

ORDINANCE NO. 2015-14

AN ORDINANCE GRANTING A ZONE CHANGE FROM C1, COMMERCIAL-1 AND C2, COMMERCIAL-2 TO PD, COMMERCIAL PLANNED DEVELOPMENT ALLOWING FOR COMMERCIAL AND MULTI FAMILY DEVELOPMENT FOR APPROXIMATELY 66.494 ACRES WITHIN THE NANCY BLAKEY SURVEY, ABSTRACT NO. 98 LOCATED SOUTH OF ORCHARD PARKWAY AND NORTH OF THE PROPOSED EXTENSION OF HASLER BOULEVARD WITHIN THE CITY LIMITS OF BASTROP, TEXAS AS PART OF THE OVERALL PECAN PARK CONCEPTUAL PLAN; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, DM Pecan Park Associates, LTD, Duke McDowell (hereinafter referred to as “Applicant”) submitted a request for a zone change from C1, Commercial-1 and C2, Commercial-2 to PD, Commercial Planned Development for approximately 66.494 acres situated in the Nancy Blakey Survey, Abstract No. 98 located south of Orchard Parkway and north of the proposed extension of Hasler Boulevard within the City limits of Bastrop, Texas, hereinafter referred to as “the Property”; and

WHEREAS, a copy of the Metes and Bounds Survey and location map is attached hereto as Exhibit “A” (the “Property”); and

WHEREAS, the Property is currently zoned as C1, Commercial-1 and C2, Commercial-2; and

WHEREAS, pursuant to Section 10.4 of the City’s Zoning Ordinance, notice of the rezoning was given to all property owners located within two hundred (200) feet of the Property, and the Planning and Zoning Commission of the City of Bastrop held a public hearing on the rezoning request on July 30, 2015; and

WHEREAS, after notice and hearing, the Planning and Zoning Commission has recommended a PD, Commercial Planned Development zoning designation for the Property; and

WHEREAS, pursuant to Section 10.4 of the City’s Zoning Ordinance, notice of the rezoning request was given as required by the Ordinance, and the City Council of the City of Bastrop held a public hearing on the rezoning on August 11, 2015 to consider the Applicant’s request to rezone the Property to PD, Commercial Planned Development; and

WHEREAS, after consideration of public input received at the hearing, the information provided by the Applicant, and all other information presented, City Council finds that it is in the public interest to approve the rezoning of the Property, which is currently zoned as C1, Commercial-1 and C2, Commercial-2, to a new designation of PD, Commercial Planned Development.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP THAT:

Part 1: The Property, is situated in Nancy Blakey Survey, Abstract No. 98 located south of Orchard Parkway and north of the proposed extension of Hasler Boulevard within the city limits of Bastrop, Texas as more particularly shown and described on attached Exhibit “B”, shall be and is hereby rezoned from its prior designation of C1, Commercial-1 and C2, Commercial-2 to a new zoning designation of PD, Commercial Planned Development.

Part 2: This ordinance shall take effect upon passage and in accordance with the laws of the State of Texas.

Part 3: The Zoning Ordinance standards should be amended as follows:

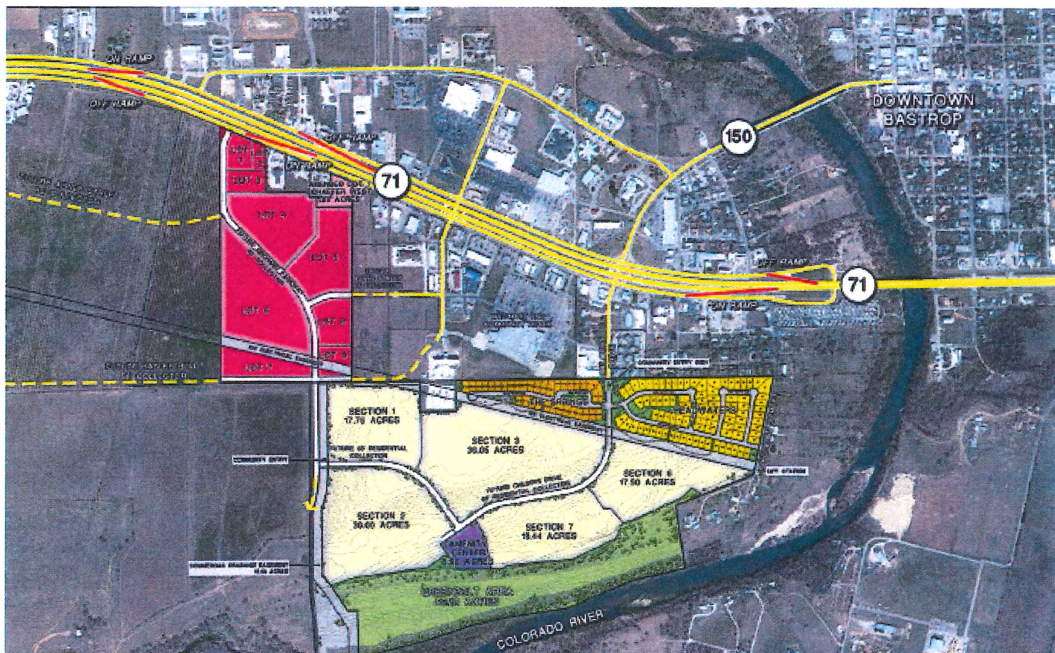
Land Use District	PD-O	PD-GR	PD-C	PD-MF	PD-CA
Land Use	Office Low Intensity Office and Professional Uses	General Retail General Retail, Neighborhood & regional shopping, hotels, restaurants and Service Facilities for the retail sale of Goods and Services	Commercial Retail and light intensity wholesale - commercial uses of a service nature which typically have operating characteristic & traffic service requirements generally compatible with typical office, retail, shopping and some residential environments	Multi-Family Low-rise multiple-dwelling and garden apartments with a maximum density of twenty-five (25) units per acre.	Public & Private Parks, Trail Systems, Private Community Amenity Areas, Public Utility Services, Drainage Channels, Roadways, and accessory uses
Max. Use in Commercial	25.0 %	25.0 %	40.0 %	25.0 %	N/A
Min. Lot Area	7,000 SF.	12,000 SF	12,000 SF	15,000 SF	N/A
Min. Lot Width	60'	100'	100'	100'	N/A
Min. Lot Depth	110'	110'	110'	125'	N/A
Min. Front Yard	25.0'	25.0'	25.0'	25.0'	N/A

Min. Interior Side Yard	10.0'	10.0'	10.0'	15.0'	N/A
Min. Exterior Side Yard	25.0'	25.0'	25.0'	15.0'	N/A
Min. Rear Yard	20.0'	20.0'	20.0'	35.0'	N/A
Maximum Building Height	3-story	2-story	2-story	3-story	N/A
Maximum Lot Coverage	60.0%	60.0%	70.0%	70.0%	N/A

- **PD-O – Office**
Low Intensity Office and Professional Uses
- **PD-GR – General Retail**
General Retail, Neighborhood & regional shopping, hotels, restaurants and Service Facilities for the retail sale of Goods and Services
- **PD-C – Commercial**
Retail and light intensity wholesale - commercial uses of a service nature which typically have operating characteristic & traffic service requirements generally compatible with typical office, retail, shopping and some residential environments
- **PD-MF – Multi-Family**
Low-rise multiple-dwelling and garden apartments with a maximum density of twenty-five (25) units per acre. The maximum allowed number of units will be 400

Other-Use Categories –

- **PD-CA – Common Areas**
Public & Private Parks, Trail Systems, Private Community Amenity Areas, Public Utility Services, Drainage Channels, Roadways, and accessory uses



Standards for all properties in the commercial areas will meet the criteria:

- **C,C&Rs** - Other regulations and restrictions will be established by the Development's C,C,& R's and Design Guideline Standards that will be created for each section. Those Design Guideline Standards will include provisions for limiting building plan elevations, building street setbacks, building exterior selections and uniform standards for landscaping
- **Maximum Lot Coverage-** The percentage determined by dividing (a) the gross area of the lot (in square feet) by (b) the footprint of the main building; and the footprints of accessory buildings.
- **Permitted Uses** - Within each of the land use categories there are additional permitted uses as per the following table. Uses are designated as Primarily Permitted (P), Prohibited (X), or Accessory to Primary (A) for each of the land use districts.

Permitted uses are defined in the City of Bastrop's Zoning Ordinance and as follows in the land use table provided. Terms not specifically defined herein shall be as defined in the City's Zoning Ordinance in effect at the time of development application submittal.

	PD-O	PD-GR	PD-C	PD-MF	PD-CA
Recreational & Entertainment uses					
Trails, Parks & Open Space	P	P	P	P	P
Educational & Institutional Uses					
Art Gallery or Museum	P	P	P	X	A
Child Care Center/Day Care Center	P	A	P	A	X
Church, Rectory or Temple	P	P	P	X	X
College or University	P	P	P	X	X
Community Center (Public)	P	P	P	X	X
School, Public or Private	P	P	P	X	X
Library	P	P	P	A	X
Office & Professional Uses					
Accountant or Bookkeeping Office	P	A	P	X	X
Architect's Office	P	A	P	X	X

	PD-O	PD-GR	PD-C	PD-MF	PD-CA
Office & Professional Uses					
Professional Type Offices	P	A	P	X	X
Bank, Savings & Loan, Credit Union and Brokerage Firm	P	P	P	X	X
Hospital	P	A	P	X	X
Home Owner Association/Owner	P	P	P	P	P
Association Administration Office	P	A	P	X	X
Dental Clinic, Laboratory or Office	P	P	P	X	X
Medical Clinic or Office	P	P	P	X	X
Minor Medical Emergency Clinic	P	P	P	X	X
Mortgage & Loan Agency	P	A	P	X	X
Offices, General Business and Professional	P	A	P	X	X
Optician or Optometrist	P	P	P	X	X
Communication Tower	P	P	P	P	P
Real Estate Office	P	A	P	X	X
Real Estate Sales Center/Model Complex	P	A	P	X	X
Retail & Service Uses					
Alcoholic Beverage Establishment	A	P	P	X	X
Antique Shop, Sales Indoors	A	P	P	X	X
Art Supply Store	A	P	P	X	X
Bakery or Confectionery Shop (Retail)	A	P	P	X	X
Barber Shop/Hair Salon/Day Spa	A	P	P	X	X
Book or Stationery Shop or Newsstand	A	P	P	X	X
Cellular Phone/Pager Sales (Indoor)	A	P	P	X	X
Computer Sales	A	P	P	X	X
Consignment Store	A	P	P	X	X

	PD-O	PD-GR	PD-C	PD-MF	PD-CA
Retail & Service Uses					
Copy Shop	A	P	P	X	X
Custom Personal Service Shop	A	P	P	X	X
Donut Shop	A	P	P	X	X
Drapery, Needlework or Weaving Shop	A	P	P	X	X
Drug Store or Pharmacy	A	P	P	X	X
Farmer's Market	P	P	P	X	X
Florist Shop	A	P	P	X	X
Food and Beverage Sales Store without Gasoline Sales (Convenience Store)	A	P	P	X	X
Food Store	P	P	P	X	X
Fuel Station (Automotive) with Convenience Store	A	P	P	X	X
Garden Shop	A	P	P	X	X
Handicraft Shop and Art Objects Sales	P	P	P	X	X
Hardware Shop or Store	P	P	P	X	X
Hobby Shop	A	P	P	X	X
Ice Cream/Yogurt Sales	P	P	P	X	X
Key Shop	P	P	P	X	X
Motel or Hotel	X	P	P	X	X
Pet Shop & Grooming	P	P	P	X	X
Restaurant or Cafeteria (Not Drive-in Service)	A	P	P	X	X
Retail Shop, Apparel, Gift, Accessory and Similar Items	P	P	P	X	X
Studio, Music, Dance or Drama	P	P	P	X	X
Temporary Outdoor Retail Sales/Commercial Promotion	P	P	P	X	X
Travel Bureau or Travel Consultant	P	P	A	X	X

P = Permitted; A = Accessory; X = Not Allowed

It is recognized that new or additional types of land use will develop and forms of land use not presently anticipated may seek to locate in Pecan Park. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use in the Use Charts shall be made as follows:

A person requesting the addition of a new or unlisted use shall submit to the Director of Planning all information necessary for the classification of the use, including, but not limited to:

1. The nature of the use and whether the use involves dwelling activity, sales, services, or processing.
2. The type of product sold or produced under the use.
3. Whether the use has enclosed or open storage and the amount and nature of the storage
4. Anticipated employment typically anticipated with the use
5. Transportation requirements
6. The nature and time of occupancy and operation of the premises
7. The off-street parking and loading requirements
8. The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated
9. The requirements for public utilities such as sanitary sewer and water and any special public services that may be required

The Director of Planning and Development shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use is most similar and should be permitted.

If the Director of Planning and Development is not able to determine a comparable land use, then a major amendment is required to amend the permitted uses. This amendment process will follow the standard City approval process as outlined in Section 36 Use Regulations of the City of Bastrop's Zoning Ordinance.

Part 4: If any provision of this ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Part 5: This ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of the State of Texas.

READ and ACKNOWLEDGED on First Reading on the 11th day of August 2015.

READ and APPROVED on the Second Reading on the 25th day of August 2015.

APPROVED:



Kenneth W. Kesselus, Mayor
Mayor

ATTEST:



Ann Franklin
City Secretary