

**ORDINANCE 2021-18**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AMENDING ORDINANCE NO. 2015-14, PECAN PARK COMMERCIAL PLANNED DEVELOPMENT, FOR 66.494 ACRES OF LAND OUT OF THE NANCY BLAKEY SURVEY, ABSTRACT NO. 98, LOCATED SOUTH OF STATE HIGHWAY 71, EAST OF ORCHARD PARKWAY, WEST OF HASLER BOULEVARD, LOCATED WITHIN THE CITY OF BASTROP, AS SHOWN IN EXHIBIT A, PROVIDING FOR FINDINGS OF FACT, ADOPTION, REPEALER, SEVERABILITY, AND ENFORCEMENT; ESTABLISHING AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.**

**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**, the City Council of Bastrop, Texas (City Council) approved Ordinance No. 2015-14 enacting zoning for the Pecan Park project on second reading on or about August 25, 2015, upon the request of DM Pecan Park Associates, Ltd (Duke McDowell), for approximately 66.494 acres situated in the Nancy Blakey Survey, Abstract No. 98, located south of Orchard Parkway and north of Hasler Boulevard in the City Limits of the City of Bastrop; and

**WHEREAS**, on or about September 28, 2021, Mr. McDowell has submitted a request for zoning modifications; 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 is General Commercial, which allows for a wide range of commercial and retail uses, and the requests are similar to the non-planned development district standards in the surrounding area; 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 November 18, 2021, which made a recommendation to approve the requested zoning modifications; 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 can waive the second reading and adopt an ordinance after first reading; 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.

**Section 2:** Ordinance 2015-14 of the City of Bastrop Code of Ordinances is hereby amended and shall read in accordance with Exhibit A, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

**Section 3:** 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.

**Section 4:** 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.

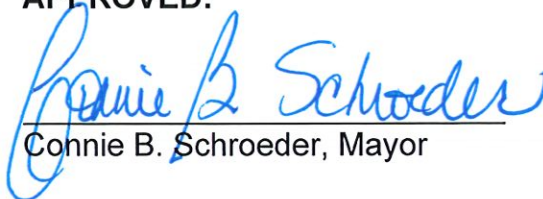
**Section 5:** The City shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law. Any person violating any provision of this ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations, and such violation 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.

**Section 6:** This Ordinance shall be effective immediately upon passage and publication.

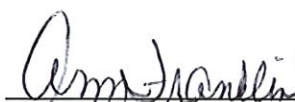
**Section 7:** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

**READ & ADOPTED** on First and Second Readings on this the 14<sup>th</sup> day of December 2021.

**APPROVED:**

  
\_\_\_\_\_  
Connie B. Schroeder, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Alan Bojorquez, City Attorney

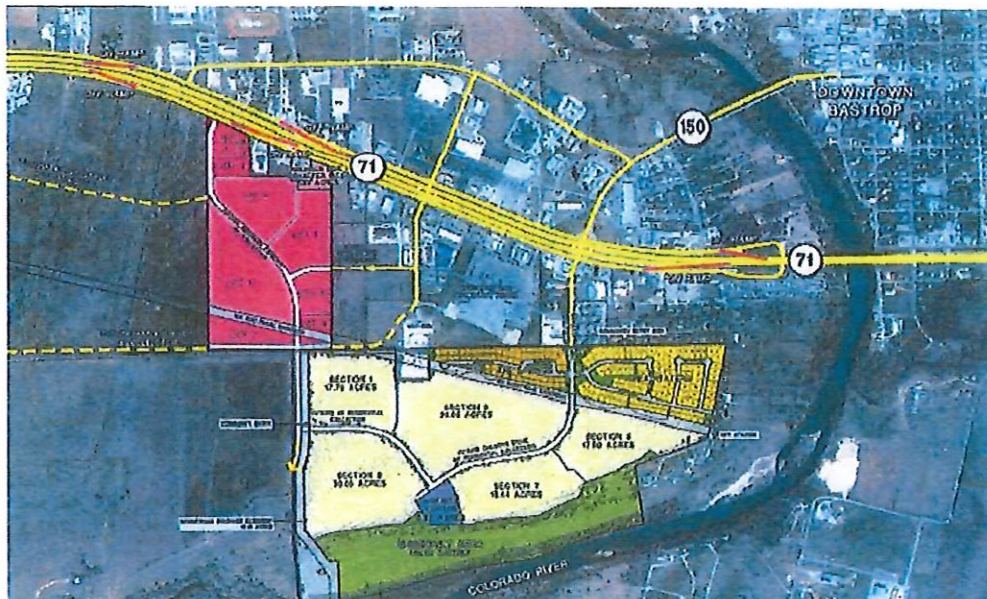
Exhibit A

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	4 2-story	2-story	3-story	N/A
Maximum Lot Coverage	60.0%	60.0%	70.0%	70.0%	N/A

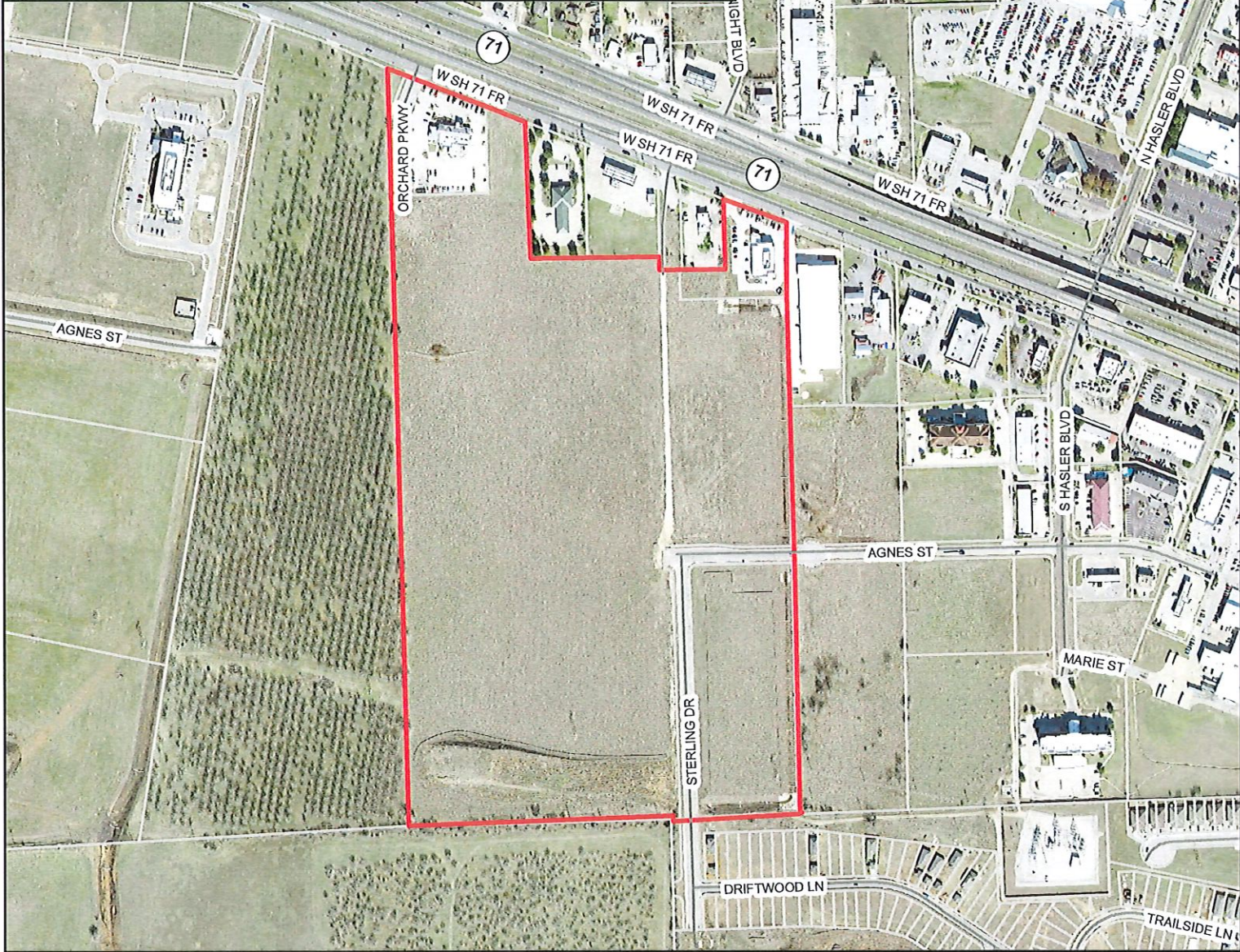
- **PD-O – Office**  
Low Intensity Office and Professional Uses
- **PD-GR – General Retail**  
General Retail, Neighborhood & regional shopping, hotels, restaurants and Service Facilities for the retail sale of Goods and Services
- **PD-C – Commercial**  
Retail and light intensity wholesale - commercial 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 400-408

Other-Use Categories –

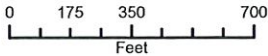
- **PD-CA – Common Areas**  
Public & Private Parks, Trail Systems, Private Community Amenity Areas, Public Utility Services, Drainage Channels, Roadways, and accessory uses



# Attachment 1 Location Map



## Pecan Park Commercial Planned Development



1 inch = 550 feet

Date: 11/2/2021

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 any such information, nor does it represent that its use would not infringe upon privately owned rights.

