

**ORDINANCE 2018-11**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A BREWERY, DISTILLERY, OR WINERY USE ON 0.046 ACRES OF BUILDING BLOCK 3 WEST OF WATER STREET, LOCATED AT 809 MAIN STREET, AND 0.184 ACRES OF BUILDING BLOCK 3 WEST OF WATER STREET, LOCATED AT 705 PINE STREET, WITHIN THE CITY LIMITS OF BASTROP, TEXAS; AS SHOWN IN EXHIBIT A; SETTING OUT CONDITIONS; INCLUDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, Stephen and Cheri Todee (the "Applicant") submitted a request for a Conditional Use Permit (CUP) for a brewery, distillery or winery use on 0.046 acres of Building Block 3 West of Water Street, located at 809 Main Street, and 0.184 acres of Building Block 3 West of Water Street, located at 705 Pine Street, within the City limits of Bastrop, Texas, hereinafter referred to as "the Property"; and

**WHEREAS**, a location map is attached hereto as Exhibit "A" (the "Property"); and

**WHEREAS**, the Property is currently zoned as Form-base Code HMU, Historic Mixed Use and DMU, Downtown Mixed Use; and

**WHEREAS**, pursuant to Section 10.4 of the City's Zoning Ordinance, notice of the CUP 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 CUP request on May 31, 2018; and

**WHEREAS**, after notice and hearing, the Planning and Zoning Commission, by a unanimous vote, recommended approval of the proposed request, subject to certain conditions set forth herein; 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 by a majority vote of all members that it is in the public interest to approve the CUP.

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

**Section 1:** A Conditional Use Permit for a brewery, distillery and winery use, situated on 0.046 acres of Building Block 3 West of Water Street, located at 809 Main Street, and 0.184 acres of Building Block 3 West of Water Street, located at 705 Pine Street, within the city limits of Bastrop, Texas as more particularly shown on Exhibit "A", shall be and is hereby approved with the following conditions:

- a. Construction shall be in conformance with the City of Bastrop regulations.
- b. All necessary permits for the proposed development shall be acquired prior to occupying the building.
- c. A Building Permit shall be applied for and secured within one year from the date the Conditional Use Permit is granted (second reading of the ordinance).
- d. The wastewater discharge will comply with the City of Bastrop utility requirements in Chapter 13, Article 13.03, Sections 1 – 10, which regulates the discharge of water in public sewers.

**Section 2:** 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.

**Section 3:** 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.

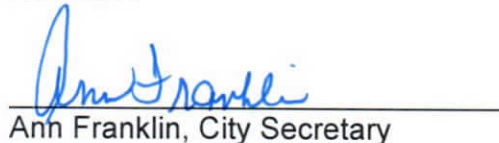
READ and ACKNOWLEDGED on First Reading on the 12<sup>th</sup> day of June 2018.

READ and APPROVED on the Second Reading on the 26<sup>th</sup> day of June 2018.

**APPROVED:**

  
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Connie B. Schroeder, Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

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



Location Map  
 Conditional Use Permit (CUP)  
 Portion of Building Block 3 West of Water St  
 705 Pine St and 809 Main St



0 12.5 25 50 Feet



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.

Date: 5/11/2018