

Bastrop Planning and Zoning Commission Agenda

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



March 30, 2023

Agenda - Planning and Zoning Commission at 6:00 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.

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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. ITEMS FOR INDIVIDUAL CONSIDERATION

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

Submitted by: Melissa Gustafson, Planning Technician

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

Submitted by: Melissa Gustafson, Planning Technician

3C. Consider action to approve the Pecan Park, Commercial Lot 5, Final Plat, being 16.811 acres out of the Nancy Blakey Survey, Abstract No. 98, located at the south of State Highway 71 & west of Hasler Boulevard, within the territorial limits of the City of Bastrop, Texas, as shown in Exhibit A.

Submitted by: Keehren Baah, Assistant Planning Director

3D. Consider and Act on amending ARTICLE 2.4 ADMINISTRATION SEC. 2.4.001 NONCONFORMING USES AND STRUCTURES by adding that the intent of the provisions will not create a disparate impact to residents.

Submitted by: Sylvia Carrillo, City Manager

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.

Submitted by: Sylvia Carrillo, City Manager

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,

Submitted by: Sylvia Carrillo, City Manager

4. UPDATES

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

4B. Planning & Development Department Monthly Project Volume Report.

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

5. 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 and said Notice was posted on the following date and time: Friday, March 24, 2023, at 9:30 p.m. and remained posted for at least two hours after said meeting was convened.

/s/Keehren Baah
Keehren Baah, Assistant Director of Planning



STAFF REPORT

MEETING DATE: March 30, 2023

TITLE:

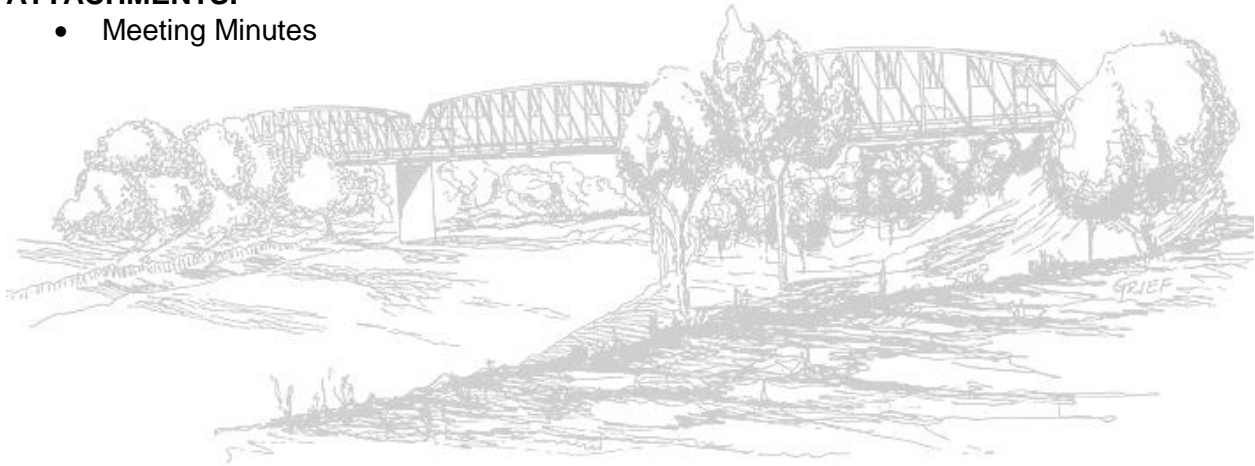
Consider action to approve meeting minutes from the February 23, 2023 Impact Fee Advisory Meeting.

STAFF REPRESENTATIVE:

Melissa Gustafson, Planning Technician

ATTACHMENTS:

- Meeting Minutes



IMPACT FEE ADVISORY MEETING

February 23, 2023 at 6:00 P.M.

Meeting Minutes

The City of Bastrop Impact Fee Advisory Committee met Thursday, February 23, 2023, at 6:00 p.m. in the Council Chambers located at 1311 Chestnut Street, Bastrop, Texas 78602

1. CALL TO ORDER

Debbie Moore called the meeting to order at 6:00 p.m.

Dawn Kana	Present
Debbie Moore	Present
Cynthia Meyer	Present
Ishmael Harris	Present
Carrie Caylor	Present - Arrived at 6:01PM
Scott Long	Absent
Patrice Parsons	Present - Arrived at 6:33 PM
Judah Ross	Present
Kristi Koch	Absent
David Barrow	Present

2. CITIZEN COMMENTS

There were no citizen comments.

3. WORKSHOP

3A. Presentation and discussion on the Transportation Impact Fee Study process and land use assumptions.

Jake Gutekunst, with Kimley-Horn on behalf of the City of Bastrop, presented to the Commission a presentation on the Transportation Impact Fee Study process and land use assumptions.

The Committee asked about funding growth and how impact fees cannot be used for maintenance? Maintenance is funded through the General Fund, taxes, and debt issuance.

The Committee asked is roadway the same a transportation? Do we currently have any impact fees in Bastrop? It is. Roadway is what the State Law calls it, but for the sake of understanding here, we are calling it transportation. Yes, we have Water/Wastewater Impact Fees.

The Committee asked if maps were available so they could get an idea of the 6-mile trip length for Bastrop. The consultant stated maps will be shown later in the presentation.

The Committee asked if the consultant had data showing how the fees or rates affect the development in some of the surrounding communities? The consultant stated that he would have

a chart at some point when we get to the policy discussion that will show what some communities decided to do.

The Committee asked from the other studies that have occurred within surrounding communities, have they seen any pitfalls to this? No

The Committee asked if the growth rate assumptions for us, compared to other areas, aggressive, inline, balanced? A little above average, but not the highest.

4. ADJOURNMENT

Debbie Moore closed the Impact Fee Advisory Meeting at 6:38 p.m.to proceed to the Planning and Zoning Meeting.

Dawn Kana, Impact Fee Advisor

Debbie Moore, Chair



STAFF REPORT

MEETING DATE: March 30, 2023

TITLE:

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

STAFF REPRESENTATIVE:

Melissa Gustafson, Planning Technician

ATTACHMENTS:

- Meeting Minutes



PLANNING & ZONING MEETING

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

Meeting Minutes

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

1. CALL TO ORDER

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

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

Staff Present:

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

2. CITIZEN COMMENTS

There were no citizen comments.

3. ITEMS FOR INDIVIDUAL CONSIDERATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Questions for Planning and Zoning Commission:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There were no citizen comments.

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

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

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

Item 3D was postponed.

4. UPDATES

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

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

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

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

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

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

5. ADJOURNMENT

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

Debbie Moore, Chair

Carrie Caylor, Vice Chair



STAFF REPORT

MEETING DATE: March 30, 2023

TITLE:

Consider action to approve the Pecan Park, Commercial Lot 5, Final Plat, being 16.811 acres out of the Nancy Blakey Survey, Abstract No. 98, located at the south of State Highway 71 & west of Hasler Boulevard, within the territorial limits of the City of Bastrop, Texas, as shown in Exhibit A.

STAFF REPRESENTATIVE:

Keehren Baah, Assistant Director of Development Services

ITEM DETAILS:

Site Address: South of SH 71 & west of Hasler Boulevard (Attachment 1)
 Total Acreage: 16.811 acres
 Legal Description: 16.811 acres out of the Nancy Blakey Survey, Abstract No. 98

Property Owner: HSD Pecan Park, LP/Bill Hayes
 Agent Contact: Carlson, Brigance, & Doering/Matt Synatchk

Existing Use: Vacant/Undeveloped
 Existing Zoning: Pecan Park PDD
 Adopted Plan: Ordinance No. 2015-14 Pecan Park Commercial Planned Development on August 25, 2015, Amended Ordinance No. 2021-18 December 14, 2021

Future Land Use: None.

BACKGROUND/HISTORY:

The applicant has submitted the Final Plat for Pecan Park Commercial Lot 5. The proposed commercial lot follow the lot standards adopted in the Ordinance No. 2015-14 on Ordinance No. 2021-18 Pecan Park Commercial Planned Development Approved December 14, 2021.

Traffic Impact and Streets

There will four main streets within this development, Orchard Parkway, Sterling Drive, Agnes Street, and Greenleaf Fisk Drive. A traffic impact analysis (TIA) for the overall development of Pecan Park (commercial and residential sections) has been previously approved by the City in 2014, and the plat is consistent with the recommendations of that analysis.

Utilities

Water service (domestic and fire) will be provided by the City of Bastrop via water line extensions from existing infrastructure located at Orchard Parkway, Sterling Drive, and State Highway 71. These lines will be designed according to the City's construction standards, as well as the Texas

Commission on Environmental Quality's (TCEQ) requirements. A Preliminary Infrastructure Plan has been reviewed and approved by the City Engineer.

Wastewater service will be provided by the City of Bastrop via water line extensions from existing infrastructure located at Orchard Parkway, Sterling Drive, and State Highway 71. A Preliminary Infrastructure Plan has been reviewed and approved by the City Engineer.

Drainage

Stormwater runoff generated within the property will be routed through onsite drainage infrastructure that will convey the water through off-site easements to directly discharge to the Colorado River. 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 – 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.

The Future Land Use Plan shows General Commercial in this area. The plat proposes commercial lots, consistent with the surrounding property and the Future Land Use Plan.

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 Code of Ordinances, Chapter 10 – Subdivisions outlines the requirements for plats within the Bastrop city limits and Extra Territorial Jurisdiction (ETJ).

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;

This plat is located inside of the city limits of Bastrop, Texas. The Future Land Use shows General Commercial in this area. The plat proposes commercial lots, consistent with the surrounding property.

- (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 Pecan Park (commercial and residential sections) has been previously approved by the City in 2014, and the plat is consistent with the recommendations of that analysis.

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

A fiscal guarantee was provided for the construction and maintenance of the street improvements before any final plats is recorded.

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

The final plat complies with the requirements of the adopted B³ Code and Consent Agreement.

B³ 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

The Preliminary Drainage Plan to determine drainage requirements was reviewed the City Engineer and several revisions were addressed on the Final Drainage Plan.

The Preliminary Infrastructure Plan for the feasibility of the construction of the subdivision improvements was reviewed by the City Engineer and is pending approval with a several revisions that must be addressed on the Public Improvement Plans before any work on the improvements can begin.

- Section 1.3.004 Plat Requirements

The Development Review Committee reviewed the Pecan Park Commercial Lot 5 Final Plat for compliance with subdivision, utility standards, and the Planned Development District zoning and deemed the plat administratively complete. The Assistant Director recommends approval.

RECOMMENDATION:

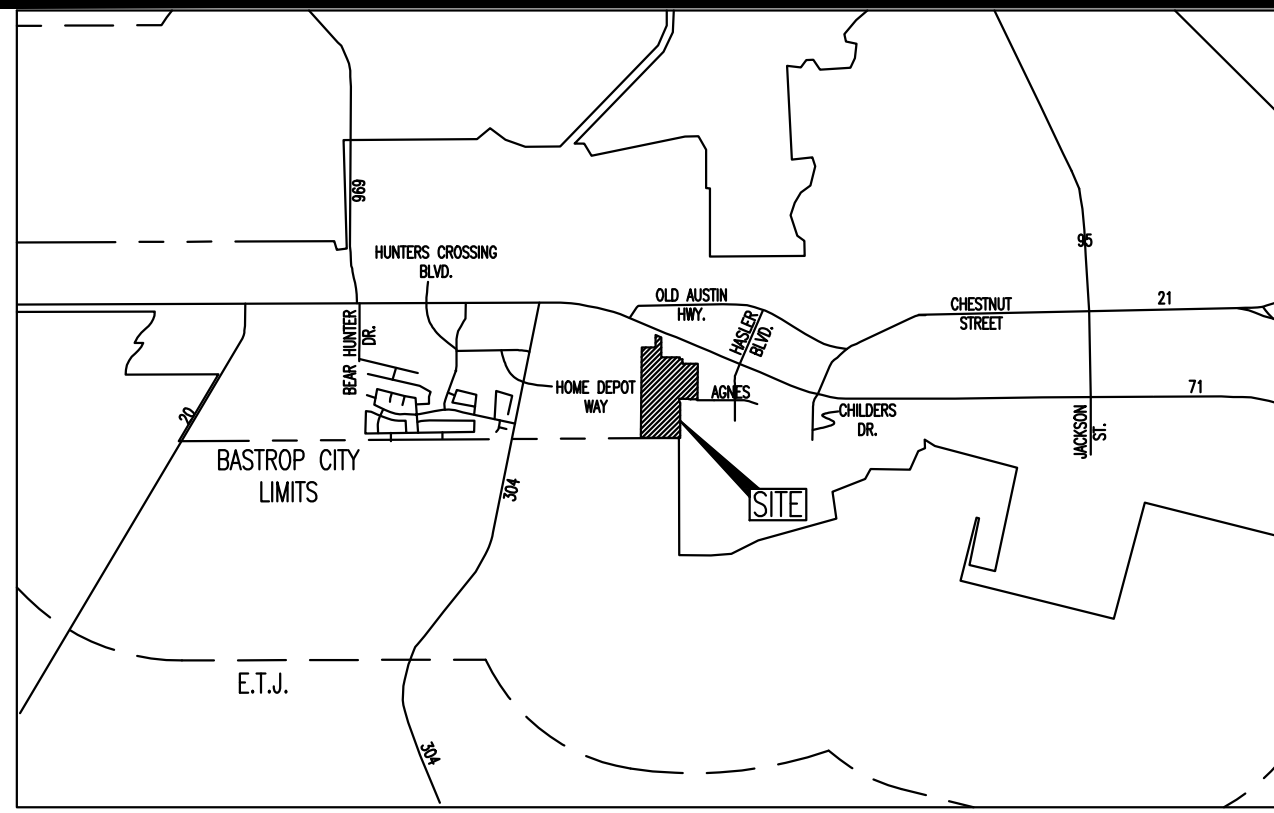
Consider action to approve the Pecan Park, Commercial Lot 5, Final Plat, being 16.811 acres out of the Nancy Blakey Survey, Abstract No. 98, located at the south of State Highway 71 & west of Hasler Boulevard, within the territorial limits of the City of Bastrop, Texas, as shown in Exhibit A.

ATTACHMENTS:

- Exhibit A: Pecan Park Commercial Lot 5 Final Plat
- Attachment 1: Location Map



THE FINAL PLAT OF PECAN PARK COMMERCIAL, LOT 5



DATE: MARCH 6, 2023

HSD BASTROP PECAN PARK LP.
2101 LAKEWAY BLVD STE 100
LAKEWAY, TX 78734

PHONE: (512) 610-0516

ENGINEER & SURVEYOR:
CARLSON, BRIGANCE & DOERING, INC.
5501 WEST WILLIAM CANNON
AUSTIN, TX 78749
(512) 280-5160

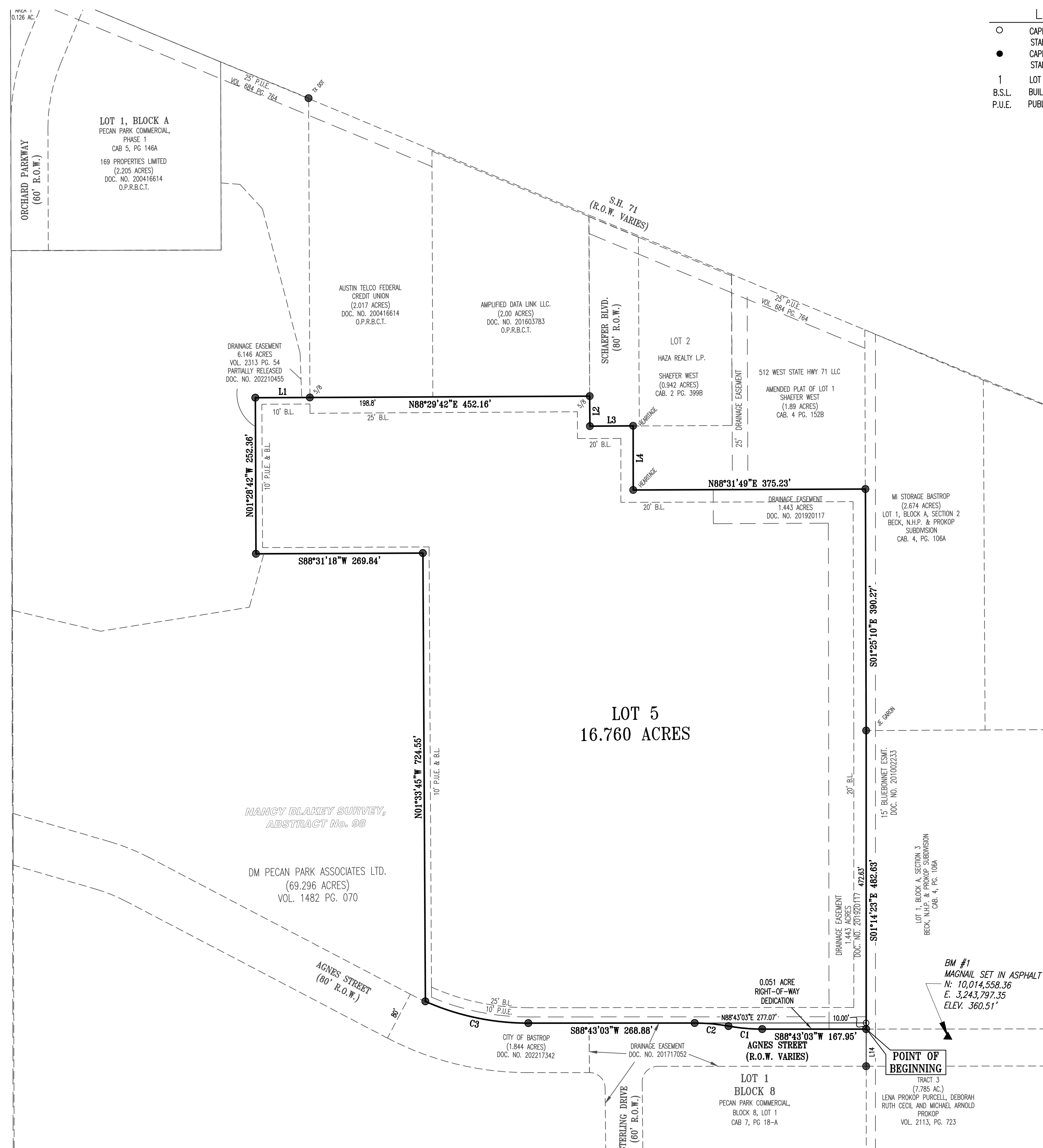
TOTAL ACREAGE: 16.811 ACRES
SURVEY: NANCY BLAKEY SURVEY, ABSTRACT No. 98

COMMERCIAL LOTS: 1 TOTAL: 16.760 ACRES

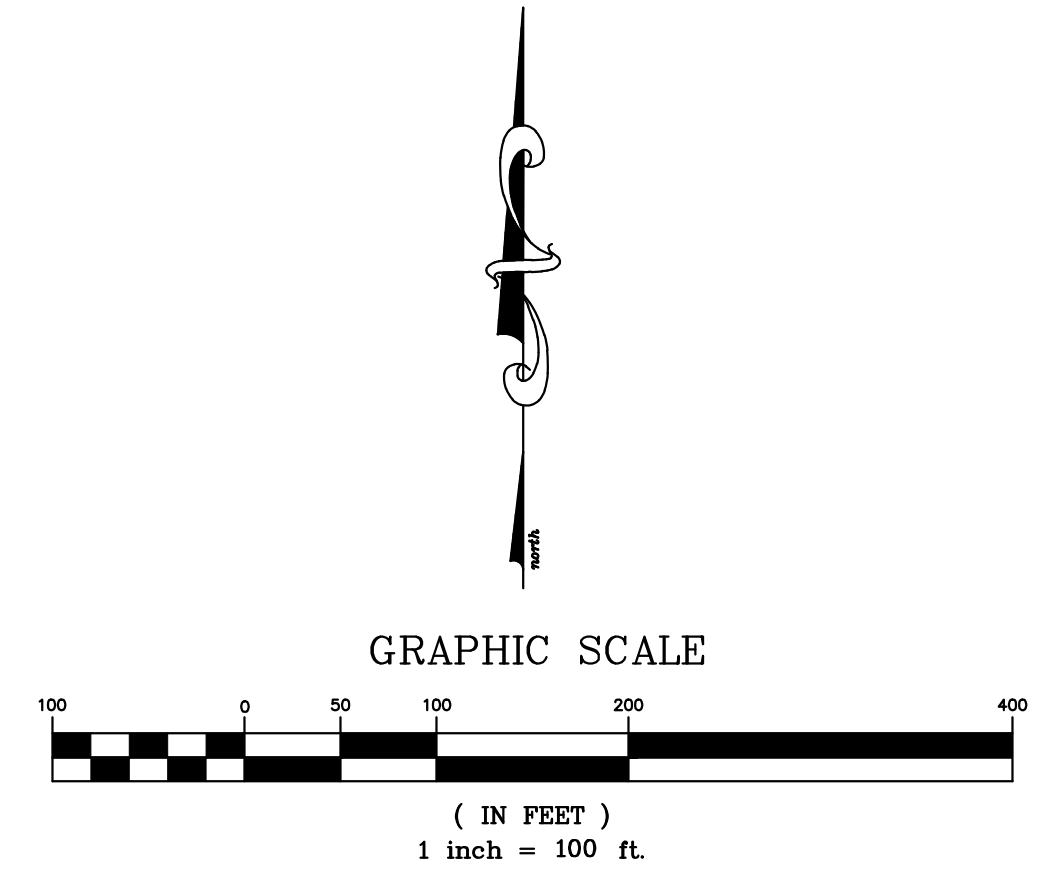
F.E.M.A. MAP NO. 48021C0355E
BASTROP COUNTY, TEXAS DATED: JANUARY 19, 2006

Line Table		
Line #	Length	Direction
L1	88.24	N88°30'38"E
L2	48.52	S01°43'53"E
L3	69.96	N88°19'51"E
L4	103.62	S01°18'50"E
L14	60.00	S01°14'23"E

Curve Table						
Curve #	Length	Radius	Chord Direction	Chord Length	Tangent	DELTA
C1	54.86	300.00	N86°02'57"W	54.79	27.51	107°28'41"
C2	54.86	300.00	N86°02'57"W	54.79	27.51	107°28'41"
C3	171.35	410.00	N79°18'35"W	170.11	86.94	23°56'44"



- LEGEND**
- CAPPED 1/2" IRON ROD SET
STAMPED "CBD SETSTONE"
 - CAPPED 1/2" IRON ROD FOUND
STAMPED "CBD SETSTONE" (UNLESS NOTED)
 - 1 LOT NUMBER
 - B.S.L. BUILDING SETBACK LINE
 - P.U.E. PUBLIC UTILITY EASEMENT



REV. NO.	BY	COMMENT	DATE
1	TKM	INITIAL ISSUE	02/14/2023

SHEET NO. 1 OF 2

Carlson, Brigance & Doering, Inc.
FIRM ID #F3791 REG. # 10024900
Civil Engineering Surveying
5501 West William Cannon Austin, Texas 78749
Phone No. (512) 280-5160 Fax No. (512) 280-5165

THE FINAL PLAT OF PECAN PARK COMMERCIAL, LOT 5

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

THAT, HSD BASTROP PECAN PARK LP., HAYTHEM DAWLETT, ACTING HEREIN BY AND THROUGH AND BEING THE OWNER OF THAT CERTAIN 16.811 ACRE TRACT OF LAND AS CONVEYED TO HSD BASTROP PECAN PARK LP. IN DOCUMENT NUMBER 202216263, OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, OUT OF THE NANCY BLAKEY SURVEY, ABSTRACT NUMBER 98, SITUATED IN BASTROP COUNTY, TEXAS, DOES HEREBY SUBDIVIDE 16.811 ACRES OF LAND, IN ACCORDANCE WITH THE ATTACHED MAP OR PLAT, TO BE KNOWN AS:

"PECAN PARK COMMERCIAL LOT 5"

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

WITNESS MY HAND, THIS THE _____ DAY OF _____, 20____, A.D.

HAYTHEM DAWLETT
HSD BASTROP PECAN PARK LP.
2101 LAKEWAY BLVD STE 100
LAKEWAY, TX 78734

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

APPROVED ON THIS _____ DAY OF _____, 20____ A.D., BY THE PLANNING & ZONING COMMISSION OF THE CITY OF BASTROP, TEXAS.

APPROVED: _____ ATTEST: _____
PLANNING & ZONING COMMISSION CITY SECRETARY
CHAIRPERSON

FLOOD PLAIN NOTE:

NO PORTION OF THIS TRACT LIES WITHIN A DESIGNATED FLOOD HAZARD AREA. THIS TRACT LIES IN ZONE X-500 (0.2 PERCENT ANNUAL CHANCE FLOOD HAZARD), AS SHOWN ON THE FEDERAL FLOOD INSURANCE ADMINISTRATION RATE MAP NO. 4802100355E, FOR BASTROP COUNTY TEXAS, DATED JANUARY 19, 2006. COMMUNITY NUMBER 481193.

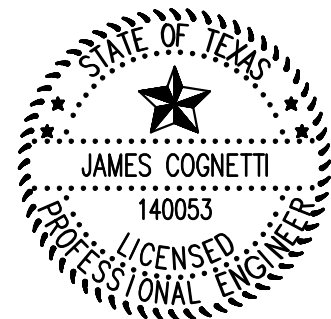
THIS FLOOD STATEMENT, AS DETERMINED BY A H.L.U.D.-F.I.A. FLOOD INSURANCE RATE MAP, DOES NOT IMPLY THAT THE PROPERTY OR THE IMPROVEMENTS THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR, AND FLOOD HEIGHTS MAY INCREASE BY MAN-MADE OR NATURAL CAUSES.

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, JAMES COGNETTI, 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 NO PORTION OF THIS PROPERTY IS WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN HEREON.

ENGINEERING BY: _____ DATE _____
JAMES COGNETTI, P.E. NO. 140053
CARLSON, BRIGANCE & DOERING, INC.
5701 WEST WILLIAM CANNON DRIVE
AUSTIN, TEXAS 78749
jcoognetti@cbdeng.com

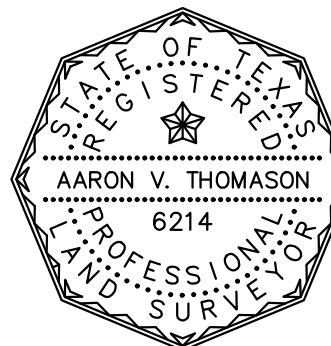


CARLSON, BRIGANCE, & DOERING, INC.
ID # F3791

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

THAT I, AARON V. THOMASON, 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 _____
AARON V. THOMASON ~ R.P.L.S. NO. 6214
CARLSON, BRIGANCE & DOERING, INC.
5501 WEST WILLIAM CANNON DRIVE
AUSTIN, TEXAS 78749
aaron@cbdeng.com



METES AND BOUNDS

BEING ALL OF THAT CERTAIN 16.811 ACRE TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE NANCY BLAKEY SURVEY, ABSTRACT NUMBER 98, SITUATED IN BASTROP COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED AS BEING ALL OF A CALLED 16.811 ACRE TRACT OF LAND CONVEYED TO HSD BASTROP PECAN PARK LP. BY DEED RECORDED IN DOCUMENT NUMBER 202216263, OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, (O.P.R.B.C.TX.), SAID 16.811 ACRE TRACT OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, AT A 1/2 INCH CAPPED IRON ROD FOUND, STAMPED "CBD SETSTONE" AT THE SOUTHEAST CORNER OF SAID 16.811 ACRE TRACT OF LAND, BEING THE SOUTHWEST CORNER OF LOT 1, BLOCK A BECK, N.H.P. & PROKOP SUBDIVISION, SECTION THREE, A SUBDIVISION RECORDED IN CABINET 6, SLIDE 36A, PLAT RECORDS OF BASTROP COUNTY, TEXAS (P.R.B.C.TX.), SAME BEING ON THE NORTH RIGHT-OF-WAY LINE OF AGNES STREET (60' R.O.W.), FOR THE SOUTHEAST CORNER AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT,

THENCE, WITH THE NORTHERN RIGHT-OF-WAY LINE OF SAID AGNES ROAD, THE SOUTH LINE OF SAID 16.811 ACRE TRACT OF LAND, , THE NORTH LINE OF A CALLED 1.844 ACRE TRACT OF LAND CONVEYED TO THE CITY OF BASTROP FOR RIGHT-OF-WAY PURPOSES BY DEED RECORDED IN DOCUMENT NUMBER 202217342, OFFICIAL PUBLIC RECORDS, BASTROP COUNTY, TEXAS, AND OVER AND ACROSS A CALLED 69.296 ACRE TRACT OF LAND CONVEYED TO DM PECAN APRK ASSOCIATED LTD BY DEED RECORDED IN VOLUME 1482, PAGE 70, OFFICIAL PUBLIC RECORDS, BASTROP COUNTY, TEXAS, THE FOLLOWING FOUR (4) COURSES AND DISTANCES, NUMBERED 1 THROUGH 4,

1. S88°43'03"W, A DISTANCE OF 167.95 FEET TO A CAPPED 1/2 INCH IRON ROD FOUND STAMPED "CBD SETSTONE", BEING AT A POINT OF CURVATURE, FOR A CURVE TO THE RIGHT,
2. ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 300.00 FEET, AN ARC LENGTH OF 54.86 FEET AND A CHORD THAT BEARS N86°02'57"W, A DISTANCE OF 54.79 FEET TO A CAPPED 1/2 INCH IRON ROD FOUND STAMPED "CBD SETSTONE", BEING AT A POINT OF CURVATURE, FOR A CURVE TO THE LEFT,
3. ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 300.00 FEET, AN ARC LENGTH OF 54.86 FEET AND A CHORD THAT BEARS N86°02'37"W, A DISTANCE OF 54.79 FEET TO A CAPPED 1/2 INCH IRON ROD FOUND STAMPED "CBD SETSTONE", AND
4. S88°43'03"W A DISTANCE OF 288.88 FEET TO A CAPPED 1/2 INCH IRON ROD FOUND STAMPED "CBD SETSTONE", BEING AT A POINT OF CURVATURE, FOR A CURVE TO THE RIGHT, SAME BEING AT THE SOUTHWEST CORNER OF SAID 16.811 ACRE TRACT OF LAND, FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND,

THENCE, CONTINUING OVER AND ACROSS THE REMAINDER OF SAID 69.926 ACRE TRACT, AND WITH THE WEST AND NORTH LINES OF SAID 16.811 ACRE TRACT OF LAND, THE FOLLOWING FIVE (5) COURSES AND DISTANCES, NUMBERED 1 THROUGH 5,

1. ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 410.00 FEET, AN ARC LENGTH OF 171.35 FEET AND WHOSE CHORD BEARS N79°18'35"W, A DISTANCE OF 170.11 FEET TO A CAPPED 1/2 INCH IRON ROD FOUND STAMPED "CBD SETSTONE",
2. N01°33'45"W, A DISTANCE OF 724.55 FEET TO A CAPPED 1/2 INCH IRON ROD FOUND STAMPED "CBD SETSTONE",
3. S88°31'18"W, A DISTANCE OF 269.84 FEET TO A CAPPED 1/2 INCH IRON ROD FOUND STAMPED "CBD SETSTONE",
4. N01°28'42"W, A DISTANCE OF 252.36 FEET TO A CAPPED 1/2 INCH IRON ROD FOUND STAMPED "CBD SETSTONE", AND
5. N88°30'39"E, A DISTANCE OF 88.24 FEET TO A 5/8 INCH IRON ROD FOUND, BEING THE SOUTHWEST CORNER OF A CALLED 2.017 ACRE TRACT CONVEYED TO AUSTIN TELCO FEDERAL CREDIT UNION IN DOCUMENT NUMBER 200416614 O.P.R.B.C.TX.,

THENCE N88°29'42"E, WITH THE COMMON BOUNDARY LINE OF SAID 16.811 ACRE TRACT, SAID 2.017 ACRE TRACT, AND A CALLED 2.00 ACRE TRACT OF LAND CONVEYED TO AMPLIFIED DATA LINK, LLC. IN DOCUMENT NUMBER 201603783 (O.P.R.B.C.TX.), PASSING AT A DISTANCE OF 198.85 FEET A 5/8 INCH IRON ROD FOUND, BEING THE SOUTHEAST CORNER OF SAID 2.017 ACRES TRACT, ALSO BEING THE SOUTHWEST CORNER OF SAID 2.00 ACRE TRACT, CONTINUING FOR A TOTAL DISTANCE OF 452.16 FEET TO A 5/8 INCH IRON ROD FOUND AT A SOUTHEASTERN CORNER OF SAID 2.00 ACRE TRACT AND BEING ALSO A POINT ON A WESTERN RIGHT-OF-WAY LINE OF SCHAEFER BOULEVARD (80' R.O.W.),

THENCE, WITH THE COMMON BOUNDARY LINE OF SAID 16.811 ACRE TRACT AND SAID SCHAEFER BOULEVARD, THE FOLLOWING TWO (2) COURSES AND DISTANCES, NUMBERED 1 AND 2,

1. S01°43'53"E, A DISTANCE OF 48.52 FEET TO A 5/8 INCH IRON ROD FOUND, AND
2. N88°19'51"E, A DISTANCE OF 69.96 FEET TO A 1/2 INCH CAPPED IRON ROD FOUND STAMPED "HEARTIGE SURVEYING", BEING A POINT ON A NORTHERN BOUNDARY LINE OF SAID 69.296 ACRE TRACT, SAME BEING A POINT ON A SOUTHERN TERMINUS LINE OF SAID SCHAEFER BOULEVARD, AND BEING ALSO A WESTERN CORNER OF A LOT 1 OF THE AMENDED PLAT OF LOT 1 SCHAEFER WEST, A SUBDIVISION RECORDED IN CABINET 4, PAGE 152-B (P.R.B.C.TX.),

THENCE WITH THE COMMON LINE OF SAID 16.811 ACRE TRACT AND SAID LOT 1, THE FOLLOWING TWO (2) COURSES AND DISTANCES, NUMBERED 1 AND 2,

1. S01°18'50"E, A DISTANCE OF 103.62 FEET TO A 1/2 INCH CAPPED IRON ROD FOUND STAMPED "HEARTIGE SURVEYING", AND
2. N88°31'49"E, A DISTANCE OF 375.23 FEET TO A 1/2 INCH CAPPED IRON ROD FOUND STAMPED "CBD SETSTONE", BEING AT THE NORTHEAST CORNER OF SAID 16.811 ACRE TRACT, SAME BEING A SOUTHEASTERN CORNER OF SAID LOT 1, SCHAEFER WEST SUBDIVISION, AND BEING ALSO A POINT ON A WESTERN BOUNDARY LINE OF LOT 1, BLOCK A, BECK, N.H.P. & PROKOP SUBDIVISION, SECTION TWO, A SUBDIVISION RECORDED IN CABINET 4, PAGE 106-A (P.R.B.C.TX.),

THENCE S01°25'10"E, WITH THE COMMON BOUNDARY LINE OF SAID 16.811 ACRE TRACT AND SAID LOT 1, BLOCK A, BECK, N.H.P. & PROKOP SUBDIVISION, SECTION TWO, A DISTANCE OF 390.27 FEET TO A 1/2" CAPPED IRON ROD FOUND STAMPED "JE GARON RPLS", BEING AN EASTERN CORNER OF SAID 16.811 ACRE TRACT, SAME BEING A SOUTHWESTERN CORNER OF SAID LOT 1, BLOCK A, BECK, N.H.P. & PROKOP SUBDIVISION, SECTION TWO, AND BEING ALSO A NORTHWESTERN CORNER OF SAID LOT 1, BLOCK A, BECK, N.H.P. & PROKOP SUBDIVISION, SECTION THREE A SUBDIVISION RECORDED IN CABINET 6, SLIDE 36A (P.R.B.C.TX.),

THENCE, S01°14'23"E, WITH THE COMMON BOUNDARY LINE OF SAID 16.811 ACRE TRACT AND SAID LOT 1, BLOCK A, BECK, N.H.P. & PROKOP SUBDIVISION, SECTION THREE, A DISTANCE OF 482.63 FEET TO THE POINT OF BEGINNING AND CONTAINING 16.811 ACRES OF LAND.

GENERAL NOTES:

1. ALL SUBDIVISION PERMITS SHALL CONFORM TO THE CITY OF BASTROP CODE OF ORDINANCES, CONSTRUCTION STANDARDS, AND GENERALLY ACCEPTED ENGINEERING PRACTICES.
2. 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.
3. EROSION AND SEDIMENTATION CONTROLS CONSTRUCTED WITH THE SUBDIVISION ORDINANCE OF THE CITY OF BASTROP ARE REQUIRED FOR ALL CONSTRUCTION ON EACH LOT INCLUDING SINGLE FAMILY AND DUPLEX CONSTRUCTION.
4. ALL WORK, INCLUDING SIGNS, SHALL COMPLY WITH THE CITY OF BASTROP ORDINANCES AND THE MEMORANDUM OF UNDERSTANDING FOR DEVELOPMENT OF LAND APPROVED BY BASTROP CITY COUNCIL, NOVEMBER 12, 2013.
5. CITY ACCEPTANCE OF SUBDIVISION INFRASTRUCTURE OR FISCAL SURETY FOR SUBDIVISION CONSTRUCTION, IN A FORM ACCEPTABLE TO THE CITY OF BASTROP, SHALL BE PROVIDED PRIOR TO FINAL PLAT RECORDED BY THE CITY.
6. 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 FINAL PLAT VACATION OR RE-PLATTING MAY BE REQUIRED, AT THE OWNERS SOLE EXPENSE, IF PLANS TO CONSTRUCT SUBDIVISION DO NOT COMPLY WITH SUCH CODES AND REQUIREMENTS.
7. BY APPROVING THIS FINAL 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 THE 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.
8. NO LOT OR STRUCTURE SHALL BE OCCUPIED PRIOR TO THE APPLICANT SUBMITTING TO THE CITY OF BASTROP DOCUMENTATION OF SUBDIVISION/SITE REGISTRATION 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 (TABA).
9. WATER IS PROVIDED BY THE CITY OF BASTROP.
10. WASTEWATER SERVICE IS PROVIDED BY THE CITY OF BASTROP.
11. ELECTRIC SERVICE WILL BE PROVIDED BY BLUEBONNET ELECTRIC.
12. GAS SERVICE WILL BE PROVIDED BY CENTERPOINT ENERGY.
13. NO LOT IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO THE APPROVED WATER DISTRIBUTION AND WASTEWATER COLLECTION FACILITIES
14. WASTEWATER AND WATER SYSTEMS SHALL CONFORM TO TCEQ (TEXAS COMMISSION ON ENVIRONMENTAL QUALITY).
15. DEVELOPER/OWNER SHALL BE SOLELY RESPONSIBLE FOR ALL RELOCATIONS AND MODIFICATIONS TO EXISTING UTILITIES.
16. 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 FINAL 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 FINAL 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 FINAL PLAT OR ANY ADMINISTRATION DECISION LAWFULLY MADE HEREUNDER.
17. ALL EASEMENTS, STORM WATER FACILITIES / FEATURE SHALL BE MAINTAINED BY THE PROPERTY OWNER OR HIS OR HER ASSIGNS.
18. ALL EASEMENTS OF RECORD AS INDICATED ON THE MOST RECENT TITLE RUN DATED: 04-03-2018, CONDUCTED BY CHICAGO TITLE INSURANCE COMPANY, TITLE COMMITMENT GF. NO. 1813171-BCP ISSUED BY INDEPENDENCE TITLE COMPANY FOR THIS PROPERTY ARE SHOWN ON THIS FINAL PLAT.
19. PROPERTY OWNERS SHALL PROVIDE FOR ACCESS TO ALL EASEMENTS AS MAY BE NECESSARY AND SHALL NOT PROHIBIT ACCESS BY GOVERNMENTAL AUTHORITIES.
20. IT IS THE RESPONSIBILITY OF EACH BUILDER TO DESIGN AND CONSTRUCT A SUITABLE GRADING AND DRAINAGE SCHEME WHICH WILL CONVEY SURFACE WATER WITHOUT PONDING IN OR AROUND THE LOT, FROM ITS STRUCTURE TO THE DRAINAGE SYSTEM CONSTRUCTED BY THE SUBDIVISION DEVELOPER.
21. PUBLIC UTILITY AND DRAINAGE EASEMENTS WHERE SHOWN HEREON ARE INTENDED TO INDICATE EASEMENT FOR CONSTRUCTION, OPERATIONS 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.
22. EVIDENCE OF A MANDATORY OWNER'S ASSOCIATIONS RESPONSIBLE FOR THE MAINTENANCE OF ALL COMMON AREAS MUST BE SUBMITTED PRIOR TO THE RECORDING OF THE FINAL PLAT. SUBJECT TO VOLUME 2318, PAGE 117, DOCUMENT NUMBER 201405566, OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS.
23. THIS FINAL PLAT IS LOCATED WITHIN THE AREA OF THE MEMORANDUM OF UNDERSTANDING FOR PECAN PARK MIXED-USE DEVELOPMENT THAT WAS APPROVED BY THE CITY COUNCIL OF BASTROP ON NOVEMBER 12, 2013.
24. THIS FINAL PLAT IS LOCATED WITHIN THE AREA OF THE COMMERCIAL PLANNED DEVELOPMENT ORDINANCE NO. 2015-12 THAT WAS APPROVED BY THE CITY COUNCIL OF BASTROP ON AUGUST 25, 2015.
25. THIS PLAT CONFORMS TO THE PRELIMINARY PLAT APPROVED BY THE PLANNING AND ZONING COMMISSION ON JULY 28, 2022.
26. ALL NEW UTILITIES WILL BE UNDERGROUND.
27. TEMPORARY AND PERMANENT EASEMENTS TO BE PROVIDED, AS REQUIRED AT THE CITY'S SOLE DISCRETION FOR OFF-SITE IMPROVEMENTS.
28. 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.
29. PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS ON LOTS IN THE SUBDIVISION, BUILDING PERMITS WILL BE OBTAINED FROM THE CITY OF BASTROP.
30. BUILD-TO LINES SHALL BE IN ACCORDANCE WITH THE ORDINANCES OF THE CITY OF BASTROP.
31. ALL EASEMENTS ON PRIVATE PROPERTY SHALL BE MAINTAINED BY THE PROPERTY OWNER OR HIS OR HER ASSIGNS.
- FLOOD WARNING: THE DEGREE OF FLOOD PROTECTION REQUIRED BY THE CITY OF BASTROP FLOOD DAMAGE PREVENTION ORDINANCE IS CONSIDERED REASONABLE FOR 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 FINAL PLAT BY THE CITY COUNCIL DOES NOT IMPLY THAT THE LAND OUTSIDE THE AREAS OF SPECIAL FLOOD HAZARDS OR USES PERMITTED WITHIN SUCH AREAS WILL BE FREE FROM FLOODING OR FLOOD DAMAGES. NOR SHALL ACCEPTANCE OF THIS 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 PLAT OR ANY ADMINISTRATION DECISION LAWFULLY MADE HEREUNDER.
32. TEMPORARY AND PERMANENT EASEMENTS TO BE PROVIDED, AS REQUIRED AT THE CITY'S SOLE DISCRETION FOR OFF-SITE WATER, WASTEWATER, AND DRAINAGE IMPROVEMENTS.
33. PROPERTY OWNER SHALL PROVIDE FOR ACCESS TO ALL EASEMENTS AS MAY BE NECESSARY AND SHALL NOT PROHIBIT ACCESS BY GOVERNMENT AUTHORITIES.
34. BENCHMARK USED IS A MAG NAIL SET IN AGNES BOULEVARD, COORDINATES N: 10,014,558.36, E: 3,243,797.35, ELEV.: 360.51'
35. IMPACT FEES SHALL BE ASSESSED IN ACCORDANCE WITH THE ORDINANCE EFFECTIVE AT THE TIME OF PLATTING.
36. NO BUILDING, FENCES, LANDSCAPING, OR OTHER STRUCTURES ARE PERMITTED WITHIN DRAINAGE EASEMENTS SHOWN, EXCEPT AS APPROVED BY THE CITY OF BASTROP.
37. SIDEWALKS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE ORDINANCES OF THE CITY OF BASTROP.

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 ____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

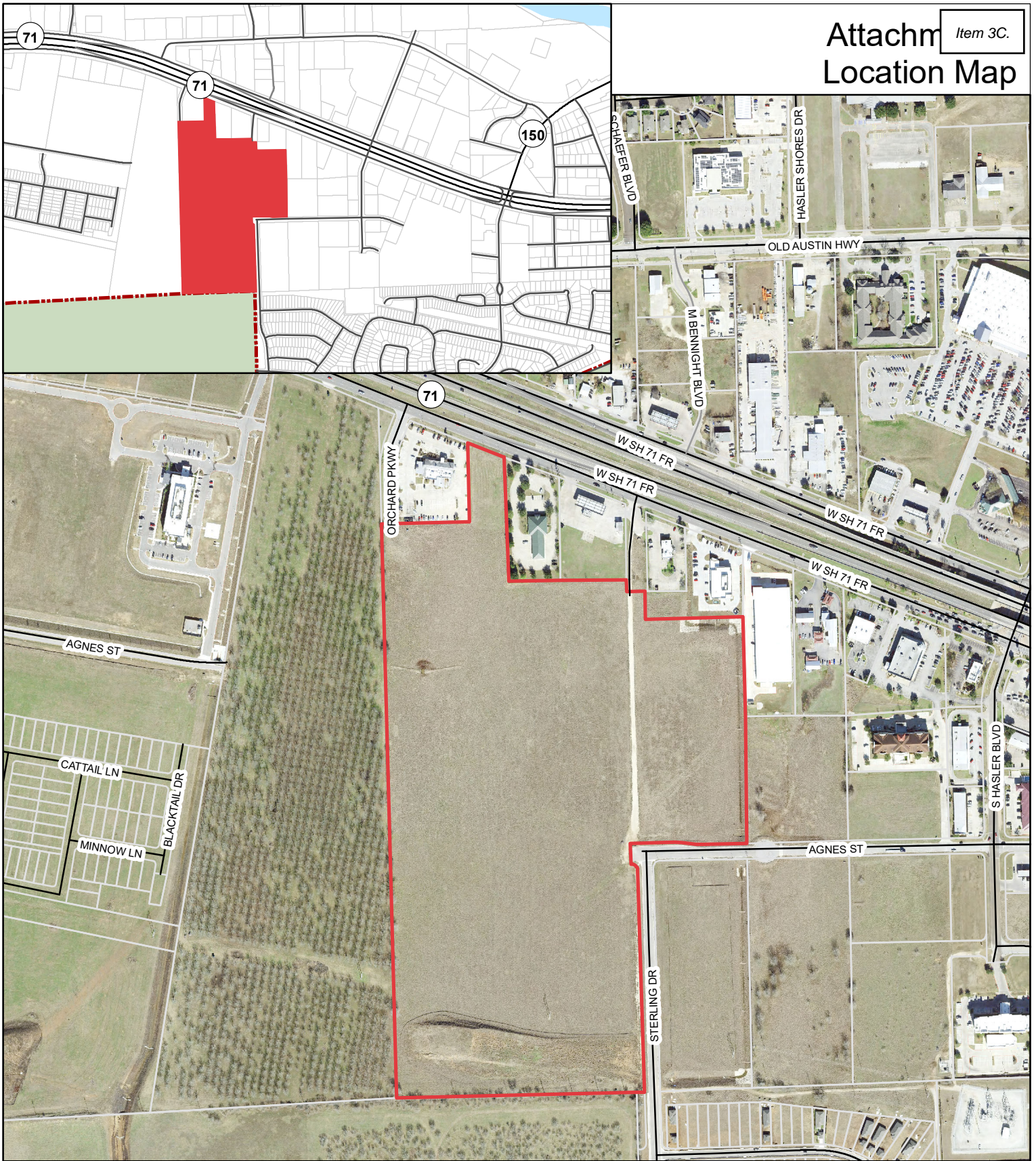
KRISTA BARTSCH
COUNTY CLERK, BASTROP COUNTY, TEXAS

SHEET NO. 2 OF 2



Carlson, Brigance & Doering, Inc.
FIRM ID #F3791 ♦ REG. # 10024900

Civil Engineering	♦	Surveying
5501 West William Cannon	♦	Austin, Texas 78749
Phone No. (512) 280-5160	♦	Fax No. (512) 280-5165

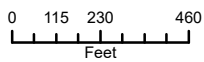


Date: 03/24/2023

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.



Pecan Park Commercial Final Plat



1 inch = 500 feet



Staff Report

MEETING DATE: March 28, 2023

TITLE:

Consider and Act on amending ARTICLE 2.4 ADMINISTRATION SEC. 2.4.001 NONCONFORMING USES AND STRUCTURES by adding that the intent of the provisions will not create a disparate impact to residents.

BACKGROUND/HISTORY

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 clarify the intent of the code is a fair and equal access to its application and relief, which today is not clear. An example of this is the punitive cost of a variance request.

AGENDA ITEM SUBMITTED BY:

Submitted by: Sylvia Carrillo, City Manager

RECOMMENDATION:

Staff recommends amendment to ARTICLE 2.4 ADMINISTRATION SEC. 2.4.001 NONCONFORMING USES AND STRUCTURES by adding that the intent of the provisions will not create a disparate impact to residents.

ATTACHMENTS:

Proposed code amendment documents.

(2) An Application for a building permit for any proposed use other than those specified in the "P2" District must be made to the Director of Planning & Development. If the Applicant shows that plans and other preparation for developing the property commenced prior to annexation by the City, as established by the Texas Local Government Code Chapter 43, City Council shall authorize the Construction of the Project by a majority vote.

SEC. 2.3.004 ANNUAL ADOPTION OF SCHEDULE OF UNIFORM SUBMITTAL DATES FOR SITE PLANS AND PLACE TYPE ZONING CHANGES

City Council will annually meet in September to adopt a Schedule of Uniform Submittal Dates in order to comply with Texas Local Government Code Chapter 211 for Zoning Changes, and Site Plan applications. The Schedule of Uniform Submittal Dates will include dates when applications will be accepted, when review for completeness checks will occur, when the Planning & Zoning Commission will meet, and/or when Administrative decisions by the Director of Planning & Development will occur.

ARTICLE 2.4 ADMINISTRATION

SEC. 2.4.001 NONCONFORMING USES AND STRUCTURES

- (a) Intent of Provisions - ***It is the intent of this code to keep authentic Bastrop and not create any exceptional hardships or have a disparate impact on any segment of the community or area***
- (1) Within the districts established by this Code or amendments thereto, exist lots, Structures, uses of land, and characteristics of use that were lawful before this Code was enacted, amended or otherwise made applicable to such lots, Structures or uses, but that do not now conform to the Standards of the Code where they are located. It is the intent of this Code to permit such nonconforming lots, Structures or uses to continue, as long as the conditions within this Section and other applicable sections are met.
 - (2) It is further the intent of this ordinance that nonconforming uses shall not be enlarged upon, expanded or extended, intensified and not be used as a basis for adding other Structures or uses prohibited elsewhere in the same district.
 - (3) Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.



Staff Report

MEETING DATE: March 28, 2023

TITLE:

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.

BACKGROUND/HISTORY

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.

AGENDA ITEM SUBMITTED BY:

Submitted by: Sylvia Carrillo, City Manager

RECOMMENDATION:

Staff recommends amendment to amending Continuing Lawful Use of Property & Existence of Structures by adding an administrative relief component for residents.

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.



Staff Report

MEETING DATE: March 28, 2023

TITLE:

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,

AGENDA ITEM SUBMITTED BY:

Submitted by: Sylvia Carrillo, City Manager

BACKGROUND/HISTORY:

Approval of the Bastrop Building Code (B3) created hundreds of non-conforming lots of record throughout the City of Bastrop addressed in (B3) Chapter 1, Subdivisions, Section 1.3.006, Lots of Record. An unintended consequence of the non-conforming use is its disparate impact on property owners who are unable to meet the new requirements in the B3 code. Specifically, lots who were never officially platted but rather subdivided by deed or metes and bounds descriptions.

Many of those lots exist in Bastrop and are already serviced by water, wastewater and other utilities. After the passage of the code, the property owners who own those lots are unable to expand existing homes or even build a home where a vacant lot that has access to streets and all other utilities have existed for years prior.

The Local Government Code, Chapter 212, provides for the City to (1) allow administrative approval and (2) create a classification that allows these lots to be exempt from a costly platting requirement. It is important to remember, the intent of platting is for orderly subdivision and land development. If these lots are already adjacent to infrastructure, it is the City Manager's professional opinion that the intent of Chapter 212 is being met.

The proposed code amendment would allow the existing property owners who have non-conforming lots of record to be allowed to develop their property through an administrative review.

RECOMMENDATION:

Staff recommends amendment to Chapter 1, Nonconforming Lots of Record.

1. Proposed code amendment documents.

Attachment

(c) A Lot of Record will be recognized if the property:

- (1) Was created by a Subdivision procedure; or
- (2) Is currently in the same size, shape, and configuration as it was prior to April 20, 1981, as established by a comparison of property descriptions found in deeds or property transfer documents.
- (3) Is greater than 5 acres with access to a public road and municipal utilities.

(d) Lot of Record Verification:

(1) A Lot of Record Determination is a document provided by the City acknowledging whether a particular tract of land was created lawfully. A parcel boundary used for property taxation or conveyed by deed to transfer ownership or title is not necessarily indicative of a lawfully created division of land. A Lot of Record Verification does not make claims as to ownership, title, or boundary locations.

(2) A request for Lot of Record Verification may be submitted to the Director of the Planning and Development.

(3) The Lot of Record Verification Request Form can be found in the Development Manual.

(e) Existing Lot of Record

(1) Existing lots of record may continue in the same configuration without the requirement to Plat until:

- A. Any infrastructure extensions or upgrades are required to serve the Lot. A. Any infrastructure extensions or upgrades are required to serve the Lot. *A request for a meter of any utility does not constitute an infrastructure upgrade or extension. An upgrade to a infrastructure is better defined by increasing the size of a water or wastewater main line or an extension of water and wastewater main lines to the entire property line*
- B. A change of use to a more intense use or a use from Residential to any other use.

To: Planning and Zoning Commissioners
From: Sylvia Carrillo, CPM, ICMA-CM, City Manager
Date: March 30, 2023
Subject: Development Services Organizational Changes



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Commissioners,

Recent personnel changes and various customer service issues have prompted a thorough review of the Development Services Department which currently houses both planning and building services.

A review of department activity yielded an apparent inability to manage department workload and any ability to leverage technology or fully train the staff as demonstrated by the following:

- Over 600 building permits in various stages of incompleteness, yet the structures and homes have long been occupied.
- Over 7 plan submittals labeled “incomplete” since as far back as March of 2021 with no follow up to the customer or consultant.
- Over 5 platting exemption requests, some of which have been in the system since May of 2022 with no follow up to the customer.
- Many other neglected items related to customer requests.

I am proposing the following organizational changes:

- 1) *A renewed focus on Customer Service through a dedicated customer service division in the department utilizing a combination of existing positions that are reclassified.*

The repurposed positions are as follows:

Demotion:

- A vacant Sr. Planner position to a Planner Position.

Promotion:

- A promotion of the existing Coordinator to Customer Service Manager

Reclassification:

- The reclassification of a Permitting Technician to a Project Coordinator.

While difficult, these positions are less managerial and more operational to assist in carrying out the day-to-day workload.

Additions:

- Two (2) Sr. Inspectors,
- One (1) Plan Reviewer,
- One (1) Development Engineer,
- One (1) Construction Inspector

These positions will serve to carry out the work that was previously outsourced to third parties. (See Attachment 1 – Organizational Chart)

The net results of such changes are minimal, at less than \$30,000. If viewed in the max budget possible, the savings are over \$900,000.

- 2) *Transition of outside contracts totaling, a minimum, approximately \$600,000, and contract amounts not to exceed \$2,300,000.*

The inability to control inspection timeframes and plan review expediting when needed, leave an uncertainty about completion timeframes, that ultimately affect customer service and leave the city in a negative light.

The existing contract for 3rd party plan review is a Not To Exceed contract (NTE) in the amount of \$650,000.

The existing contract for 3rd party inspections is a NTE in the amount of \$800,000.

The existing contract for 3rd party engineering review for development is a NTE \$119,600.

An additional contract exists with Halff and Associates for other engineering work and is billed on an hourly basis or project basis. Additionally, there are 3rd party engineering costs for Dial Engineering for site/subdivision inspection. Often, these contracts are signed by the City Manager in amounts less than \$50,000 for which the council has little or no knowledge of their engagement or billed to other divisions such as water/wastewater or other utilities. While not out of the ordinary, and necessary for daily operations, I raise the issue simply to show the true cost of service for the department.

These amounts total \$599,592 in this fiscal based on the current pace but can be as high as \$2,325,268 as per the NTE contract.

The next expense result of the proposed changes is less than \$30,000 to the overall budget; a manageable amount with the appropriate management of resources including staff and technology.

Systematic changes to the department are challenging; as we move toward a customer service approach and process amendments, it is abundantly clear that the staff needs a wide range of training to be able to use critical thinking methods and make decisions in the most customer friendly manner possible.

Many code amendments will require a vote at the Planning Commission and to hold a public hearing. The public hearing process will not be circumvented; the public will have an opportunity to review any code amendments at both the Planning Commission, and at the Council level, and if so directed, we will hold more public hearings so that the residents are thoroughly engaged and educated on any amendments.

Lastly, the City brought on a consultant, George Arimes, who has over 45 years of experience in land development and process improvement, to assist in the review of the codes, process, and overall success of the department.

The residents and economic viability of our city remain my focus; it is my hope that the changes above, will reformulate our approach to customer service and our residents.

I am available for any questions either individually or collectively as an agenda item.

Respectfully submitted,

Sylvia Carrillo, ICMA-CM, CPM
City Manager

