

ORDINANCE 2019-59

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, REZONING 65.926 ACRES OUT OF THE NANCY BLAKEY SURVEY, ABSTRACT 98, FROM GR, GENERAL RETAIL, TO BASTROP GROVE RESIDENTIAL PLANNED DEVELOPMENT DISTRICT WITH A BASE RESIDENTIAL USE, LOCATED SOUTH OF AGNES STREET AND EAST OF STATE HIGHWAY 304, WITHIN THE CITY LIMITS OF BASTROP, TEXAS; AS SHOWN IN EXHIBITS A, B & C; INCLUDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, WayMaker Ventures (hereinafter referred to as "Applicant") submitted a request to rezone 65.926 acres out of the Nancy Blakey Survey, Abstract 98, 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 a metes and bounds description is attached hereto as Exhibit "B"; and

WHEREAS, the Property is currently zoned as GR, General Retail; and

WHEREAS, the Applicant is seeking a Planned Development District with a base residential use for 377 residential and multi-family units, which includes three different single-family detached lot sizes and one multi-family lot size; and

WHEREAS, the Bastrop Grove Residential Planned Development District attached as Exhibit C establishes the development standards, which include street connections, lot sizes, uses and open space provisions; and

WHEREAS, the Future Land Use Designation for this Property is Transitional Residential, which allows residential uses of varying sizes and product types as well as associated amenities that are related to and support neighborhood residential land uses; and

WHEREAS, pursuant to Section 10.4 of the City's Zoning Ordinance and Texas Local Government Code Section 211, 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 October 31, 2019; and

WHEREAS, after notice and hearing, the Planning and Zoning Commission has recommended approval of the proposed request by a vote of 6-0; and

WHEREAS, the City Council of the City of Bastrop held a public hearing on November 12, 2019 to consider the Applicant's request; 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 is in the public interest to approve the rezoning.

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

Section 1: The Property, situated on 65.926 acres of the Nancy Blakey Survey, Abstract 98, located south of Agnes Street and east of State Highway 304, city limits of Bastrop, Texas as more particularly shown and described on attachments Exhibit A & B, shall be rezoned to Bastrop Grove Residential Planned Development District, with development standards as attached in Exhibit C.


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 12th day of November 2019.


READ and APPROVED on the Second Reading on the 26th day of November 2019.

APPROVED:



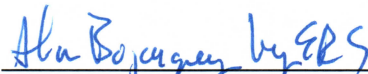
Bonnie B. Schroeder, Mayor

ATTEST:



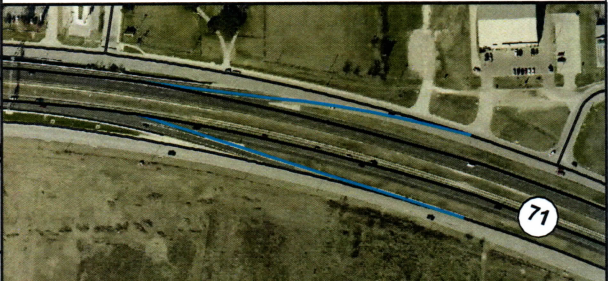
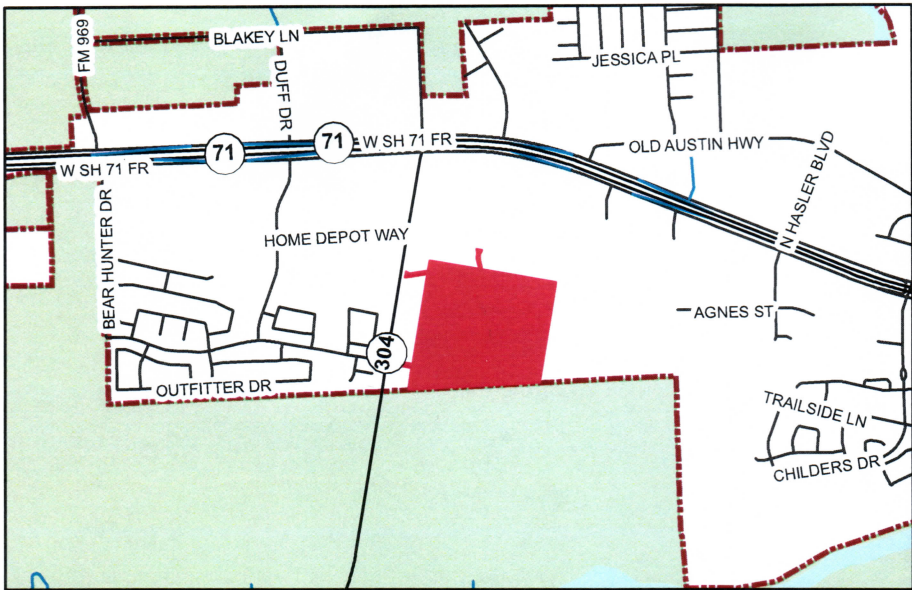
Ann Franklin, City Secretary

APPROVED AS TO FORM:

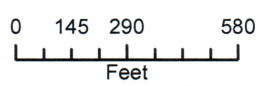


Alan Bojorquez, City Attorney

Exhibit A Location Map



The Grove Planned Development District



1 inch = 500 feet



Date: 7/10/2019

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.

METES & BOUNDS DESCRIPTION

FIELD NOTES FOR 65.926 ACRES OF LAND OUT OF THE NANCY BLAKEY SURVEY, ABSTRACT NUMBER 98, BASTROP COUNTY, TEXAS; BEING A PORTION OF THE REMAINDER OF A CALLED 152.561 ACRE TRACT OF LAND AS DESCRIBED IN AN INSTRUMENT TO MC BASTROP 71, LP RECORDED UNDER VOLUME 2097, PAGE 241 OF THE OFFICIAL PUBLIC RECORDS OF BASTROP TEXAS; SAID 65.926 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod found for the southeast corner of said 152.561, same being the southwest corner of a called 43.112 acre tract of land described in an instrument to John Alan Nixon recorded under Volume 1908, Page 825 of the Bastrop County Deed Records, lying on the North line of the remainder of a called 115.00 acre tract described as First Tract in an instrument to Jo Ann Griesenbeck Cantrell, et ux recorded under Volume 445, Page 684 of the Bastrop County Deed Records;

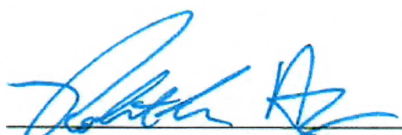
THENCE, South 86°58'19" West, with the south line of said 152.561 acre tract, the north line of said 115.00 acre tract and the north line of a called 5.021 acre tract of land described in an instrument to Network Funding, L.P. recorded under Volume 1987, Page 551 of the Official Public Records of Bastrop County, Texas, a distance of 1,820.74 feet to a 1/2-inch iron rod with cap stamped "BGE INC" set for the southwest corner of the herein described tract, from which a concrete nail found for the southwest corner of said 152.561 acre tract and the northwest corner of said 5.021 acre tract bears South 86°58'19" West, a distance of 307.53 feet;

THENCE, North 09°40'25" East, over and across said 152.561 acre tract, a distance of 1,816.88 feet to a 1/2-inch iron rod with cap stamped "BGE INC" set for the northwest corner of the herein described tract;

THENCE, South 80°20'05" East, continuing over and across said 152.561 acre tract, a distance of 1,776.11 feet to a 1/2-inch iron rod with cap stamped "BGE INC" set for the northeast corner of the herein described tract, lying on the east line of said 152.561 acre tract and the west line of said 43.112 acre tract, from which a 5/8-inch iron rod found marking the southeast corner of a called 30.970 acre tract of land described in an instrument to Seton Family of Hospitals recorded under Document Number 201716541 bears North 09°40'14" East, a distance of 318.45 feet;

THENCE, South 09°40'14" West, with the east line of said 152.561 acre tract and the west line of said 43.112 acre tract, a distance of 1,416.80 feet to the **POINT OF BEGINNING** and containing 65.926 acres of land, more or less.

I hereby certify that these notes were prepared by BGE from a survey made on the ground under my supervision on June 15, 2018 and are true and correct to the best of my knowledge. Bearing orientation is based on the Texas State Plane Coordinate System, NAD-83, Texas Central Zone 4203. A survey plat of even date was prepared by the undersigned in conjunction with this metes and bounds description.



Robert A. Harper RPLS No. 6582
BGE, Inc.
7000 North Mopac, Suite 330
Austin, Texas 78731
Telephone: (512) 879-0400
TBPLS Licensed Surveying Firm No. 10106502



6-19-18

Date

Date: June 19, 2018
Project No.: 5980-00

Bastrop Grove Residential Planned Development District

Submitted on November 7, 2019

by

WMV Bastrop 71, LLC

and

BGE, Inc.

Bastrop Grove Planned Development District

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Chapter 1 – Zoning

Section 1 – SF-7 – Single Family Residential 7 District Base Zoning

1.1 General Purpose and Description

The Bastrop Grove Residential Planned Development District is a master planned neighborhood to be comprised of a mix of lots smaller than the minimum standards currently offered in the Bastrop Code of Ordinances. The Single-Family 7 (SF-7) district will act as the base-zoning district for any standard not listed in this document.

1.2 Permitted Uses

- A Single-family detached dwellings
- B Two-family residence (duplex)
- C Multiple-family dwelling greater than two (2) units per building

1.3 Height Regulations

- A Maximum Height: Two and one-half (2 ½) stories for the main building. Overall height must be less than thirty-five (35') feet.
- B One story for accessory buildings without garages

1.4 Area Regulations

- A Size of Lots
 - i) Minimum Lot Area – three thousand eight hundred fifty (3,850) square feet
 - ii) Minimum Lot Width – Thirty-five feet (35') as measured at the building setback line
 - iii) Minimum Lot Depth – One hundred ten feet (110'), with fifteen percent (15%) of lots at ninety-five (95') minimum
 - iv) A minimum of five percent (5%) of the total number of residential lots will have a lot width of fifty feet (50') as measured at the building setback line
- B Size of Yards (See Figure #2)
 - i) Minimum Front Yard – Fifteen feet (15')
 - ii) Minimum Interior Side Yard – Five feet (5')
 - iii) Minimum Exterior (Corner) Side Yard – Fifteen feet (15')
 - iv) Minimum Rear Yard – Fifteen feet (15'); twenty feet (20') on residential properties abutting nonresidential uses; five feet (5') on lots with alley-loaded garages
- C Front yard setbacks on single-family lots wider than forty feet (40') will be required to be staggered by an additional five feet (5') every third adjoining lot on the same block
- D Building Separation (Multiple-family dwelling units) – One story, fifteen feet (15'); two stories, twenty feet (20')
- E Maximum Lot Coverage – Sixty percent (60%) by main buildings and accessory buildings
- F Maximum Impervious Cover – Sixty percent (60%)
- G Parking Regulations
 - i) Single-Family Dwelling Units
 - 1. A minimum of two (2) uncovered spaces between the front building line and right-of-way on the same lot as the main structure.
 - 2. On-site parking is not allowed to be located within the right-of-way and back of curb.
 - ii) Alley-Loaded Dwelling Units
 - 1. A minimum of two (2) covered spaces behind the rear building line on the same lot as the main structure.

- iii) Multiple-Family Dwelling Units
 - 1. A minimum of two (2) covered spaces for each unit behind the front building line on the same lot as each dwelling unit

H Dwelling Unit Ranges

- i) Single-Family Dwelling Units
 - 1. Thirty-five (35) foot lot – One thousand (1,000) to three thousand five hundred (3,500) square feet
 - 2. Forty (40) foot lot – One thousand (1,000) to four thousand (4,000) square feet
 - 3. Fifty (50) foot lot – One thousand four hundred (1,400) to four thousand three hundred (4,300) square feet
- ii) Multiple-Family Dwelling Units – Six hundred (600) to three thousand (3,000) square feet

1.5 Parks and Open Space Requirements

Parks and open spaces within the subdivision will intend to provide walkable and bike-able routes, space for active and passive recreation, playscape items, and shade trees in accordance with the City of Bastrop’s approved plant list.

- A Park areas – Development to include a minimum of 1 acre of park per 100 lots.
 - i) Parks within the Planned Development to be maintained by the Homeowner’s Association
 - ii) Acreage within easements will be counted at 50% credit, while unencumbered acreage will be counted at 100%
 - iii) Open space lots to include minimum one three-quarters (0.75) acre open space lot and one-three (3) acre contiguous open space lot
 - iv) Improvement within the park acreage (such as trails or dog parks) will be detailed in the preliminary plat
 - v) Open space lots should not exceed a maximum of 60% on-site impervious cover
- B One (1) tree will be required every forty (40) linear feet of street frontage

1.6 Street Widths

Collector streets shall have a minimum dedicated right-of-way of sixty (60’) feet and a minimum paving width curb to curb of thirty-eight (38’) feet. Local streets shall have a minimum dedicated right-of-way of fifty (50’) feet and a minimum paving width curb to curb of thirty (30’) feet. See Figure #1.

- A Streets abutting the parkway shall have a minimum dedicated right-of-way of fifty (50’) feet and a minimum paving width curb to curb of twenty-four (24’) feet.
 - i) Parking will not be permitted on both sides of the roadway, except for the following provision;
 - 1. A bump out can be provided to allow sections of eight (8’) feet parallel parking spaces.

1.7 Special Requirements

- A Recreational Vehicles, travel trailers or mobile homes, may not be used for on-site dwelling purposes.
- B Electrical fencing and barbed wire are prohibited as perimeter fencing
- C Open storage is prohibited.
- D Swimming pools shall be enclosed by a security fence not less than six feet (6’) in height. All swimming pools security fences shall be constructed so as not to have openings, holes or gaps larger than two inches (2”) in dimension, except for doors and gates. All doors and gates shall be equipped with self-closing, self-latching devices.
- E All residential structures shall have roof slopes with a minimum 4:12 pitch.
- F Sidewalks are required on both sides of the street.

- G At least 50% of the driveways will be paired on alternate lot lines to allow for additional street parking. Each lot will include a total four (4) parking spaces, two spaces in the garage and two spaces in the driveway.
- H Residential lots with 5-foot setbacks will need to comply with regulations listed in the currently adopted City of Bastrop fire code.
- I All drainage easements within the subdivision will be maintained by the Property Owner's Association.
- J All drainage designs and calculations shall comply with all standards and processes outlined in the City of Bastrop Drainage Manual at the time of preliminary plat submittal.
- K Utility design will comply with the City of Bastrop design standards at the time of preliminary plat submittal.
- L A minimum of five percent (5%) of the total number of dwelling units will consist of multiple-family dwelling units.
- M The northern entrance into the property along TX-304 will be a right-in-right-out access driveway.
- N Other regulations – as established in the Development Standards, Sections 1 and 2, except as stated here.

Chapter 2 – Development Standards

Section 1 – Exterior Construction Requirements

1.1 Exterior Construction Standards:

- A. *Definitions:* For the purpose of this section the following definitions shall apply:
 1. *Masonry exterior construction* shall include all construction of stone material (including artificial stone), brick material, concrete masonry units, or concrete panel construction, which is composed of solid, cavity, faced, or veneered-wall construction.

The types of allowable masonry construction are listed below:

- a. *Stone Material:* Masonry construction using stone material may consist of granite, marble, limestone, slate, river rock, and other hard and durable naturally occurring all weather stone. Cut stone and dimensioned stone techniques are acceptable.
 - b. *Brick Material:* Brick material used for masonry construction shall be hard fired (kiln fired) clay or slate material that meets the latest standard contained within the building code. Unfired or underfired clay, sand, or shale brick are not allowed.
 - c. *Concrete Masonry Units:* Concrete masonry units used for masonry construction shall meet the latest standard contained within the building code. Concrete masonry units shall have an indented, hammered, split face finish or other similar architectural finish, and be integrally colored. Lightweight concrete block or cinder block construction is not acceptable as an exterior finish.
 - d. *Concrete Panel Construction:* Concrete finish, pre-cast panel or tilt wall construction shall be painted, fluted, or exposed aggregate. Smooth or untextured concrete finishes are not acceptable unless painted.
 - e. *Plaster Finishes:* Plaster (stucco) shall have a minimum overall thickness of 7/8".
2. *Siding* shall include fiber cement (e.g. Hardiplank) or wood products excluding vertical panels.
- B. Masonry exteriors and siding like hardiplank are acceptable exterior construction materials.

1.2 Construction Standards:

A. *Construction standards:* The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new, altered or repaired construction occurring within the City.

1. *Residential Zoning Districts:*

a. Concrete, excluding 'siding' as defined above, or metal exterior construction is not permitted on any structural exterior wall in any residential use zoning district

b. Exemptions:

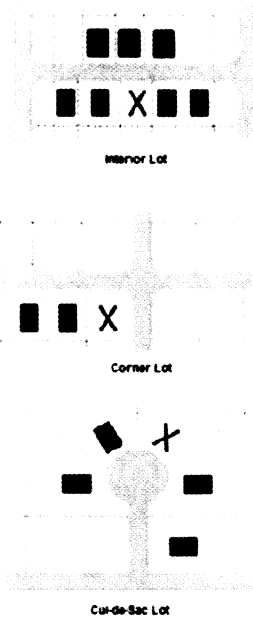
- (1) An accessory building two hundred and forty (240) square feet or less are excluded from this prohibition.
- (2) On temporary construction buildings with a permit issued by the City Building Official.

c. *Residential Design Standards:*

(1) *Similarity Restrictions.* Except as provided in subsection (i) below, no new dwelling that is similar in appearance to a neighboring dwelling is permitted. The standards to determine such similarity are set forth below and shown by example in the figure contained in this section.

(i) *Differences in Appearance.*

- (a) Differences in bulk and massing shall be reviewed for the lots on either side of the proposed dwelling on the same side of the street, as shown in the following figure.
- (b) Where lots are interrupted by an intervening street, public parkland, or similar feature of at least 50 feet in width, no review shall be necessary.
- (c) The proposed building shall be considered different from any vacant lot for which no Building Permit has been issued without requiring further documentation.
- (d) **X-Home under Construction, should be different than the ■homes.**



- (ii) *Differentiation.* The proposed dwelling shall differ from other applicable dwellings in at least two of the four criteria listed below (see Figures 9-12).
- (a) The dwelling differs in the number of full, stories.
 - Single-story; or
 - Two-story
 - (b) The dwelling has a different type of garage.
 - Front-loaded garage (one or two-car);
 - Side-loaded garage; or
 - Detached garage.
 - (c) The dwelling has a different roof type
 - Gable;
 - Hip;
 - Gambrel;
 - Mansard; or
 - All of the above roof types are rotated 90 degrees.
 - (d) The dwelling has different variations in the front facade.
 - The garage is set back a minimum of 4 feet from the front facades.
 - A covered, open-walled porch at least 6 feet in depth extends a minimum of 33% of the width of the front facade; or
 - Other articulation of the front facade at least 4 feet in depth extends at least 33% of the width of the front facade.
- (iii) *Application Review.*
- (a) Acceptable documentation may include photographs of the other structures in question (no building elevations are required).

- (b) A subdivision or phase thereof may be reviewed as a whole for conformity with this requirement, provided that adequate documentation to ensure conformity is submitted with the plat. Such documentation is not required to be recorded as part of the plat.
- (c) The Building Official shall review the submitted documentation and any previously approved Building Permits and make a determination. Where the Building Official finds that a dwelling for which a Building Permit is being requested is similar in appearance based on the standards above, the Building Permit shall be denied.

Section 2 – Supplemental Regulations

2.1 Setbacks

All setback measurements shall be made in accordance with Figures 4, 5, and 6.

2.2 Front Yard

- A On all corner lots, the front yard setback shall be observed along the frontage of both intersecting streets, unless approved specifically otherwise on a final plat. Where single-family lots have: double frontage, extending from one street to another, or are on a corner, a required front yard shall be provided on both streets unless a side or rear yard building line has been established along one frontage on the plat, in which event only one required front yard need be observed. The side and/or rear yards in the case of single-family uses shall be identified and the front of the structure shall not face the side or rear yard (see Figure 7). For lots on a corner, the property line having the narrowest dimension shall be considered the front.
- B The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four feet (4'), and subsurface structures, platforms or slabs may not project into the front yard to a height greater than thirty inches (30") above the average grade of the yard (see Figure 3).
- C Minimum lot widths for lots with predominate frontage on the curved radius of a dedicated cul-de-sac street shall be forty feet (40'), measured at the front building line.
- D Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.
- E Roof overhangs up to four feet (4') and A/C units are specifically allowed within the interior side yard.

2.3 Side Yards

- A. Every part of a required side yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, and other architectural features not to exceed twelve inches (12") into the required side yard, and roof eaves projecting not to exceed thirty-six inches (36") into the required side yard. Air conditioning compressors and similar equipment are permitted in the side yard.
- B. Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.

2.4 Rear Yards

- A. Minor building elements – including decks, patios, and terraces – may encroach into the required rear yard setback.

2.5 Sight Visibility

Visual clearance shall be provided in all zoning districts so that no fence, wall, architectural screen, earth mounding or landscaping three feet (3') or higher above the street center line obstructs the vision of a motor vehicle driver approaching any street, alley, or driveway intersection as follows:

- A. At a street intersection, clear vision must be maintained for a minimum of twenty-five feet (25') across any lot measured from the corner of the property line in both directions (see Figure 8).
- B. At an intersection with an alley, this clearance must be maintained for ten feet (10') (see Figure 8).

- C. Shrubs and hedges three feet (3') or less in height, as measured from the centerline of the street, may be located in the visual clearance areas of all districts.

2.6 Fencing and Screening

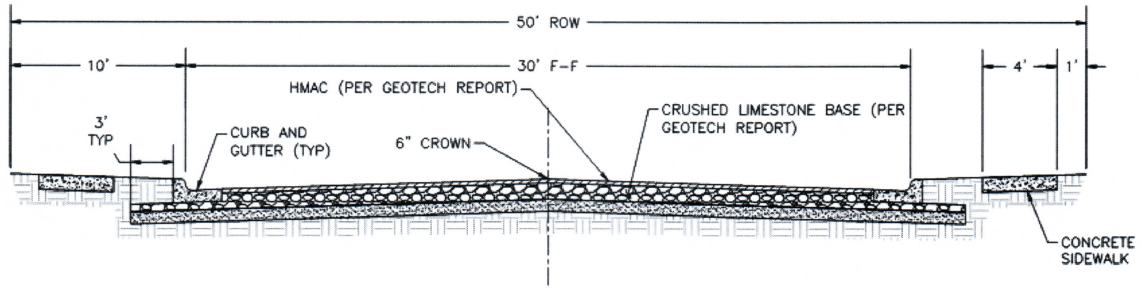
- A. Fences that abut open space must have open, metal decorative fencing.
- B. Fences for rear property lines along the right-of-way must have open, metal decorative fencing.
- C. Chain link, woven wire mesh or similar materials are not considered decorative fencing.
- D. If a screening wall has been constructed between nonresidential and residential uses, a fence will not be required on the residential property.
 - 1. If a fence is constructed for the residential use prior to the development of the nonresidential use, the fence is encouraged to be removed once the screening wall for the nonresidential use is constructed.
- E. One (1) two-inch caliper tree will be required to be planted in the rear lot of any residential property abutting a nonresidential use.

2.7 Street Lighting

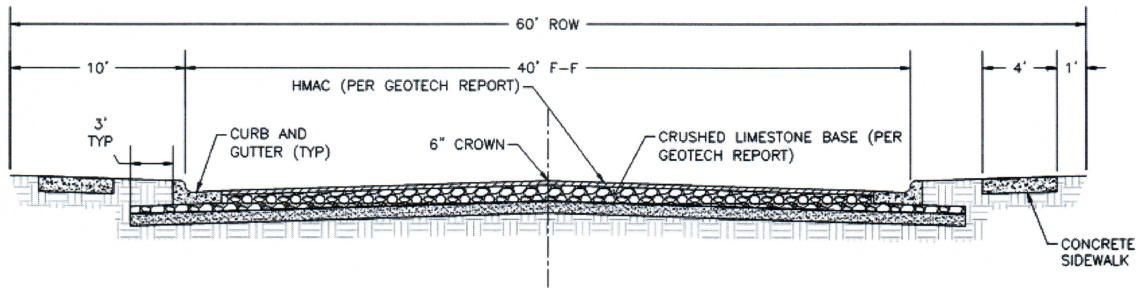
The installation of street lights and associated facilities shall be coordinated with Bluebonnet Electric Cooperative. Lighting design shall comply with the City of Bastrop lighting standards at the time of preliminary plat submittal.

Appendix A – Figures

FIGURE #1
Typical Street Sections

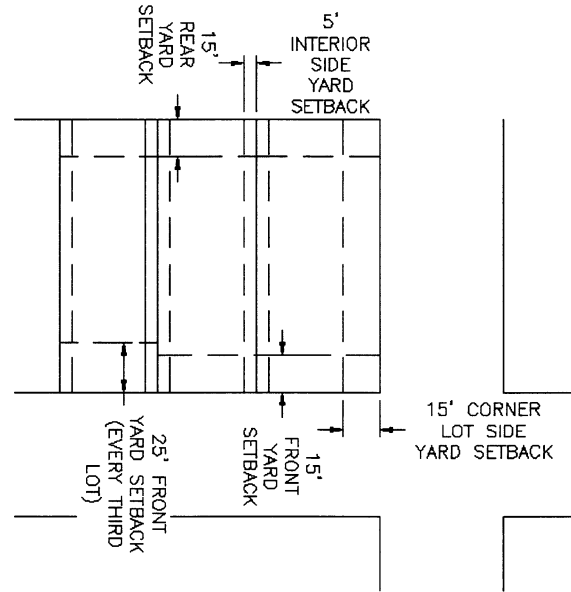


MINOR OR LOCAL STREET
TYPICAL SECTION
N.T.S.

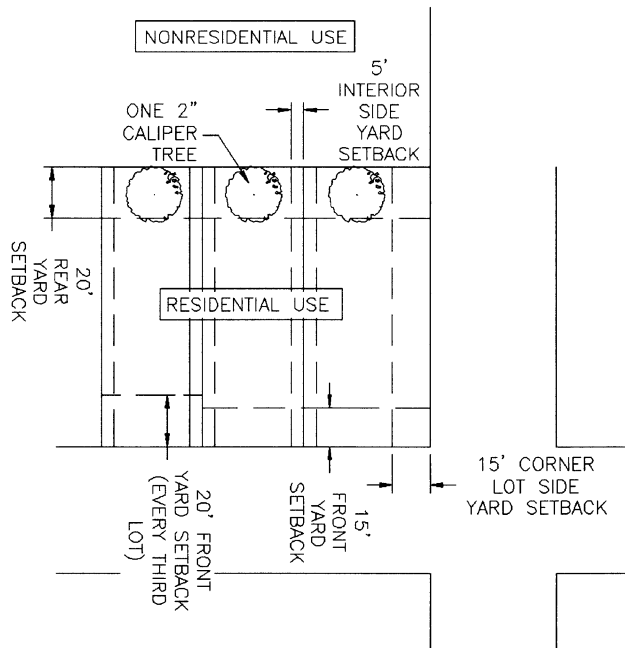


COLLECTOR TYPICAL SECTION
N.T.S.

FIGURE #2
Lot Setback Exhibits

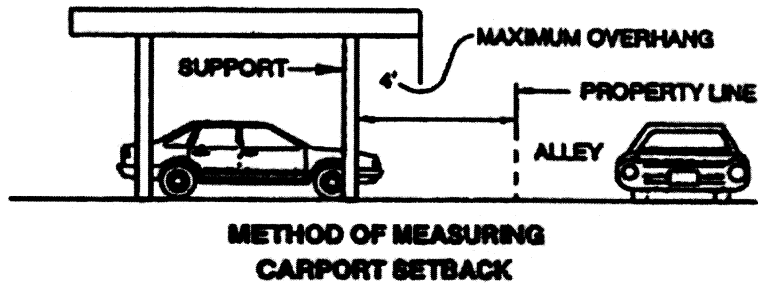
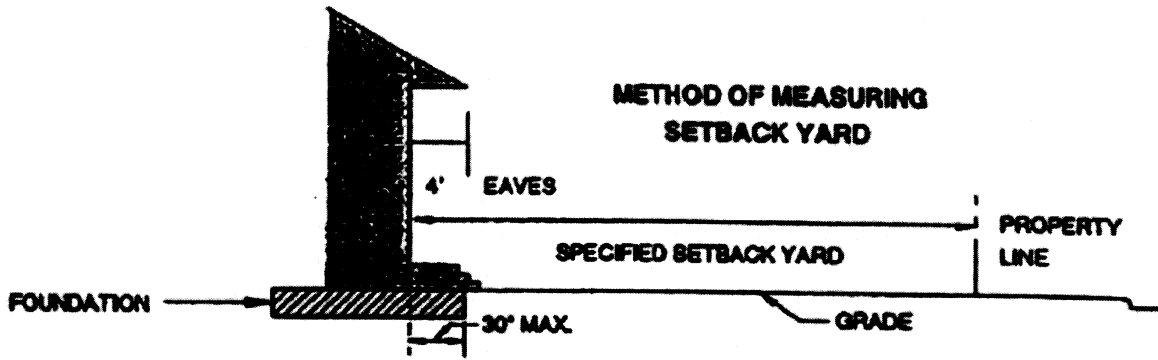


TYPICAL YARD SETBACK EXHIBIT
 (1:50 SCALE)



TYPICAL YARD SETBACK EXHIBIT
 (RESIDENTIAL USE ABUTTING NONRESIDENTIAL USE)
 (1:50 SCALE)

FIGURE #3
Front Yard Measurement Exhibit



**METHOD OF MEASURING
 CARPORT SETBACK**

FIGURE #4
Lot Width Exhibit

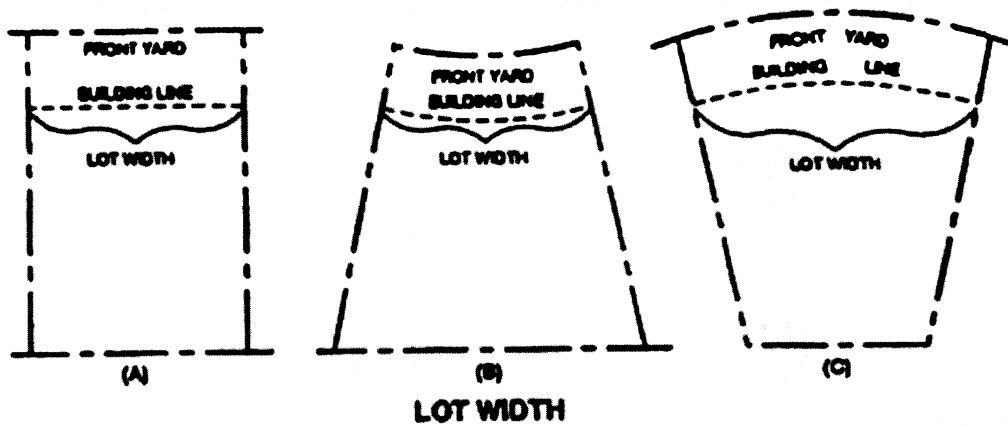


FIGURE #5
Lot Area & Depth Exhibit

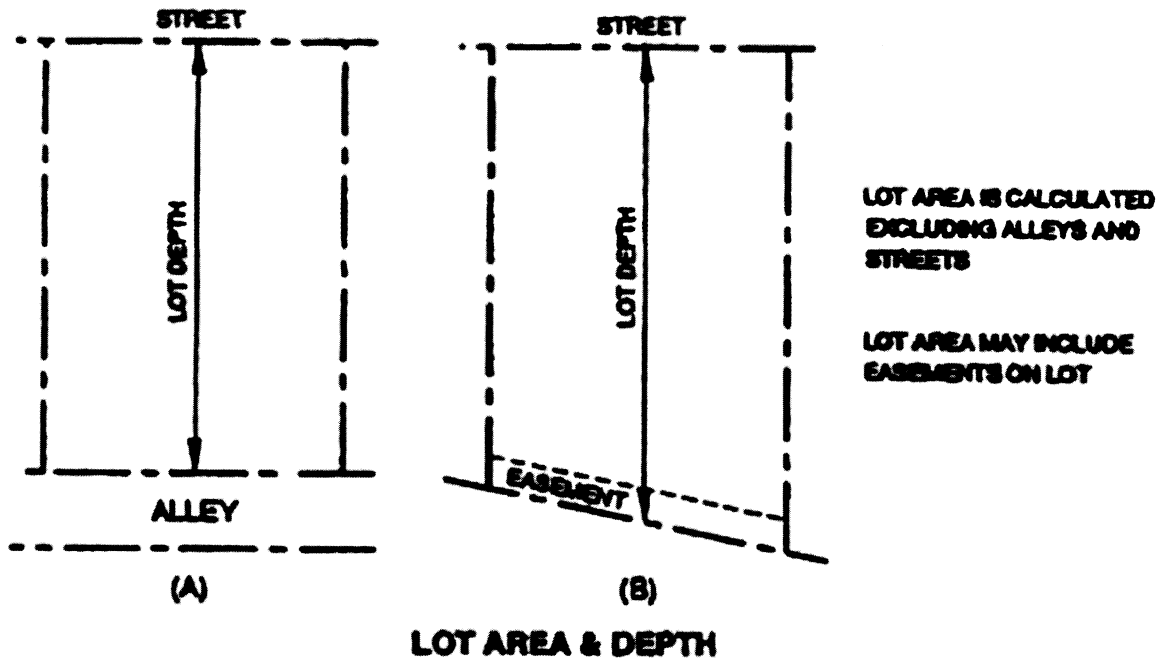


FIGURE #6
Lot Yard Exhibit

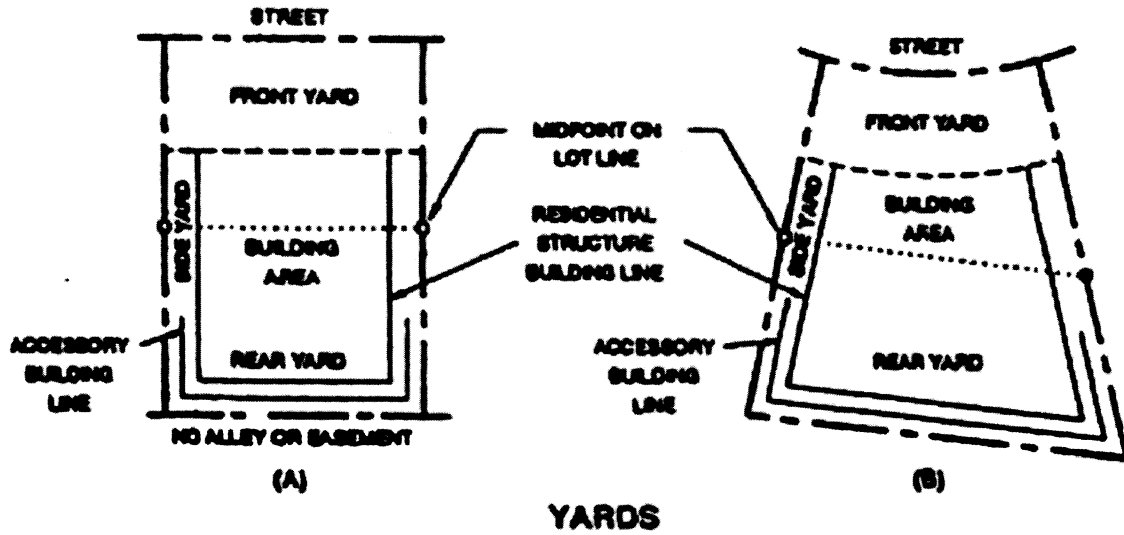


FIGURE #7

Corner Lot Exhibit
CORNER LOT

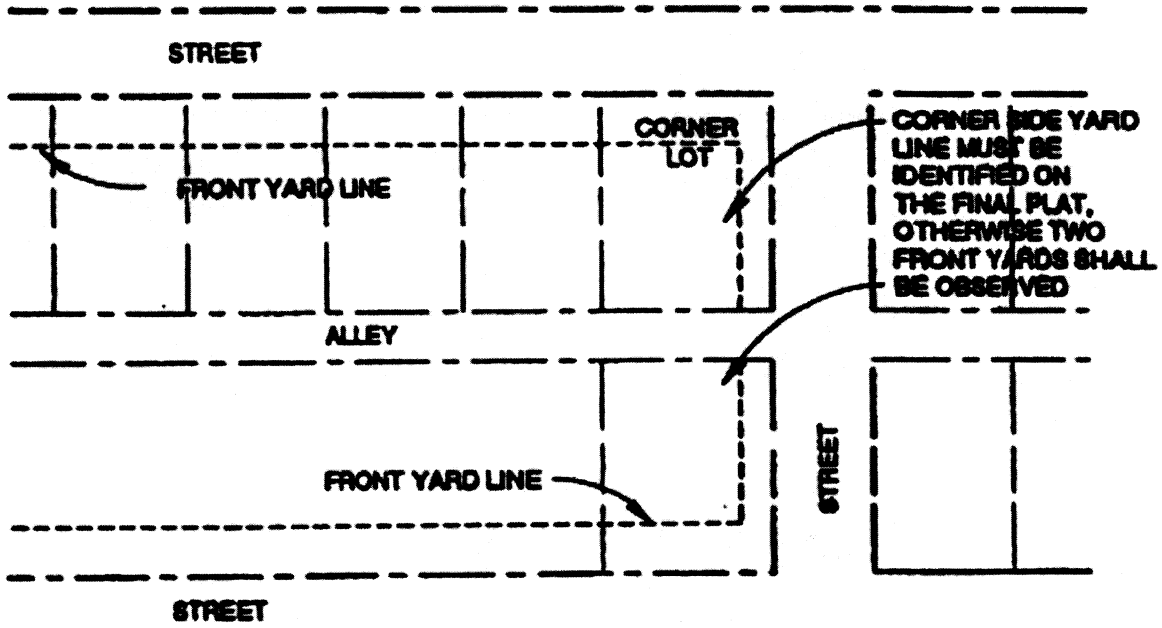
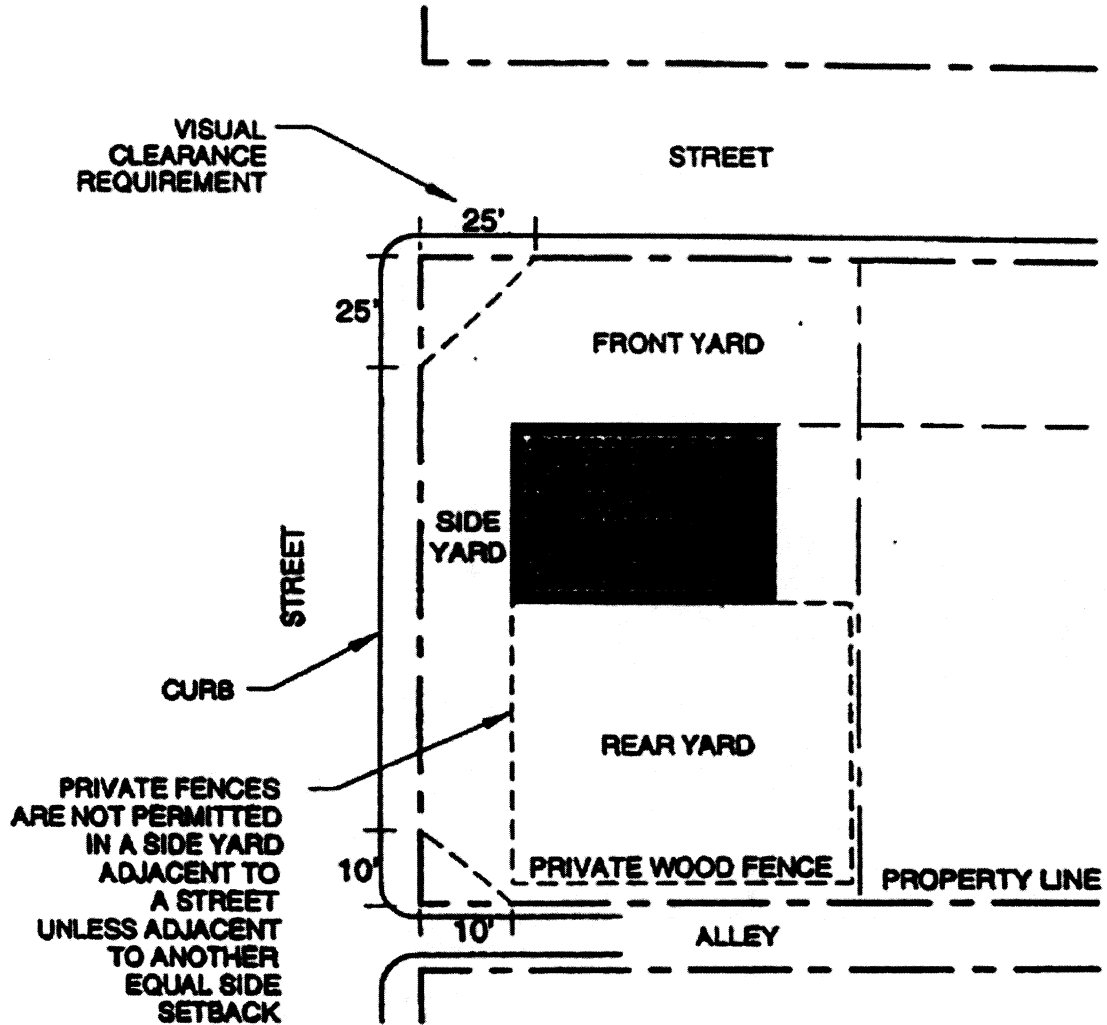


FIGURE #8
Fence & Sight Requirements for Corner Lots



**FENCE & SIGHT REQUIREMENTS
FOR CORNER LOTS**

FIGURE #9
Example 40' Lot Elevation



FRONT ELEVATION - A



FRONT ELEVATION - B

FIGURE #10

Example 40' Lot Elevation



FRONT ELEVATION - A



FRONT ELEVATION - B

FIGURE #11

Example 40' Lot Elevation



FRONT ELEVATION - A



FRONT ELEVATION - B

FIGURE #12

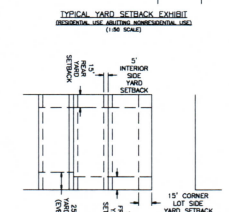
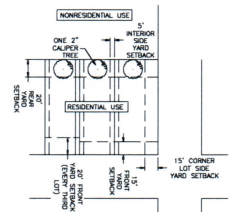
Example 40' Lot Elevation



FRONT ELEVATION - A



FRONT ELEVATION - B



- LEGEND**
- SINGLE-FAMILY RESIDENTIAL
 - MULTIPLE-FAMILY RESIDENTIAL
 - ALLEYWAY
 - OPEN SPACE
 - LOCAL STREET CENTERLINE
 - COLLECTOR STREET CENTERLINE
 - PROPOSED PUBLIC UTILITY EASEMENT

LOT COUNT		
LOT	NO. OF LOTS	PERCENT OF TOTAL
35'	48	14.32%
40'	254	75.37%
50'	17	5.04%
MULTIFAMILY	18	5.34%
TOTAL	337	100%

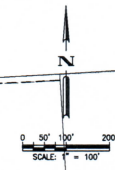
FOR REVIEW PURPOSES ONLY

CONCEPTUAL PLAN

BASTROP GROVE

BGE INC.

101 WEST LOUISIANA STREET, SUITE 400
BASTROP, LA 70026
TEL: 504.241.4400 • www.bge.com
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BASTROP GROVE

PARK AND OPEN SPACE EXHIBIT

BGE INC.
 101 WEST LORA WHEAT BLVD SUITE 400
 AUSTIN, TX 78728
 TEL: 512-326-6400 www.bge.com
 TSP# Registration #171646

