMAGE PREVENTION ORDINANCE IS CONSIDERED REASONABLE FOR THE REGULATORY PURPOSES AND IS BASED ON SCIENTIFIC AND ENGINEERING CONSIDERATIONS. ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. ACCEPTANCE OF THIS PRELIMINARY PLAT BY THE CITY COUNCIL DOES NOT IMPLY THAT LAND OUTSIDE OF THE AREA OF SPECIAL FLOOD HAZARDS OR USES PERMITTED IN SUCH AREAS WILL BE FREE FROM FLOODING OR FLOOD DAMAGES. NOR SHALL ACCEPTANCE OF THIS PRELIMINARY PLAT CREATE LIABILITY ON THE PART OF THE CITY OF BASTROP OR ANY OFFICIAL OR EMPLOYEE THEREOF FOR ANY FLOOD DAMAGES THAT RESULT FROM RELIANCE ON THE INFORMATION CONTAINED WITHIN THIS PRELIMINARY PLAT OR ANY ADMINISTRATION DECISION LAWFULLY MADE HERE UNDER.
- AS SHOWN HEREON, A TEN (10) FOOT WIDE PUBLIC UTILITY EASEMENT (P.U.E.) IS HEREBY DEDICATED ADJACENT TO STREET RIGHTS-OF-WAY ON ALL LOTS. A FIVE (5) FOOT WIDE P.U.E. IS HEREBY DEDICATED ALONG EACH SIDE AND REAR LOT LINE.
- TEMPORARY OR PERMANENT EASEMENTS ARE TO BE PROVIDED AS REQUIRED AT THE CITY'S SOLE DISCRETION FOR OFF-SITE WATER, WASTEWATER AND DRAINAGE IMPROVEMENTS.
- PROPERTY OWNERS SHALL PROVIDE FOR ACCESS TO ALL EASEMENTS AS MAY BE NECESSARY AND SHALL NOT PROHIBIT ACCESS BY GOVERNMENTAL AUTHORITIES.
- PUBLIC UTILITY AND DRAINAGE EASEMENTS WHERE SHOWN AND/OR DESCRIBED HEREON ARE INTENDED TO INDICATE AN EASEMENT FOR CONSTRUCTION, OPERATION, AND MAINTENANCE OF PUBLIC UTILITIES AND DRAINAGE WAYS, INCLUDING, BUT NOT LIMITED TO, SANITARY SEWERS, FORCE MAINS, WATER LINES, TELEPHONE SIGNAL CONDUITS, ELECTRIC CONDUCTORS, DRAINAGE PIPES, AND NATURAL GAS LINES.
- ALL NEW UTILITIES WILL BE UNDERGROUND.
- IMPACT FEES SHALL BE ASSESSED IN ACCORDANCE WITH THE ORDINANCE EFFECTIVE AT THE TIME OF PLATING.
- DEVELOPER OR PROPERTY OWNER SHALL BE SOLELY RESPONSIBLE FOR ALL RELOCATION AND MODIFICATIONS TO EXISTING UTILITIES.
- NO BUILDING, TENNIS, LANDSCAPING OR OTHER STRUCTURES ARE PERMITTED WITH DRAINAGE EASEMENTS SHOWN, EXCEPT AS APPROVED BY THE CITY OF BASTROP AND/OR BASTROP COUNTY.
- ALL EASEMENTS ON PRIVATE PROPERTY SHALL BE MAINTAINED BY THE PROPERTY OWNER OR HIS OR HER ASSIGNEES.
- SIDEWALKS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF THE CITY OF BASTROP.
- PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS ON LOTS IN THE SUBDIVISION, BUILDING PERMITS WILL BE OBTAINED FROM THE CITY OF BASTROP.
- SETBACKS LINES SHALL BE IN ACCORDANCE WITH THE ORDINANCES OF THE CITY OF BASTROP.
- EASEMENT REQUIRED 50 FEET (AS MEASURED FROM THE NEAREST POINT OF THE EASEMENT) FROM HIGH VOLTAGE TRANSMISSION LINES OR TRANSMISSION TOWERS.
- OPEN STORAGE IS PROHIBITED IN ALL OR ZONING.
- THE BENCHMARK USED IS LORA MONUMENT # A688 - 3" LORA ALUMINUM DISK FOUND IN THE EAST RIGHT-OF-WAY LINE OF SH 304. BEING +/- 800' NORTH OF THE INTERSECTION OF HUNTERS POINT DRIVE AND SH 304. N. 10014712.67' E. 3239449.66' ELEV = 365.88'
- ACCESS EASEMENTS SHOWN HEREON ARE INTENDED TO INDICATE AN EASEMENT ALLOWING UNRESTRICTED ACCESS TO THE TRAVELING PUBLIC.

### FIELD NOTES - TRACT 1

BEING ALL OF THAT CERTAIN 15.293 ACRE TRACT OR PARCEL OF LAND OUT OF AND PART OF THE NANCY BLAKEY SURVEY, ABSTRACT NUMBER 98, SITUATED IN BASTROP COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED AS BEING A PORTION OF THE REMAINDER OF THAT CALLED 145.691 ACRE TRACT CONVEYED TO MC BASTROP 71, LP., IN VOLUME 2097, PAGE 241, OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, SAID 15.293 ACRE TRACT OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, AT A 1/2 INCH IRON ROD FOUND IN THE EAST LINE OF SAID 145.691 ACRE TRACT OF LAND, BEING AT THE SOUTHEAST CORNER OF BASTROP GROVE, SECTION 1, A SUBDIVISION RECORDED IN CABINET 6, SLIDE 1148, PLAT RECORDS OF BASTROP COUNTY, TEXAS, SAME BEING AT THE SOUTHWEST CORNER OF THAT 1.479 ACRE PORTION OF AGNES STREET (R.O.W. VARIES) DEDICATED IN SAID BASTROP GROVE, SECTION 1, ALSO BEING IN THE WEST LINE OF A CALLED 43.112 ACRE TRACT OF LAND CONVEYED TO JOHN ALLEN NIEMIN IN VOLUME 1908, PAGE 625, OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, FOR THE NORTHWEST CORNER AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT,

THENCE, S09°32'25"W, WITH THE EAST LINE OF SAID 145.691 ACRE TRACT OF LAND AND THE WEST LINE OF SAID 43.112 ACRE TRACT OF LAND, A DISTANCE OF 316.39 FEET TO A CAPPED 1/2 INCH IRON ROD SET STAMPED 'C80 SETSTONE' FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND,

THENCE, OVER AND ACROSS SAID 145.691 ACRE TRACT OF LAND, THE FOLLOWING SEVENTEEN (17) COURSES AND DISTANCES, NUMBERED 1 THROUGH 17,

- N80°20'05"W, A DISTANCE OF 1035.04 FEET TO A CAPPED 1/2 INCH IRON ROD SET STAMPED 'C80 SETSTONE' FOR CORNER AT THE BEGINNING OF A CURVE TO THE LEFT,
- ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 225.00 FEET, AN ARC LENGTH OF 45.11 FEET, AND A CHORD THAT BEARS N12°12'10"W, A DISTANCE OF 45.04 FEET TO A CAPPED 1/2 INCH IRON ROD SET STAMPED 'C80 SETSTONE' FOR CORNER,
- N17°57'38"W, A DISTANCE OF 69.01 FEET TO A CAPPED 1/2 INCH IRON ROD SET STAMPED 'C80 SETSTONE' FOR CORNER AT THE BEGINNING OF A CURVE TO THE RIGHT,
- ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 175.00 FEET, AN ARC LENGTH OF 84.43 FEET, AND A CHORD THAT BEARS N04°07'31"W, A DISTANCE OF 83.61 FEET TO A CAPPED 1/2 INCH IRON ROD SET STAMPED 'C80 SETSTONE' FOR CORNER,
- N0°41'45"E, A DISTANCE OF 11.70 FEET TO A CAPPED 1/2 INCH IRON ROD SET STAMPED 'C80 SETSTONE' FOR CORNER,
- N0°23'41"E, A DISTANCE OF 69.82 FEET TO A CAPPED 1/2 INCH IRON ROD SET STAMPED 'C80 SETSTONE' FOR CORNER,
- N80°19'36"W, A DISTANCE OF 90.12 FEET TO A CAPPED 1/2 INCH IRON ROD SET STAMPED 'C80 SETSTONE' FOR CORNER,
- S07°00'14"E, A DISTANCE OF 69.79 FEET TO A CAPPED 1/2 INCH IRON ROD SET STAMPED 'C80 SETSTONE' FOR CORNER,
- S09°41'45"W, A DISTANCE OF 11.70 FEET TO A CAPPED 1/2 INCH IRON ROD SET STAMPED 'C80 SETSTONE' FOR CORNER AT THE BEGINNING OF A CURVE TO THE LEFT,
- ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 225.00 FEET, AN ARC LENGTH OF 108.55 FEET, AND A CHORD THAT BEARS S04°07'31"E, A DISTANCE OF 107.50 FEET TO A CAPPED 1/2 INCH IRON ROD SET STAMPED 'C80 SETSTONE' FOR CORNER,
- S17°56'46"E, A DISTANCE OF 69.01 FEET TO A CAPPED 1/2 INCH IRON ROD SET STAMPED 'C80 SETSTONE' FOR CORNER AT THE BEGINNING OF A CURVE TO THE RIGHT,
- ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 175.00 FEET, AN ARC LENGTH OF 20.44 FEET, AND A CHORD THAT BEARS S14°36'02"E, A DISTANCE OF 20.43 FEET TO A CAPPED 1/2 INCH IRON ROD SET STAMPED 'C80 SETSTONE' FOR CORNER,
- N80°20'15"W, A DISTANCE OF 688.54 FEET TO A CAPPED 1/2 INCH IRON ROD SET STAMPED 'C80 SETSTONE' FOR CORNER,
- S09°40'38"W, A DISTANCE OF 144.11 FEET TO A CAPPED 1/2 INCH IRON ROD SET STAMPED 'C80 SETSTONE' FOR CORNER,
- S80°12'35"W, A DISTANCE OF 201.67 FEET TO A CAPPED 1/2 INCH IRON ROD SET STAMPED 'C80 SETSTONE' FOR CORNER AT THE BEGINNING OF A CURVE TO THE RIGHT,
- ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 225.00 FEET, AN ARC LENGTH OF 49.78 FEET, AND A CHORD THAT BEARS S88°32'53"W, A DISTANCE OF 49.88 FEET TO A CAPPED 1/2 INCH IRON ROD SET STAMPED 'C80 SETSTONE' FOR CORNER, AND
- N63°37'54"W, A DISTANCE OF 43.12 FEET TO A CAPPED 1/2 INCH IRON ROD SET STAMPED 'C80 SETSTONE' FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND, BEING IN THE WEST LINE OF SAID 145.961 ACRE TRACT OF LAND, SAME BEING IN THE EAST LINE OF STATE HIGHWAY 304 (120' R.O.W.)

THENCE, N09°40'19"E, WITH THE EAST LINE OF SAID STATE HIGHWAY 304 AND THE WEST LINE OF SAID 145.961 ACRE TRACT OF LAND, A DISTANCE OF 504.51 FEET TO A CALCULATED POINT FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND, BEING AT THE SOUTHWEST CORNER OF SAID BASTROP GROVE, SECTION 1,

THENCE, WITH THE SOUTH LINE OF SAID BASTROP GROVE, SECTION 1, THE FOLLOWING TWO (2) COURSES AND DISTANCES, NUMBERED 1 AND 2,

- S80°19'37"E, A DISTANCE OF 1883.31 FEET TO A CAPPED 1/2 INCH IRON ROD SET STAMPED 'C80 SETSTONE' FOR CORNER AT THE BEGINNING OF A CURVE TO THE LEFT, AND
- ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1000.00 FEET, AN ARC LENGTH OF 193.46 FEET, AND A CHORD THAT BEARS S85°51'51"E, A DISTANCE OF 193.16 FEET TO THE POINT OF BEGINNING AND CONTAINING 15.293 ACRES OF LAND.

### FIELD NOTES - TRACT 2

BEING ALL OF THAT CERTAIN 8.226 ACRE TRACT OR PARCEL OF LAND OUT OF AND PART OF THE NANCY BLAKEY SURVEY, ABSTRACT NUMBER 98, SITUATED IN BASTROP COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED AS BEING A PORTION OF THE REMAINDER OF THAT CALLED 145.691 ACRE TRACT CONVEYED TO MC BASTROP 71, LP., IN VOLUME 2097, PAGE 241, OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, SAID 8.226 ACRE TRACT OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN AT A CAPPED 1/2 INCH IRON ROD SET STAMPED 'C80 SETSTONE' FOR THE SOUTHWEST CORNER AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT, FROM WHICH A MAG NAIL FOUND IN CONCRETE AT THE SOUTHWEST CORNER OF SAID 145.691 ACRE TRACT OF LAND, BEING IN THE EAST LINE OF STATE HIGHWAY 304 (120' R.O.W.), SAME BEING AT THE NORTHWEST CORNER OF A CALLED 5.021 ACRE TRACT OF LAND CONVEYED TO NANCY KELLY IN DOCUMENT NUMBER 201004563, OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, BEARS, S09°40'19"W A DISTANCE OF 482.17 FEET,

THENCE, S09°40'19"E, CONTINUING WITH THE WEST LINE OF SAID 145.691 ACRE TRACT OF LAND AND THE EAST LINE OF SAID HIGHWAY 304, A DISTANCE OF 1128.56 FEET TO A CAPPED 1/2 INCH IRON ROD SET STAMPED 'C80 SETSTONE' FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND,

THENCE, OVER AND ACROSS SAID 145.691 ACRE TRACT OF LAND, THE FOLLOWING SIX (6) COURSES AND DISTANCES, NUMBERED 1 THROUGH 6,

- N82°58'11"E, A DISTANCE OF 80.86 FEET TO A CAPPED 1/2 INCH IRON ROD SET STAMPED 'C80 SETSTONE' FOR CORNER AT THE BEGINNING OF A CURVE TO THE LEFT,
- ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 275.00 FEET, AN ARC LENGTH OF 50.15 FEET, AND A CHORD THAT BEARS N85°20'19"E, A DISTANCE OF 50.08 FEET TO A CAPPED 1/2 INCH IRON ROD SET STAMPED 'C80 SETSTONE' FOR CORNER,
- N80°12'35"E, A DISTANCE OF 183.99 FEET TO A CAPPED 1/2 INCH IRON ROD SET STAMPED 'C80 SETSTONE' FOR CORNER,
- S09°40'38"W, A DISTANCE OF 1250.26 FEET TO A CAPPED 1/2 INCH IRON ROD SET STAMPED 'C80 SETSTONE' FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND,
- N80°20'19"W, A DISTANCE OF 237.17 FEET TO A CAPPED 1/2 INCH IRON ROD SET STAMPED 'C80 SETSTONE' FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND, AND
- N56°30'44"W, A DISTANCE OF 66.97 FEET TO THE POINT OF BEGINNING AND CONTAINING 8.226 ACRES OF LAND.

### FIELD NOTES - TRACT 3

BEING ALL OF THAT CERTAIN 2.346 ACRE TRACT OR PARCEL OF LAND OUT OF AND PART OF THE NANCY BLAKEY SURVEY, ABSTRACT NUMBER 98, SITUATED IN BASTROP COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED AS BEING A PORTION OF THE REMAINDER OF THAT CALLED 145.691 ACRE TRACT CONVEYED TO MC BASTROP 71, LP., IN VOLUME 2097, PAGE 241, OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, SAID 2.346 ACRE TRACT OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

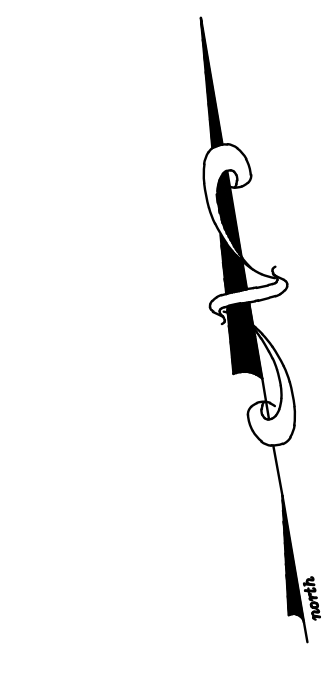
BEGINNING AT A MAG NAIL FOUND IN CONCRETE AT THE SOUTHWEST CORNER OF SAID 145.691 ACRE TRACT OF LAND, BEING IN THE EAST LINE OF STATE HIGHWAY 304 (120' R.O.W.), SAME BEING AT THE NORTHWEST CORNER OF A CALLED 5.021 ACRE TRACT OF LAND CONVEYED TO NANCY KELLY IN DOCUMENT NUMBER 201004563, OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, FOR THE SOUTHWEST CORNER AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT,

THENCE, N09°40'19"E, WITH THE EAST LINE OF SAID HIGHWAY 304 AND THE WEST LINE OF SAID 145.691 ACRE TRACT OF LAND, A DISTANCE OF 357.39 FEET TO A CAPPED 1/2 INCH IRON ROD SET STAMPED 'C80 SETSTONE' FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND,

THENCE, OVER AND ACROSS SAID 145.691 ACRE TRACT OF LAND, THE FOLLOWING THREE (3) COURSES AND DISTANCES, NUMBERED 1 THROUGH 3,

- N82°59'13"E, A DISTANCE OF 69.27 FEET TO A CAPPED 1/2 INCH IRON ROD SET STAMPED 'C80 SETSTONE' FOR CORNER,
- S80°20'19"E, A DISTANCE OF 232.89 FEET TO A CAPPED 1/2 INCH IRON ROD SET STAMPED 'C80 SETSTONE' FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND, AND
- S09°40'38"W, A DISTANCE OF 309.94 FEET TO A CAPPED 1/2 INCH IRON ROD SET STAMPED 'C80 SETSTONE' FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND, BEING IN THE NORTH LINE OF SAID 5.021 ACRE TRACT OF LAND, SAME BEING IN THE SOUTH LINE OF SAID 145.691 ACRE TRACT OF LAND,

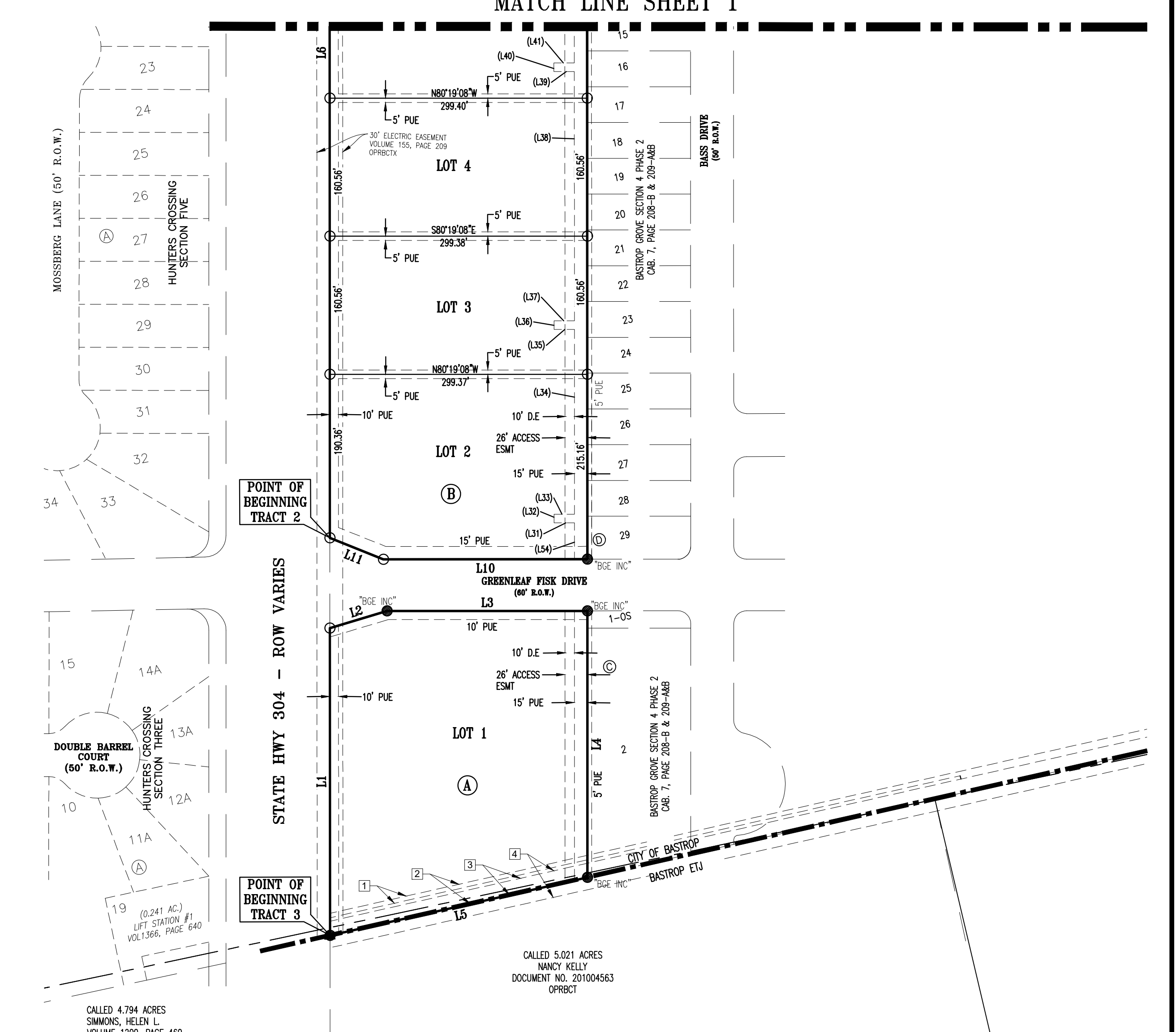
THENCE, S88°59'03"W, WITH THE SOUTH LINE OF SAID 145.691 ACRE TRACT OF LAND AND THE NORTH LINE OF SAID 5.021 ACRE TRACT OF LAND, A DISTANCE OF 306.80 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.346 ACRES OF LAND.



SCALE: 1" = 100'

### LEGEND

- 1/2" IRON ROD FOUND - (AS NOTED)
- 1/2" CAPPED IRON ROD SET
- ▲ MAG NAIL FOUND



### EASEMENT DETAILS

1	ELECTRIC DISTRIBUTION LINE OR SYSTEM, TELECOMMUNICATIONS SYSTEM AND EQUIPMENT, OR OTHER SERVICES AND SYSTEMS EASEMENT - VOLUME 1790, PAGE 606, O.P.R.B.C.TX.
2	25' PUBLIC UTILITY EASEMENT - VOLUME 1876, PAGE 411 & VOLUME 1961, PAGE 649, O.P.R.B.C.TX.
3	16' ELECTRIC DISTRIBUTION LINE OR SYSTEM, TELECOMMUNICATIONS SYSTEM AND EQUIPMENT, OR OTHER SERVICES AND SYSTEMS EASEMENT - VOLUME 1790, PAGE 612, O.P.R.B.C.TX.
4	30' ELECTRIC DISTRIBUTION LINE OR SYSTEM, TELECOMMUNICATIONS SYSTEM AND EQUIPMENT, OR OTHER SERVICES AND SYSTEMS EASEMENT - VOLUME 1790, PAGE 612, O.P.R.B.C.TX.

STATE OF TEXAS §  
COUNTY OF BASTROP § KNOW ALL MEN BY THESE PRESENTS:

THAT WE, MC BASTROP 71, LP, BEING THE OWNER OF THE REMAINDER OF THAT CERTAIN 145.691 ACRE TRACT OF LAND AS CONVEYED TO MC BASTROP 71, LP BY DEED RECORDED IN VOLUME 2097, PAGE 241, OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, OUT OF NANCY BLAKEY SURVEY, ABSTRACT NUMBER 98, SITUATED IN BASTROP COUNTY, TEXAS, DOES HEREBY SUBDIVIDE 25.866 ACRES OF LAND, IN ACCORDANCE WITH THE ATTACHED MAP OR PLAT, TO BE KNOWN AS:

### "BASTROP GROVE SECTION 5"

SUBJECT TO EASEMENTS AND RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED AND DO HEREBY DEDICATE ANY STREETS AND/OR EASEMENTS SHOWN HEREON TO THE PUBLIC.

WITNESS MY HAND, THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, A.D.

MC BASTROP 71, LP  
8214 WESTCHESTER DRIVE, SUITE 550  
DALLAS, TEXAS 75225

THE STATE OF TEXAS §  
COUNTY OF BASTROP § KNOW ALL MEN BY THESE PRESENTS:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED \_\_\_\_\_, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT OF WRITING, AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

WITNESS MY HAND AND SEAL OF OFFICE, THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, A.D.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

THE STATE OF TEXAS §  
COUNTY OF BASTROP § KNOW ALL MEN BY THESE PRESENTS:

I, KRISTA BARTSCH, COUNTY CLERK OF BASTROP COUNTY, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, A.D. AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_, IN THE PLAT RECORDS OF BASTROP COUNTY, TEXAS IN PLAT CABINET \_\_\_\_\_, PAGE(S) \_\_\_\_\_.

FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, A.D.,  
WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, A.D.

DEPUTY

KRISTA BARTSCH  
COUNTY CLERK, BASTROP COUNTY, TEXAS

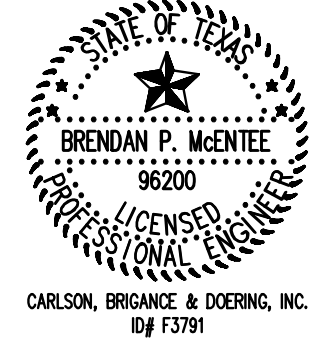
THIS FLOOD STATEMENT, AS DETERMINED BY A H.U.D.-F.I.A. FLOOD INSURANCE RATE MAP, DOES NOT IMPLY THAT THE PROPERTY OR THE IMPROVEMENTS THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE, ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR, AND FLOOD HEIGHTS MAY INCREASE BY MAN-MADE OR NATURAL CAUSES.

THIS STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF ENGINEER OR SURVEYOR.

STATE OF TEXAS )  
COUNTY OF TRAVIS ) KNOW ALL MEN BY THESE PRESENTS:

I, BRENDAN P. MCENTEE, P.E. DO HEREBY CERTIFY THAT THE STREETS AND DRAINAGE DESIGN, AS SHOWN HEREON, COMPLIES WITH THE SUBDIVISION REGULATIONS FOR THE CITY OF BASTROP, AND THAT THE 100 YEAR FLOOD PLAIN IS AS SHOWN AND WILL BE CONTAINED WITHIN THE DRAINAGE EASEMENT AND OR DRAINAGE RIGHT-OF-WAY, AS SHOWN HEREON.

ENGINEERING BY: \_\_\_\_\_ DATE \_\_\_\_\_  
BRENDAN P. MCENTEE, P.E. NO. 96200  
CARLSON, BRIGANCE & DOERING, INC.  
12129 RR 620 NORTH, SUITE 600  
AUSTIN, TEXAS 78750



STATE OF TEXAS )  
COUNTY OF TRAVIS ) KNOW ALL MEN BY THESE PRESENTS:

THAT I, STEPHEN R. LAWRENCE, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE ON-THE-GROUND SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATION OF THE CITY OF BASTROP, BASTROP COUNTY, TEXAS. ALL EASEMENTS OF RECORD HAVE BEEN IDENTIFIED ON THIS PLAT TO THE BEST OF MY KNOWLEDGE.

SURVEYED BY: \_\_\_\_\_ DATE \_\_\_\_\_  
STEPHEN R. LAWRENCE, R.P.L.S. NO. 6352  
CARLSON, BRIGANCE & DOERING, INC.  
12129 N. FM 620, STE. 600  
AUSTIN, TEXAS 78750  
stephen@cbdeing.com



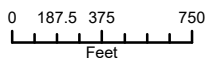
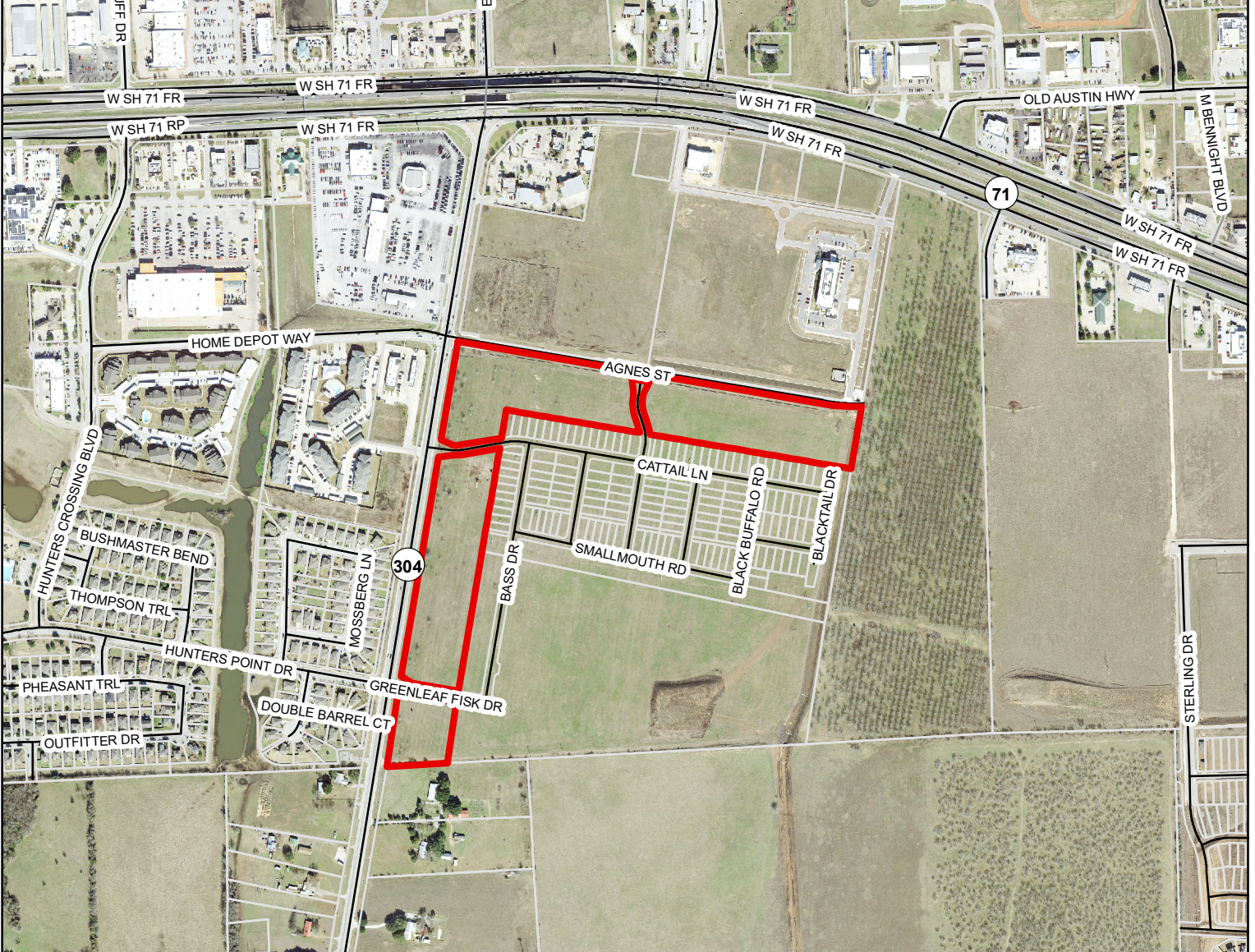
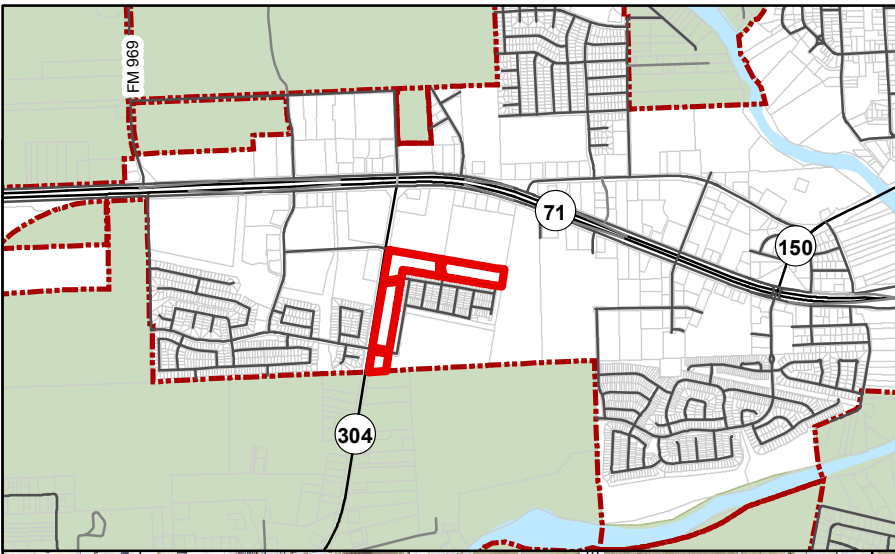
APPROVED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, A.D., BY THE PLANNING & ZONING COMMISSION OF THE CITY OF BASTROP.

APPROVED: \_\_\_\_\_ ATTEST: \_\_\_\_\_  
PLANNING & ZONING COMMISSION CHAIRPERSON, CITY OF BASTROP, TEXAS  
CITY SECRETARY, CITY OF BASTROP, TEXAS

## SHEET NO. 2 OF 2

Carlson, Brigance & Doering, Inc.  
Civil Engineering ♦ Surveying  
FIRM ID #E3791  
♦ Main Office ♦ North Office  
3501 West William Cannon Dr. 12129 RR 620 N., Ste. 600  
Austin, Texas 78749 Austin, Texas 78750  
Phone No. (512) 280-5160 Fax No. (512) 280-5165





**Final Plat**  
**Bastrop Grove Section 5**

1 inch = 800 feet

Date: 04/20/2023

The accuracy and precision of this cartographic data is limited and should be used for information /planning purposes only. This data does not replace surveys conducted by registered Texas land surveyors nor does it constitute an "official" verification of zoning, land use classification, or other classification set forth in local, state, or federal regulatory processes. The City of Bastrop, nor any of its employees, do not make any warranty of merchantability and fitness for particular purpose, or assumes any legal liability or responsibility for the accuracy, completeness or usefulness of information, nor does it represent that its use will not infringe upon privately owned rights.







# Staff Report

**MEETING DATE:** April 27, 2023

**TITLE:**

Consider and act on amending Consider and act on amending SEC. 2.4.001 NONCONFORMING USES AND STRUCTURES Continuing Lawful Use of Property & Existence of Structures item (4) No nonconforming use or Structure may be expanded, reoccupied with another nonconforming use, or increased as of the effective date of this Code, unless authorized by the ZBA by adding an administrative relief component for residents.

**BACKGROUND/HISTORY**

At the March 30, 2023 meeting, staff presented the following information, “The B3 code, as adopted, requires all existing uses and structures who do not meet the B3 standard to be considered nonconforming, also known as “grandfathered”. Nonconforming uses are intended to move the community into current planning, building code, and design standards.

An unexpected consequence of the B3 code, was the disparate impact it would have on residents in predominantly low-income areas, or the large extent of the town that would be considered nonconforming and what that actually would mean to residents.

This agenda item seeks to provide administrative relief to residents and businesses in that section of the code.

An example of this impact is an applicant who wishes to add a concrete driveway in the first layer of the lot on Fayette Street. There is an existing gravel driveway that is narrow and has been used for parking for over 50 years. The existing code, as written, would not allow the driveway because it does not allow expansion of an existing nonconforming structure to occur. The applicant would need to request a variance to the Zoning Board of Adjustment at a significant cost in order to install the driveway.

If the intent of the code is to keep “authentic Bastrop”, a common nonconforming planning practice should be applied; that is a radius of 200 ft or less, is taken from the property in question. If more than 50% of the properties surrounding it have similar circumstances, then it would be allowed. The reasoning is that it allows the neighborhood to retain its character without major legislative approvals, instead an internal administrative approval can be obtained.”

At the subsequent city council meeting, Councilmember Kirkland discussed additions to the Planning and Zoning Commission recommendation. After discussion on the floor, it was recommended to remand this back to the Planning and Zoning Commission for further public dialogue.

The additions Councilmember Kirkland wished to add are as follows:

- The application is for a structure that does not directly increase or expand the characteristics that render the use or structure nonconforming.

- Routine repairs and nonstructural alterations shall be permitted if not extending or enlarging the characteristics that render the use or structure nonconforming.
- Nonconforming structures damaged by an unavoidable casualty may be replaced or repaired if the necessary permits are sought and repairs commence within 2 years of the damage.
- The act of real estate acquisition of the subject property or nearby property by a governmental agency shall not render a use or building nonconforming.

**AGENDA ITEM SUBMITTED BY:**

Submitted by: Sylvia Carrillo, City Manager

**RECOMMENDATION:**

Staff recommended amendment to amending Continuing Lawful Use of Property & Existence of Structures by adding an administrative relief component for residents. This also includes the additions Councilmember Kirkland seeks to add.

**ATTACHMENTS:**

Proposed code amendment documents.

(b) Nonconforming Status

(1) Any use, platted Lot, or Structure that does not conform with the Standards of the Place Type Zoning District description where it is located shall be deemed a nonconforming use or Structure when:

- A. The use, platted Lot, or Structure was in existence and lawfully operating on the time of the passage of the previous Code passed September 14, 1999, and has since been in regular and continuous use; or
- B. The use, platted Lot, or Structure is a lawful use at the time of the adoption of any amendment to this Code but by such amendment is placed in a district wherein such use, platted Lot, or Structure is not otherwise permitted and has since been in regular and continuous use; or
- C. The use, platted Lot, or Structure was in existence at the time of annexation to the City and has since been in regular and continuous use.

(c) Continuing Lawful Use of Property & Existence of Structures

- (1) The lawful use of land or lawful existence of Structures at the time of the passage of this Code, although such do not conform to the provisions hereof, may be continued; but if said nonconforming use or Structure is discontinued for a period of 6 months or longer, a rebuttable presumption is created that the nonconforming use was intended to be abandoned, any future use of said Premises shall be in conformity with the provisions of this Code.
- (2) Discontinuance of a nonconforming use or Structure shall commence on the actual act or date of discontinuance. Abandonment of a nonconforming Structure shall commence on the act or date of abandonment.
- (3) When a nonconforming use or Structure that does not meet the Development Standards in this Code ceases to be used for a period of 6 months or longer, such use shall not be resumed and proof of such event shall constitute prima facie evidence of an act of abandonment. Any nonconforming use that does not involve a permanent type of Structure or operation and that is moved from the Premises shall be

considered to have been abandoned. Manufactured homes and mobile homes may be replaced once per the Texas Occupations Code.

- (4) No nonconforming use or Structure may be expanded, reoccupied with another nonconforming use, or increased as of the effective date of this Code, unless authorized by the ZBA OR can be administratively resolved if the following condition exists, properties within 200 feet the adjacent structures have a similar encroachments, building standards, or lot standards, or setbacks or build to lines. The following determination can be made by the Director of Development Services when the applicant meets the surround built environment.
- (5) Conforming Residential uses on platted lots approved prior to this Code, that may now be nonconforming due to stricter Standards, shall be deemed in conformance with this Code as long as the use of the Lot is allowed in the respective district.
- (6) Any existing vacant Lot platted prior to the adoption of this Code, that was legally conforming, shall be deemed a conforming Lot subject to the provisions applicable to Lots of Records as defined in Sec. 1.3.013.

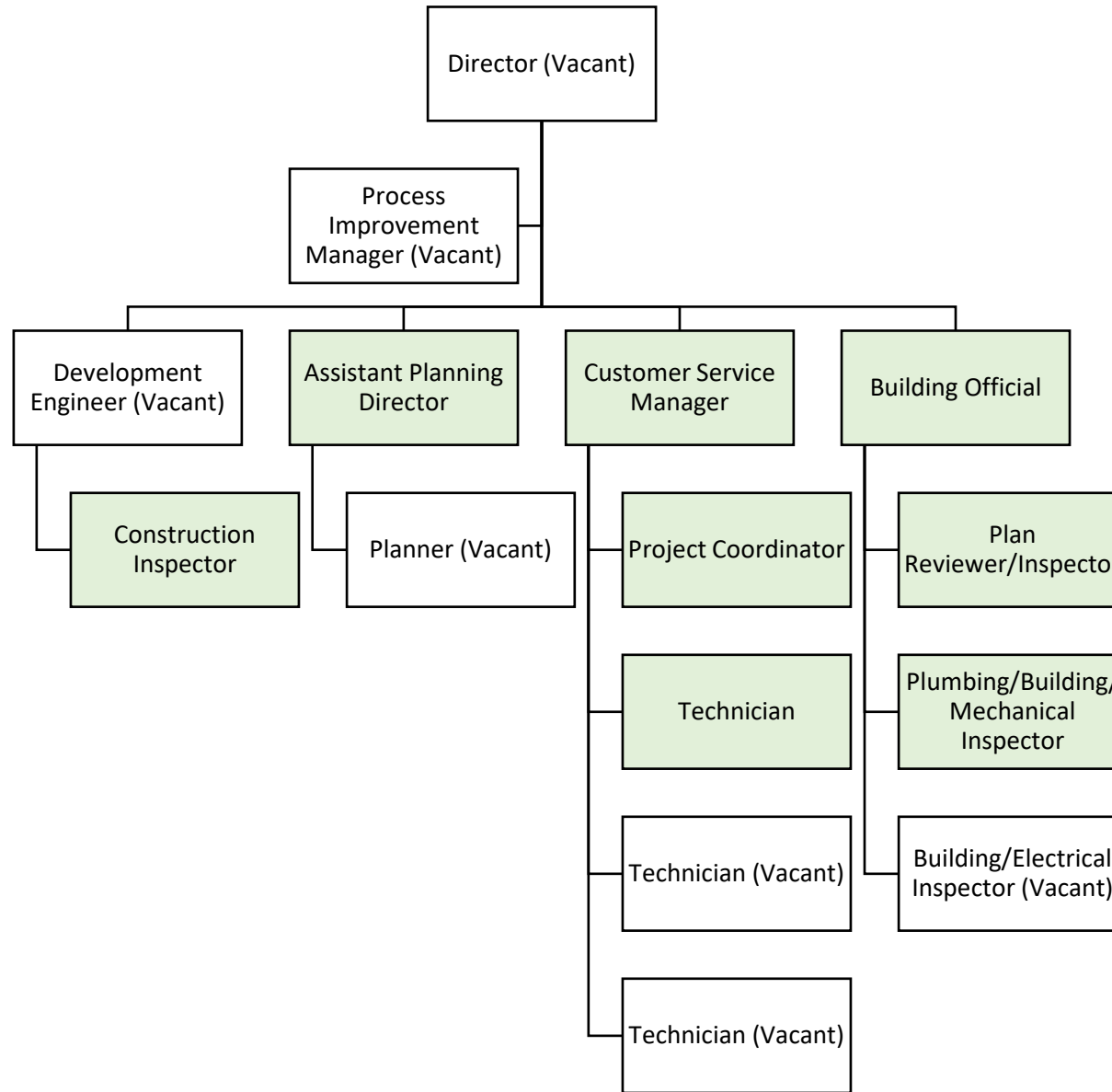


April 27, 2023

# Planning and Zoning Workshop

Sylvia Carrillo , City Manager

# Staff Update



# B3 Code Updates

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- Previously approved amendments
  - Fences
  - Glazing
  - Lot of Record
  - Non-conforming Uses and Structures
  - Reduced fees for Variances
- Newly approved items
  - Certificate of Appropriateness/Iredell Moratorium
  - Pro-rate/Developer Reimbursement Policy
  - Simplified process for trade permit submittals



# Current Items Under Review

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- Certified Local Government
  - Iredell District (new boundary)
- Process Improvements
  - Residential Submittal Process
  - Commercial Submittal Process

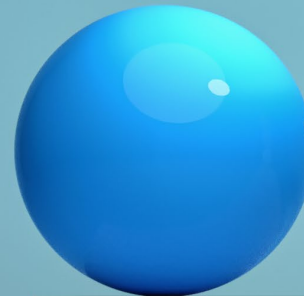
Item 5A.



# Proposed Amendments

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- 2019 Code with additional requirements
  - Shared access and circulation
  - Lighting (Dark sky “light”)
  - Landscaping
  - Safe pedestrian pathways
  - Building articulation standards (no flat metal boxes)
- Planned Unit Development (PUD)
  - Flexibility applied to each INDIVIDUAL project
  - PUD was removed in the B3 code



# Proposed Amendments

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- Residential
  - B3 “light” with the good features of the B3, but the flexibility to create other housing types
    - PUD
    - Design preferences (overlay)
    - Boundary?



Sec. 211.005. DISTRICTS. (a) The governing body of a municipality may divide the municipality into districts of a number, shape, and size the governing body considers best for carrying out this subchapter. Within each district, the governing body may regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land.

(b) Zoning regulations must be uniform for each class or kind of building in a district, but the regulations may vary from district to district. The regulations shall be adopted with reasonable consideration, among other things, for the character of each district and its peculiar suitability for particular uses, with a view of conserving the value of buildings and encouraging the most appropriate use of land in the municipality.



Questions?