

**ORDINANCE NO. 2017-06**

**AN ORDINANCE GRANTING A CONDITONAL USE PERMIT TO ALLOW FOR THE CONSTRUCTION OF STRUCTURES TO BE THREE (3) STORIES, 44 FEET, WHERE 35 FEET IS ALLOWED, FOR USE AS THE HUNTERS CROSSING APARTMENTS TO BE SITUATED ON AN +/-11.328 ACRE TRACT, BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE NANCY BLAKEY SURVEY ABSTRACT NUMBER 98, LOCATED ON HOME DEPOT WAY, APPROXIMATELY 300' WEST OF ITS INTERSECTION WITH FM 304, WITHIN THE CITY LIMITS OF BASTROP, TEXAS, CURRENTLY ZONED HX-MR IN THE HUNTERS CROSSING PLANNED DEVELOPMENT, BEING THE EQUIVALENT OF MF-2, MULTI-FAMILY-2, IN THE CODE OF ORDINANCES; SETTING OUT CONDITIONS; AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, Howard Schain (hereinafter referred to as the "Applicant"), filed a request for a Conditional Use Permit on December 5, 2016 to allow for the construction of structures to be three (3) stories, 44 feet, where 35 feet is allowed, for use as the Hunters Crossing Apartments to be situated on an +/-11.328 acre tract, being all of that certain tract or parcel of land out of and a part of the Nancy Blakey Survey Abstract Number 98, located on Home Depot Way, approximately 300' west of its intersection with FM 304, within the city limits of Bastrop, Texas, currently zoned Hx-MR in the Hunters Crossing Planned Development, being the equivalent of MF-2, Multi-Family-2, in the Code of Ordinances as shown on Exhibit "A" and Exhibit "A1"; and

**WHEREAS**, pursuant to Section 43.4, Special Height Regulations in the Zoning Ordinance of the City of Bastrop, Texas, to allow a 44 foot tall multi family structure, senior housing, in an area zoned Hx-MR, being the equivalent of MF-2, Multi-Family-2 zoning district where the maximum allowable height of a structure is 35'; and

**WHEREAS**, pursuant to Section 33 of the City's Zoning Ordinance of the City of Bastrop, Texas, a public notice has been given, and a public hearing was held on January 26, 2017, by the Planning and Zoning Commission (hereinafter referred to as the "Commission") regarding the Applicant's request for a Conditional Use Permit; and

**WHEREAS**, following a public hearing on January 26, 2017 and consideration of the evidence and testimony presented therein, the Commission recommended approval of the Applicant's request for a Conditional Use Permit, subject to certain conditions set forth herein; and

**WHEREAS**, pursuant to Section 33 of the Zoning Ordinance of the City of Bastrop, Texas, a public notice has been given, and a public hearing was held February 14, 2017, by the City Council regarding the request for a Conditional Use Permit by the Applicant; and

**WHEREAS**, after consideration of the information presented, City Council finds that it is in the public interest to approve the requested Conditional Use Permit to allow three (3) story, 44 foot tall multi family structures, subject to conditions noted herein.

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

Part 1: The Conditional Use Permit requested by Howard Schain (hereinafter referred to as the "Applicant"), filed a request for a Conditional Use Permit to allow for the construction of structures to be three (3) stories, 44 feet, where 35 feet is allowed, for use as the Hunters Crossing Apartments to be located on Home Depot Way, approximately 300' west of its intersection with FM 304, within the city limits of Bastrop, Texas, currently zoned Hx-MR in the Hunters Crossing Planned Development, being the equivalent of MF-2, Multi-Family-2, in the Code of Ordinances is hereby approved, subject to compliance with the following conditions:

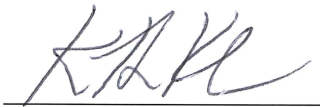
1. Construction shall be in conformance with the City of Bastrop regulations and shall meet the special requirements of Section 42, Site Development.
2. All necessary permits for the proposed development shall be acquired prior to construction of the three (3) story apartment complex on the subject property.
3. A Site Development Permit shall be applied for and secured within one (1) year from the date the Conditional Use Permit is granted (second reading of the ordinance).

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

READ and ACKNOWLEDGED on First Reading on the 14<sup>th</sup> day of February, 2017.

READ and APPROVED on the Second Reading on the 28<sup>th</sup> day of February, 2017.

**APPROVED:**



**Kenneth Kesselus**  
Mayor

**ATTEST:**



**Anne Franklin**  
City Secretary