Meeting Minutes

The City of Bastrop Planning and Zoning Commission met Thursday, May 25, 2017 at 6:00 p.m. in the Bastrop City Council Chambers, 1311 Chestnut Street, Bastrop, Texas.

1. Call to order.

Lisa Patterson called the meeting to order at 6:00 p.m.

2. Roll call and confirmation of a quorum of Commission members.

Richard Kindred	Present
Patrick Connell	Present
Lisa Patterson	Present
Bryan Whitten	Absent
Tish Winston	Present
Debbie Moore	Present
Dianna Rose	Present
Cynthia Meyer	Present
Alyssa Halle-Schramm	Present

3. Citizen comments. (During this time, persons may address the Planning and Zoning Commission on any issue not otherwise listed on this Agenda. Please observe the time limit of three (3) minutes for general citizen comments. In accordance with the State of Texas Open Meeting Act, the Commission may not comment, deliberate or take action on such citizen comments/statements during this meeting, except as authorized by Section 551.042, Texas Government Code.)

There were no citizens comments.

4. Consider, discuss and/or approve the Planning and Zoning Commission meeting minutes of April 27, 2017.

Patrick Connell made a motion to approve the minutes. Diana Rose seconded the motion, and the motion carried unanimously.

 Public hearing and consider action to recommend approval of a Conditional Use Permit to allow a manufactured home at 1103 Cedar Street, being 0.289 acres of Building Block 20, East of Main Street.

Wesley Brandon addressed the Commission, presented, and answered questions on the following information that was distributed to the Commission in the packets:

Background/History:

On April 27, 2017, the property owner moved a pre-owned 1998 model manufactured home onto the lot at 1103 Cedar Street. The previous structure was a 1974 model mobile home that had been occupied on the lot since 1975. According to the property owner, in the week prior, a large branch from a nearby tree fell on the structure, irreparably damaging the house. The owner purchased the manufactured home and through a misunderstanding, believed that the seller and mover had secured the necessary permits.

After being informed that they were in violation of city codes, the property owner immediately made application for the Conditional Use Permit (CUP) to start securing the necessary city approvals. Staff allowed the manufactured home to remain on the lot unoccupied while undergoing the permit process, provided that the structure was properly secured. Work began on the exterior to improve its compatibility with the neighborhood. The applicant is living elsewhere until a decision is made on the CUP.

The lot is zoned N, Neighborhood and is in the Form-Based Code Regulating Plan Area.

Per Section 3.5 (c) of the Form-Based Code, structures that are destroyed by an "Act of God" are allowed to be replaced, provided that the new structure is the same size and shape. The previous structure was approximately 56 feet by 14 feet (784 s.f.), according to the Bastrop Central Appraisal District records. The current structure is 56 feet by 28 feet (1,568 s.f.). The structure is 100% larger than the previous structure, which exceeds the requirements of this section. Moving new manufactured homes into the Neighborhood District is permitted with a CUP.

Public Comments:

Twelve adjacent property owner notifications were mailed on May 10, 2017. At the time of this report, five (5) responses were received; two (2) were in favor, two (2) were opposed and one (1) had no objection.

Policy Explanation:

The purpose of conditional uses is to allow certain uses in districts that under most circumstances would not be compatible with other permitted uses, but may be compatible if certain conditions and development restrictions are met. A Conditional Use Permit (CUP) is adopted by Ordinance, similar to a standard zoning request, with public hearings at Planning & Zoning Commission and City Council meetings, as well as two ordinance readings at separate City Council meetings.

Section 5.2 of the Form-Based Code states that the Planning and Zoning Commission may consider the following criteria when approving a CUP:

i.The use is harmonious and compatible with surrounding existing uses or proposed uses;

This lot is on the edge of a residential area. The area to the north is zoned N, Neighborhood, but is the site of the Bastrop High School athletic facility. In the surrounding residential area, there is a mix of single-family housing types. Within the neighborhood, the homes vary greatly in size, shape and age (see Attachment 5). Additionally, while many homes are well maintained, there are some structures that need significant repairs.

ii.The activities requested by the applicant are normally associated with the permitted uses in the base district;

The manufactured home is a single-family structure, which is the primary use of the Neighborhood District. The purpose of the CUP is to ensure that the structure is compatible within the area.

iii.The nature of the use is reasonable;

The requested use will remain residential in nature and will not increase the intensity of use on the property.

iv. Any negative impact on the surrounding area has been mitigated;

Staff is recommending a series of conditions, that once met, will mitigate negative impacts on the surrounding area. These conditions will ensure that the current structure is an improvement in appearance and compatibility within the neighborhood, greater than the previous structure provided.

v.Any additional conditions specified [to] ensure that the intent of the district purposes are being upheld.

Staff suggests the following conditions for approval of the CUP:

- The accessory structures and other debris in the backyard must be cleaned up and brought into compliance with the Property Maintenance Code, prior to the home being occupied.
- The roof of the home must be cleaned and repaired to improve its appearance and comply with the City's Building Code.
- New skirting must be added to the front and sides of the structure to improve curb appeal, prior to the home being occupied.
- A covered front porch with a minimum area of 100 square feet must be added to front of the house, which meets the requirements of Section 7.3 (b) of the Form-Based Code for Residential Façades.
- The existing street facing fence must be removed. If a new fence is installed, it must meet all current code requirements, and be constructed after applying for and receiving a fence permit.

Section 35.4 of the Zoning Ordinance, entitled Special and Supplemental Requirements, states that all manufactured homes approved through a Manufactured Home Overlay or Conditional Use Permit, must satisfy the following requirements:

- A. All dwelling units shall be HUD-code manufactured home units. (Current home is compliant)
- B. Anchorage of Manufactured Homes: To insure against natural hazards such as tornadoes, high winds, and electrical storms, anchorage at each manufactured home shall be provided, at the time of installation, according to the Building Code. (Current home is compliant)
- C. Skirting (Current home is compliant; however, Staff is recommending replacement of the existing skirting):
- 1. All manufactured home units, not attached to a permanent foundation, shall provide weather resistant skirting, at the time of installation, from the top of the unit's frame to grade. Skirting shall totally enclose and secure from view the unit's axles and all required anchors, footings, and piers.
- 2. All required skirting shall be of a texture and color similar to the materials used in the construction of the manufactured home unit.

- D. Two (2) off-street parking spaces must be provided. One must be covered (carport/garage) and must meet the setback requirements. A building permit must be submitted for this carport or garage within two (2) months from the date the manufactured home was installed. The carport or garage must be built within six (6) months from the date the manufactured home was installed. (The current home was installed on April 27, 2017. Therefore, a building permit for the garage/carport must be submitted by June 27, 2017. If the CUP is approved, construction must be completed by October 27, 2017.)
- E. The main roof shall be pitched, rather than flat. (Current home is compliant)
- F. The manufactured home must be sited with its longest dimension parallel to the street. (*Current home is compliant*)
- G. The exterior finish cannot have a high-gloss finish. The exterior walls shall look like wood or masonry, regardless of the actual composition. (Current home is compliant)
- H. The hitch must be removed. (Current home is compliant)
- I. The lot must be landscaped so that it is equivalent to the average amount of landscaping that exists on the adjoining lots. At a minimum, two (2) trees of the large variety and two (2) shrubs must be provided. Furthermore, the entire lot must be sodded with grass. (Current home is not compliant with this requirement)
- J. The manufactured home must have a minimum floor area of one thousand (1000) square feet. (Current home is compliant)
- K. A manufactured home, that is not being placed within a Manufactured Home Park or subdivision, must have a minimum width of at least twenty-eight feet (28'). (Current home is compliant, unlike the previous home)
- L. A manufactured home that is not being placed within a manufactured home park or subdivision shall have a gabled entry or other such break in the facade or roof line. (Current home is compliant, unlike the previous home)

In addition to criteria described above, Section 5.2(c) of the City's Form-Based Code states:

"In granting a Conditional Use Permit, the Planning and Zoning Commission and City Council may impose conditions which shall be complied with by the owner or grantee before a Certificate of Occupancy may be issued by the Building Official for use of the building on such property pursuant to such Conditional Use Permit and such conditions precedent to the granting of the Certificate of Occupancy. Any special conditions shall be set forth in writing by the City Council prior to issuance of the Certificate of Occupancy".

Historical References:

To date, no Conditional Use Permits (CUPs) have been approved for manufactured homes located within the Form-Based Code area since the Code's adoption in 2015. However, two CUPs have been approved for manufactured homes in the last two years within other areas of the City, both with an SF-7 zoning classification. One home was located at 202 MLK Drive, and the owner was authorized to install a <u>new</u> manufactured home on the property with the following conditions:

1. Construction and permits submitted shall be in conformance with the City of Bastrop regulations and shall meet the special requirements of Section 35.4, including concrete/asphalt parking/driveway.

- 2. All necessary permits for the proposed development shall be acquired prior to construction/movement of the manufactured home on the subject property.
- 3. A Building 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). A building permit is issued in order to document and inspect the work required to install the home, connect utilities, and make any other improvements to the property.

Another CUP was approved for a <u>pre-owned</u> 2006 model manufactured home located at 1006 Mesquite Street. The approval conditions were identical to the CUP conditions for 202 MLK Drive.

In each of these previous CUP cases, the homes had not been moved and installed on their respective properties prior to receiving approval of the CUP. Therefore, several of the suggested timeframes and approval conditions may be different for this current CUP request. For example, the property owner is typically given one year to secure a building permit, but because the home is already located on the property, the permitting timeline must be expedited.

Recommendation:

Hold public hearing and recommend approval of a Conditional Use Permit with the following conditions (in addition to the requirements of Zoning Ordinance Section 35.4), to allow a manufactured home at 1103 Cedar Street, being 0.289 acres of Building Block 20, East of Main Street and forward to the next available City Council meeting.

- 1. Construction shall be in conformance with the City of Bastrop regulations.
- 2. All necessary permits for the proposed development shall be acquired prior to occupying the building.
- 3. A Building Permit shall be applied for and secured within fourteen (14) days from the date the Conditional Use Permit is granted (second reading of the ordinance). (Note: The Zoning Ordinance states that a permit shall be secured within one year, but due to the current existence of the home, Staff recommends shortening this timeframe). A building permit is issued in order to document and inspect the work required to install the home, connect utilities, and make any other improvements to the property.
- 4. The accessory structures and other debris in the backyard must be cleaned up and brought into compliance with the Property Maintenance Code, prior to the home being occupied.
- 5. The roof of the home must be cleaned and repaired to improve its appearance and comply with the City's Building Code.
- 6. New skirting must be added to the front and sides of the structure to improve curb appeal, prior to the home being occupied.
- 7. A covered front porch with a minimum area of 100 square feet must be added to front of the house, which meets the requirements of Section 7.3 (b) of the Form-Based Code for Residential Façades.
- 8. The existing street facing fence must be removed. If a new fence is installed, it must meet all current code and permit requirements.

The Commission asked when the conditions would need to be completed by, and Staff responded preferably before the property owner moves back in.

The Commission stated they wanted any life and safety issues taken care of before the property owner could move back in, but they would be willing to adjust the timeline for some of the other items so the property owner could get back in their home.

Discussion commenced between Staff and the Commission in regards to the modified timeline for the conditions set forth in the Staff Reports.

Lisa Patterson closed the Public Hearing.

Cynthia Meyer made a motion to approve the request for a CUP, Conditional Use Permit, to allow a manufactured home at 1103 Cedar Street, being 0.289 acres of Building Block 20, East of Main Street with the conditions:

- 1. Construction shall be in conformance with the City of Bastrop regulations,
- 2. All necessary permits for the proposed development shall be acquired prior to occupying the building.
- 3. A Building Permit shall be applied for and secured within fourteen (14) days from the date the Conditional Use Permit is granted (second reading of the ordinance). A building permit is issued in order to document and inspect the work required to install the home, connect utilities, and make any other improvements to the property.
- 4. The accessory structures and other debris in the backyard must be cleaned up and brought into compliance with the Property Maintenance Code within three months from the date the Conditional Use Permit is granted.
- 5. The roof of the home must be structurally sound and not present any health and safety issues.
- 6. The skirting must be cleaned and reattached to the front and sides of the structure within six months from the date the Conditional Use Permit is granted.
- 7. A covered front porch with a minimum area of 100 square feet must be added to front of the house. All other exterior exits/entryways need stairs and landing that meet the building code requirements. These conditions must be met prior to the home being occupied.
- 8. Existing street facing fence must be removed within six months from the date the Conditional Use Permit is granted. If a new fence is installed, it must meet all current code requirements and be constructed after applying for and receiving a fence permit.
- 9. The covered parking and landscaping requirements in Section 35.4 of the Zoning Ordinance must be installed within six months from the date the Conditional Use Permit is granted.

Patrick Connell seconded the motion, and the motion carried unanimously.

6. Director of Planning and Development update.

Discussion commenced between the Commission and Staff in regards to a previous public hearing item heard by the Commission and City Council. The discussion later shifted to the overall scope and sequence of the planning development process.

7. Adjourn.

Patrick Connell made a motion to motion carried unanimously.	adjourn at 6:57 p.m.	. Debbie Moore secon	ded the motion, and the
Lisa Patterson, Chair			
Debbie Moore, Vice Chair			



MEETING DATE: July 27, 2017 Item: C

TITLE:

Consider action to appoint a Commission member as Secretary for the Planning and Zoning (P&Z) Commission.

STAFF REPRESENTATIVE:

Wesley Brandon, P.E., Director of Planning and Engineering

BACKGROUND/HISTORY:

The term for Richard Kindred ended in June. He was formerly Planning and Zoning Commission Secretary, therefore there is now a vacancy for the position on the Commission.

Staff is asking the Commission appoint a member to fill the vacant Secretary position.



MEETING DATE: July 27, 2017 Item: D

TITLE:

Consider action to appoint a Commission member as its representative on the Historic Landmark Commission (HLC).

STAFF REPRESENTATIVE:

Wesley Brandon, P.E., Director of Planning and Engineering

BACKGROUND/HISTORY:

Per the membership requirements for the Historic Landmark Commission (HLC), the P&Z Commission is to nominate a P&Z member to serve as an HLC member. The Mayor has requested that with each new yearly session the Commission review and appoint a member to the HLC.



MEETING DATE: July 27, 2017 Item E

TITLE:

Public hearing and consider action to recommend approval of a Conditional Use Permit for a 175-foot communications tower at 1501 Business Park Drive, being Lot 3-A of the Bastrop Business & Industrial Park, Phase 1, Block B, setting out conditions and forwarding to the next City Council meeting.

STAFF REPRESENTATIVE:

Wesley Brandon, P.E., Director of Planning and Engineering

ITEM DETAILS:

Site Address: 1501 Business Park Drive (Attachment 1)

Total Acreage: 4.998 acres

Legal Description: Lot 3-A of the Bastrop Business & Industrial Park, Phase 1, Block B

Property Owner: Grand Central Texas Development Corporation

Agent Contact: Judge Paul Pape, Bastrop County

Existing Use: Vacant Manufacturing/Office Warehouse Existing Zoning: LI - Light Industrial and IP - Industrial Park

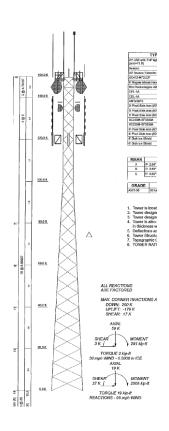
Future Land Use: Industrial

BACKGROUND/HISTORY:

Bastrop County is requesting a Conditional Use Permit for a 175-foot communications tower to be located at the future Bastrop County Office of Emergency Operations, Information Technology and 911 Communications and Dispatch. The building is currently vacant and was previously a manufacturing and office warehouse.

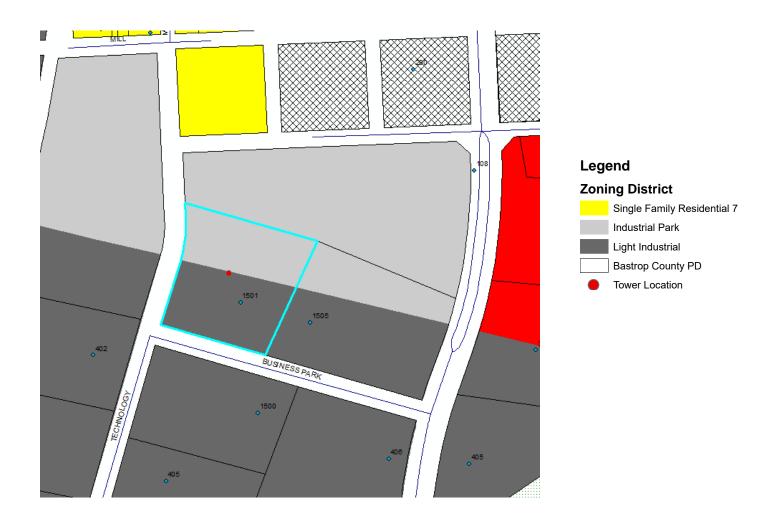
The main structure of the tower is 150-feet in height, with the antennas extending another 25-feet. The tower will be publicly owned and used for emergency services communication across the county.

Attachment 3: Proposed
Communication Tower
Design

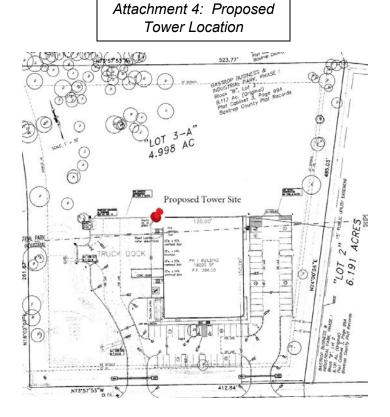


The site is zoned both Light Industrial and Industrial Park. The location of the tower is on the line between the two districts. Publicly owned antenna towers are allowed within any zoning district and require a CUP for height exceeding the maximum height of the district. The Light Industrial and Industrial Park Districts have a maximum height of 35 feet.





The communications tower will be placed to the side of the building, by the back northwest corner of the building. This location is not within any setbacks and will be approximately 530 feet from any residentially zoned district and approximately 980 feet from any occupied residential district.



The Bastrop County Economic Development Corporation (BEDC) Board met on June 19, 2017 and voted unanimously to recommend the approval of this CUP (Attachment 5).

PUBLIC COMMENTS:

Six (6) adjacent property owner notifications were mailed on July 12, 2017. At the time of this report, one (1) responses was received in favor (Attachment 6).

POLICY EXPLANATION:

The purpose of conditional uses is to allow certain uses in districts that under most circumstances would not be compatible with other permitted uses, but may be compatible if certain conditions and development restrictions are met. A Conditional Use Permit (CUP) is adopted by Ordinance, similar to a standard zoning request, with public hearings at Planning & Zoning Commission and City Council meetings, as well as two ordinance readings at separate City Council meetings.

Per Section 33.2 Conditional Use Permit Regulations, the Planning and Zoning Commission and City Council may consider the following for approval of a requested CUP:

1. The use is harmonious and compatible with surrounding existing uses or proposed uses;

The Bastrop Business & Industrial Park is designed for higher intensity industrial uses. A communication tower is compatible with the surrounding uses.

2. The activities requested by the applicant are normally associated with the permitted uses in the base district;

Governmental and publicly owned facilities are permitted use of the Industrial Park and Light Industrial Districts.

3. The nature of the use is reasonable;

Communications towers are a reasonable and necessary use.

- 4. Any negative impact on the surrounding area has been mitigated;

 The tower will have the appropriate space for a fall zone and ground mechanical equipment will not be visible from the public right-of-way.
- 5. That any additional conditions specified ensure that the intent of the district purposes are being upheld.

Additional criteria are detailed below.

Chapter 14, Section 43.5 Communications Antennas and Support Structures/Towers includes several conditions that apply to the proposed communications tower.

1. Antenna towers shall be secured to protect against trespass or unauthorized use of the property, antenna tower, or related buildings and structures on site. At minimum, antenna towers shall be equipped with an anti-climbing device and enclosed by security fencing and a locking gate not less than six (6) feet in height. If the tower will have guy wires, they must be fenced as well.

The applicant's proposal complies with this requirement.

2. No amateur or commercial antenna, antenna support structure, microwave reflector/antenna, or associated foundations or support wires or appurtenances shall be located within any required setback area for the front, side or rear yards.

The proposed location is not near any required setbacks.

3. Antennae (amateur or commercial) shall not interfere with radio or television reception of adjoining property owners, and shall comply with all regulations of the Federal Communications Commission (FCC). In no manner shall the use of such equipment infringe upon adjoining property owners.

The applicant's proposal complies with this requirement.

4. All commercial signs, flags, lights and attachments other than those required for communications operations, structural stability, or as required for flight visibility by the Federal Aviation Administration (FAA) and FCC shall be prohibited on any antenna or antenna support structure.

The applicant's proposal complies with this requirement.

5. All publicly owned antennae or antenna support structures shall be permitted in any district (e.g., public safety communications, etc.). However, if the structure exceeds the allowed height allowed in the zoning district, a Conditional Use Permit will be required.

The tower will be owned by Bastrop County for countywide emergency services communication. The maximum height for both the Light Industrial District and Industrial Park District is 35 feet. The proposed tower will exceed the height limit by 140 feet.

HISTORICAL REFERENCES:

There have been no Conditional Use Permits granted for publicly owned communication towers.

On January 24, 2012, a CUP was approved for a 70-foot tall commercial cell tower behind the Bastrop Marketplace shopping center at 443 West SH 71.

On June 8, 2010, a CUP was approved for a 300-foot commercial cell tower at 1905 South Street on Lot 1, Block A, Phase I of the Bastrop Business and Industrial Park Subdivision.

RECOMMENDATION:

Hold public hearing and recommend approval of a Conditional Use Permit for a 175-foot communications tower at 1501 Business Park Drive, being Lot 3-A of the Bastrop Business & Industrial Park, Phase 1, Block B, setting out conditions and forwarding to the next City Council meeting.

- 1. Construction shall be in conformance with the City of Bastrop regulations.
- 2. All necessary permits for the proposed development shall be acquired prior to occupying the building.
- 3. 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).
- 4. Antenna towers shall be secured to protect against trespass or unauthorized use of the property, antenna tower, or related buildings and structures on site. At minimum, antenna towers shall be equipped with an anti-climbing device and enclosed by security fencing and a locking gate not less than six (6) feet in height. If the tower will have guy wires, they must be fenced as well.
- 5. No amateur or commercial antenna, antenna support structure, microwave reflector/antenna, or associated foundations or support wires or appurtenances shall be located within any required setback area for the front, side or rear yards.
- 6. Antennae (amateur or commercial) shall not interfere with radio or television reception of adjoining property owners, and shall comply with all regulations of the Federal Communications Commission (FCC). In no manner shall the use of such equipment infringe upon adjoining property owners.
- 7. All commercial signs, flags, lights and attachments other than those required for communications operations, structural stability, or as required for flight visibility by the Federal Aviation Administration (FAA) and FCC shall be prohibited on any antenna or antenna support structure.

ATTACHMENTS:

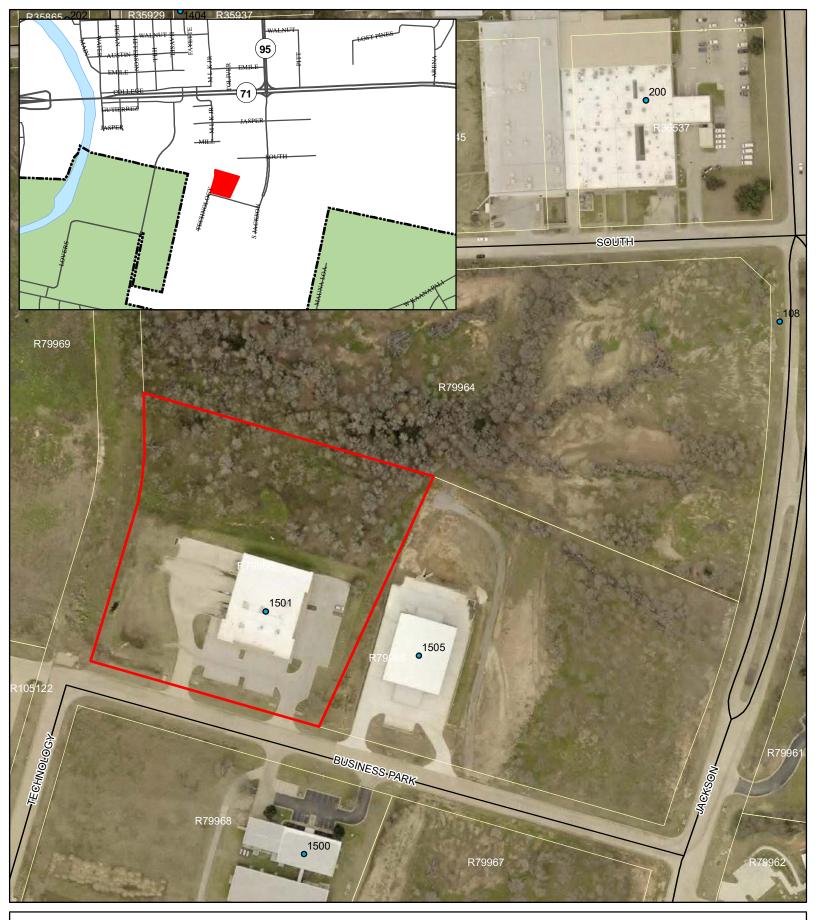
Attachment 1: Property Location Map Attachment 2: Letter from Applicant

Attachment 3: Proposed Communication Tower Design

Attachment 4: Proposed Tower Site Location

Attachment 5: Letter from the Bastrop Economic Development Corporation

Attachment 6: Surrounding Property Owners' Responses





Location Map Communications Tower CUP 1501 Business Park Drive Date: 7/12/2017

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.



June 7, 2017

City of Bastrop Wesley Brandon, City Engineer 1311 Chestnut St. Bastrop, TX 78602

Regarding: Conditional Use Permit for 1501 Business Park Dr., Bastrop Industrial Park

Dear Mr. Brandon:

We are asking approval for a Conditional Use Permit (CUP) for a variance regarding the height of a structure within the Business Park. Bastrop County is under contract with the current owner to purchase the building at 1501 Business Park Dr. Our intention is that this facility house three critical County services – the Office of Emergency Management, Information Technology and 9-1-1 Communications and Dispatch.

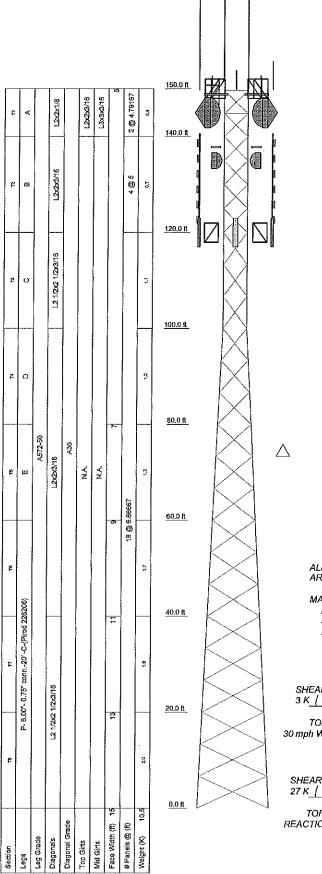
A communications tower is needed adjacent to this building (at the NW corner) in order to provide these essential services to the County, the City of Bastrop and other agencies. The tower will be 150 feet tall, with antennas reaching another 25 feet. It will be a standalone structure. Located at the back of the building, it should not detract from the general ambiance of the industrial park.

We are simultaneously asking the Economic Development Corporation for a variance of the Covenants and Restrictions regarding this use. We request your approval for this CUP as soon as possible so that we may close on the transaction and begin retrofitting this building for our purposes.

Kindes#Regards,

Paul Pape

Bastrop County Judge



DESIGNED APPURTENANCE LOADING

TYPE	ELEVATION	TYPE	ELEVATION		
21' LRE with 7'-6" tightning rod 150		PAR6-59 w/ Radome	145		
(am=11.5')		PAR6-59 w/ Radome	145		
Beacon	150	4' Dish Ice Shleid	138		
20' Beacon Extender	150	4' Dish Ice Shield	138		
SC412-HF2LDF	150	SC3-W100AC	135		
6' Bogner Mount Heavy Duty	150	SC3-W100AC	135		
Bird Technologies 428E-831-01-T	150	LNX-8511DS-T4M	120		
CEL-1A	150	6' Pivot Side Arm (50" pipe)	120		
CEL-1A	150	6' Pivot Side Arm (50" pipe)	120		
ANT450F2	150	6' Pivot Side Arm (50" pipe)	120		
3' Pivot Side Arm (50" pipe)	150	DB224-A	120		
3' Pivot Side Arm (50" pipe)	150	DB224-A	120		
3' Pivot Side Arm (50" pipe)	150	6' Universal Side Arm (84" pipe)	120		
SC225M-SF3SNM	150	6' Universal Side Arm (84" pipe)	120		
SC225M-SF3SNM	150	DB224-A	120		
6' Pivot Side Arm (50" pipe)	150	6' Universal Side Arm (84" pipe)	120		
6' Pivot Side Arm (50" pipe)	150	LNX-8511DS-T4M	120		
6' Dish tce Shield	149	LNX-8511DS-T4M	120		
6' Dish Ice Shield	149	117, 00,1100,1111	120		

SYMBOL LIST

MARK	SIZE	MARK	SIZE
Α	P- 2.50" - 0.75" conn10' -C-(Pirod 226172)	D	P- 5.00"- 0.75" connTrans-20' -C-(Pirod 226200)
В	P- 2.50" - 0.75" conn20' -C-(Pirod 226160)	E	P- 5.00"- 0.75" conn20' -C-(Pirod 226192)
C	P- 4.00"- 0.75" conn20' -C-Trans-8B-4B-(Pirod		*** * *

MATERIAL STRENGTH

GRADE	Fy	Fu	GRADE	Fy	Fu	
A572-50	50 ksi	65 ksi	A36	36 ksi	58 ksi	

TOWER DESIGN NOTES

1. Tower is located in Bastrop County, Texas.

2. Tower designed for Exposure C to the TIA-222-G Standard.

- Tower designed for a 95 mph basic wind in accordance with the TIA-222-G Standard.
- Tower is also designed for a 30 mph basic wind with 0.50 in ice. Ice is considered to increase in thickness with height.
- Deflections are based upon a 60 mph wind.
- 6. Tower Structure Class III.
- 7. Topographic Category 1 with Crest Height of 0.00 ft 8. TOWER RATING: 88%

ALL REACTIONS ARE FACTORED

MAX. CORNER REACTIONS AT BASE:

DOWN: 200 K UPLIFT: -179 K SHEAR: 17 K

AXIAL 50 K

SHEAR MOMENT 291 kip-ft

TORQUE 2 kip-ft 30 mph WIND - 0.5000 in ICE **AXIAL**

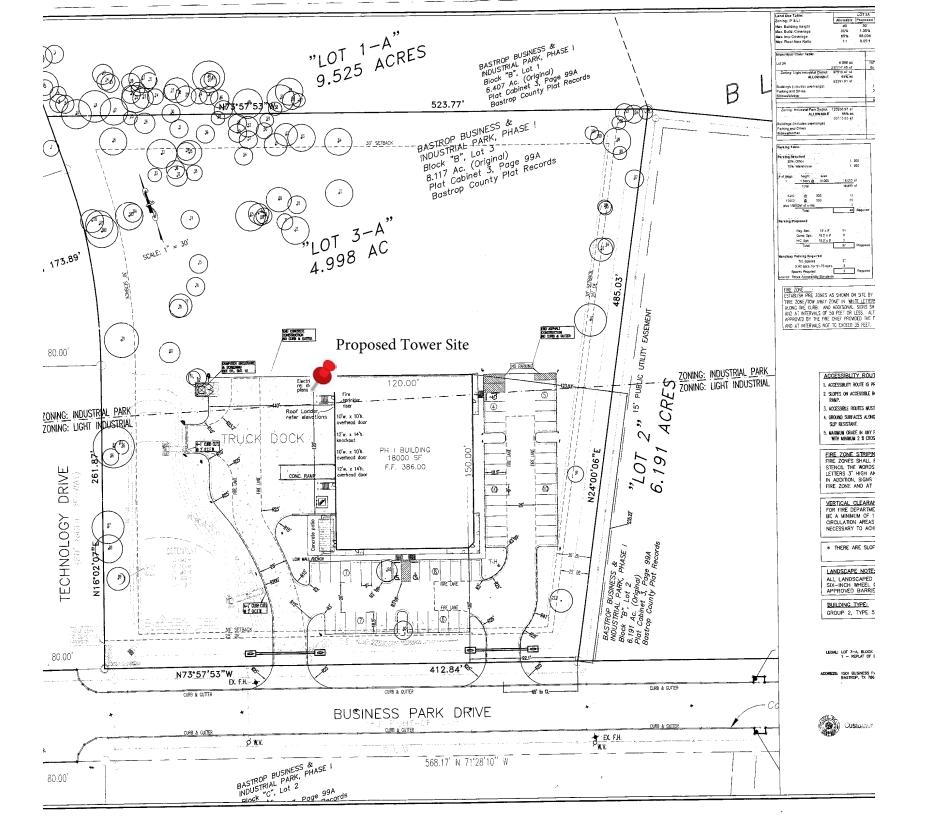
19 K MOMENT 2509 kip-ft

TORQUE 19 kip-ft REACTIONS - 95 mph WIND

valmont∛

1545 Pidco Drive STRUCTURES Plymouth, IN 46563 Almont Structures, Inc. - Specialty Structures Group Phone: (574) 936-4221 FAX: (574) 936-6458

Quotation 366275-02 Project: V-15 x150' - Bastrop PD, TX Client: Motorola Solutions Drawn by: CRF1 App'd: Scale: NTS Code: TIA-222-G Date: 04/06/17 Dwg No. E-1





June 30, 2017

Lisa Patterson, Chair Planning & Zoning Commission City of Bastrop, Texas 1311 Chestnut Street P.O. Box 427 Bastrop, Texas 78602

Re: Bastrop County's Application for Conditional Use Permit

Dear Planning & Zoning Commissioners,

On behalf of the Bastrop Economic Development Corporation, I would like to convey to you the EDC Board's support for a Conditional Use Permit (CUP) that has been requested by Bastrop County, for a proposed project in the Bastrop Business Park.

Bastrop County is considering the purchase of the building at 1501 Business Park Drive, to house three County services: The Office of Emergency Management, Information Technology, and 9-1-1 Communications and Dispatch. This will require the erection of a 175-foot communications tower.

The EDC Board met on June 19, 2017, and voted unanimously to approve a letter of support for the project.

Thank you for your time and consideration.

Sincerely,

Shawn a. Kindpatrick

Shawn Kirkpatrick, Executive Director

Bastrop Economic Development Corporation

SAK/ar

NOTICE OF PUBLIC HEARINGS PLANNING AND ZONING COMMISSION AND CITY COUNCIL

Dear Property Owner:

The Planning & Zoning Commission will conduct a public hearing on July 27, 2017 at 6:00 p.m. and the City Council will conduct a public hearing Tuesday, August 8, 2017 at 6:30 p.m. in the City Hall Council Chambers located at 1311 Chestnut Street, Bastrop, Texas on the request for an ordinance granting a Conditional Use Permit to allow a new 175 foot communications tower at 1501 Business Park Drive, being Lot 3-A of the Bastrop Business & Industrial Park, Phase 1, Block B.

Applicant:

Bastrop County

Address:

1501 Business Park Drive, Bastrop, Texas

Legal Description:

Bastrop Business & Industrial Park, Phase 1, Block B, Lot 3-A

PLEASE SEE ATTACHED SITE LOCATION MAP & LETTER FROM PROPERTY OWNER

As a property owner within 200' of the above referenced property, you are being notified of the public hearings and invited to attend to express your opinion. Petitions and letters, either in support or opposition to this request, may be submitted to the Planning Department at 1311 Chestnut Street or mailed to P.O. Box 427, Bastrop, Texas 78602 (512) 332-8840 any time prior to the public hearings.

For additional information, please visit or call the Planning & Development offices.
>< PROPERTY OWNER'S RESPONSE
As a property owner within 200': (please check one)
☐ I am in favor of the request. ☐ I am opposed to the request. ☐ I have no objection to the request.
Property Owner Name: BUSTYDO EDC Property Address: BUSINESS PURK Phone (optional): 512-332-8870 Mailing Address: 301 Hwy 71 W Ste 214 Pastrop TX 78602 Email (optional): Shawn & Mark Property Owner's Signature: Mark Comments: (Optional)
Please provide reply to: Planning and Development Department

or via fax (512) 332-8829

City of Bastrop, P.O. Box 427, Bastrop, Texas 78602

Re: Cell Tower CUP at 1501 Business Park Drive 7/12/2017



MEETING DATE: July 27, 2017 Item: F

TITLE:

Public hearing and consider action to recommend approval of a zoning change to Single Family Residential 7 (SF-7) at the southwest corner of Main Street and Mesquite Street, being all of Lots 2, 3, 4, 5, 6, and 7 of the North Main Addition Subdivision and forward to the next available City Council meeting.

STAFF REPRESENTATIVE:

Wesley Brandon, P.E., Director of Planning and Engineering

ITEM DETAILS:

Site Address: TBD, Northeast corner of Main St and Mesquite St (Attachment 1)

Total Acreage: 1.909 acres

Legal Description: North Main Addition, Lots 2, 3, 4, 5, 6, and 7

Property Owner: Nick Chesser/Quickhatch Storage, LLC

Agent Contact: Nik Shehu

Existing Use: Vacant property

Existing Zoning: Office – Lots 2-4; Neighborhood Service – Lots 5-7 (Attachment 2)

Future Land Use: Neighborhood Residential (Attachment 3)

BACKGROUND/HISTORY:

On June 27, 2017, the property owner met with staff for a pre-application meeting, after which they applied to change the zoning for six lots within the North Main Addition. The property is currently vacant.

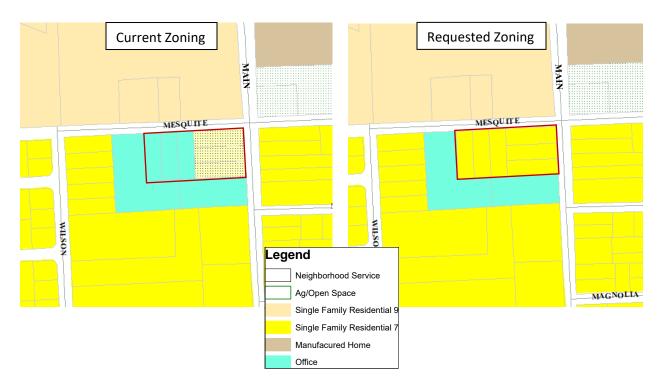


Looking southwest from the corner of Main and Mesquite.



Looking southeast from Mesquite.

The immediate surrounding properties are zoned SF-7, SF-9, and Office. The office property is being used as offices and educational facility for a childhood education company. Homes are located across Mesquite and Main streets, along with an LCRA electric substation. The area zoned Ag/Open Space on the opposite corner is also used as residential. The neighborhood as a whole is residential.



PUBLIC COMMENTS:

Thirty-seven (37) adjacent property owner notifications were mailed on July 12, 2017. At the time of this report, no responses were received.

POLICY EXPLANATION:

City zoning districts govern the use and development of land, buildings, and structures as a measure necessary to the orderly development of the community.

Section 10 – Changes and Amendments to All Zoning Ordinances and Districts contains the process for amending the zoning map. Changes shall only be made:

A. To correct any error in the regulations or map.

The existing zoning district was adopted through the appropriate process. The current owner wishes to develop these lots as a residential use, which requires a zoning amendment.

B. To recognize changed or changing conditions or circumstances in a particular locality.

The surrounding area is developing as residential and this is not a preferred location for office and/or neighborhood retail services.

C. To recognize changes in technology, the style of living, or manner of conducting business.

This does not apply. The request follows the existing development pattern in the area.

D. To change the property to uses in accordance with the approved Comprehensive Plan.

The requested zoning change to SF-7 is consistent with the Future Land Use designation of Neighborhood Residential shown in the Comprehensive Plan (Attachment 3).

In making a determination regarding a requested zoning change, the Planning and Zoning Commission and City Council shall consider the following factors:

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole.

Primary permitted uses allowed by right within the SF-7 district are single-family dwelling detached and community home (per state statue). These uses are appropriate considering the surrounding development is primarily residential, except for a childhood education center and an electric substation.

2. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings.

The proposed change is in accord and shall not adversely affect the existing public schools, streets, or utilities in the area. The intent is to develop six single-family detached homes.

3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances, which may make a substantial part of such vacant land unavailable for development.

There is vacant land classified as residential in the vicinity and elsewhere in the city. Some of the vacant residential land in the vicinity is hindered by lack of utility infrastructure (water, wastewater, and/or electric), which requires a longer platting process and increases the cost of development. Other vacant residential land in the vicinity is not for sale. Elsewhere in the city, residential development may be hindered by terrain challenges, lack of developed street or utility infrastructure, or requires additional regulation by the Lost Pines Habitat Conservation Plan (LPHCP).

4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

From 2014 to 2016, single family permits issued were 78, 34, and 94, respectively, which corresponded to growth rates of 2.7%, 2.1%, and 2.1%, respectively. These numbers indicate that while permits have been issued, available developable lots hinder the growth rate. The Bastrop EDC and the Comprehensive Plan both show a high need for housing development. The 2017 Update to the Housing Study commissioned by BEDC concludes that Bastrop demand has grown with buyers interested in a lower price point or in getting more home for the value than what is available in other parts of the Austin MSA. It also says that "Homebuilders in the Southeast submarket, and especially the Bastrop area, have difficulty finding lots at reasonable prices in quality developments that offer competitive returns relative to those found along the I-35 corridor," and that "This tight level of housing inventory has particularly limited the Bastrop area's ability to capture a larger share of new home closings." The lots in the area to requesting a zone change are of a marketable size, in an established neighborhood, where existing utilities and terrain allows for returns on investment for builders.

5. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved.

Other areas are unlikely to be affected by the proposed amendment, as it is rather minor in scale.

6. Any other factors which will substantially affect the public health, safety, morals, or general welfare.

None.

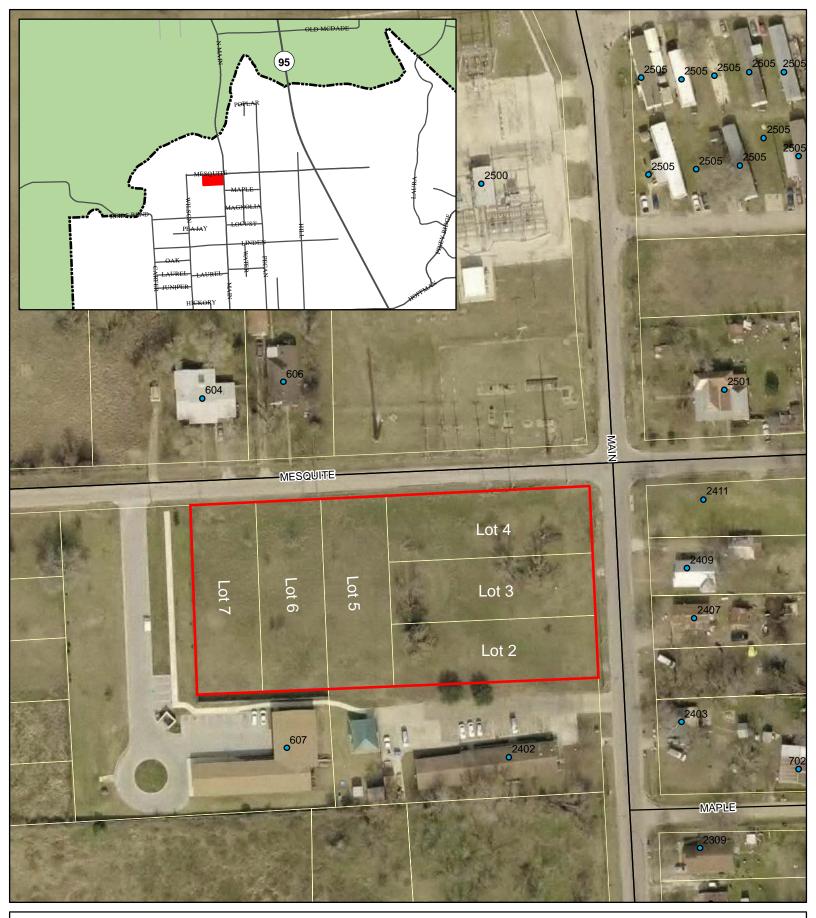
RECOMMENDATION:

Hold public hearing and recommend approval of a zoning change to Single Family Residential 7 (SF-7) at the northeast corner of Main Street and Mesquite Street, being North Main Addition, Lots 2, 3, 4, 5, 6, 7 and forward to the next available City Council meeting.

ATTACHMENTS:

Attachment 1: Location Map Attachment 2: Zoning Map

Attachment 3: Future Land Use Map Attachment 4: Letter from Applicant

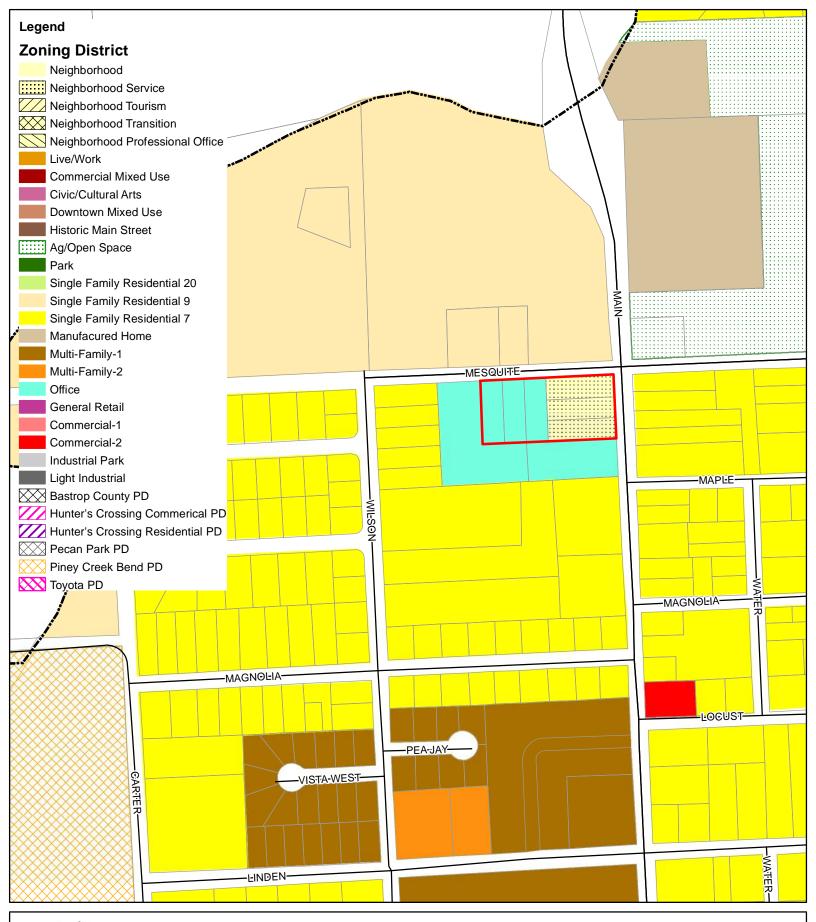




Location Map
Rezone North Main Addition Lots 2-7
Neighborhood Service and Office to Neighborhood
Northeast Corner of Main and Mesquite

Date: 7/12/2017

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.

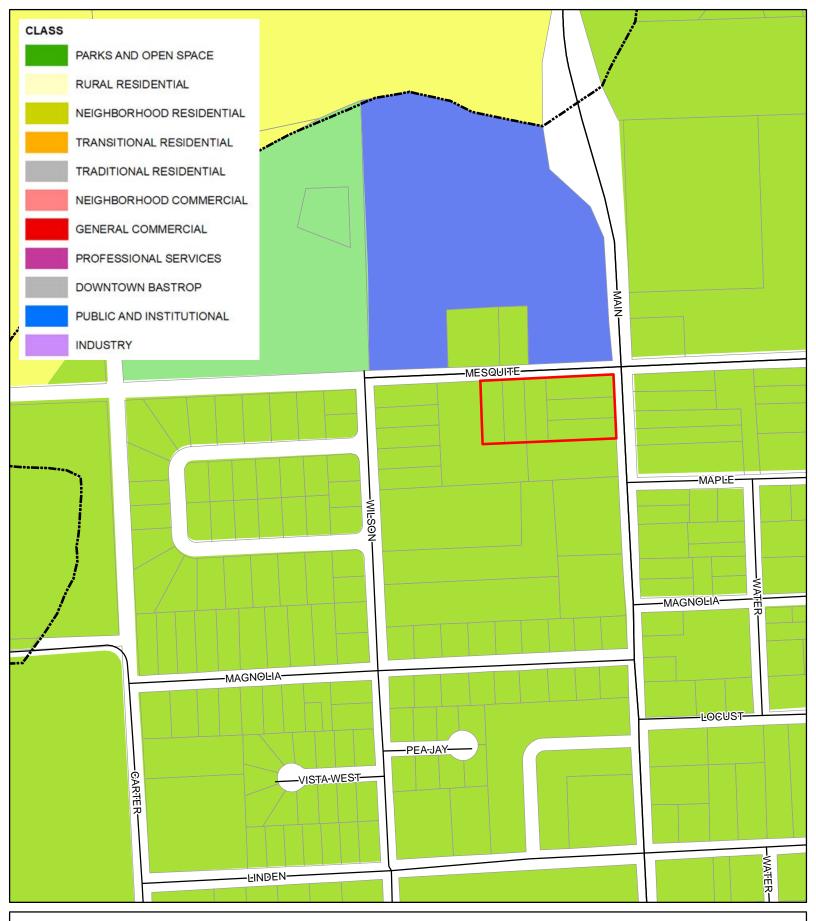




Zoning Map
Rezone North Main Addition Lots 2-7
Neighborhood Service and Office to Neighborhood
Northeast Corner of Main and Mesquite

Date: 7/21/2017

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.





Future Land Use Map
Rezone North Main Addition Lots 2-7
Neighborhood Service and Office to Neighborhood
Northeast Corner of Main and Mesquite

Date: 7/21/2017

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 rederal 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.

Quickhatch Storage, LLC

219 Main Street, Smithville, TX 78957 | 512-575-0626 | nick@dartfrogtx.com

June 27, 2017

Planning & Development City Hall 1311 Chestnut Street Bastrop, TX 78602

Dear Recipient Name:

On behalf of Quickhatch Storage, LLC, have enclosed an application for Rezoning Lot 2 (0.31 acre), Lot 3 (0.32 acre), and Lot 4 (0.34 acre) from a Neighborhood Service Zoning to a Single Family (SF-7) Zoning along with the supporting documents as well as rezoning Lot 5 (0.31), Lot 6 (0.31 acre) and Lot 7 (0.31 acre) from an Office Zoning to a Single Family (SF-7) Zoning along with the supporting documents. The property is located on the corner of Mesquite Street and Main Street in Bastrop, TX. The proposed concept plans depict a 2-story structure consisting of a single family residence.

I have attached a proposed site plan, legal description of the property, field notes describing the land, copy of the deed showing current ownership, as well as the current tax certificate showing that the taxes are current and have been paid.

Sincerely,

Nick Chesser

CEO of Quickhatch Storage, LLC



MEETING DATE: July 27, 2017 Item: G

TITLE:

Public hearing and consider action to recommend approval of the Second Amendment to Consent Agreement for the Colony Municipal Utility District No. 1 and Successor Districts to add 25.728 acres to the agreement area, amend the lot standards matrix, and revise the minor amendments process, located West of F.M. 969 and East of F.M. 1209, being 1,516.768 acres out of the ABS A5 Jose Manuel Bangs Survey and forward to the next available City Council meeting.

STAFF REPRESENTATIVE:

Wesley Brandon, P.E., Director of Planning and Engineering

ITEM DETAILS:

Site Address: West of F.M. 969 and east of F.M. 1209 (Attachment 1)

Total Acreage: 1,516.768 acres

Legal Description: 1,516.768 acres out of the Abstract A5 Jose Manuel Bangs Survey

Property Owner: Hunt Companies

Agent Contact: Bill E. Couch, PG, AICP, CEP

Existing Use: Mixed-Use Subdivision

Existing Zoning: Statutory One-Mile and Area A, Extra Territorial Jurisdiction

Future Land Use: Neighborhood Residential

BACKGROUND/HISTORY:

The applicant is requesting an amendment to the existing Consent Agreement for the Colony Municipal Utility District No. 1 and Successor Districts, to incorporate 25.728 acres into the agreement, revise the lot standards matrix and revise the process for future minor amendments.

The Colony MUD Consent Agreement was originally approved by City Council on February 10, 2004. The Consent Agreement describes the infrastructure design, construction, and land use standards that apply to the subdivision.

On May 24, 2016, the City Council approved the request for the First Amendment to the Consent Agreement, which revised the Consent Agreement to include specific land use standards, as well as define the procedure for subdivision plan review and construction inspections.

Addition of Acreage:

City Council adopted Resolution No. R-2007-14 (Exhibit B of the Consent Agreement) on August 14, 2007, consenting to the annexation of 25.728 acres of land into the district. They are now going through the formal process to annex this area and are officially incorporating it in the Consent Agreement with this request.



Lot Standards Matrix Amendment:

The lot standards matrix (Exhibit A of the Consent Agreement) includes land use categories for different types of housing and commercial structures. Each category includes lot standards and has a maximum percentage of acreage that can be utilized within the total Colony MUD area. The matrix was added to the agreement with the amendment in 2016. With the second amendment, the applicant is adding an additional single-family category, "Duplex/Townhome," which is roughly equivalent to the Singe-Family Attached housing type in the Zoning Ordinance. The maximum living unit equivalents for the project will still be limited to 2,500.

City of	¹ Zoning	Min.	Min.	Min.	Min.	Min.	Min.	Min. Side	Min. Ext.	Min.	Min. Rear	Max.	Max. Lot	² Maximum
Bastrop	Category	Lot Area	Dwelling	Lot	Lot	Front	Interior	when two	Yard	Rear	when two	Height of	Coverage	Percent of
Zoning	for the	Sq. Ft.	Unit Size	Width	Depth	Yard	Side	Story &	(See Sec.	Yard	Story &	Building	bγ	Acreage by
Equivalent	Colony		Sq. Ft.				Yard	Adj.	43.3)		Adj.		Building	Land Use
	(Colony - Zoning)							SF Zoning			SF Zoning			Category
Single Family		ly Residential												
NA	Colony - E (Estate Lot)	10,000 Sq. Ft.	1800 Sq. Ft.	80'	120'	30'	10'		15'	25'		2.5 stories	40%	60%
NA	Colony - S (Standard Lot)	6,000 Sq. Ft.	1000 Sq. Ft.	50'	110'	20'	5'		15'	15'		2.5 stories	50%	40%
PD	Colony - G (Garden Home)	4,500 Sq. Ft.	1000 Sq. Ft.	45'	100¹	20'	0' & 10'		15'	10'/20'		2.5 stories	50%	20%
SFA	Duplex / Townhome	3,000 Sq. Ft.	1000 Sq. Ft.	25'	100'	25'	5' & 5'		15'	10'/20'		2.5 stories	50%	10%
Multi-Family	Mult	i family												

Future Amendments (Minor vs Major):

Section 5 of the Consent Agreement contains language that defines what would constitute a minor versus a major amendment and an administrative approval process for minor amendments.

"In order to streamline the amendment approval process at the City and make that process as efficient as possible, the Parties desire to distinguish between Major Amendments and Minor Amendments and establish a procedure for administrative approval by City staff of

Minor Amendments. Accordingly and notwithstanding anything in the Consent Agreement to the contrary, the Parties hereby agree that Major Amendments will require approval by the City Council, and that Minor Amendments may be administratively approved by the City Manager ("City Manager") through a process similar to the City's administrative development review process. For purposes of this provision, a "Minor Amendment" is any amendment that 1) does not increase the maximum number of living unit equivalents projected within the Project to more than 2,500, 2) does not increase the traffic impacts of the development, and/or 3) has no significant adverse impact upon neighboring properties, the public, or persons who will occupy or use the proposed development; and a "Major Amendment" is any amendment that does not qualify as a Minor Amendment. If the Parties dispute the classification of an amendment as a Major Amendment or Minor Amendment, or if the City Manager does not approve a Minor Amendment, the Developer or any Successor District may appeal that decision to the City Council."

Minor amendments will be submitted to the Planning & Engineering Department for review and approved by the City Manager. If a minor amendment is not approved or there is a dispute as to the classification of an amendment as minor, the appeal decision would go to City Council, as would any major amendment.

PUBLIC COMMENTS:

Eighty-five (85) adjacent property owner notifications were mailed on July 11, 2017. At the time of this report, one (1) response was received with no objection to the proposed amendment (Attachment 3)

POLICY EXPLANATION:

Local Government Code

Sec. 42.042. CREATION OF POLITICAL SUBDIVISION TO SUPPLY WATER OR SEWER SERVICES, ROADWAYS, OR DRAINAGE FACILITIES IN EXTRATERRITORIAL JURISDICTION.

(a) A political subdivision, one purpose of which is to supply fresh water for domestic or commercial use or to furnish sanitary sewer services, roadways, or drainage, may not be created in the extraterritorial jurisdiction of a municipality unless the governing body of the municipality gives its written consent by ordinance or resolution in accordance with this subsection and the Water Code. In giving its consent, the municipality may not place any conditions or other restrictions on the creation of the political subdivision other than those expressly permitted by Sections 54.016(e) and (i), Water Code.

City Council gave the initial consent to the creation of the MUD on February 10. 2004. This amendment will included the consent to add 25.728 acres and to the changes in the land use plans and specifications allow under Section 54.016 (e) of the Water Code. Section 54.016 (i) only applies to cities with a population of 500,000.

Water Code, Title 4.

Sec. 54.016. CONSENT OF CITY.

(a) No land within the corporate limits of a city or within the extraterritorial jurisdiction of a city, shall be included in a district unless the city grants its written consent, by resolution or ordinance, to the inclusion of the land within the district in accordance with Section 42.042, Local Government Code, and this section.

The City of Bastrop consented to the addition of the 25.728 acres with Resolution No. R-2007-14 on August 14, 2007, and with approval of this ordinance, further codify the annexation.

(e) A city may provide in its written consent to the inclusion of land in a district, that the district construct all facilities to serve the land in accordance with plans and specifications, which have been approved by the city. The city may also provide in its written consent that the city shall have the right to inspect all facilities being constructed by a district.

The Lot Standards Matrix includes allowed land uses, standards and densities for the entire development. The inclusion of the "Duplex/Townhome" standard will not increase the overall density or utility requirements.

Bastrop Code of Ordinances

Sec. 13.05.001 - Purpose.

It is the purpose of this article to specify the city's procedure and policy relating to water districts established under the Texas Water Code, including, but not limited to, municipal utility districts and water control and improvement districts, within the city's corporate limits and within the city's extraterritorial jurisdiction, in order to protect and enhance the health, safety and welfare of the general public and to provide comprehensive regulations in a manner compatible with all applicable city ordinances and federal and state law, particularly the Texas Water Code.

The application and review have followed the process and requirements outlined in the code.

HISTORICAL REFERENCES:

The West Bastrop Village Consent Agreement was approved by City Council on August 22, 2006.

The XS Ranch Consent Agreement was approved by City Council on November 19, 2009. The related Development Agreement was amended twice, first on April 12, 2011, and second on September 15, 2011. The Consent Agreement was amended to include the previous development agreement approvals on December 12, 2014.

Each agreement describes the allowable land use standards, general roadway layout, and other standards associated with each development.

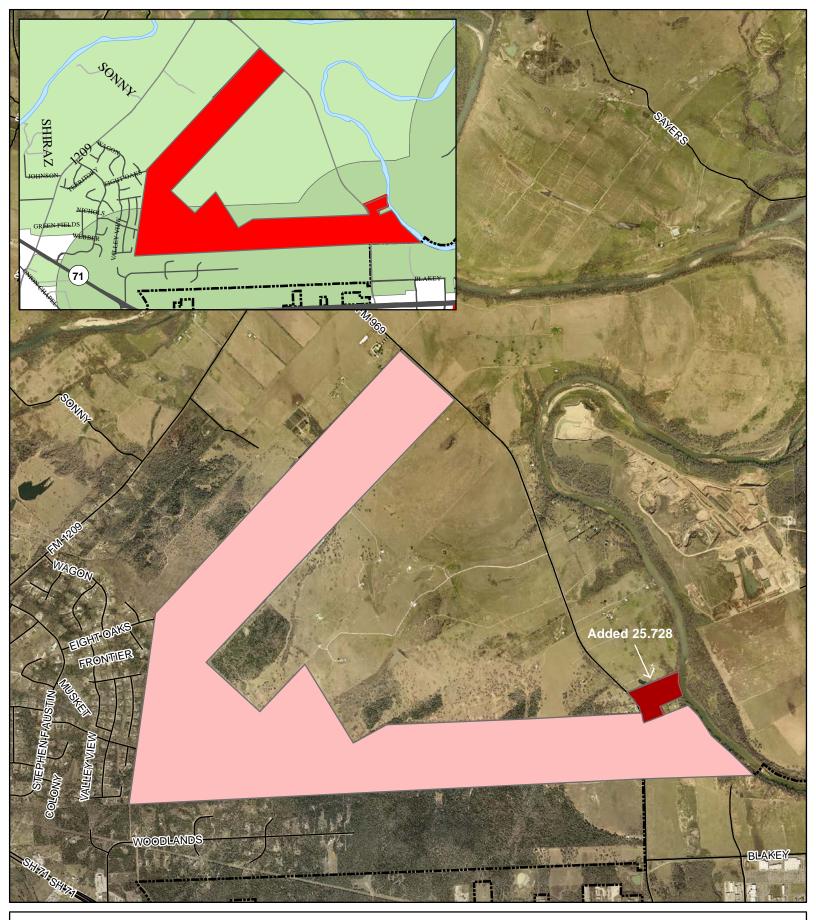
RECOMMENDATION:

Hold public hearing and recommend approval of the Second Amendment to Consent Agreement for the Colony Municipal Utility District No. 1 and Successor Districts to add 25.728 acres to the agreement area, amend the lot standards matrix, and revise the minor amendments process, located West of F.M. 969 and East of F.M. 1209, being 1,516.768 acres out of the ABS A5 Jose Manuel Bangs Survey and forward to the next available City Council meeting.

ATTACHMENTS:

Attachment 1: Location Map

Attachment 2: Surrounding Property Owners' Responses
Attachment 3: Second Amendment to Consent Agreement





Location Map Colony MUD No. 1 Amendment Date: 7/12/2017

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 lederal 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.

TO:15123328829 FROM: .498328

NOTICE OF PUBLIC HEARINGS

PLANNING AND ZONING COMMISSION AND CITY COUNCIL

Dear Property Owner:

The Planning & Zoning Commission will conduct a public hearing on July 27, 2017 at 6:00 p.m. and the City Council will conduct a public hearing Tuesday, August 8, 2017 at 6:30 p.m. in the City Hall Council Chambers located at 1311 Chestnut Street, Bastrop, Texas on the request for the Second Amendment to Consent Agreement for the Colony Municipal Utility District No. 1, to add 25.728 acres of the Jose Manuel Bangs Survey to the existing district and amend the lot standards matrix.

Applicant:

Hunt Companies

Address:

West of F.M. 969 and East of F.M. 1209

Legal Description:

ABS A5 Bangs, J. Manuel being 545.42 acres

PLEASE SEE ATTACHED SITE LOCATION MAP & LETTER FROM PROPERTY OWNER

As a property owner within 200' of the above referenced property, you are being notified of the public hearings and invited to attend to express your opinion. Petitions and letters, either in support or opposition to this request, may be submitted to the Planning Department at 1311 Chestnut Street or mailed to P.O. Box 427, Bastrop, Texas 78602 (512) 332-8840 any time prior to the public hearings.

For additional information, please vi	sit or call the Planning & Development offices.
*	PROPERTY OWNER'S RESPONSE
As a property owner within 200':	(please check one)
Mailing Address:	ethBenningfield + Sottabhasan
Property Owner's Signature: Comments: (Optional) Please provide reply to: Plan	ming and Development Department

City of Bastrop, P.O. Box 427, Bastrop, Texas 78602

or via fax (512) 332-8829

RECEIVED

Re: Colony MUD Amendment to the Consent Agreement mailed 7/11/2017

JUL 17 2017

SECOND AMENDMENT TO CONSENT AGREEMENT FOR THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1 AND SUCCESSOR DISTRICTS TO BE CREATED BY DIVISION OF THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1

This SECOND AMENDMENT TO CONSENT AGREEMENT FOR THE COLONY MUNICIPAL UTILITY DISTRICT NO.1 AND SUCCESSOR DISTRICTS TO BE CREATED BY DIVISION OF THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1 (this "Amendment") is entered into effective as of _____, 2017 among the CITY OF BASTROP, TEXAS, a Texas municipal corporation located in Bastrop County (the "City"); HUNT COMMUNITIES BASTROP, LLC, a Delaware limited liability company ("Hunt" or the "Developer"); and THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1A ("District 1A"), THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1B ("District 1B"), THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1C ("District 1C"), THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1D ("District 1D"), THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1E ("District 1E"), THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1F ("District 1F"), and THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1G ("District 1G"), each of which is a political subdivision of the State of Texas created by division of The Colony Municipal Utility District No. 1 (the "Original District") and operating under the provisions of Chapters 49 and 54, Texas Water Code. In this Agreement, District 1A, District 1B, District 1C, District 1D, District 1E, District 1F, and District 1G are sometimes referred to individually as a "Successor District" and all of the Successor Districts are sometimes referred to collectively as the "Successor Districts". The City, the Developer, and the Successor Districts are sometimes referred to herein collectively as the "Parties" and individually as a "Party".

RECITALS

WHEREAS, the City and Sabine Investment Company, a Delaware corporation ("<u>Sabine</u>") previously entered into a <u>Consent Agreement for The Colony Municipal Utility District No. 1 and Successor Districts to be Created by the Division of The Colony Municipal Utility District No. 1 dated effective as of February 23, 2004 (the "<u>Original Consent Agreement</u>"), which, among other things, provided for the creation of the Original District, the division of the Original District in to the Successor Districts, and a regulatory process for the development of ± 1491.04 acres of land within the City's extraterritorial jurisdiction;</u>

WHEREAS, the Original District was created by House Bill 3636, Acts of the 78th Legislature, Regular Session, CH. 778, Texas Session Law Service 2003 (the "<u>Creation Legislation</u>") and, as required by the Original Consent Agreement, the Original District joined in and consented to the Original Consent Agreement by <u>Joinder and Consent to Consent Agreement for The Colony Municipal Utility District No. 1 and Successor Districts to be Created by the Division of The Colony Municipal Utility District No. 1 dated June 8, 2004;</u>

WHEREAS, as permitted by the Creation Legislation and the Original Consent Agreement, the Original District subsequently divided in to the Successor Districts pursuant to an election held by the Original District on February 5, 2005;

WHEREAS, as required by the Original Consent Agreement, District 1A joined in and consented to the Original Consent Agreement by <u>Joinder and Consent to Consent Agreement for The Colony Municipal Utility District No. 1 and Successor Districts to be Created by the Division of The Colony Municipal Utility District No. 1 dated May 18, 2005, and each of the remaining Successor Districts joined in and consented to the Original Consent Agreement by a <u>Joinder and Consent to Consent Agreement for The Colony Municipal Utility District No. 1 and Successor Districts to be Created by the Division of The Colony Municipal Utility District No. 1 dated June 14, 2005;</u></u>

WHEREAS, effective December 30, 2006, Sabine merged with and into Forestar (USA) Real Estate Group Inc., a Delaware corporation ("Forestar"), at which time Forestar succeeded, by operation of law, to Sabine's interest in and to the Original Consent Agreement. To memorialize the merger, Forestar also joined in and consented to the Original Consent Agreement by Joinder and Consent to Consent Agreement for The Colony Municipal Utility District No. 1 and Successor Districts to be Created by the Division of The Colony Municipal Utility District No. 1 dated effective December 30, 2006;

WHEREAS, the City, Forestar, and the Successor Districts subsequently amended the Original Consent Agreement by <u>First Amendment to Consent Agreement for the Colony Municipal Utility District No. 1 and Successor Districts to be Created by Division of the Colony Municipal Utility District No. 1 dated effective as of June 14, 2016 (the "<u>First Amendment</u>") to establish development standards for single family residential lots in the Project, revise the procedures for inspections and testing of subdivision infrastructure, and reflect certain administrative updates (the Original Consent Agreement as amended by the First Amendment being referred to herein collectively as the "<u>Consent Agreement</u>");</u>

WHEREAS, Forestar, with the consent of the City and the Successor Districts, subsequently assigned all of its right, title, and interest in, to, and under the Consent Agreement to Hunt pursuant to an <u>Assignment of Consent Agreement for The Colony Municipal Utility District No. 1 and Successor Districts to be Created by the Division of The Colony Municipal Utility District No. 1 and Consent dated effective December 30, 2016; and</u>

WHEREAS, the Parties now desire to amend the Consent Agreement to (i) modify the Lot Standards approved in the First Amendment in order to incorporate a new category for "Colony SFA Single Family Attached (Duplex or Townhome)" product; (ii) establish certain minimum building standards for the single-family residential uses within the Project; (iii) ratify the City's prior consent to the annexation of 25.728 acres commonly referred to as the Isbell and Archer tracts into District 1A; and (iv) establish a procedure for administrative approval by City staff future amendments to the Consent Agreement that are minor in nature.

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties amend the Consent Agreement as follows:

<u>AGREEMENT</u>

- 1. <u>Defined Terms</u>. Capitalized terms not defined in this Amendment have the meanings ascribed thereto in the Consent Agreement.
- 2. <u>Lot Standards</u>. The Lot Standards attached as <u>Exhibit "B"</u> to the First Amendment ("<u>Original Lot Standards</u>") are hereby replaced with the Lot Standards attached as <u>Exhibit "A"</u> to this Amendment (the "<u>Updated Lot Standards</u>"). The Updated Lot Standards will supersede and replace the Original Lot Standards for all purposes under the Consent Agreement; however, for the avoidance of doubt, the Updated Lot Standards will only apply to Future Phases, as defined in the First Amendment.
- 3. <u>Restrictive Covenants</u>. The restrictive covenants required under Section 2.03 of the Original Consent Agreement (the "<u>Restrictive Covenants</u>") will include the minimum criteria set forth on <u>Exhibit "B"</u> for all single-family residential phases of the Project not subject to a City-approved preliminary plat as of the effective date of this Amendment. To the extent that such criteria conflict with the Updated Lot Standards, the Updated Lot Standards will control.

- 4. <u>Consent to Annexation of Isbell and Archer Tracts</u>. By <u>Resolution No. R-2007-14</u>, a <u>Resolution of the City of Bastrop</u>, Texas Consenting to the Annexation of 25.728 Acres of Land into The Colony Municipal Utility District No. 1A and Containing Findings and Provisions Relating to This Subject dated August 14, 2007, a copy of which is attached to this Amendment as <u>Exhibit "C"</u> (the "<u>2007 Annexation Resolution</u>"), the City previously consented to the annexation of the 25.728 acre tract of land more particularly described in the 2007 Annexation Resolution (collectively, the "<u>Isbell and Archer Tracts</u>") into the boundaries of District 1A. Such annexation has not yet occurred, and, due to the passage of time and the succession of "Developer" parties, District 1A's bond counsel has recommended that the City ratify its consent to the annexation of the Isbell and Archer Tracts into the boundaries of District 1A before District 1A proceeds with such annexation. The 2007 Annexation Resolution provides that the City will provide additional confirmation of its consent upon request. Accordingly, the City hereby ratifies and confirms in all respects the 2007 Annexation Resolution and the annexation of the Isbell and Archer Tracts into the boundaries of District 1A.
- Amendments. Due to the fact that the Project comprises a significant land area and its development will occur in phases over a number of years, it is anticipated that the Parties may, from time to time, desire to make additional amendments to the Consent Agreement. In order to streamline the amendment approval process at the City and make that process as efficient as possible, the Parties desire to distinguish between Major Amendments and Minor Amendments and establish a procedure for administrative approval by City staff of Minor Amendments. Accordingly and notwithstanding anything in the Consent Agreement to the contrary, the Parties hereby agree that Major Amendments will require approval by the City Council, and that Minor Amendments may be administratively approved by the City Manager ("City Manager") through a process similar to the City's administrative development review process. For purposes of this provision, a "Minor Amendment" is any amendment that 1) does not increase the maximum number of living unit equivalents projected within the Project to more than 2,500, 2) does not increase the traffic impacts of the development, and/or 3) has no significant adverse impact upon neighboring properties, the public, or persons who will occupy or use the proposed development; and a "Major Amendment" is any amendment that does not qualify as a Minor Amendment. If the Parties dispute the classification of an amendment as a Major Amendment or Minor Amendment, or if the City Manager does not approve a Minor Amendment, the Developer or any Successor District may appeal that decision to the City Council.
- 6. <u>Addresses for Notice</u>. The Parties addresses for notice set forth in Section 6.01 of the Consent Agreement are hereby updated as follows:

City: City of Bastrop

1311 Chestnut Street Bastrop, Texas 78602 Attn: City Manager

With Required Copy to: David F. Bragg

1010 Chestnut Street

P.O. Box 2047

Bastrop, Texas 78602

Developer: Hunt Communities Bastrop, LLC

Attn: Justin Chapman

4401 N. Mesa

El Paso, Texas 79902

With Required Copy to: John W. Bartram

Armbrust & Brown, PLLC

100 Congress Avenue, Suite 1300

Austin, Texas 78701

Successor Districts: c/o Armbrust & Brown, PLLC

Attn: John W. Bartram

100 Congress Avenue, Suite 1300

Austin, Texas 78701

- 7. <u>Effect of Amendment</u>. Except as specifically provided in this Amendment, the terms of the Consent Agreement continue to govern the rights and obligations of the parties, and the terms of the Consent Agreement remain in full force and effect. If there is any conflict or inconsistency between this Amendment and the Consent Agreement, this Amendment will control and modify the Consent Agreement.
- 8. <u>Counterparts</u>. To facilitate execution, (a) this Amendment may be executed in any number of counterparts; (b) the signature pages taken from separate individually executed counterparts of this instrument may be combined to form multiple fully executed counterparts; and (c) a signature delivered by facsimile or in another electronic format (e.g., .PDF via email) will be deemed to be an original signature for all purposes. All executed counterparts of this instrument will be deemed to be originals, and all such counterparts, when taken together, will constitute one and the same agreement.

* * *

IN WITNESS WHEREOF, the Parties have executed this Amendment to be effective as of the date first written above.

[counterpart signature pages follow]

	<u>CITY:</u>
	CITY OF BASTROP, TEXAS
	By: Connie B. Schroeder, Mayor
THE STATE OF TEXAS §	
COUNTY OF BASTROP §	
	ed before me on the day of B. Schroeder, Mayor of the City of Bastrop, a Texas
municipal corporation, on benan or said city.	NOTA DV BUBLIO CLI LI ST
	NOTARY PUBLIC, State of Texas

DEVELOPER:
HUNT COMMUNITIES BASTROP, LLC, a Delaware limited liability company
By: Hunt Communities Development Co., LLC, a Texas limited liability company, its Sole Member
By:
edged before me on the day of ustin Chapman, President of Hunt Communities
ability company, Sole Member of Hunt Communities ompany, on behalf of said limited liability companies.
NOTARY PUBLIC State of Texas
1

	DISTRICT 1A:
	THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1A
	By: William T. Higgins IV, President Board of Directors
THE STATE OF TEXAS COUNTY OF BASTROP	§ § §
by William T. Higgins IV, P	acknowledged before me on the day of, 2017, resident of the Board of Directors of The Colony Municipal Utility odivision of the State of Texas, on behalf of said district.
	NOTARY PURLIC State of Texas

		DISTRICT 1B:
		THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1B
		By: Susan Weems Wendel, President Board of Directors
THE STATE OF TEXAS	§	
COUNTY OF BASTROP	§ §	
2017, by Susan Weems Wer	ndel, President of the	me on the day of, Board of Directors of The Colony Municipal e State of Texas, on behalf of said district.
		NOTARY PUBLIC. State of Texas

	DISTRICT 1C:
	THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1C
	By: Rene Barrientos, President Board of Directors
THE STATE OF TEXAS §	
COUNTY OF BASTROP §	
2017, by Rene Barrientos, President o	edged before me on the day of, of the Board of Directors of The Colony Municipal Utility of the State of Texas, on behalf of said district.
	NOTARY PUBLIC. State of Texas

	DISTRICT 1D:
	THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1D
	By: Dave Griesenbeck, President Board of Directors
THE STATE OF TEXAS & SECOUNTY OF BASTROP &	
by Dave Griesenbeck, Presiden	knowledged before me on the day of, 2017, t of the Board of Directors of The Colony Municipal Utility District of the State of Texas, on behalf of said district.
	NOTARY PUBLIC, State of Texas

	DISTRICT 1E:
	THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1E
	Ву:
	Board of Directors
THE STATE OF TEXAS §	
COUNTY OF BASTROP §	
This instrument was acknowledged, 2017, by	before me on the day of of the
Board of Directors of The Colony Municipal Utilit State of Texas, on behalf of said district.	y District No. 1E, a political subdivision of the
	NOTARY PUBLIC, State of Texas

	DISTRICT 1F:
	THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1F
	By:
THE STATE OF TEXAS \$ \$ COUNTY OF BASTROP \$	
, 20	acknowledged before me on the day of D17, by Judith K. Hoover, President of the Board of Directors of trict No. 1F, a political subdivision of the State of Texas, on behalf
	NOTARY PUBLIC, State of Texas

	DISTRICT 1G:
	THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1G
	By: Richard T. Banks, President Board of Directors
THE STATE OF TEXAS	§ .
COUNTY OF BASTROP	§ §
2017, by Richard T. Banks, F	acknowledged before me on the day of, President of the Board of Directors of The Colony Municipal Utility bdivision of the State of Texas, on behalf of said district.
	NOTARY PUBLIC, State of Texas

EXHIBIT "A"UPDATED LOT STANDARDS

Lot Size and Setback Matrix

The Colony Lot Matrix by Zoning District

The Colony MUD#1
Second Amendment to Consent Agreement

City of	¹ Zoning	Min.	Min.	Min.	Min.	Min.	Min.	Min. Side	Min. Ext.	Min.	Min. Rear	Max.	Max. Lot	² Maximum
Bastrop	Category	Lot Area	Dwelling	Lot	Lot	Front	Interior	when	Yard	Rear	201010000000000000000000000000000000000	Height of	10.000-0.2000-0.00	Percent of
Zoning								two				200 10 10		
-	for the	Sq. Ft.	Unit Size	Width	Depth	Yard	Side	Story &	(See Sec.	Yard	Story &	Building	by	Acreage by
Equivalent	Colony		Sq. Ft.				Yard	Adj.	43.3)		Adj.		Building	Land Use
	(Colony - Zoning)							SF Zoning			SF Zoning			Category
Single Family		nily Residential										2,5		
NA	Colony - E (Estate Lot)	10,000 Sq. Ft.	1800 Sq. Ft.	80,	120'	30,	10'		15'	25'		stories	40%	60%
NA	Colony - S (Standard Lot)	6,000 Sq. Ft.	1000 Sq. Ft.	50'	110'	20'	5'		15'	15'		2.5 stories	50%	40%
PD	(Garden Home)	4,500 Sq. Ft.	1000 Sq. Ft.	45'	100'	20'	0' & 10'		15'	10'/20'		2.5 stories 2.5	50%	20%
SFA	Duplex / Townhome	3,000 Sq. Ft.	1000 Sq. Ft.	25'	100'	25'	5' & 5'		15'	10'/20'		stories	50%	10%
Multi-Family	Mul	ti family												
MF-1	MF-1	10,000 Sq. Ft.	600 Sq. Ft.	100'	100	25'	15'	60'	15'	35'	80'	3 stories	50%	5%
MF-2 Commercial	MF-2	15,000 Sq. Ft.	600 Sq. Ft.	100'	125'									
O	0	7,000 Sq. Ft.	N/A	60'	110	25'	10/25	60'	25'	20/25'	60'	2 stories	50%	
								90			00		100,000	
NS CD	NS GB	7,000 Sq. Ft.	N/A	60'	110'	25'	10/25	900	25'	20/25	,,,,	1 story	50%	
GR	GR	12,000 Sq. Ft.	N/A	100'	110'	25'	10/30'	60'	25'	20/30	60'	2 stories	50%	5%
CT	CT	12,000 Sq. Ft.	N/A	100	110	25'	10'		25'	20'		2 stories	50%	
C-1	C-1	12,000 Sq. Ft.	N/A	100	110	25'	10/30	60'	25'	20/30	60'	2.5 stories	50%	
C-2	C-2	12,000 Sq. Ft.	N/A	100	110	25'	10/30	601	25'	20/30	60'	2.5 stories	65%	
		Minimum Side Yard	Zero lot line	residence	es are req	uired to h	ave a ten	(10) ft. set	back on the	e opposit	e side of the	e zero (0) lo	ot line.	
	Colony - G	Roof Overhangs	Roof overha (10) ft. setba		s on the zero lot line side of a Garden Home Lot may extend up to eighteen (13) inches into the adjacent lot ten sintenance easement is reserved in the ten (10) ft. side yard setback of each lot for maintenance of the adjacent									
	(Garden Home)	Maintenance				ment is re	served in	the ten (10) ft. side y	ard setba	ck of each lo	ot for main	tenance of	the adjacent
		Easement Minimum Rear Yard	Garden Hon When a resi	10		aded gara	ge, the sp	acing betw	een the al	lev and th	ne garage m	ust be a m	inimum of t	wenty (20) ft.
		Minimum Side Yard												on corner lots
	COLONY - SFA Single Family Attached	Roof Overhangs	Roof overha	ngs on th	e zero lot	line side o	of a Lot m	ay extend u	up to eight	een (18) i	inches into	the adjacer	nt lot ten (1	0) ft. setback.
s c	(Duplex or Townhome)	Maintenance Easement	A five (5) ft. maintenance easement is reserved in the ten (10) ft. side yard setback of each lot for maintenance of the adjacent residence property.											
rictio		Minimum Rear Yard	When a resi	dence has	a rear lo	aded gara	ge, the sp	acing betw	reen the al	ley and th	ne garage m	ust be a m	inimum of t	wenty (20) ft.
ck Rest		Minimum Interior Side Yard	Setback is te family lot.	n (10) ft.	for single	story stru	ctures, tw	renty-five ((25) ft. for	multi-sto	ry buildings	and sixty (50) ft. adjac	ent single-
Summary of Setback Restrictions	0	Minimum Rear Yard	Setback is te	n (10) ft.	for single	stor y stru	ctures, th	irty (30) ft.	for multi-	story buil	dings and si	xty (60) ft.	adjacent sir	ngle-family
maryo	NS	Minimum Interior Side Yard	Ten feet (10) or twen	ty-five fee	et (25') wh	nen adjace	ent to a sin	gle-family	lot.				
Sum	N5	Minimum Rear Yard	Twenty feet	(20') or to	wenty-five	e feet (25') when ac	ljacent to a	single-fan	nily lot.				
	GR	Side Setback	family reside	ential. Sixt	y (60) ft.	setback if	structure	over one (1)story.					cent to single
	J.,	Rear Setback					t to single	e-family lot	, shall obs	erve thirt	y (30) ft. set	tback if one	(1) story st	tructure. Mult
Side Setback family lot. Sixty (60) ft setback if over one (1) story					Story - minimum ten (10) ft. interior / twenty-five (25) ft. exterior side setback. Thirty (30) ft. setback if adjacent to single-									
	C-1	Rear Setback	Minimum to Multi-story s	renty (20)	ft. setba	ck. adjace	nt to singl		t, shall obs	erve thir	ty (30) ft. se	tback if on	e (1) story s	structure.
	C-2	Side Setback		- minimur	m ten (10)	ft. interio	or / twent		ft. exterior	side sett	oack. Thirty	(30) ft. set	back if adja	cent to single
		Rear Setback	Minimum twenty (20) ft. setback: adjacent to single-family lot, shall observe thirty (30) ft. setback if one (1) story structure. Multi-story structure sixty (60) ft. setback.											
Footnotes	This Lot Matrix controls in the event of a conflict with City of Bastrop development regulations, where this Lot Matrix is silent the Bastrop development regulations control. Control. Maximum number of Living Unit Equivalence (LUE) will not exceed 2396 LUE's (2500 Total LUE's inclusive of MUD 1E1)													
	Maximum numb	per of Living Unit Equi	ralence (LUE)	will not e	xceed 235	96 LUE's. (2500 Tob	al LUE's inc	lusive of N	NUD 1E1)				

EXHIBIT "B"

MINIMUM CRITERIA TO BE INCLUDED IN RESTRICTIVE COVENANTS

- Exterior Masonry Requirements Minimum masonry requirements will be set at 75%. Masonry includes: brick, stone, stucco, and hardiplank.
- Landscaping Use of drought-resistant landscaping or water-conserving techniques in the Project is encouraged. Xeriscaping will be allowed in certain instances in the common areas and at residences in accordance with a Xeriscaping Policy set forth in the Restrictive Covenants. All landscapes and landscaping must be approved by the Developer prior to installation. To further help conserve water, large expansive areas of natural grass and vegetation will not be required to be irrigated. The use of drip irrigation is encouraged.
- Front Setbacks All lots will be allowed to have staggered, 20'-25' building setbacks to help achieve aesthetically pleasing street view. All front setbacks will be measured from the property line or right-of-way. At minimum, there must be a front building setback change (between the allowed 20'-25') on every fourth lot.
- Utilities All utilities shall be provided separately to each lot so that each home will be individually metered.
- Recreational vehicles Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes and will be hidden from public view.
- Fencing Electrical Fencing and barbed wire is prohibited as perimeter fencing. Only 6' cedar, wrought iron, or masonry fencing will be allowed.
- Open Yard Storage Open storage is prohibited (except **for materials for the resident's** personal use or consumption (*i.e.*, firewood, gardening materials, etc.).
- Side Entry Garages Single-family homes with side entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the garage door to the side property line for maneuvering.
- Roofs All single-family residential structures shall have roof slopes with a minimum of 3:12 pitch.

EXHIBIT "C" 2007 ANNEXATION RESOLUTION

STATE OF TEXAS

S

CERTIFICATE TO COPY OF PUBLIC RECORDS

COUNTY OF BASTROP

8

I hereby certify, in the performance of the functions of my office, that the attached is a full, true and correct copy of Resolution No. R-2007-14, a Resolution Of The City Of Bastrop, Texas Consenting To The Annexation of 25.728 Acres Of Land Into The Colony Municipal Utility District No. 1A and containing findings and provisions relating to this subject, and is an official record from the public office of the City Secretary of Bastrop, Bastrop County, State of Texas, and is kept in said office.

I further certify that I am City Secretary, that I have legal custody of said record and that I am lawful possessor and keeper and have legal custody of the records in said office.

In witness whereof I have hereunto set may hand and affixed the official seal of said office this 20^{th} day of August 2007.

Teresa Valdez City Secretary

Bastrop County State of Texas

RESOLUTION NO. R-2007-14

CITY OF BASTROP BASTROP COUNTY, TEXAS

A RESOLUTION OF THE CITY OF BASTROP, TEXAS CONSENTING TO THE ANNEXATION OF 25.728 ACRES OF LAND INTO THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1A AND CONTAINING FINDINGS AND PROVISIONS RELATING TO THIS SUBJECT.

WHEREAS, The Colony Municipal Utility District No. 1A (the "District") lies within the extraterritorial jurisdiction of the City of Bastrop (the "City"); and

WHEREAS, the City has received a request from the owner of approximately 25.728 acres of land into the District; and

WHEREAS, the City is willing to consent to the District's annexation of the land;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS:

- That the City hereby consents to the annexation of the 25.728 acre tract of land more particularly described on Exhibit "A", attached hereto and incorporated herein for all purposes, into the boundaries of The Colony Municipal Utility District No. 1A.
- No further action on the part of the City will be required to evidence its Section 2. consent to the District's annexation of the land described on Exhibit "A", but the City agrees to provide additional confirmation of its consent if requested to do so by the landowner or the District.
- If any provision of this resolution or the application thereof to any person or circumstance is ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this resolution, nor the application of the provision to any other persons or circumstances will be affected thereby.
- The City Council officially finds, determines and declares that sufficient Section 4. written notice of the date, hour, place and subject of each meeting at which this resolution was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the content and posting thereof.

PASSED, APPROVED AND ADOPTED on the 14th day of August 2007.

CITY OF BASTROP, TEXAS

Tom Scott, Mayor

ATTEST:

EXHIBIT "A"

25.728 acres of land in Bastrop County, Texas consisting of (a) 22.091 acres of land, more or less, out of the Jose Manuel Bangs Survey, Abstract 5, in Bastrop County, Texas, more fully described by metes and bounds on **Exhibit "A-1"**, attached hereto and incorporated herein for all purposes; and (b) 3.637 acres of land, more or less, out of the Jose Manuel Bangs Survey, in Bastrop County, Texas, more fully described by metes and bounds on **Exhibit "A-2"**, attached hereto and incorporated herein for all purposes.

11

JAMES E. GARON & ASSOCIATES, INC. PROFESSIONAL LAND SURVEYORS

Bastrop, Texas 78602 512-303-4185 Fax 512-321-2107 jgaron@austin.rr.com

924 Main Street

October 17, 2006

LEGAL DESCRIPTION: BEING A 22.091 ACRE TRACT OF LAND LYING IN AND BEING SITUATED OUT OF THE JOSE MANUEL BANGS SURVEY, ABSTRACT 5 IN BASTROP COUNTY, TEXAS AND BEING ALL OF THAT CERTAIN TRACT OF LAND CONVEYED TO WILLIAM T. ARCHER JR. AND SANDRA ARCHER BY DEED RECORDED IN VOLUME 806, PAGE 609 OF THE DEED RECORDS OF BASTROP COUNTY, TEXAS; SAID 22.091 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND AS SURVEYED UNDER THE SUPERVISION OF JAMES E. GARON & ASSOCIATES, INC. IN JULY 1996 AND OCTOBER 2006:

BEGINNING at a iron rod on the easterly right-of-way (80') line of F.M. Highway 969 for the northwesterly corner hereof and southwesterly corner of that certain 22.398 acre tract of land conveyed to Jerry Lee and Elizabeth J. Pulley by deed recorded in Volume 973, Page 18 of said deed records;

THENCE N 69°17'49" E, passing an iron rod found for reference at a distance of 1470.72 feet and continuing for a total distance of 1547.99 feet to a 5/8" iron rod found for and angle point;

THENCE N 72°27'27" E a distance of 32.64 feet to a 5/8" iron rod found on the west bank of the Colorado River for the northeast corner hereof;

THENCE along said river bank the following three (3) calls:

- 1. S 02°03'06" W a distance of 386.12 feet;
- 2. S 20°21'13" E a distance of 88.79 feet;
- 3. S 15°58'44" E a distance of 248.94 feet to a fence post found for the southeast corner hereof and northeast corner of that certain 8.870 acre tract of land conveyed to Andy L. and Janice M. Isbell by deed recorded in Volume 1086, Page 554 of said deed records:

THENCE S 68°56'28" W a distance of 1290.62 feet to an iron rod found on the curving, east right-of-way line of F.M. Highway 969 for the southwest corner hereof and northwest corner of said 8.870 acre tract;

THENCE along said right-of-way line a length of 680.69 feet along the arc of a curve to the left having a radius of 1472.51 feet and a chord bearing N 29°43'49" W, a distance of 674.65 feet to a concrete right-of-way monument found for endpoint and N 41°21'48" W a distance of 38.98 feet to the POINT OF BEGINNING and containing 22.091 acres of land, more or less and as shown on map of survey prepared herewith

Surveyed

James E. Garon
Registered Professional Land Surveyor
Server; cg.\Bastrop\surveys\J M Bangs\b65806.doc

DALE L. OLSON

Registered Professional Land Surveyor 711 Water Street Bastrop, TX 78602 Phone (512) 321-5476 * Fax (512) 303-5476

FIELD NOTES FOR A 3.637 ACRE TRACT IN THE JOSE MANUEL BANGS SURVEY, BASTROP COUNTY, TEXAS.

BEING a 3.637 acre tract or parcel of land out of and being a part of the Jose Manuel Bangs Survey, A-5, in Bastrop County, Texas, and being a part of that certain 8.63 acre tract described as 8.87 acres less 0.24 acres in a deed from Lewis Rae Rhodes, Jr. to Andy L. Isbell and wife, Janace M. Isbell, recorded in Volume 1086, Page 544, Bastrop County Deed Records. Herein described tract or parcel of land being more particularly described by metes and bounds as follows:

BEGINNING at the southwest corner of the said 8.63 acre tract, a 5/8 inch iron rod found at a fence corner in the curving east line of Farm to Market Road No. 969, the northwest corner of that certain 94.375 acre tract described in a deed from Patricia Leonard Mitchell to Sabine Investment Co., recorded in Volume 1331, Page 874, Bastrop County Deed Records for the southwest corner of this tract

THENCE with the curving east line of Farm to Market Road No. 969 and west line of the said 8.63 acre tract along a curve to the left whose radius is 1472.47 feet; whose long chord bears N 12 deg. 52 min. 44 sec. W, 259.45 feet; 259.79 feet along the arc to a ½ inch iron rod found at a fence corner, the southwest corner of that certain 22.089 acre tract described in a deed from Howard O. Ebner, et ux, to Roscoe C. Morris, et ux, recorded in Volume 268, Page 464, Bactrap County Deed Records, the northwest corner of the said 8.63 acre tract for the northwest corner of this tract.

THENCE with the south line of the Morris 22.089 acre tract and north line of the 8.63 acre tract, N 67 deg. 28 min. 52 sec. E, 571.33 feet to a 5/8 inch Iron

rod set for the northeast comer of this tract.

THENCE crossing said 8.63 acre tract, \$ 20 deg. 59 min. 01 sec. E, 284.16 feet to a 5/8 inch iron rod set in the south line of same, the north line of the before mentioned Sabine 94.375 acre tract for the southeast corner of this tract.

THENCE with the north line of the Sabine 94.375 acre tract and south line of the 8.63 acre tract, \$ 70 deg. 08 min. 49 sec. W, 607.82 feet to the POINT OF BEGINNING, containing 3.637 acres of land.

Dale L. Olson

Reg. Pro. Land Surveyor 1753

chael D. Olson

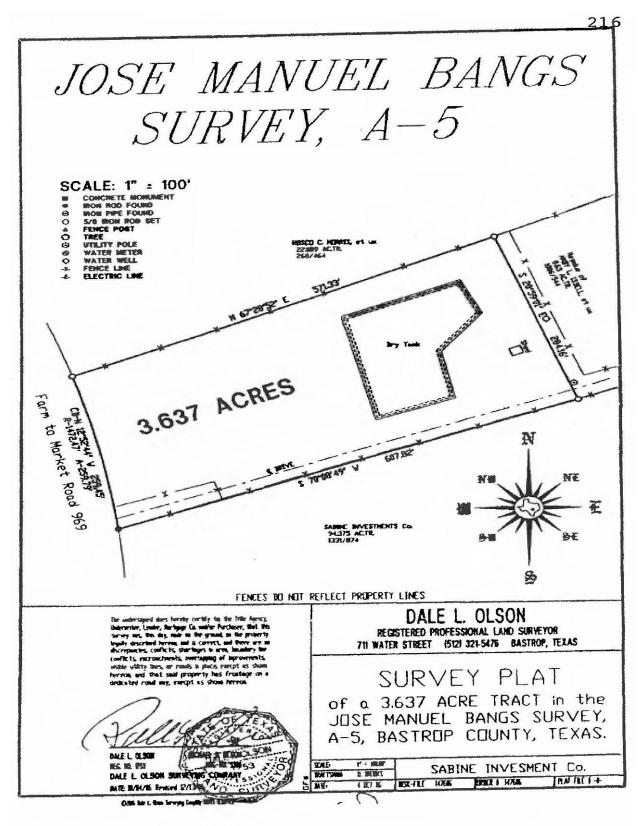
Reg. Pro. Land Surveyor 5386

©2006 Dale L. Olson Surveying Co.

Order #: 147606

Date Created: 10/10/06

14



PLANNING & ZONING STAFF REPORT



MEETING DATE: July 27, 2017 Item: H

TITLE:

Consider action to recommend approval of the Bastrop Grove Preliminary Plat located east of Highway 304 and south of West State Highway 71, being 52.684 acres out of the Nancy Blakey Survey and forward to the next available City Council meeting.

STAFF REPRESENTATIVE:

Wesley Brandon, P.E., Director of Planning and Engineering

ITEM DETAILS:

Site Address: East of Highway 304 and south of Highway 71 West (Attachment 1)

Total Acreage: 52.684 acres

Legal Description: 52.684 acres out of the Nancy Blakey Survey

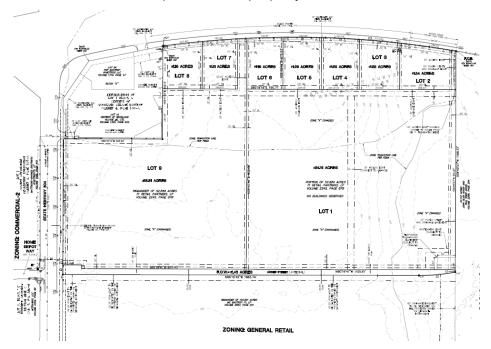
Property Owner: 71 Retail Partners LP Agent Contact: Jose A. Martinez, E.I.T.

Existing Use: Vacant

Existing Zoning: C-1, Commercial -1 Future Land Use: General Commercial

BACKGROUND/HISTORY:

The applicant has submitted a new Preliminary Plat for the Bastrop Grove Subdivison. The plat is dividing up 52.684 acres into two larger commercial lots, 18.31 acres and 24.16 acres, and seven smaller commercial lots, ranging from 1.11 acres to 1.54 acres (Attachment 4). This prelimanry plat includes the dedication of 30-feet of right-of-way for the extension of Agnes Street (1.43 acres). The remaining 30-feet of the required 60-foot total right-of-way width will be dedicated with the development of the property to the south.



Attachment 3: Preliminary Plat A previous preliminary plat was approved by City Council on July 8, 2014 for this same tract. The Grove Subdivision Preliminary Plat received approval from City Council for a request to subdivide the 52.684 acre tract into one large commercial lot and 7 smaller commercial lots fronting SH 71.

Trafffic Impact Analysis and Driveways

Section 1.30 of the Bastrop Subdivision Ordinance requires the submittal of a traffic impact analysis (TIA) that identifies the improvements needed to accommodate traffic impacts to the surrounding transportation system. The applicant has submitted a TIA that quantifies the impact of the development, and provides the recommended improvements to mitigate those impacts. Examples of these improvements include traffic signal improvements, additional turn lanes, and deceleration lanes along SH 71.

The proposed development will take access from the eastbound SH 71 frontage road and SH 304. The seven (7) outparcels located along SH 71 will take access from internal driveways and access easements, rather than having individual driveways along the SH 71. The development plan also indicates extending Agnes Street along the southern property line. Agnes Street is proposed to be built in two phases, the first phase being the northern half of the roadway, and the second half being built when required to serve the undeveloped property to the south.

Utilities

The development will connect to the City's water and wastewater systems currently located along SH 71 and SH 304. The development proposes to extend a 12-inch diameter water line along the extension of Agnes, which will ultimately connect to an existing water line located along SH 71. Wastewater services will be provided along the southern property boundary, and connect to the City's existing wastewater system along SH 71 via a proposed lift station and force main.

Electric service will be provided by Bluebonnet Electric.

Drainage

Stormwater runoff generated by the proposed development will flow from the northern side of the property to the southern side, consistent with the site's existing drainage patterns. Drainage flow from the property ultimately discharges into the Colorado River, located south of the development. A proposed drainage channel and detention pond system is proposed to mitigate the impacts to downstream property.

PUBLIC COMMENTS:

Seven (7) adjacent property owner notifications were mailed on July 11, 2017. At the time of this report, one (1) response was received in favor. (Attachment 3)

POLICY EXPLANATION:

Local Government Code

Sec. 212.002. Rules.

After a public hearing on the matter, the governing body of a municipality may adopt rules governing plats and subdivisions of land within the municipality's jurisdiction to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality.

Bastrop adopted subdivision regulations in 1981. The Code of Ordinances, Chapter 10 – Subdivisions outlines the requirements for plats within the Bastrop city limits and Extra Territorial Jurisdiction (ETJ).

Section 212.004 Plat Required

(a) The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of

the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared.

The applicant has proposed dividing up an undeveloped 52.684 acre tract into nine commercial lots. With the subdivision, public streets, drainage facilities, and water and wastewater infrastructure will be dedicated to the city.

Sec. 212.010. Standards for Approval

- (a) The municipal authority responsible for approving plats shall approve a plat if:
 - (1) it conforms to the general plan of the municipality and its current and future streets, alleys, parks, playgrounds, and public utility facilities;

The preliminary plat conforms to the Future Land Use Plan, which is designated General Commercial for this area.

(2) it conforms to the general plan for the extension of the municipality and its roads, streets, and public highways within the municipality and in its extraterritorial jurisdiction, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities;

The plat conforms to the adopted Transporation Master Plan. Half of the planned extention of Agnes Street will be dedicated and built with this development. The plat also conforms with the Capital Improvement Plan and will install public extensions of the water and wastewater infrastructure.

(3) a bond required under Section 212.0106, if applicable, is filed with the municipality; and

Required improvements and bonds will be furnished before the approval of the Final Plat.

(4) it conforms to any rules adopted under Section 212.002.

The preliminary plat complies with the requirements of the adopted Subdivision Ordinance.

<u>Code of Ordinances Chapter 10 – Subdivisions</u> Section 4.10 – Standard Procedure – Preliminary Plat

4.10.1 The subdivider shall submit a preliminary plat of the entire area being subdivided. Prior to the plat being placed before the Commission for consideration, the plat must be accepted as administratively complete by the Director of Planning and Development. A plat that contains the detailed information set forth in paragraphs 4.10.1 and 4.10.2 is considered administratively complete.

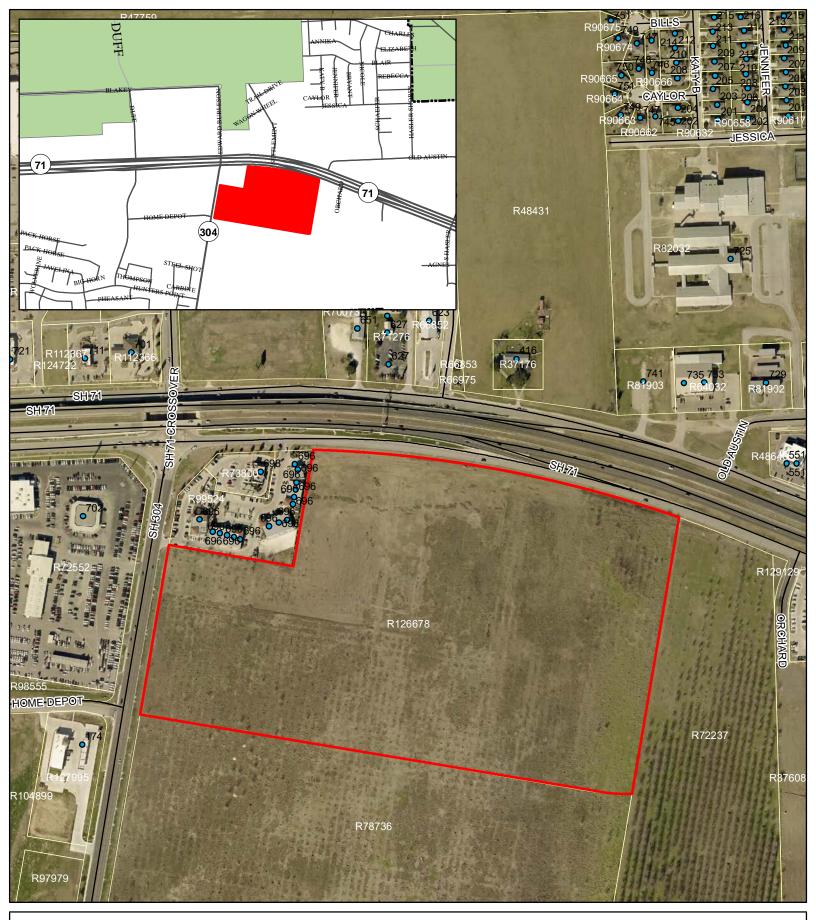
Planning and Engineering have reviewed the Bastrop Grove Preliminary Plat for compliance with subdivision and utility standards and have deemed the plat administratively complete.

RECOMMENDATION:

Consider action to recommend approval of the Bastrop Grove Preliminary Plat east of Highway 304 and south of West State Highway 71, being 52.684 acres out of the Nancy Blakey Survey and forward to the next available City Council meeting.

ATTACHMENTS:

Attachment 1: Location Map
Attachment 2: Letter from Applicant
Attachment 3: Surrounding Property Owners' Responses
Attachment 4: Preliminary Plat





Location Map Preliminary Plat for Bastrop Grove Subdivision

Date: 7/11/2017

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.



Stantec Consulting Services Inc. 221 West Sixth Street Suite 600, Austin TX 78701-3411

May 22, 2017 File: 222010772

Attention: Wesley Brandon, P.E.

City of Bastrop, TX Planning and Engineering 1311 Chestnut Street

Bastrop, TX 78602

Dear Mr. Brandon,

Reference: Bastrop Grove Preliminary Plan

State Highway 71 at State Highway 304

Bastrop, Texas 78602

On behalf of our Client, Seton Network Facilities, Stantec Consulting Services, Inc., is submitting the attached Preliminary Plat application for the development of the Bastrop Grove tract. This plat is for the 52.684-acre site at SH 71 and SH 304 in Bastrop, Texas which will consist of 9 lots and ROW. The purpose of this Preliminary Plat is to give legal status to the proposed commercial development that will consist of medical facilities on the ± 24 -acre tract and possibly retail within the ± 18 -acre tract and frontage lots.

The subject tract is within the Full Purpose Jurisdiction of the City of Bastrop, Texas. This site is not over the Edwards Aquifer as defined by the Texas Commission on Environmental Quality. According to the Federal Emergency Management Agency Flood Insurance Rate Map for Bastrop County, Texas Community Panel Number 48021C0355E dated January 19, 2016, a portion of this site is within the 500-year floodplain.

Please accept the following letter and associated application and attachments as the formal submittal to the City of Bastrop for your favorable review. If you have any questions or comments, please do not hesitate to contact our office.

Regards,

STANTEC CONSULTING SERVICES INC.

Jose A. Martinez, E.I.T.

Civil/Designer Phone: 512.328.0011

Jose.A.Martinez@stantec.com

Design with community in mind

Jul. 21. 2017 11:39AM

Covert Bastrop

No. 1485 P.

NOTICE OF PUBLIC HEARINGS PLANNING AND ZONING COMMISSION AND CITY COUNCIL

Dear Property Owner:

The Planning & Zoning Commission will conduct a meeting on July 27, 2017 at 6:00 p.m. and the City Council will conduct a meeting Tuesday, August 8, 2017 at 6:30 p.m. in the City Hall Council Chambers located at 1311 Chestnut Street, Bastrop, Texas on the request for approval of the Preliminary Plat for Bastrop Grove Subdivision, being 52.684 acres of the Nancy Blakey Survey.

Owner/Applicant:

71 Retail Partners LP

Address:

South of SH 71 and East of SH 304, Bastrop, Texas

Legal Description.

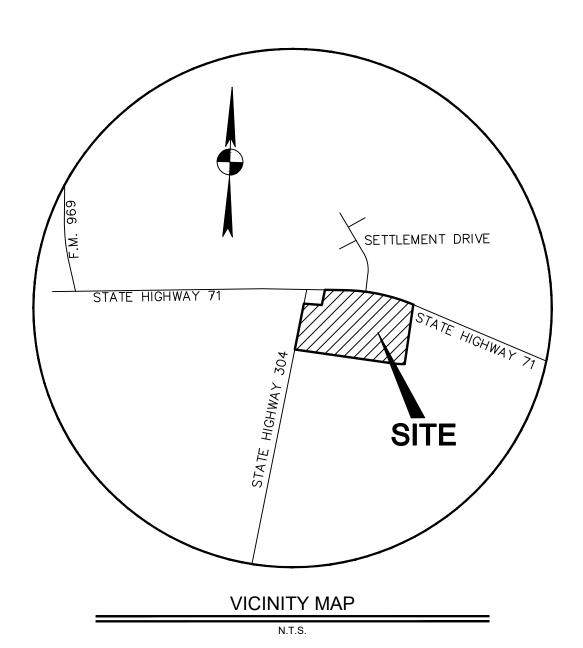
52.684 acres of the Nancy Blakey Survey

PLEASE SEE ATTACHED SITE LOCATION MAP & PRELIMINARY PLAT

As a property owner within 200' of the above referenced property, you are being notified of the public hearings and invited to attend to express your opinion. Petitions and letters, either in support or opposition to this request, may be submitted to the Planning Department at 1311 Chestnut Street or mailed to P.O. Box 427, Bastrop, Texas 78602 (512) 332-8840 any time prior to the public hearings.

For additional information, please visit or call the Planning & Development offices. _____ PROPERTY OWNER'S RESPONSE As a property owner within 200': (please check one) I am in favor of the request. ☐ I am opposed to the request. ☐ I have no objection to the request. RECEIVED Property Owner Name: ____ Property Address: _____ Phone (optional): Mailing Address:_____ Email (optional): Property Owner's Signature: Comments: (Optional) Planning and Development Department Please provide reply to: City of Bastrop, P.O. Box 427, Bastrop, Texas 78602

or via fax (512) 332-8829



OWNER: 71 RETAIL PARTNERS LP

8214 WESTCHESTER DRIVE, SUITE 550 DALLAS, TEXAS 75225

ENGINEER: STANTEC CONSULTING SERVICES, INC. 221 WEST SIXTH STREET, SUITE 600 AUSTIN, TEXAS 78701 (512) 328-0011

SURVEYOR: STANTEC CONSULTING SERVICES, INC. 221 WEST SIXTH STREET, SUITE 600 AUSTIN, TEXAS 78701 (512) 328-0011

WATERSHED STATUS:

THIS SITE IS LOCATED WITHIN THE LOWER COLORADO-CUMMINS WATERSHED.

FLOODPLAIN INFORMATION:

A PORTION OF THE SUBJECT PROPERTY IS LOCATED WITHIN THE BOUNDARIES OF THE 500 YEAR FLOODPLAIN, AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, SHOWN ON MAP NO. 48021C0355E, DATED JANUARY 19, 2006 FOR CITY OF BASTROP.

LEGAL DESCRIPTION:

52.684 ACRES OF THE NANCY BLAKEY ABSTRACT NO. 98 SITUATED IN THE CITY OF BASTROP IN BASTROP COUNTY, TEXAS PER VOLUME 2245, PAGE 828.

UTILITY PROVIDERS:

WATER SERVICE: CITY OF BASTROP WASTEWATER SERVICE: CITY OF BASTROP ELECTRIC: BLUEBONNET ELECTRIC GAS: CENTERPOINT ENERGY TELEPHONE: AT&T



Austin, Texas 78701 Tel. (512) 328-0011 Fax (512) 328-0325 TBPE # F-6324 TBPLS # F-10194230 Copyright © 2017

SHEET INDEX

DESCRIPTION COVER

PRELIMINARY PLAT PRELIMINARY PLAT GENERAL NOTES

BASTROP GROVE PRELIMINARY PLAT

BASTROP GROVE

ZONING: COMMERCIAL-1 NO. OF LOTS: 9 LOT ACREAGE: 51.25 ACRES ROW ACREAGE: 1.43 ACRES TOTAL ACREAGE: 52.68 ACRES

SUBDIVISION NO.:

ADDRESS:

SUBMITTAL DATE :

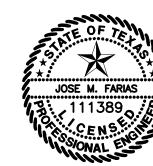
SUBMITTED BY:

JOSE M. FARIS, P.E., P.E.

STANTEC CONSULTING SERVICES, INC. 221 WEST SIXTH STREET, SUITE 600

AUSTIN, TEXAS 78701 (512) 328-0011

MAY 22, 2017



07/12/2017

DATE

REVISE (R)
ADD (A)
VOID (V)
SHEET NO.'S

REVISE (R)
SHEETS
SHEETS CITY OF AUSTIN DESCRIPTION APPROVAL/DATE

APPROVED	FOR ACCE	PTANCE:

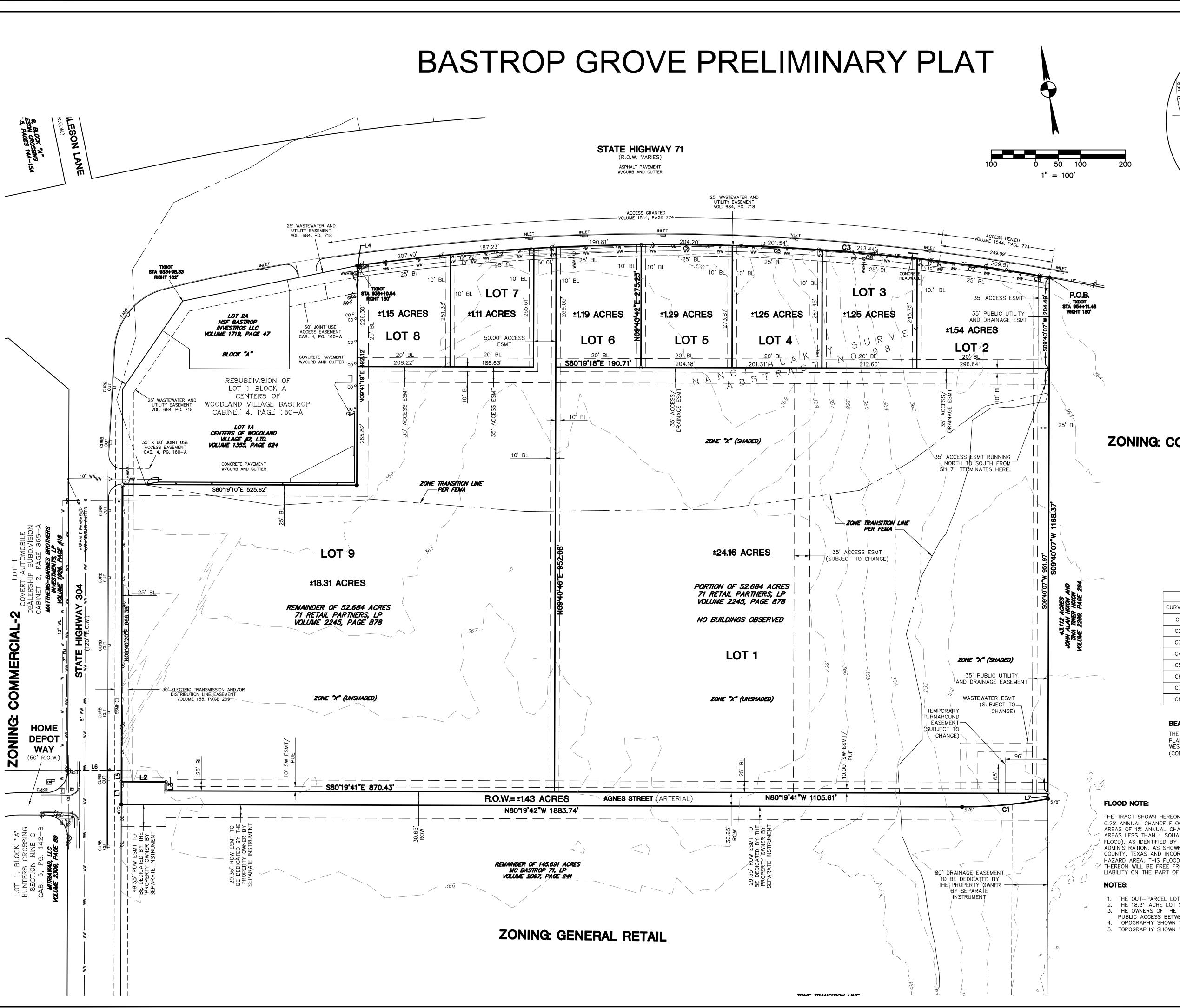
CITY COUNCIL DATE

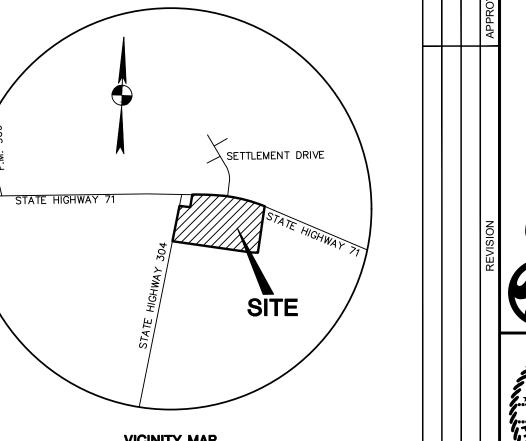
I, JOSE M. FARIS, P.E., P.E., AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF ENGINEERING, AND HEREBY CERTIFY THAT THIS PRELIMINARY PLAN IS FEASIBLE FROM AN ENGINEERING STANDPOINT AND COMPLIES WITH THE ENGINEERING RELATED PORTIONS OF CHAPTER 10 OF THE BASTROP CITY CODE AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, I CERTIFY THAT THESE ENGINEERING DOCUMENTS ARE COMPLETE, ACCURATE, AND ADEQUATE FOR THE INTENDED PURPOSES, BUT ARE NOT AUTHORIZED FOR CONSTRUCTION PRIOR TO FORMAL CITY APPROVAL.

ALL RESPONSIBILITY FOR THE ADEQUACY OF THESE PLANS REMAINS WITH THE ENGINEER WHO PREPARED THEM. IN APPROVING THESE PLANS, THE CITY OF BASTROP MUST RELY UPON THE ADEQUACY OF THE DESIGN ENGINEER. THE PLANS WERE PREPARED IN ACCORDANCE WITH CHAPTER 10, BASTROP CITY CODE.

FILE: V:\2220\active\222010772\civil\cad\prelim plat\222010772Tl2.dwg

SHEET





1/2" IRON ROD WITH "STANTEC" CAP SET

POWER POLE DOWN GUY

WATER VALVE

WASTEWATER CLEANOUT

WASTE WATER LINE UNDERGROUND CABLE MARKER

RECORD INFORMATION

ZONING: COMMERCIAL-1

PARCEL LINE DATA			
LINE #	BEARING	DISTANCE	
L1	N9*40'20"E	50.65	
L2	S80°19'41"E	100.00'	
L3	S9°40'19"W	20.00'	
L4	N87°43'09"E	2.31'	
L5	N9°40'21"E	25.69'	
L6	S80°19'40"E	120.01'	
L7	S9°40'07"W	12.00'	

PARCEL CURVE DATA							
CURVE #	LENGTH	RADIUS	DELTA	CHORD LENGTH	BEARING		
C1	193.51	1000.00	11°05'14"	193.21'	N85° 51' 54.79"W		
C2	635.52	5058.31	7°11'55"	635.10'	S84° 41′ 47.98″E		
С3	918.69'	5058.31	10°24'22"	917.43'	S75° 53′ 39.54″E		
C4	204.20'	5058.31	2°18'47"	204.19'	N79° 56′ 27.16"W		
C5	201.55	5058.31	2"16'59"	201.53'	N77° 38′ 34.52"W		
C6	213.44	5058.31	2°25'03"	213.42'	N75° 17' 33.57"W		
C7	248.84	5058.31	2*49'07"	248.81	N72° 40′ 28.42″W		
C8	50.67	5058.31	0°34'26"	50.67	N70° 58' 41.75"W		

BEARING BASIS NOTE:

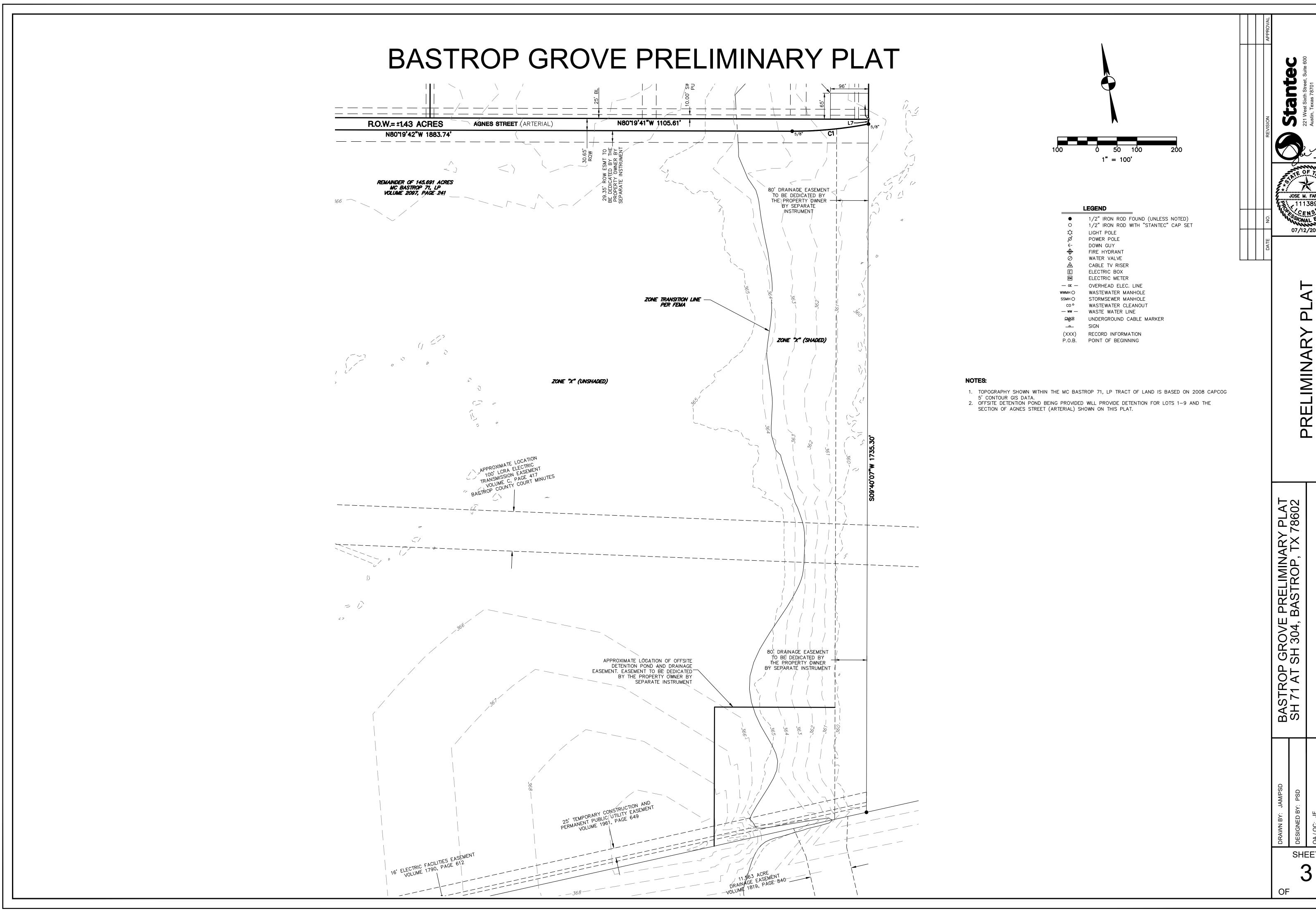
THE BASIS OF BEARING OF THE SURVEY SHOWN HEREON IS TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(96), UTILIZING WESTERN DATA SYSTEMS CONTINUALLY OPERATING REFERENCE STATION (CORS) NETWORK.

THE TRACT SHOWN HEREON LIES WITHIN ZONE "X" (UNSHADED), (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AND ZONE "X" (SHADED) (AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD), AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, AS SHOWN ON MAP NO. 48021C0355E, DATED JANUARY 19, 2006, FOR BASTROP COUNTY, TEXAS AND INCORPORATED AREAS. IF THIS SITE IS NOT WITHIN AN IDENTIFIED SPECIAL FLOOD HAZARD AREA, THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

- THE OUT-PARCEL LOTS SHALL NOT HAVE DIRECT ACCESS TO THE SH 71. THE 18.31 ACRE LOT SHALL NOT HAVE DIRECT ACCESS TO SH 304.
- THE OWNERS OF THE 18.3 ACRE LOT AND THE 24.4 ACRE LOT ARE RESPONSIBLE FOR PROVIDING PUBLIC ACCESS BETWEEN SH 71 AND AGNES ST. AT THE TIME OF THEIR DEVELOPMENT.
- 4. TOPOGRAPHY SHOWN WITHIN LOTS 1-6 AND AGNES STREET IS BASED ON A GROUND SURVEY. 5. TOPOGRAPHY SHOWN WITHIN LOTS 7-9 IS BASED ON 2008 CAPCOG 5' CONTOUR GIS DATA.

SHEET

JARY PLA' TX 78602



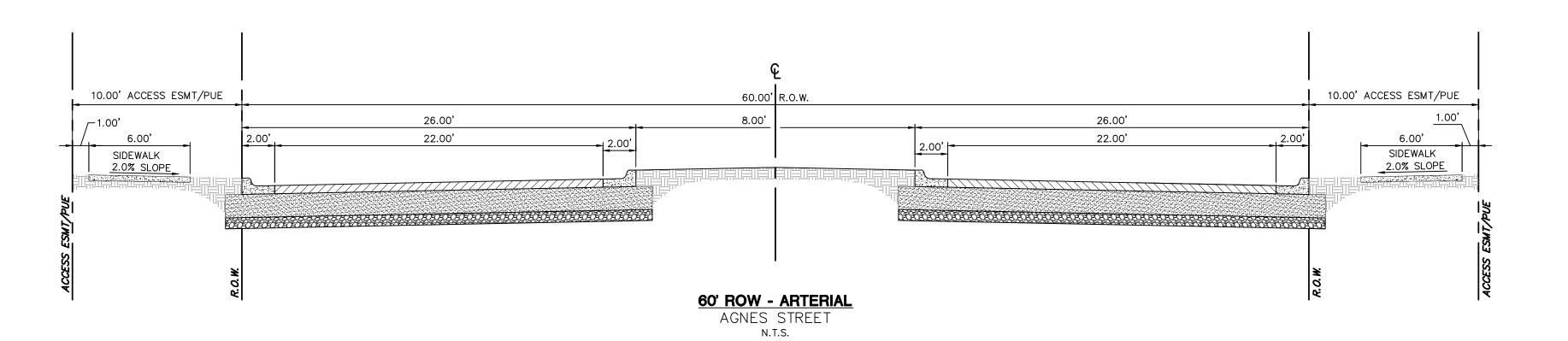
BASTROP GROVE PRELIMINARY PLAT

PRELIMINARY PLAN NOTES:

- 1. ALL EASEMENTS OF RECORD AS INDICATED ON THE MOST RECENT TITLE RUN (DATED: FEBRUARY 7, 2017, CONDUCTED BY ______) FOR THIS PROPERTY ARE SHOWN ON THIS PLAT.
- 2.FISCAL SURETY FOR SUBDIVISION CONSTRUCTION, IN A FORM ACCEPTABLE TO THE CITY OF BASTROP, SHALL BE PROVIDED PRIOR TO PLAT APPROVAL BY THE CITY.
- 3.THE OWNER OF THIS SUBDIVISION, AND HIS OR HER SUCCESSORS AND ASSIGNS, ASSUMES SOLE RESPONSIBILITY FOR PLANS FOR CONSTRUCTION OF SUBDIVISION IMPROVEMENTS WHICH COMPLY WITH APPLICABLE CODES AND REQUIREMENTS OF THE CITY OF BASTROP. THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT PLAT VACATION OR RE-PLATTING MAY BE REQUIRED, AT THE OWNER'S SOLE EXPENSE, IF PLANS TO CONSTRUCT THIS SUBDIVISION DO NOT COMPLY WITH SUCH CODES AND REQUIREMENTS.
- 4. WATER SERVICE IS PROVIDED BY THE CITY OF BASTROP.
- 5. WASTEWATER SERVICE IS PROVIDED BY THE CITY OF BASTROP.
- 6.ELECTRIC SERVICE IS PROVIDED BY THE BLUEBONNET ELECTRIC COOPERATIVE.
- 7. ALL UTILITIES WILL BE UNDERGROUND.
- 8.NO LOT IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO THE APPROVED WATER DISTRIBUTION AND WASTEWATER COLLECTION FACILITIES.
- 9.A PORTION OF THIS TRACT IS WITHIN A FLOOD HAZARD AREA AS SHOWN ON THE FLOOD INSURANCE RATE MAP PANEL # 48021C0355E FOR BASTROP CO., EFFECTIVE JANUARY 19, 2006 COMMUNITY # 480022 AND IS ON ZONE X.
- 10. OFF-SITE STORM WATER DETENTION FACILITIES WILL BE PROVIDED TO REDUCE POST-DEVELOPMENT PEAK RATES OF DISCHARGE OF THE 5, 10, 25, 50 AND 100-YEAR STORM EVENTS.
- 11. PROPERTY OWNER SHALL PROVIDE FOR ACCESS TO ALL EASEMENTS AS MAY BE NECESSARY AND SHALL NOT PROHIBIT ACCESS BY GOVERNMENTAL AUTHORITIES.
- 12. NO BUILDINGS, FENCES, LANDSCAPING OR OTHER STRUCTURES ARE PERMITTED WITHIN DRAINAGE EASEMENTS SHOWN, EXCEPT AS APPROVED BY THE CITY OF BASTROP AND/OR BASTROP COUNTY.
- 13. ALL EASEMENTS ON PRIVATE PROPERTY SHALL BE MAINTAINED BY THE PROPERTY OWNER OR HIS OR HER ASSIGNS.
- 14. SIDEWALKS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF THE CITY OF BASTROP.
- 15. THE OWNER SHALL BE RESPONSIBLE FOR INSTALLATION OF TEMPORARY EROSION CONTROL, RE-VEGETATION AND TREE PROTECTION FOR ELECTRIC UTILITY WORK REQUIRED TO PROVIDE ELECTRIC SERVICE TO THIS PROJECT.
- 16. OUT-PARCEL LOTS SHALL HAVE NO DIRECT ACCESS TO SH 71.
- 17. LOT 9 SHALL HAVE NO DIRECT ACCESS TO SH 304.
- 18. OWNERS OF LOT 1 AND LOT 9 ARE RESPONSIBLE FOR PROVIDING PUBLIC ACCESS BETWEEN SH 71 AND AGNES STREET AT THE TIME OF THEIR DEVELOPMENT.
- 19. UTILITY IMPACT FEE SHALL BE BASED ON THE CITY OF BASTROP IMPACT FEE ORDINANCE IN EFFECTS AT THE TIME OF FINAL PLATTING FOR EACH LOT.
- 20. 35-FOOT ACCESS EASEMENT RUNNING NORTH TO SOUTH WITHIN LOT 9 MAY BE RELOCATED WITHIN LOT 9 SO LONG AS IT PROVIDES ACCESS BETWEEN SH 71 AND AGNES STREET.
- 21. DETENTION FOR LOTS 1-9 AND AGNES STREET WILL BE PROVIDED OFFSITE WITHIN THE ADJACENT TRACT OF LAND LOCATED SOUTH OF AGNES STREET. PLEASE REFERENCE SHEET 3 FOR APPROXIMATE LOCATION OF DETENTION IMPROVEMENTS. FOR DETENTION POND ENGINEERING CALCULATIONS, PLEASE REFERENCE ENGINEERING AND DRAINAGE REPORT PREPARED BY CARLSON, BRIGANCE, AND DOERING.
- 22.PRIOR TO A SITE DEVELOPMENT PERMIT BEING ISSUED, A DECLARATION OF CONDITIONS, COVENANTS, AND RESTRICTIONS MUST BE RECORDED THAT DEFINES THE PARTY OR PARTIES RESPONSIBLE FOR THE MAINTENANCE OF SHARED/COMMON INTERNAL PRIVATE IMPROVEMENTS SUCH AS DRIVES AND FACILITIES USED IN CONNECTION WITH PRIVATE WATER, SEWER, GAS, ELECTRIC, TELEPHONE, OR OTHER UTILITIES.
- 23.UTILITY IMPACT FEES SHALL BE BASED ON THE CITY OF BASTROP IMPACT FEE ORDINANCE IN EFFECT AT THE TIME OF FINAL PLATTING FOR EACH LOT.

GENERAL NOTES:

- 1) ONLY VISIBLE EVIDENCE OF IMPROVEMENTS AND UTILITIES IS SHOWN HEREON.
- 2) A FIELDNOTE DESCRIPTION HAS BEEN PREPARED TO ACCOMPANY THE SURVEY SHOWN HEREON AND IS IDENTIFIED AS STANTEC CONSULTING SERVICES, INC FIELDNOTE FILE FN. NO. 17-048(MJJ)
- 3) AT THE TIME OF SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS IN RECENT MONTHS.
- 4) AT THE TIME OF SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF RECENT CHANGE IN STREET RIGHTS-OF-WAY OR RECENT CONSTRUCTION OR REPAIRS OF STREETS, SIDEWALKS OR OTHER
- 5) THE IS A UNDERGROUND WASTEWATER LINE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 71, NO OTHER VISIBLE ABOVE-GROUND EVIDENCE OF OTHER UTILITIES WERE NOTED.



PRELIMINARY PLAT BASTROP, TX 78602

SHEET

PLANNING & ZONING STAFF REPORT



MEETING DATE: July 27, 2017 Item: I

TITLE:

Consider action to recommend approval of the request to vacate the plat at 2401 Chestnut St, being Pine Vista Commercial Subdivision, Lots 1 and 2, and forward to the next available City Council meeting.

STAFF REPRESENTATIVE:

Wesley Brandon, P.E., Director of Planning and Engineering

ITEM DETAILS:

Site Address: 2401 Chestnut St (Attachment 1)

Total Acreage: 8.858 acres

Legal Description: Pine Vista Commercial Subdivision, Lots 1 and 2

Property Owner: Amy Bruder Agent Contact: Patti Bridges

Existing Use: Vacant/Undeveloped Existing Zoning: C-1, Commercial-1

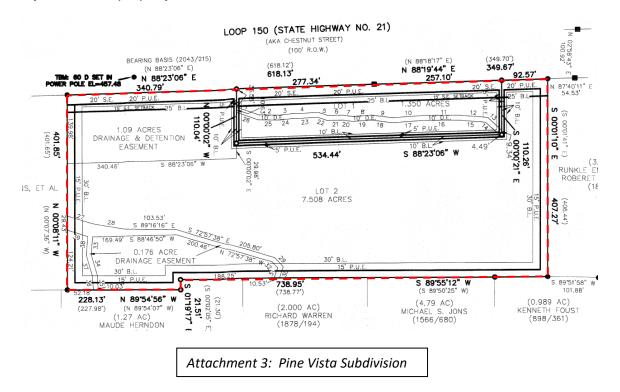
Future Land Use: Neighborhood Residential

BACKGROUND/HISTORY:

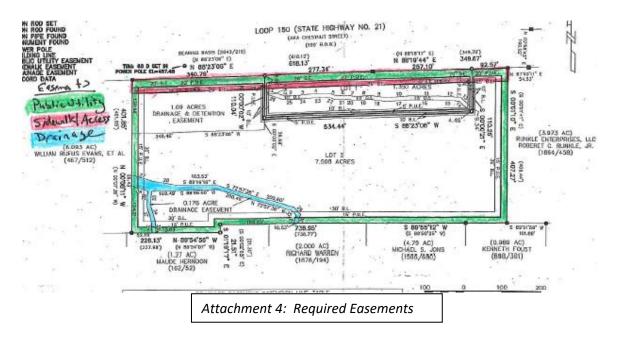
The Pine Vista Commercial Subdivision was filed with Bastrop County in December 11, 2012. The subdivision consists of two lots. Lot 1 is 1.350 acres and Lot 2 is 7.508 acres, for a total of 8.858 acres.

The Lost Pines Habitat Conservation Plan (LPHCP) requires development to meet one of the following: Documentation that the land was legally subdivided prior to October 1, 2003; a natural resource inventory for legal non-platted tracts; or sufficient evidence that the development site will not, to the greatest extent practicable, adversely affect primary habitat as described in Section 2.0 of the Conservation Subdivision Guidelines. In this case, the Pine Vista Commercial Subdivision does not meet the development requirements due to being subdivided after October 1, 2003. Once the plat is vacated and the tract returns to its previous designation as land out of Bastrop Town Tract Abstract A-11, the property owners may apply for construction that meets LPHCP regulations (Attachment 2).

The image below shows the current platted layout, and the red dashed line depicts the layout that the property will return to once vacated.



All information that was recorded with the plat, including public utility, drainage, and access easements is vacated. Staff has reviewed the easements that will need to be dedicated by separate instrument before the vacation takes place.



Green: 20-foot Public Utility Easement (PUE) along the northern property line and 15-

foot PUE along the east, west and south property lines;

Red: 35-foot Sidewalk and Access Easement along the north property line; and

Blue: Variable width Drainage Easement, as indicated on the plat.

PUBLIC COMMENTS:

Ten (10) property owner notifications were mailed on July 12, 2017. At the time of this report, no responses have been received.

POLICY EXPLANATION:

Local Government Code

Sec. 212.013. VACATING PLAT.

(a) The proprietors of the tract covered by a plat may vacate the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.

Neither lot in the plat has been sold. Both lots are under common ownership. To vacate the plat, it must go through the Planning & Zoning Commission and be approved by City Council, as that was the manner in which the original plat was processed. The original plat went through the preliminary and final plat processes.

(b) If lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat.

Does not apply. The lots have not been sold and are under common ownership.

(c) The county clerk shall write legibly on the vacated plat the word "Vacated" and shall enter on the plat a reference to the volume and page at which the vacating instrument is recorded.

Upon approval by City Council, a vacating instrument will be drafted by the Planning Department and recorded at the Count Clerks office.

(d) On the execution and recording of the vacating instrument, the vacated plat has no effect.

The tract will return to its previous designation as a portion of Bastrop Town Tract Abstract A-11.

Code of Ordinances

The Bastrop Code of Ordinances does not speak to vacating plats; therefore, Local Government Code governs the process.

HISTORICAL REFERENCES:

Request to vacate the Resubdivision of Lots 1-522 and 1-523, Block 19, Tahitian Village, Unit 1 as recorded May 31, 1994 in Cabinet 2, Page 379-A in the Bastrop County, Texas plat records was approved on April 11, 2017.

RECOMMENDATION:

Consider action to recommend approval of the request to vacate the plat, with the dedication by separate instruments for the referenced easements, at 2401 Chestnut St, being Pine Vista Commercial Subdivision, Lots 1 and 2, and forward to the next available City Council meeting.

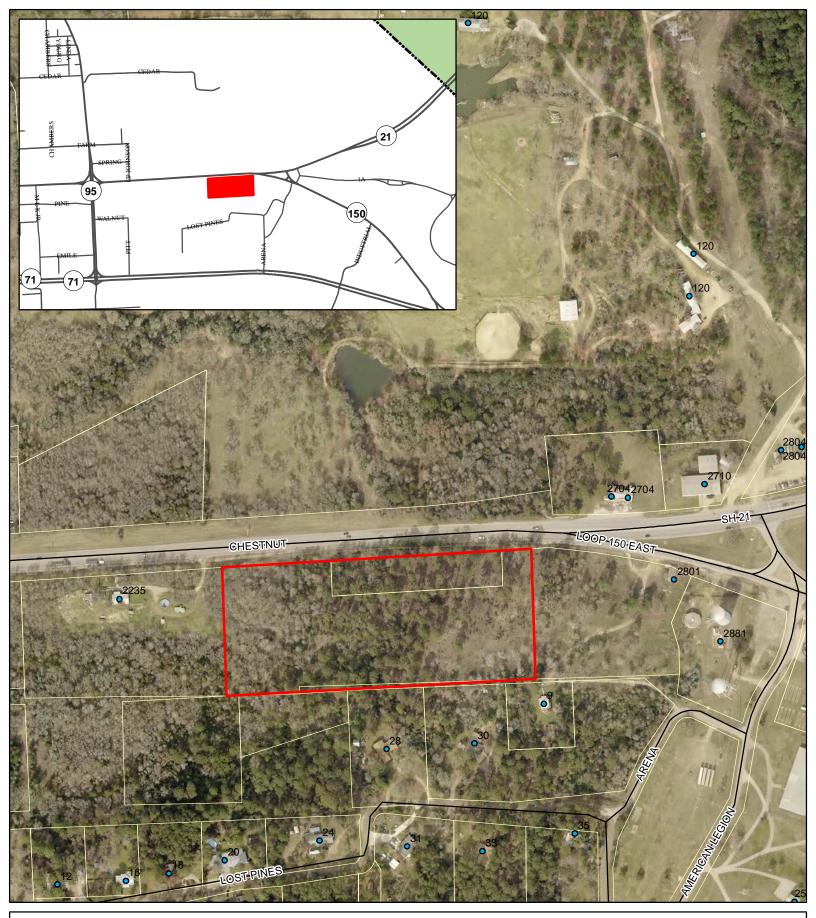
ATTACHMENTS:

Attachment 1: Location Map

Attachment 2: Letter from Applicant

Attachment 3: Copy of Recorded Final Plat

Attachment 4: Easements to retain by separate instrument





Location Map
Plat Vacation for Pine Vista Commercial Subdivision
2401 Chestnut Street

Date: 7/11/2017

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.

CAB Bastrop Properties, Inc. 828 Ponderosa Road P.O. Box 396 Bastrop, Texas 78602 512.304.5357

June 16, 2017

Jennifer C. Bills, AICP, LEED AP Assistant Planning Director 1311 Chestnut Street P.O. Box 427 Bastrop, Texas 78957

Re:

Pine Vista Commercial Subdivision Vacation of Recorded Plat

Recorded on December 11, 2012

File number: 5/115-B

Pine Vista Commercial Subdivision is an 8.858 acre tract consisting of two lots within the Bastrop city limits located at 2401 Loop 150 (State Highway 21 aka Chestnut Street). Lot 1 is a 1.227 acre lot and Lot 2 is a 7.631 acre lot. This subdivision was completed and filed with the county on December 11, 2012, under file number 5/115-B. Development of the property was halted at that time due to not meeting Houston Toad habitat requirements. We are in the process of submitting a new Site Development Plan for this project, which will be the new home of the Roadhouse Bastrop Restaurant.

This subdivision of the property does not meet the proposed development under the Lost Pines Habitat Conservation Plan due to being legally subdivided after 2003. We are asking for a vacation of this plat to meet the requirements of the Lost Pines Habitat Conservation Plan. We are enclosing a copy of the Construction Certificate Application under the Lost Pines Habitat Conservation Plan with the requirements outlined on Page 2 under item 7. The granting of this vacation would not be detrimental to the public health, safety, or welfare or be otherwise injurious to other property in the area; it would not substantially conflict with the Comprehensive Plan and the purposes of this Code; nor would it generally apply to other property in the vicinity because the property lines for Lot 1 is within the original boundaries of the original tract. We are seeking to complete this project within the require time limits set by the Houston Toad's breeding season and would be appreciative of as much of an expedited process as possible.

If you have any questions or comments regarding this submittal, please call me at (512) 304.5357.

Sincerely,

Amy Bruder President

CAB Bastrop Properties, Inc.

RECEIVED

JUN 19 2011

Dy

RECORD DATA

B—Squared Engineering

CAB Bastrop Properties, Inc.

828 Ponderosa Road Bastrop, Texas 78602

8.858 acres

PO Box 9684 Austin. Texas 78766-9684 Phone: (512) 569-0743 Email: brianb.pe@gmail.com

PERIMETER DESCRIPTION:

NUMBER OF LOTS:

8.858 ACRES OF LAND OUT OF THE BASTROP TOWN TRACT, ABSTRACT 11 IN BASTROP COUNTY, TEXAS, COMPRISED OF THAT TRACT CONVEYED AS 8.851 ACRES TO CAB PROPERTIES, INC. PER VOLUME 203, PAGE 215, OFFICIAL RECORDS OF BASTROP COUNTY MORE PARTICULARLY DESCRIBED BY THE FOLLOWING METES AND BOUNDS:

BEGINNING AT AN IRON ROD FOUND FOR THE NORTHEAST CORNER HEREOF, THE COMMON NORTH CORNER OF SAID 8.851 ACRES AND THAT TRACT CONVEYED AS 3.973 ACRES TO RUNKLE ENTERPRISES, LLC AND ROBERT C. RUNKLE, JR. PER VOLUME 1864, PAGE 458 OF SAID OFFICIAL RECORDS AND A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF LOOP 150 (STATE HIGHWAY NO. 21, AKA CHESTNUT STREET), FROM WHICH, FOR REFERENCE, THE COMMON WESTERLY CORNER OF SAID BASTROP TOWN TRACT AND THE STEPHEN F. AUSTIN SURVEY, ABSTRACT 2 IN BASTROP COUNTY, SAME BEING ON THE EAST LINE OF THE MOZEA ROUSSEAU SURVEY, ABSTRACT 6 IN BASTROP COUNTY AND BEING WITHIN THE CONFINES OF THE COLORADO RIVER BEARS ± S 67'33' W, 7970 FEET (AS SCALED FROM BASTROP CENTRAL APPRAISAL DISTRICT AERIAL MAP 10-11);

THENCE S 00°01'10" E, 407.27 FEET TO AN IRON ROD FOUND FOR THE SOUTHEAST CORNER HEREOF, THE COMMON SOUTH CORNER OF SAID 8.851 ACRES AND SAID 3.973 ACRES AND A POINT ON THE NORTH LINE OF THAT TRACT CONVEYED AS 0.989 ACRES TO KENNETH FOUST PER VOLUME 898, PAGE 361 OF SAID OFFICIAL RECORDS;

THENCE THE FOLLOWING THREE (3) COURSES ALONG THE SOUTH LINE OF SAID 8.851 ACRES AND THE NORTH LINE OF SAID 0.989 ACRE, THE NORTH LINE OF THAT TRACT CONVEYED AS 4.79 ACRES TO MICHAEL S. JONES PER VOLUME 1566, PAGE 680 OF SAID OFFICIAL RECORDS, THE NORTH LINE OF THAT TRACT CONVEYED AS 2.000 ACRES TO RICHARD WARREN PER VOLUME 1878, PAGE 194 OF SAID OFFICIAL RECORDS AND THE NORTH LINE OF THAT TRACT CONVEYED AS 1.27 ACRES TO MAUDE HERNDON PER VOLUME 162, PAGE 52, DEED RECORDS OF BASTROP COUNTY: 1) S 89*55'12" W, 738.95 FEET TO AN IRON ROD SET;

3) N 89'54'56" W, 228.13 FEET TO AN IRON ROD FOUND FOR THE SOUTHWEST CORNER HEREOF, THE COMMON SOUTH CORNER OF SAÍD 8.851 ACRES AND THAT TRACT CONVEYED AS 6.093 ACRES TO WILLIAM RUFUS EVANS, ET AL PER VOLUME 467, PAGE 512 OF THENCE N 00°08'11" W, 401.85 FEET TO AN IRON ROD FOUND FOR THE NORTHWEST CORNER HEREOF, THE COMMON NORTH CORNER

OF SAID 8.851 ACRES AND SAID 6.093 ACRES AND A POINT ON THE SOUTH LINE OF SAID LOOP 150; THENCE N 88'23'06" E, (BEARING BASIS FOR THIS SURVEY PER SAID VOLUME 2043, PAGE 215) 618.13 FEET TO A CONCRETE

RIGHT-OF-WAY MARKER FOUND AND N 8819'44" E, 349.57 FEET ALONG THE SOUTH LINE OF SAID LOOP 150 TO THE POINT OF BEGINNING, CONTAINING 8.858 ACRES OF LAND, MORE OR LESS.

TBM: 60D NAIL SET IN POWER POLE ±32.0' INTO THE RIGHT-OF-WAY (NORTH OF THE NORTH LINE) ±135.6 FEET EAST OF THE NORTHWEST CORNER. ELEV = 457.48

I, C. RICHARD RALPH, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF LAND SURVEYING AND HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL AND ACCURATE ON THE GROUND SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN HEREON WERE PROPERLY PLACED UNDER MY SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF BASTROP, TEXAS.

AS SURVEYED BY: PROFESSIONAL LAND SURVEYORS 1515 CHESTNUT STREET BASTROP, TEXAS 78602

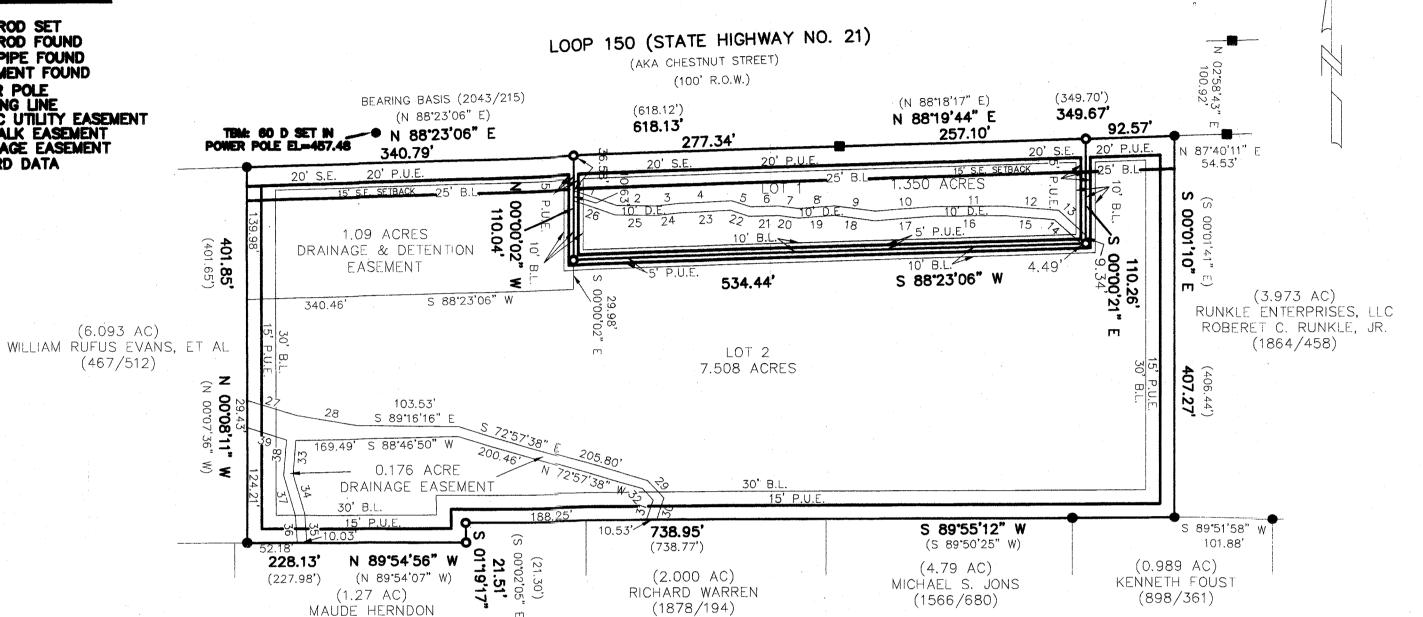
2) S 01'19'17" E, 21.51 FEET TO AN IRON ROD SET

REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4758

FINAL PLAT PINE VISTA

COMMERCIAL SUBDIVISION

2401 LOOP 150 BASTROP, TEXAS



		DRAIN	AGE E	ASEMENT DIMEN	SION LINE	TAB	E	
NO.	DIRECTION	DISTANCE	NO.	DIRECTION	DISTANCE	NO.	DIRECTION	DISTANCE
1	S 70°09'03" E	47.66	14	N 47'20'23" W	38.03'	27	S 72*11'13" E	54.97
2	S 88°42'31" E	39.85	15	N 85*29'56" W	52.49'	28	S 80:14'22" E	65.64
3	N 84°11'31" E	25.67	16	S 89°45'44" W	72.66'	29	S 42'09'39" E	25.68'
4	N 87°34'29" E	55.01	17	S 85°48'00" W	62.92'	30	S 18'14'11" W	24.84
5	S 71°47'57" E	20.12	18	N 82°14'12" W	42.70'	31	N 18*14'11" E	22.33
6	N 88'54'37" E	29.92'	19	S 85*56'48" W	38.25	32	N 42'09'39" W	17.10'
7	S 82°35'34" E	19.85	20	N 82*35'34" W	20.11'	33	S 03'46'42" W	36.87
8	N 85°56'48" E	38.28'	21	S 88'54'37" W	30.88	34	S 15°54'19" E	43.75
9	S 82°14'12" E	42.68	22	N 71'47'57" W	20.00	35	S 04.16'47" E	31.77'
10	N 85°48'00" E	62.22'	23	S 87°34'29" W	52.89'	36	N 04'16'47" W	29.99
11	N 89°45'44" E	73.42'	24	S 84°11'31" W	25.99'	37	N 15*54'19" W	44.55
12	S 85°29'56" E	56.37	25	N 88°42'31" W	42.11'	38	N 04'43'32" E	38.43
1.7	C 47'00'07" E	70 77'	26	N 70'00'03" W	45 68'	39	N 72'11'13" W	43.27

13 | S 47'20'23" E | 38.37' | 26 | N 70'09'03 W | 45.68 | 39 | N 72 11 13 W | 45.27

LIENHOLDER APPROVAL AND DEDICATION

(162/52)

That Prosperity Bank, Inc., a Texas Corporation, the lien holder of the certain tract 8.858 acre tract of land colled Pine Vista Commercial Subdivision, do hereby consent to the subdivision of that certain 8.858 acre tract of land situated in the City of Bastrop, Bastrop County, Texas, and do further hereby join, approve, and consent to the dedication to the public forever the use of the easements and all other lands intended for public dedication as shown hereon.

Prøsperity Bank-Bastrop

Before me, the undersigned authority, on this day personally appeared Joann Harkins . the person whose name is subscribed to the foregoing instrument. It has been acknowledged to me that the party executed the foregoing instrument, acting as the Property Owner of the property

Crolinaia faron 11-19-12

DATE NOTARY COMMISSION EXPIRES

COUNTY OF BASTROP

BRIAN BAIRD, REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS COMPLETE, ACCURATE, AND IN COMPLIANCE WITH CITY OF BASTROP REGULATIONS AND SPECIFICATIONS.

REGISTRATED PROFESSIONAL ENGINEER NO. 9168 B-SQUARED ENGINEERING FIRM REGISTRATION NO. 11934 P.O. BOX 9684 AUSTIN, TEXAS 78766-9684 (512) 569-0743



OWNER APPROVAL AND DEDICATION

STATE OF TEXAS COUNTY OF BASTROP

THAT, CAB BASTROP PROPERTIES, INC., OWNER OF THE PROPERTY DESCRIBED IN VOLUME 203 PAGE 215 OFFICIAL RECORDS OF BASTROP COUNTY, TEXAS, DO HEREBY JOIN, APPROVE, AND CONSENT TO THE PLAT REQUIREMENST HEREON. THE UNDERSIGNED PARTIES HEREBY CONSENT TO THE RECORDATION OF THIS PLAT AND DEDICATE TO THE PUBLIC FOREVER ANY EASEEMTNS OR RESTRICTIONS SHOWN HEREON. THIS PLAT IS TO BE KNOWN AS "PINE VISTA COMMERCIAL SUBDIVISION" AND HEREBY DEDICATED TO THE PUBLIC THE EASEMENTS SHOWN HEREON.

CAB Bastrop Properties, Inc. 828 Ponderosa Road

Bastrop, Texas 78602

Before me, the undersigned authority, on this day personally appeared Amy M Brude the person whose name is subscribed to the foregoing instrument. It has been acknowledged to me that the party executed the foregoing instrument, acting as the Property Owner of the property described hereon.

Flara CARMACK PRINTED NAME OF NOTARY AND STAMP _ DATE NOTARY COMMISSION EXPIRES

Motary Public, State of Texas My Commission Expires 04-17-201.

APPROVED THIS DAY 23 rd OF Uct, 2012 BY THE CITY COUNCIL OF BASTROP, TEXAS

FLARA CARMACK

Driveway permits were issued by the Texas Department of Transportation for two (2) driveway aprons to be constructed in the Loop 150 R The Driveway Permit numbers are 001-11-32988-DP for the east driveway and 001-11-32987-DP for the west driveway.

JOINT USE ACCESS EASEMENT:

By this Plat, Lot 1 is designated a Joint Use Access Easement to be owned and maintained by the owners of Lot 2, their heirs or assigns The purpose of this easement is to provide access to Lot 2 and any future resubdivisions of that lot.

By this Plat, a 15-foot sidewalk easement abutting the Loop 150 ROW line and extending the entire length of the property is aedicated to for pedestrian travel.

By this Plat the following easements are hereby dedicated to be owned and maintained by the of the owners of Lot 2, their heirs or assign

The purpose for these easements is to provide safe conveyance and detention of stormwater. The exact dimensions for these easements ar determined by the bearings and distances reflected on the plat.

a. A 10-foot wide, 550-foot long Drainage Easement crossing Lot 1

b. A varying width, approximately 590—foot long Drainage Easement at the southwest corner of Lot 2

c. A 340-foot by 140-foot wide Drainage and Detention Easement at the northwest corner of Lot 2

City of Bastrop Standard Plat Notes:

1. Erosion and sedimentation controls constructed in accordance with the Subdivision Ordinance of the City of Bastrop are required for all construction on each lot, including single family and duplex construction.

2. Fiscal surety for subdivision construction, in a form acceptable to the City of Bastrop, shall be provided prior to plat approval by the City.

3. The owner of this subdivision, and his or her successors and assigns, assumes sale responsibility for plans for construction of subdivision improvements which comply with applicable codes and requirements of the City of Bastrop. The owner understands and acknowledges that plat vacation or re-platting may be required, at the owner's sale expense, if plans to construct this subdivision do not comply with such codes and requirements.

4. By approving this plat, the City of Bastrop assumes no obligation to construct any infrastructure in connection with this subdivision. Any subdivision infrastructure required for the development of the lots in this subdivision is the sole responsibility of the developer and/or the owners of the lots. Failure to construct any required infrastructure to City standards may be just cause for the City to deny applications for certain development permits including building permits, site plan approvals and/or certificates of occupancy.

5. Building setbacks not shown shall be in accordance with City of Bastrop Subdivision and Zoning Ordinances. The subdivision is currently zoned

6. No lot or structure shall be occupied prior to the Applicant submitting to the City of Bostrop documentation of subdivision/site registration with the Texas Department of Licensing and Regulations (TDLR) and provide documentation of review and compliance of the subdivision construction plans with Texas Architectural Barriers Act (TABA)

7. Electric service is provided by the Bastrop Power and Light.

. 8. Gas service is provided by the Center Point Energy

9. Cable service is provided by the Time-Warner.

10. All utilities will be underground.

11. The impact fees for this subdivision shall be based on Ordinance 2011–13 and shall be paid prior to building permit issuance

12. Wastewater and Water systems shall conform to TCEQ (Texas Commission on Environmental Quality)

13. Developer/Owner shall be solely responsible for all relocation and modifications to existing utilities.

14. FLOOD WARNING: The degree of flood protection required by the City of Bastrop Flood Damage Prevention Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. Acceptance of this plot by the City Council does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. Nor shall acceptance of this plat create liability on the part of the City of Bastrop or any official or employee thereof for any flood damages that result from reliance on the information contained within this plat or any administration decision lawfully made hereunder.

15. The Finished Floor Elevation noted within each lot represents the base flood elevation plus a two-foot freeboard as required by the City of Bastrop Flood Damage Prevention Ordinance.

16. The developer, builder, seller, or agent shall inform, in writing, each buyer of subdivision lots or property located within flood hazard areas that such property is an identified flood hazard area and that a Certificate of Compliance will be required to be submitted to the City of Bastrop Building Inspector prior to the issuance of a certificate of occupancy of a structure

17. All easements of record as indicated on the most recent title run (dated: January 7, 2011, conducted by Alamo Title Company) for this property are shown

18. Temporary and permanent easements to be provided, as required at the City's sole discretion for off-site water, wastewater and drainage improvements.

19. Property owner shall provide for access to all easements as may be necessary and shall not prohibit access by governmental authorities.

20. Upon completion of construction and installation of the Electric Facilities on the Property the developer/owner shall have the Permanent Utility Easement Area (20 foot easement, to include a 10 foot buffer around all non-opening sides and a 20 foot buffer around opening sides of equipment) surveyed by metes and bounds, at its sole cost and expense, and a copy of that Permanent Easement survey provided to BP&L for the granting and recording of a Permanent Public Utility Easement. The Blanket Temporary Access and Construction Easement shall be vacated at such time as BP&L accepts and records the Permanent Public Utility Easement.

21. The electric utility has the right to prune and/or remove trees, shrubbery vegetation and other obstructions to the extent necessary to keep the easements clear. The owner/developer of this subdivision/lot shall provide the City of Bostrop electric utility department with any access required, in addition to those indicated, for the installation and ongoing maintenance of overhead and underground electric facilities.

22. This project is located within the "Known and Potential Habitat" plan area of the endangered Houston tood, determined by the U.S. Fish and Wildlife Service. As authorized under Bastrop County's Federal Fish and Wildlife Endangered Species Incidental Take Permit Number TE- 13500-0, property owners should contact the Lost Pines Habitat Conservation Plan (LPHCP) Administrator at the Bastrop County Development Services Department prior

23. The joint use driveway(s) to be constructed in Lot 1 on this plat will provide joint access from SH 21 to Lots 1 and 2.

24. Sidewalks shall be constructed in accordance with the Subdivision Ordinance of the City of Bastrop.

1. The Benchmork used for vertical control is: TBM: 60 D SPIKE IN POWER POLE ELEVATION = 457.48

2. This Plat conforms to the Preliminary Plat approved by the City Council on JUNE 12, 2012

3. All subdivision permits shall conform to the City of Bastrop Code of Ordinances, construction standards, and generally accepted engineering practices.

4. Construction Plans and Specifications for all subdivision improvements shall be reviewed and accepted by the City of Bastrop prior to any construction within the subdivision.

5. Prior to construction of any improvements on lots in this subdivision, building permits will be obtained from the City of Bastrop.

6. Site Development Construction Plans shall be reviewed and accepted by the City of Bastrop prior to any multi-family or non-residential construction.

7. Water and wastewater service provided by THE CITY OF BASTROP. 8. Electric service provided by BASTROP POWER AND LIGHT.

9. No lot in this subdivision shall be accupied until connected to the approved water distribution and wastewater collection facilities.

10. THE SUBJECT PROPERTY IS LOCATED IN ZONE X AND IS NOT WITHIN THE 0.2% ANNUAL CHANCE FLOODPLAIN FLOOD INSURANCE RATE MAP (F.I.R.M.)

11. On-site storm water detention facilities will be provided to reduce post-development peak rates of discharge of the 5, 10, 25, 50 and 100-year storm events.

12. A 20—foot Public Utility Easement (P.U.E.) is dedicated abutting the Loop 150 ROW and a 15—foot P.U.E. is dedicated abutting side and rear boundary lines of the 8.858 acre subdivision. Both Lot 1 and Lot 2 have a 5'—foot P.U.E. abutting shared lot lines. 13. No buildings, fences, landscaping or other structures are permitted within drainage easements shown, except as approved by the City of Bastrop.

14. The Owners of Lot 1 or their assigns shall be responsible for operation and maintenance of shared access driveway and all shared drainage infrastructure.

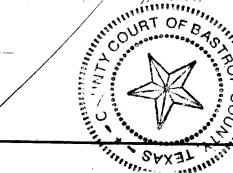
The owner shall be responsible for installation of temporary erosion control, revegetation and tree protection for utility work required to provide electric service to this project.

This property is subject to the conditions and restrictions granted under a Blanket Temporary Access and Construction Easement, Document #______

COUNTY OF BASTROP

, Rose Pietsch, Clerk of the County Court in and for the County and State aforesoid, do hereby certify that on the 🖊 ___ day of . A.D., the Commissioners Court of Bastrop County, Yexas, passed an order authorizing the filing for record of this plat and that said order has been entered into the minutes of said court in Book

Witness my hand and seal of office of the County Court of Bastrop County, Texas.



FAX: (512) 332-0961 PROFLNDSUR@AOL.COM - B-SQUARED ENGINEERING

CATION MAP NOT TO SCALE

LEGEND

CAB Bastrop Properties, Inc. 828 Ponderosa Road Bastrop, Texas 78802

R FEET OF NEW STREETS:

ER OF BLOCKS:

1515 Chestnut Street Bastrop, Texas 78602 Phone: (512) 303-0952

Professional Land Surveyor

PO Box 9884 Austin, Texas 78766-9884

Phone: (512) 569-0743 Email: brianb.pe@gmail.com

IMETER DESCRIPTION

I ACRES OF LAND OUT OF THE BASTROP TOWN TRACT, ABSTRACT 11 BN BASTROP COUNTY, TEXAS, COMPRISED OF THAT I CONVEYED AS BASI ACRES TO CAB PROPERTIES, INC. PER VOLUME 203, PAGE 215, OFFICIAL RECORDS OF BASTROP ITY MORE PARTICULARLY DESCRIBED BY THE FOLLOWING METES AND BOUNDS:

CE S 0001'10' E, 407.27 FEET TO AN IRCH ROD FOUND FOR THE SOUTHEAST COI NO BASS ACRES AND SAID 3.973 ACRES AND A PONT ON THE MORTH LINE OF T ETH FOUST PER VOLUME 898, PAGE 351 OF SAID OFFICIAL RECORDS;

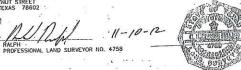
CE'H 8823'06" E, (BEARNO BASIS FOR THIS SURVEY PER SAID WOLUNE 2013, PAGE 215) 618.13 FEET TO A CONCRETE -OF-MAY MARKER FOUND AND N 8819'41" E, 349.67 FEET ALONG THE SOUTH LINE OF SAID LOOP 150 TO THE POINT OF NING, CONTAINING 8.858 ACRES OF LAND, MORE OR LESS.

: 600 NAIL SET IN POWER POLE $\pm 32.0^\circ$ INTO THE RIGHT-OF-WAY (NORTH OF THE NORTH LINE) ± 135.6 FEET T. OF THE NORTHWEST CORNER, ELEV = 457.48

RICHARD RALPH, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION ABLIEND RALFIT, MA MOUNTAINED WHORK HE LAND AND HE STATE OF HEADY OF TRADILIC HE PROCESSION.

LAND SURVEYING AND HEREBY CERTIFY THAT THIS PLAT YMS PREPARED FROM AN ACTUAL, AND ACCURATE ON GROUND SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN HEREON WERE PROPERLY PLACES MY SUBPRISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF BASTROP, TEXAS.

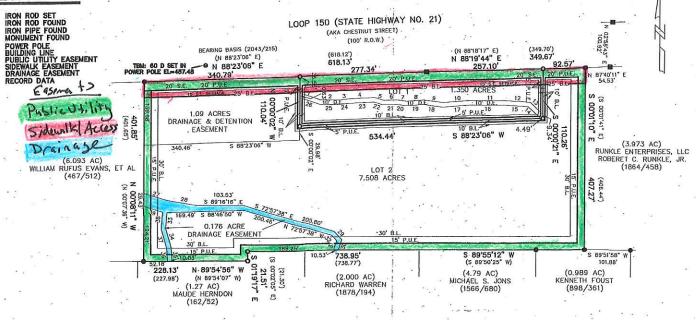




FINAL PLAT PINE VISTA

COMMERCIAL SUBDIVISION

2401 LOOP 150 BASTROP, TEXAS



NO.	DIRECTION	DISTANCE	NO.	DIRECTION	DISTANCE	NO.	DIRECTION	DISTANCE
1	S 70'09'03" E	47.66	14	N 47'20'23" W	38.03'	27	S 7241'13" E	54.97
ż	S 88'42'31" E	39.85	15	N 85'29'56" W	52.49	28	S 80'14'22" E	65.64
3	N 84'11'31" E	25.67	16	S 89'45'44" W	72.66	29	S 42'09'39" E	25.68
4	N 87'34'29" E	55,01	17	S 85'48'00" W	62.92	30	S 18'14'11" W	24.84*
5	S 71'47'57" E	20.12	18	N 82'14'12" W	42.70'	31	N 18'14'11" E	22.33
6	N 88'54'37" E	29,92	19	S 85'56'48" W	38.25	32	N 42'09'39" W	17.10
7	S 82'35'34" E*	19.85	20	N 82'35'34" W	20.11	33	S 03'46'42"- W	36.87
8	N 85'56'48" E	38.28	21	S 88'54'37" W	30.88'	34	S 15!54'19" E	43.75
9	S 82"14"12" E	42.68	22	N 71'47'57" W	20.00	35	S 04:16'47" E	31.77
10	N 85'48'00" E	62.22	23	S 87'34'29" W	52.89	36	N 0416'47" W	29.99
11	N 89'45'44" E	73.42'	24	S 84'11'31" W	25.99	37	N 15:54'19" W	44.55
12	S 85'29'56". E	56.37	25	N 88'42'31" W	42.11	38	N 04'43'32" E	38.43
13	S 47'20'23" E	38.37	26	N 70'09'03" W	45.68	39	N 72'11'13" W	43.27

LIENHOLDER APPROVAL AND DEDICATION

STATE OF TEXAS

That Prosperity Bank, Inc., a Texas Corporation, the lien holder of the certain tract 8,858 acre tract of land called Pine Vista Commercial Subdivision, do hereby consent to the subdivision of that certain 8,858 acre tract of land situated in the City of Bastrop, Bastrop County, Texas, and do further hereby join, approve, and consent to the dedication to the public forever the use of the easements and all other lands intended for public dedication as show

Jean Harkins, 549 Joseph Harkins, Sr. Vice President Presperity Bank-Bostrop

Before me, the undersigned authority, on this day personally oppeared Joan Harkins — the person whose name is subscribed to the foregoing instrument, it has been acknowledged to me that the party executed the foregoing instrument, acting as the Property Owner of the property described hereon.

Crolinia faran 11-19-12 OTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MAY 4, 2013 DATE NOTARY COMMISSION EXPIRES



I, BRIAN BAIRD, REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS COMPLETE, ACCURATE, AND IN COMPLIANCE WITH CITY OF BASTROP REGULATIONS AND SPECIFICATIONS.





OWNER APPROVAL AND DEDICATION

VOLUME 203 PAGE 215 OFFICIAL RECORDS OF BASTROP COUNTY, TEXAS, DO HEREBY JOH, APPROVE, AND CONSENT TO THE PLAT REQUIREMENT HEREON. THE UNDERSIGNED PARTIES HEREBY CONSENT TO THE RECORDATION OF THIS PLAT AND DEDICATE TO THE PUBLIC FOREVER ANY EASEMINS OR RESTRICTIONS SHOWN HEREON. THIS PLAT IS TO BE KNOWN AS "PINE VISTA COMMERCIAL SUBDIVISION" AND HEREBY DEDICATED TO THE PUBLIC THE EASEMENTS SHOWN HEREOM.

By App Budder, President Ones. 12-4-2012

By App Budder, President Ones Inc.

B28 Ponderosa Road

Bastrop, Taxos 78602

Ilas Carmad + HAKA CAKBUACK PRINTED NAME OF NOTARY AND STAMP 4-17-20-12 DATE NOTARY COMMISSION EXPIRES

CITY OF BASTROP APPROVAL

APPROVED THIS DAY 23 M OF Oct, 2012 BY THE CITY COUNCIL OF BASTROP, TEXAS

-teny On MAYOR, TERRY ORR &

10-23-2012

TXDOT DRIVEWAY NOTE:
Drivenay permits were issued by the Texas Department of Transportation for two (2) drivenay oprons to be constructed in the Loop 150 ROW.
The Drivenay Permit numbers are 001-11-32988-DP for the east drivenay and 001-11-32987-DP for the west drivenay.

JOINT USE ACCESS EASEMENT:
By this Plot, Lot 1 is designated a Joint Use Access Easement to be owned and maintained by the owners of Lot 2, their heirs or assigns.
The purpose of this easement is to provide access to Lot 2 and any future resubdivisions of that lot.

SIDEWALK EASEMENT:
By this Plat, a 15-foot sidewalk easement obutting the Loop 150 ROW line and extending the entire length of the property is dedicated to the City

DRAINAGE AND DETENTION EASEMENTS:
By this Plot the following easements are hereby dedicated to be owned and maintained by the of the owners of Lot 2, their heirs or assigns. The purpose for these easements is to provide safe conveyance and detention of stormwater. The exact dimensions for these easements are determined by the bearings and distances reflected on the plot.

o. A 10-foot wide, 550-foot long Brainage Easement crossing Lot 1

b. A varying width, opproximately 590-foot long Drainage Easement at the southwest corner of Lot 2

- c. A 340-foot by 140-foot wide Drainage and Detention Easement at the northwest corner of Cot 2

City of Bostrop Standard Plot Notes:

- 1. Erosion and sedimentation controls constructed in accordance with the Subdivision Ordinance of the City of Bostrop are required for all an each lot, including single family and duplex construction.
- Fiscal surety for subdivision construction, in a form acceptable to the City of Bastrop, shall be provided prior to plat approval by the City

- permonent ensements to be gravided as required of the City's sale discretion for off-sile water
- 20. Upon completion of construction and installation of the Electric Focilities on the Property the developer/owner shall have the Pen

- A. All subdivision permits shall conform to the City of Bastrop Code of Ordinances, construction standards, and generally accepted engineering practices
- 5. Prior to construction of any improvements on lots in this subdivision, building permits will be obtained from the City of Bostrop. 6. Site Development Construction Plans shall be reviewed and accepted by the City of Bostrop prior to any multi-family or non-residen

- 8. Electric service provided by BASTROP POWER AND LIGHT.
- 9. No lot in this subdivision shall be occupied until connected to the progress water distribution and wastender collection facility
- 10. THE SUBJECT PROPERTY IS LOCATED IN ZONE X AND IS NOT NATHIN THE 0.2% ANNUAL CHANCE FLOODPLAND FLOOD INSURANCE BASE MAP (F.I.R.M.)
- 11. On-site storm noter detention facilities will be provided to reduce post-development peak rates of discharge of the 5, 10, 25, 50 and 100-year storm events.

COUNTY OF BASTROP

I, Rose Pietsch, Clerk of the County Court in and for the County and State aforesaid, do hereby certify that on the ______day of ______, 20___, A.D., the Commissioners Court of Bastrop County, Texas, possed an order authorizing the filing, for record of this plot and that said order has been entered into the minutes of said court in Book _____

Witness my hand and seal of office of the County Court of Bostrop County, Texas,

FAX. (512) 303-0952 FAX. (512) 332-0961

PROFESSIONAL ENGINEER NO. 91685

ATTEST