ORDINANCE 2023-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, APPROVING THE ZONING CHANGE FOR 1.998 ACRES OUT OF THE NANCY BLAKEY SURVEY, ABSTRACT 98, BASTROP COUNTY, TEXAS FROM P2 RURAL TO P5 CORE; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PROPER NOTICE AND MEETING; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Bastrop, Texas (City) is a Home-Rule City acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, on or about January 30, 2023, Adam Gates submitted a request for zoning modifications for certain properties located at the Northwest corner of Highway 71 and 969 described as a 1.998 acre tract of land out of the Nancy Blakey Survey, Abstract 98, Bastrop County, Texas which is more particularly shown and described in Attachment A ("Property"); and

WHEREAS, City Council has reviewed the request for zoning modifications, and finds the request to be reasonable and proper under the circumstances; and

WHEREAS, the City Staff has reviewed the request for zoning modifications, and finds it to be justifiable based upon the Future Land Use Designation for this Property which is General Commercial, as shown in Attachment B, which allows for a wide range of commercial and retail uses; and

WHEREAS, in accordance with Texas Local Government Code Chapter 211, public notice was given, and a public hearing was held before the City of Bastrop Planning and Zoning Commission (P&Z) on February 23, 2023; and

WHEREAS, in accordance with Texas Local Government Code Chapter 211, public notice was given, and a public hearing was held before the City Council regarding the requested zoning modification; and

WHEREAS, Texas Local Government Code Section 51.001 provides the City general authority to adopt an Ordinance or police regulations that are for good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City Council recognizes changed conditions and circumstances in the particular location; and

WHEREAS, after consideration of public input received at the hearing, the information provided by the Applicants, and all other information presented, City Council finds that it necessary and proper to enact this Ordinance.

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

Section 1: The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

<u>Section 2:</u> The Property, a 1.998 acre tract of land out of the Nancy Blakey Survey, Abstract 98, Bastrop County, Texas more particularly shown and described in Attachment A which is attached and incorporated herein, is hereby rezoned from P2 Rural to P5 Core. The City Manager is hereby authorized to promptly note the zoning change on the official Zoning Map of the City of Bastrop, Texas.

<u>Section 3:</u> All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

<u>Section 4:</u> If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity or the unenforceability will not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision.

Section 5: The City shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law. Any person violating any provision of this ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations, and such violation is hereby declared to be a nuisance. Nothing in this ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this ordinance and to seek remedies as allowed by law and/or equity.

<u>Section 6:</u> It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

Section 7: This Ordinance shall be effective immediately upon passage and publication.

[Signatures on following page]

READ & ACKNOWLEDGED on First Reading on this the 28th day of March 2023.

READ & ADOPTED on Second Reading on this the 11th day of April 2023.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

ATTACHMENT A

ATTACHMENT B

2267

GENERAL WARRANTY DEED

STATE OF TEXAS,

KNOW ALL HEN BY THESE PRESENTS:

COUNTY OF BASTROP.

That, W. G. K. ENTERPRISES, INC., a Texas corporation, acting by and through WILBURN KIRSCH, President, hereinafter referred to as GRANTOR, for and in consideration of the sum of TEN AND RO/100 DOMLARS (\$10.00), and other good and valuable consideration to me in hand paid by WILBURN KIRSCH and wife, CAROL KIRSCH, of Bastrop County, Texas, hereinafter referred to as GRANTEES, the receipt of all of which is heraby acknowledged and confessed, no part of which consideration is secured by a lien either expressed or implied, have Granted, Sold and Conveyed and by these presents do Grant, Sell and Convey unto the maid GRANTEES the following described real property, to-wit:

MID .

Being a 1.192 acre tract or parcel of land out of and being a part of the Nancy Blakey Surveym A-98, in Bastrop County, Texas, and being a part of that certain tract said to contain 2.001 acres in a deed from Quinton F. Geltmeier and wife, Jesse Mae Geltmeier to W.G.K. Enterprises, Inc., dated June 27, 1986, recorded in Volume 425, Page 350, Official Records of Bastrop County, Texas; said 1.191 acre tract or parcel being more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof for all pertinent purposes.

This conveyance is expressly made and accepted subject to the following:

- 1. Utility easement dated May 24, 1950, executed by Annie P. Brhard, et.vir., to L.C.R.A. recorded in Volume 103, Page 591, Deed Records of Bastrop County, Texas.
- 2. Utility easement dated September 18, 1961, executed by Annie P. Brhard, et.vir., to L.C.R.A. recorded in Volume 155, Page 232, D ed Records of Bastrop County, Texas,
- 3. Any and all other mineral and royalty reservations and leases, covenants, conditions, restrictions, easements, plats and all other conditions of record, if any, applicable to and enforceable against the above described property as reflected by the records of the County Clerk of Bastrop County, Texas, to the extent and only to the extent the same are valid and subsisting, and subject to any apparent easement not recorded of record and applicable to such property.

TO HAVE AND TO HOLD the above described premises together with all and singular the rights and appurtenances thereto in anywise belonging unto the said GRANTEES, their heirs and assigns forever; and GRANTOR does hereby bind itself, its successors and assigns, to warrant and forever defend, all and singular, the said premises unto the said GRANTEES, their heirs and assigns against every person whomsoever claiming or to claim the same, or any part thereof.

EXECUTED this 12 day of March , 199

W. G. K. ENTERPRISES, INC

Texas corporation:

By:

WILBURN KIRSCH, President

VOL 0841 PAGE 273 STATE OF TEXAS, COUNTY OF BASTROP. THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME on this the 12 th day of March, 1997, by W. G. K. ENTERPRISES, INC., by WILBURN KIRSCH, its President. STACI CALVERT tary Public, State of Text My Commission Expires FEB. 26, 2000 Stur At. Box 11A Bustop, Tex. 78602

DALE L. OLSON REGISTERED PROFESSIONAL LAND SURVEYOR 711 WATER STREET BASTROP, TEXAS 78602 (512) 321-5476 Fax (512) 303-5476

FIELD NOTES FOR A 1.192 ACRE TRACT IN THE NANCY BLAKEY SURVEY IN BASTROP COUNTY, TEXAS.

Being a 1 192 acre tract or parcel of land out of and being a part of the Nancy Blakey Survey, A 98, in Bastrop County, Texas, and being a part of that certain tract said to contain 2.001 acres in a deed from Quinton F. Geltmeier and wife, Jesse Mae Geltmeier to N. C. K. Enterprises, Inc. dated June 27, 1986, recorded in Vol. 425. Page 350, Bastrop County Deed Records. Herein described tract or parcel being more particularly described by metes and bounds as follows:

COMMENCING for reference at a concrete monument found at the intersection of the north line of State Highway No. 71 with the west cut-back line of Farm to

Market Road No. 969, the southeast corner of the said 2.001 acre tract.

THENCE with the east line of the said 2.001 acre tract and west cut-back line of Farm to Market Road No. 969, N-16-deg. 36 min. 58 sec. E, 204.78 feet to a 5/8 inch iron rod set in a ferice line for the POINT OF BEGINNING, the southeast corner of this tract.

THENCE crossing said 2,001 agre tract with said fence line, S 84 deg. 14 min. 52 sec. W, 224.08 feet to a 1/2 mich iron roof found at a fence corner in the west line

of same for the southwest corner of this track.

THENCE with the west line of the said 2.001 acre tract, N 01 deg. 55 min. 52 sec. W. 241.58 feet to the northwest corner of same, a 1/2 inch iron rod found in a fence line in the south line of the John B. Duff. Trustee, 469,652 acre tract described in a deed recorded in Vol. 662. Page 527, Bastrop County Deed Records, for the northwest corner of this tract.

THENCE with the south line of the Duff Tract and north line of the said 2.001 acre tract, N 89 deg. 33 min. 00 sec. E, 200.56 feet to a 1/2 inch iron rod found at a tence corner where same corner in the curving west life of Farm to Market Road No. 969, for the northeast corner of this tract.

THENCE with the east line of the said 2.001 ncre-tract and west line of Farm to Market Road No. 969 along a curve to the left whose radius is 2904.79 feet; whose central angle is 03 deg. 18 min. 13 sec.; whose long chord bears \$ 16 deg. 50 min. 41 sec. E. 167.46 feet: 167.48 feet along the arc to a 1/2 inch iron rod found at end of said curve.

THENCE continuing with the west cut-back line of Farm to Market Road No. 969 and east line of the said 2.001 acre tract, S 16 deg. 36 min. 58 see: W. 62.91 feet to the POINT OF BEGINNING, containing 1.192 acres of land.

Akirly Hilhelm

Dale L. Olson Registered Professional

Land Surveyor Reg. No. 1753

EXHIBIT "A"

BASTROP COUNTY, TEXAS

ORDER 指流計畫 and was di

Exhibit A

AL A

ADAM WORD GATES

ARCHITECTURE STUDIO

OWNER: STEVE CLASSEN

Months and Company

HIECH: AUAN WURD GALES, AIA

CIVIL ENGINEER : PAUL VIKTORIN

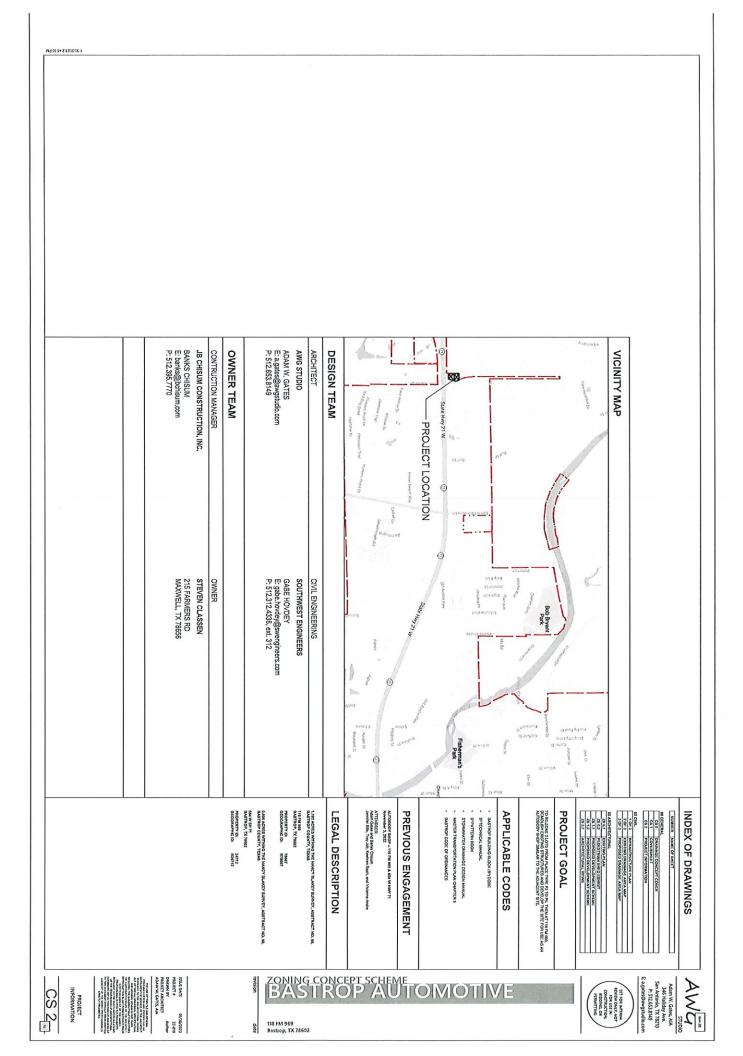
SITY OF BASTROP ENGINEER

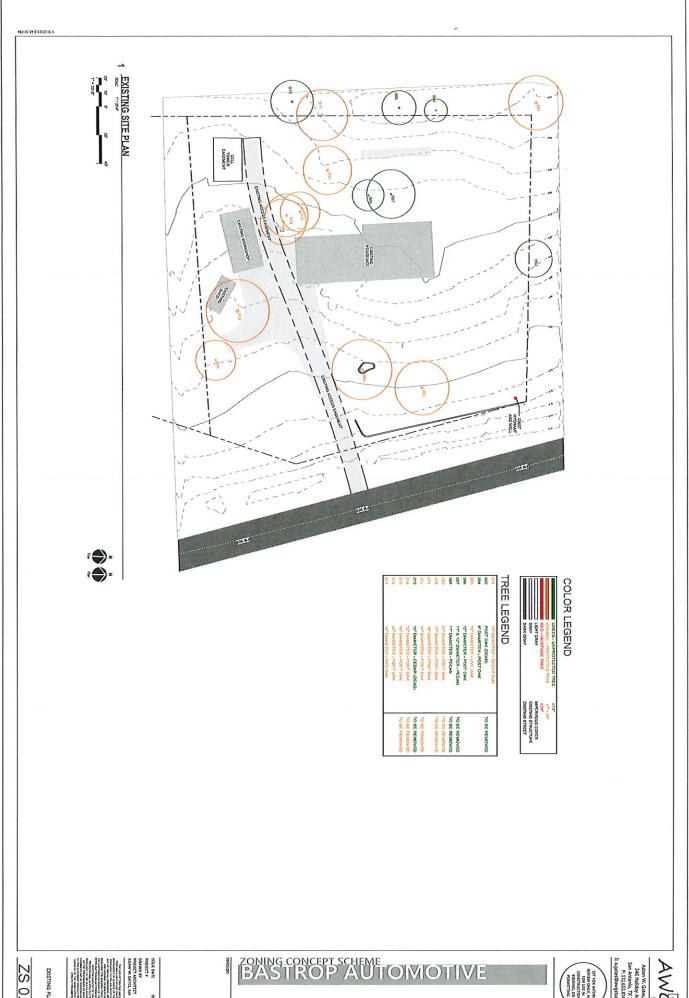
ZONING AND DRAINAGE CONCEPT SCHEMES

118 FM 969 Bastrop, TX 78602

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ZS 0.



118 FM 969 Bastrop, TX 78602







ZS 0.2

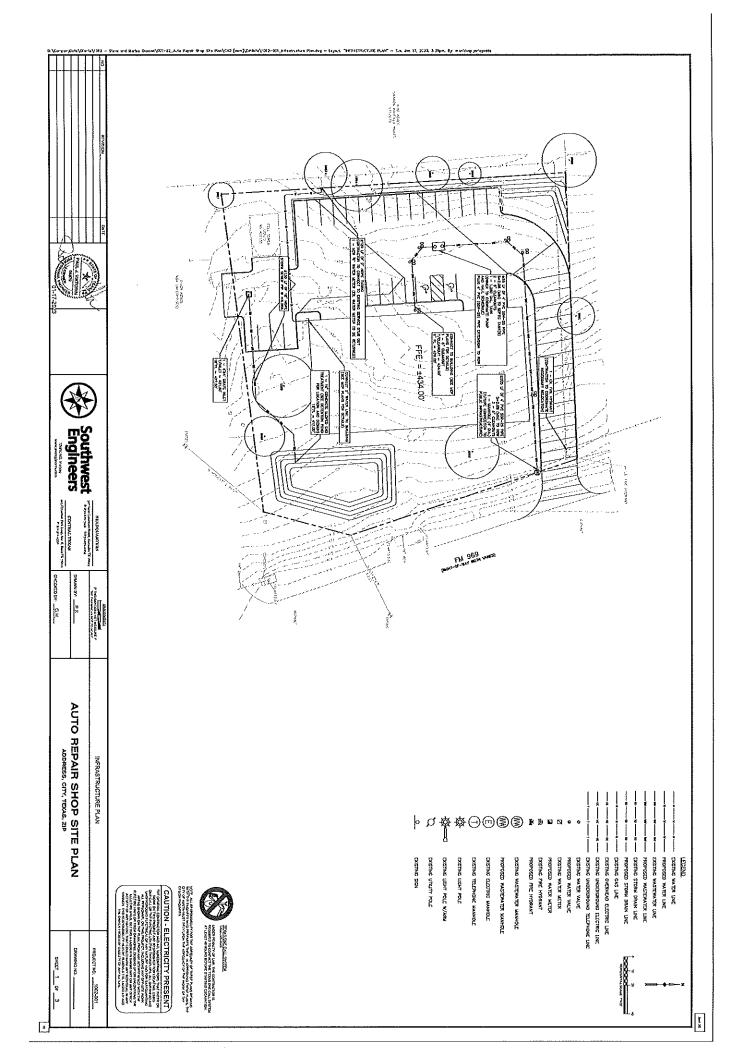


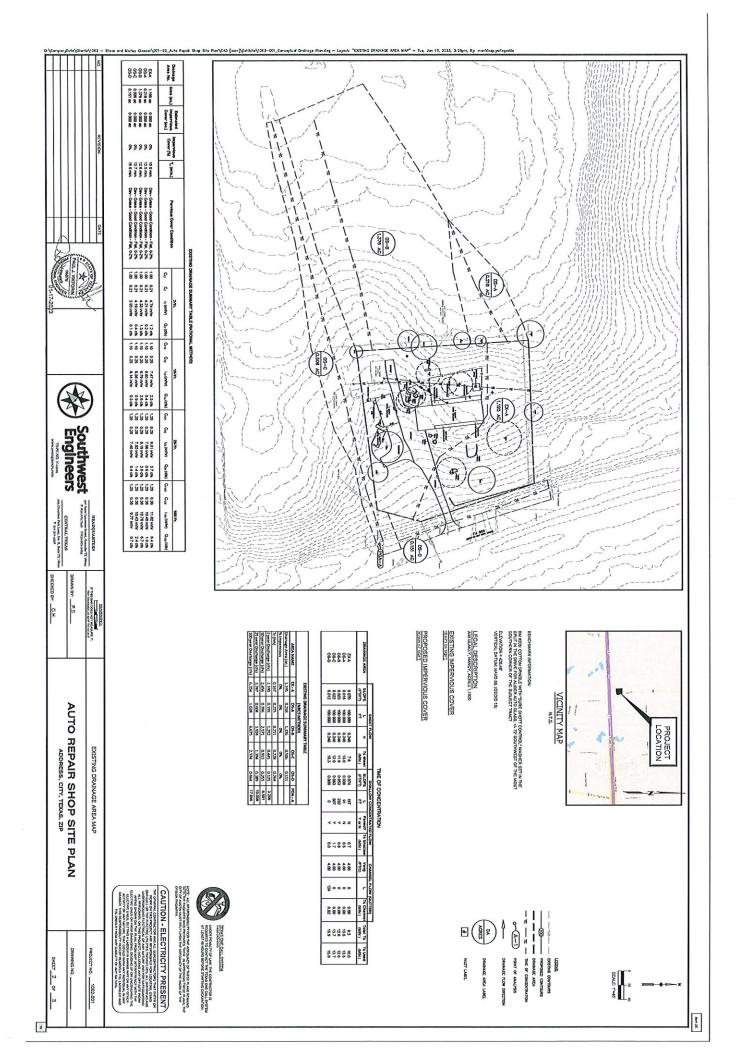


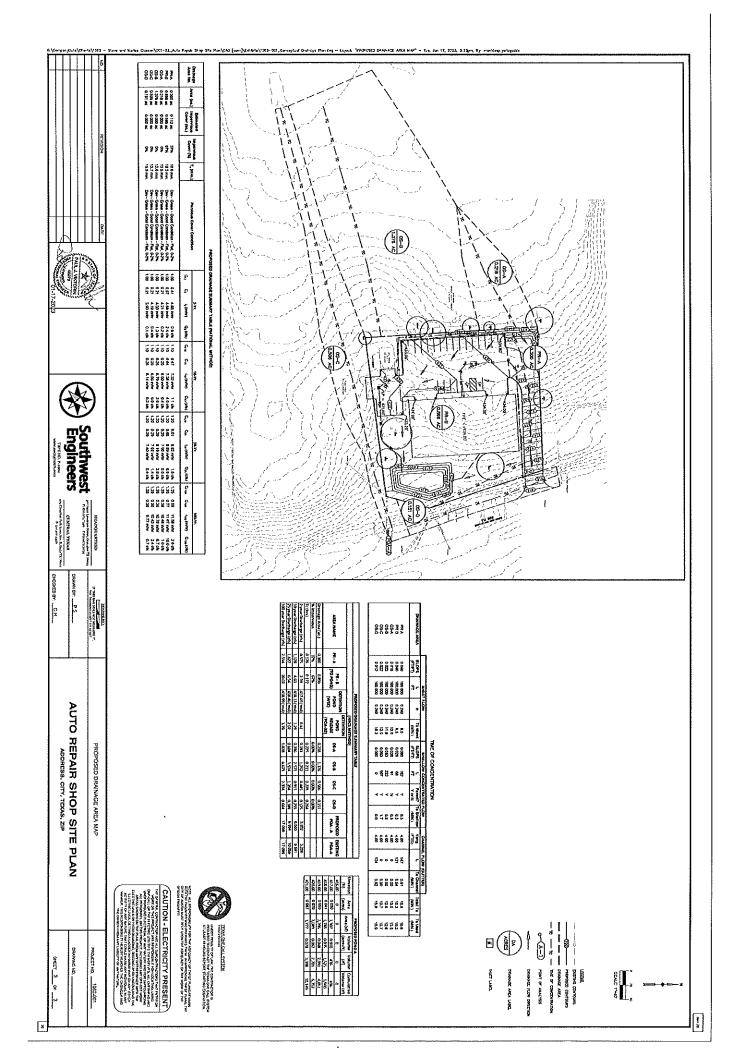
118 FM 969 Bastrop, TX 78692



Adam W. Gates, AM.
346 Haliday Ava.
346 Haliday Ava.
346 Haliday F. 512.653.490
Ea gartes@wogstudlo.com

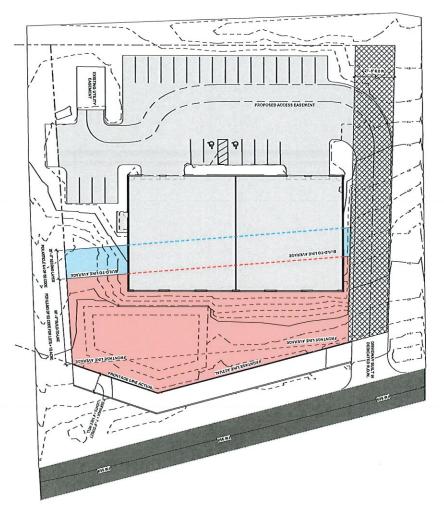




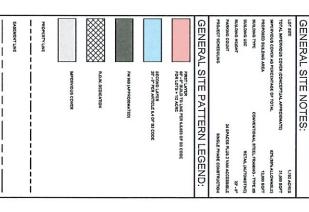


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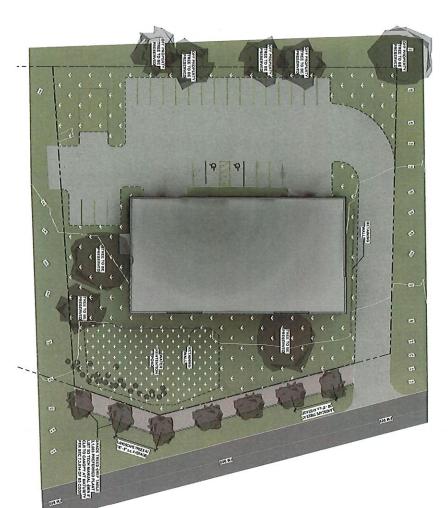
ZS 1. PROPOSED DEVELOPMENT SCHEME ZONING CONCEPT SCHEME
BASTROP AUTOMOTIVE

118 FM 969 Bastrop, TX 78602

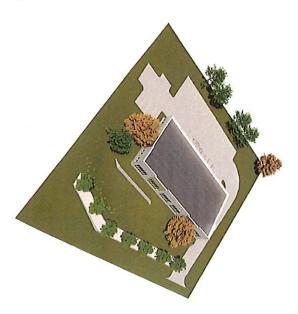


STUDIO
Adam W. Gates, Alv.
346 Halfay Ave.
San Antonio, 17.720
P. 572.623.5140
E. a.gates@awpstudia.com









GENERAL SITE NOTES: TREES, AT TO SE PRESENTA, DOSTINO TREES ON FOUNT BORDER OF LOT TO GENERAL MATERIAL DISTORMENT OF STATE OF THE SAME OF

PUBLIC PRONTAGE TO INCLUDE BY - 12 HIDEWALC, 1'PF LIGHTWIELL, AND 4'TREEPWELL AND 5'TREEPWELL AND 5'TREEPWELL

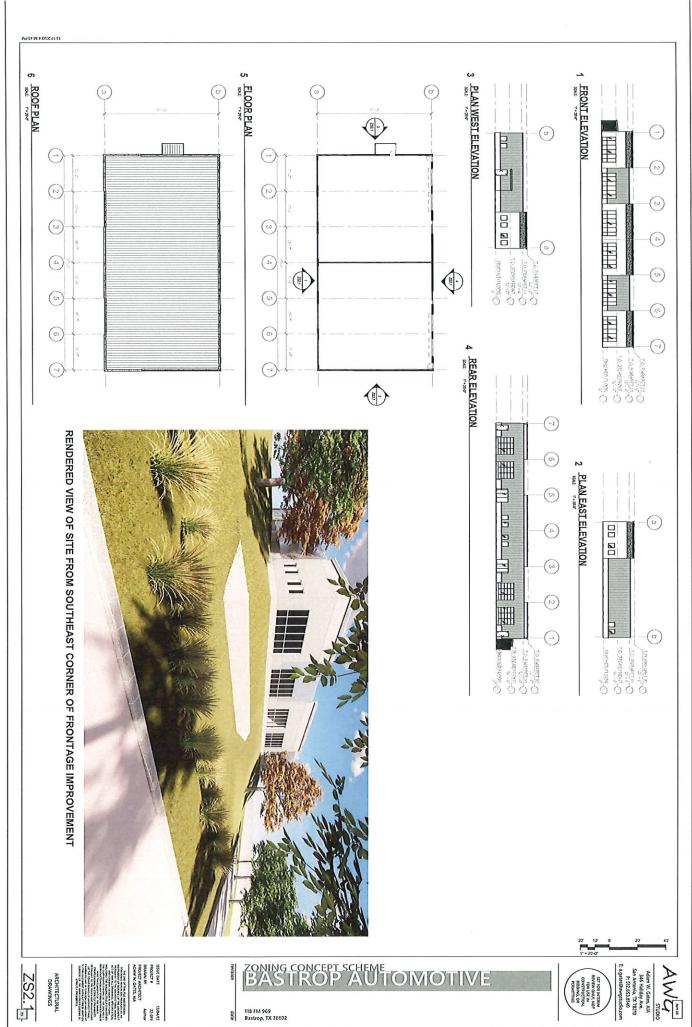
GENERAL SITE PATTERN LEGEND:

ZS 1.2 PROPOSED DEVELOPMENT SCHEME ZONING CONCEPT SCHEME BASTROP AUTOMOTIVE

118 FM 969 Bastrop, TX 78602



STUDIO
Adam W. Gahes, AM
346 Halfaly Ave.
San Antonio, TX 7820
P- 572.655.8140
E a.gates@awgstudio.com









Project Description

Rezoning Application Proposed Autobody Shop 118 FM 969 – Bastrop, TX

January 30, 2023

To Whom It May Concern,

The goal of this project is to re-zone two properties at the northwest corner of Highways 71 & 969 from P2 Rural to P5 Core. At the northern property, located at 118 FM 969, we propose to demolish the existing structures and develop the site for use as an autobody shop similar to the adjacent site to the south. Please see property details below. Responses to B3 core intent statements are as follows.

- Fiscal Sustainability Concept plan proposes commercial development and future extension of city wastewater.
- **Geographically Sensitive Developments** Conceptual drainage plan shows development can adequately address drainage.
- **Perpetuation of Authentic Bastrop** Development will dedicate ROW for future development of the grid while utilizing the area for access.

654 W SH 71 BASTROP, TX 78602

Legal Description of Property: 0.806 Acres within the Nancy Blakey Survey, Abstract No. 98,

Bastrop County, Texas

Property ID: 24712

Geographic ID: R24712

Project Goal: To rezone from place type P2 to P5

118 FM 969 BASTROP, TX 78602

Legal Description of Property: 1.192 Acres within the Nancy Blakey Survey, Abstract No. 98, Bastrop

County, Texas

Property ID: 78667

Geographic ID: R78667

Project Goal: To rezone from place type P2 to P5, demolish existing structures, and

the develop the site for use as an auto body shop similar to the adjacent

site.

Proposed Impervious Cover: 30,935.97 sqft = 62% (80% Allowable)

Proposed Building and Use: 12,000 sqft – Conventional Steel Frame Construction (Type IIB)

Parking Count: 26 spaces (2 van accessible)

Project Scheduling: Single phase of construction

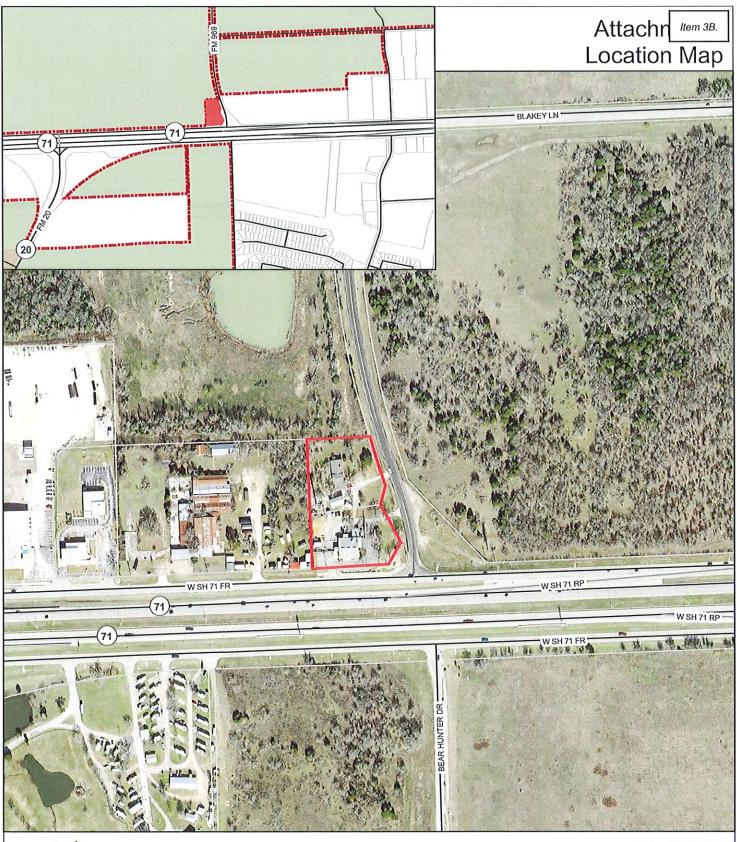
Respectfully,

Adam W. Gates, AIA

Architect

(512)-653-8149

a.gates@awgstudio.com



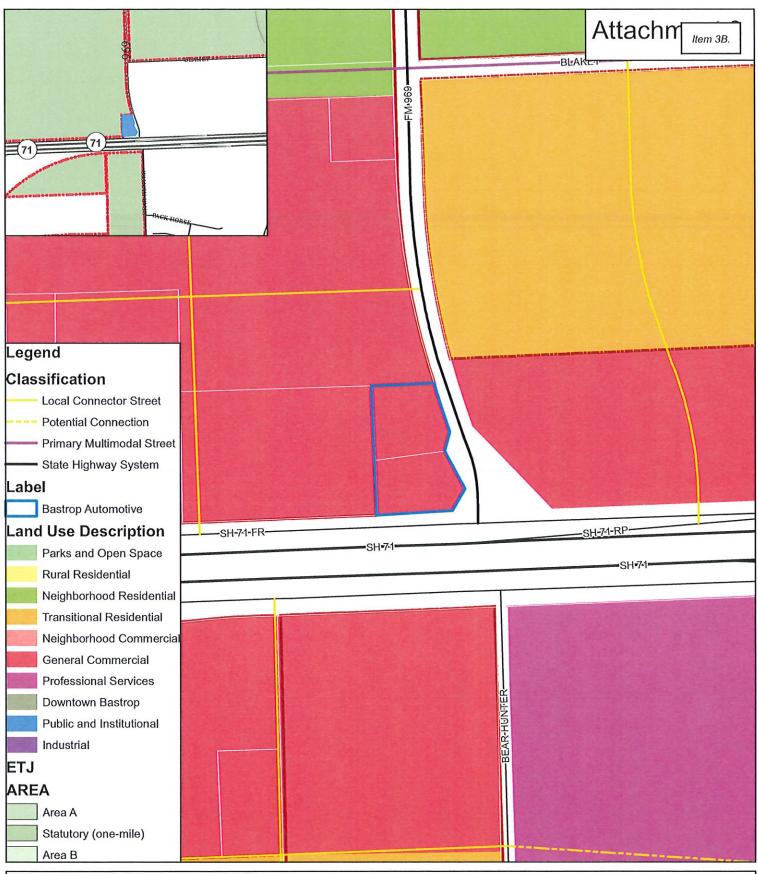


NW Corner of SH 71 and FM 969 **Bastrop Automotive Zoning Concept Scheme**

1 inch = 300 feet

Date: 2/9/2023

Date: Z/9/Z023
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 finess for particular purpose, or assumes any legal liabity or responsibili accuracy, completeness or usefulness of information, nor does it represent that it is not infringe upon privately owned right





Future Land Use Map 1.998 acres out of the Nancy Blakey Survey NW Corner of SH 71 and FM 969 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 other classification set forth in local, state, or other classification sets. The City of Bastrop, nor any of its employees, do not make any warranty of merchantability and fitness for particle or assumes any legal liabity or responsecuracy, completeness or usefulness information, nor does it represent that not infringe upon privately owned rights.

Date: 2/17/2023





Existing Zoning Map 1.998 acres out of the Nancy Blakey Survey Abstract 98 NW Corner of SH 71 and FM 969

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Date: 2/17/2023

Notice of Pending Zoning Change City of Bastrop Planning & Zoning Commission And City Council



Dear Property Owner:

The Planning and Zoning Commission will conduct a public hearing on Thursday, February 23, 2023 at 6:00 p.m. and the City Council will conduct a public hearing Tuesday, March 28, 2023 at 6:30 p.m. in the City Hall Council Chambers located at 1311 Chestnut Street, Bastrop, Texas on the following request: Public Hearing on request for a Zoning Concept Scheme for 1.998 acres out of Nancy Blakey Abstract 98 located at the northwest corner of SH 71 and FM 969 to change the Place Type zoning from P2 Rural to P5 Core, within the city limits of Bastrop, Texas.

Applicant:	Adam Gates/AWG Studio
Owner:	Steven Classen
Address:	Northwest corner of SH 71 and FM 969
Legal Description:	1.998 acres out of the Nancy Blakey Abstract 98
	The site location map is attached for reference.
meetings per the Bastro you may contact the Pl card below to the office hours in advance at	