

Planning & Zoning Commission Agenda Bastrop City Hall City Council Chambers 1311 Chestnut Street Bastrop, TX 78602 (512) 332-8840

# **Special Called Meeting**

# October 19, 2017 at 6:00 P.M.

*City of Bastrop Planning & Zoning Commission meetings are available to all persons regardless of disability. If you require special assistance, please contact the Planning Department at (512) 332-8840. You may also write to 1311 Chestnut Street, 78602, email <u>plan@cityofbastrop.org</u> or call through a T.D.D. (Telecommunication Device for the Deaf) to Relay Texas at 1-800-735-2989 at least 48 hours in advance of the meeting.* 

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session for the purposes of seeking confidential legal advice from the City Attorney on any item on the agenda at any time during the meeting.

The City of Bastrop reserves the right to reconvene, recess, or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

# 1. CALL TO ORDER

# 2. CITIZEN COMMENTS

Comments will be heard from the audience on any topic not listed on the agenda, not to exceed three (3) minutes in length. To address the Commission, please submit a fully completed request card to the Commission Secretary prior to the beginning of the meeting. In accordance with the Texas Open Meetings Act, if a citizen discusses any item not on the agenda, the Commission cannot discuss issues raised or make any decision at this time. Issues may be referred to City Staff for research and possible future action.

To address the Commission concerning any item on the agenda, please submit a fully completed request card to the Commission Secretary prior to the consideration of that item.

# 3. ITEMS FOR INDIVIDUAL CONSIDERATION

a. Public Hearing and consider action to recommend approval of a Conditional Use Permit (CUP) for Hunter's Crossing Subdivision, Section 2-A, Lot 2 to allow for an Indoor Commercial Amusement use in an approximately 2,200 square foot shopping center suite, located at 201 Hunter's Crossing Boulevard, Suite 14, and forward to the October 24, 2017 City Council meeting.

#### 4. ADJOURNMENT

I, the undersigned authority, do hereby certify that this Notice of Meeting as posted in accordance with the regulations of the Texas Open Meetings Act on the bulletin board located at the entrance to the City of Bastrop City Hall, a place of convenient and readily accessible to the general public, as well as to the City's website, www.cityofbastrop.org, and said Notice was posted on the following date and time 10/3 10/3 45 pMand remained posted for at least two hours after said meeting was convened.

Vivianna Nicole Hamilton, Commission Secretary

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# PLANNING & ZONING COMMISSION STAFF REPORT



# MEETING DATE: October 19, 2017

ITEM: 3A

# TITLE:

Public Hearing and consider action to recommend approval of a Conditional Use Permit (CUP) for Hunter's Crossing Subdivision, Section 2-A, Lot 2 to allow for an Indoor Commercial Amusement use in an approximately 2,200 square foot shopping center suite, located at 201 Hunter's Crossing Boulevard, Suite 14, and forward to the October 24, 2017 City Council meeting.

# STAFF REPRESENTATIVE:

Jennifer C. Bills, AICP, Assistant Planning Director

# ITEM DETAILS:

Site Address:	201 Hunter's Crossing Boulevard, Suite 14
Total Acreage:	0.979 acres
Legal Description:	Hunter's Crossing Section 2-A, Lot 2 (Attachment 6)
Property Owner:	Jack Lieberman/201 Hunter's Crossing
Agent Contact:	Deborah Brunn & Rachel Bailey/RC's Playhouse, LLC
Existing Use:	Shopping Center/Vacant Suite
Existing Zoning:	Hunter's Crossing Planned Development, Zone Hx-C
Future Land Use:	General Commercial

# BACKGROUND/HISTORY:

The applicant would like to open an indoor playground for children age 12 and under. The business will occupy approximately 2,200 square feet of the shopping center. The use will consist of playground equipment for the children and a seating area for the adults to sit while the children play.

This item went to City Council on October 10, 2017 for public hearing and first reading. The final action to approve or deny is not taken until the second reading.

# PUBLIC COMMENTS:

Notifications were mailed to 14 adjacent property owners on September 12, 2017. At the time of this report, four responses were received; three are in favor, one has no objection to the CUP (Attachment 3).

# **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 the Planning & Zoning Commission and City Council meetings, as well as two ordinance readings at separate City Council meetings.

This use is allowed by right in standard commercial zoning districts (C-1 and C-2). The Hunter's Crossing Planned Development requires a CUP for this use. A detailed policy explanation is included in Attachment 1.

#### **RECOMMENDATION**:

Hold public hearing and recommend approval of a Conditional Use Permit (CUP) for Hunter's Crossing Subdivision, Section 2-A, Lot 2 to allow for an Indoor Commercial Amusement use in a approximately 2,200 square foot shopping center suite, located at 201 Hunter's Crossing Boulevard, Suite 14, with the following conditions, and forward to the next available City Council meeting.

- 1. Construction shall be in conformance with all 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. No building, premise, or land used under a Conditional Use Permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless an amended Conditional Use Permit is granted for such enlargement, modification, structural alteration, or change.

#### ATTACHMENTS:

- Attachment 1: Policy Explanation
- Attachment 2: Letter from Applicant
- Attachment 3: Surrounding Property Owners' Notification and Responses
- Attachment 4: Building Layout
- Attachment 5: Hunter's Crossing PD, Hx-C Requirements
- Attachment 6: Location Map

### POLICY EXPLANATION:

#### Compliance with 2036 Comprehensive Plan:

Future Land Use Plan – General Commercial: The General Commercial character area supports local and regional businesses that rely on heavy traffic volumes and the visibility that is associated with being located near major roadways. General Commercial developments typically involve varying development intensities, from smaller locally owned shops to big box retailers. These areas are predominantly auto-oriented, with large accessory parking areas.

This Conditional Use Permit complies with the Future Land Use Plan. This use will be a locally owned and managed retail service, which will generate moderate levels of traffic and parking. It is located on Hunter's Crossing Boulevard, which is classified as a major collector. Additionally, the site has pedestrian access to the Hunter's Crossing single-family neighborhood and the future multifamily developments across the street.

#### Hunter's Crossing Planned Development (Ordinance #2011-30)

The Hunter's Crossing Development adopted a Planned Development zoning district to allow for a mix of uses that use design standards that serve to tie the area together as a cohesive development. For this lot, the development plan labels this area as Hunter's Crossing – Commercial (Hx-C), with a base zoning district of Commercial - 1 (C-1), The Planned Development document further defines specific uses to be allowed by right, or with a Conditional Use Permit. An Indoor Commercial Amusement, while allowed by right in C-1 by the Code of Ordinances, requires a CUP within the PD-allowed uses.

#### Section 305.1 – Use

The following Recreation and Entertainment uses are allowed in Hx-C

- Amusement Arcade
- Amusement Commercial (Indoor) C\*
- Amusement Commercial (Outdoor) C\*
- Day Camp for Children C\*
- Golf Driving Range (Commercial) C\*
- Health Club (Private)
- Park or Playground (Private, noncommercial)
- Roller or Ice Rink
- Swim, Tennis or Handball Court
- Theater, Cinema or Playhouse
- Brew Pub

\* The "C" designation shown above means use allowed only with conditional use permits, obtained in accordance with City of Bastrop Code of Ordinances Section 33.

#### Code of Ordinances Chapter 14 – Zoning

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 surrounding uses are a mix of small-scale retail, office and restaurant uses. Other adjacent tracts are currently undeveloped, and future uses will be commercial and multifamily. An indoor playground is harmonious and compatible with these uses.

#### Attachment 1

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

Indoor Commercial Amusement is a use allowed by right in the Commerical-1 zoning district. The Hunter's Crossing Planned Development requires a Conditional Use Permit for a greater level of review for this use.

3. The nature of the use is reasonable;

The Indoor Commercial Use for approximately 2,200 square feet is reasonable for this commercial area.

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

There are no anticipated negative impacts from this use on the surrounding area.

5. That any additional conditions specified ensure that the intent of the district purposes are being upheld.

No additional conditions are recommended by staff.

# **Standard Conditions**

- 1. Construction shall be in conformance with all 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. No building, premise, or land used under a Conditional Use Permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless an amended Conditional Use Permit is granted for such enlargement, modification, structural alteration, or change.

# **CUP** Application Cover Letter

201 Hunters Crossing Blvd, Suite 14, Bastrop, TX 78602 | 850-723-4822 | ddbrunn@gmail.com

### 09/05/2017

City of Bastrop Planning and Zoning Commission and City Council 1311 Chestnut Street P.O. Box 427 Bastrop, TX 78602

#### **Dear City of Bastrop:**

The building at 201 Hunters Crossing Blvd, Suite 14, requires a CUP to be completed and turned in before it is able to have the finish-out completed and the Certificate of Occupancy issued. Therefore, this cover letter explains the use for the property and confirms that it will abide by all regulations. In addition, we feel that the use of this building will be an asset for the City of Bastrop and its citizens.

The tenants (Deborah Brunn, Rachel Bailey and Christina Bailey) would like to open an indoor playground (RC's Playhouse, LLC) for children aged 12 and under. This would be a soft playground with padding on the equipment and the flooring. The playground will be a place where the children of Bastrop are able to go to get exercise while avoiding the extreme TX climate. This would also allow parents to be able to have their children play indoors in a safe and secure air-conditioned environment, while they are able to relax in on a cozy couch or at a table.

Tenants would ensure that all City of Bastrop rules and regulations are strictly adhered to and will work with the city building inspector and city fire inspector to ensure all codes are being upheld to the fullest degree. Tenants would like to state that the use for this building is harmonious and compatible with surrounding building structures and other tenants. In addition, tenants have confirmed that more than adequate parking is available within the strip center where building is located, since China Buffet uses the largest portion of parking and other buildings use very little parking. This will leave more than adequate parking for RC's Playhouse customers to come and visit. Furthermore, there are front and rear egress/ingress within the building that leads to public streets. At this time, we do not foresee any negative impact to the surrounding areas, and if any impact may come up in the future at any time, tenants will ensure it becomes mitigated immediately.

A little about us: Deborah is a military veteran (Air Force) and stay-at-home mom to an 18-month-old baby girl (Kira). Her husband is active duty Air Force and they are stationed in Pensacola, FL. Deborah will be taking care of the logistics and accounting for this company, as she has a Masters of Accountancy from the University of Denver - Daniels College of Business. Her mother, Rachel Bailey, and her aunt, Christina Bailey, will be running the company day-to-day. They have both been single moms for over 20 years each and raised some wonderful children and are now getting to enjoy the benefits of grandchildren. They also have more than 30 years customer service, sales and management experience combined. They both reside on 40 acres of land in Red Rock, TX with family.

We are looking forward to creating a wonderful environment for the younger children of Bastrop to come and play, all while getting good exercise and staying off of the electronics. We are truly excited about this opportunity and the ability to create this space and build a business. Thank you for your time and consideration in this matter.

#### Sincerely,

Deborah Danielle Brunn Christina Bailey Rachel Bailey Attachment 3

Notice of Pending Conditional Use Permit Approval City of Bastrop Planning & Zoning Commission And City Council

Dear Property Owner:



The Planning & Zoning Commission will conduct a meeting on Thursday, September 28, 2017 at 6:00 p.m. and the City Council will conduct a meeting Tuesday, October 10, 2017 at 6:30 p.m. in the City Hall Council Chambers located at 1311 Chestnut Street, Bastrop, Texas on the request for a Conditional Use Permit (CUP) to allow an Indoor Commercial Amusement use at 201 Hunters Crossing, for 1.269 acres, being Hunter's Crossing Section Two A, Lot 1, an area currently zoned Hx-C, Commercial.

Owner/Applicant:	Jack Lieberman/Deborah Brunn & Rachel Bailey
Address:	201 Hunters Crossing, for 1.269 acres, being Hunter's Crossing Section Two A, Lot 1
Legal Description:	1.269 acres of the Hunters Crossing PD

#### The site location map and a letter from the property owner is attached for reference.

As a property owner within 200 feet of the above referenced property, you are being notified of the upcoming meetings per the Bastrop Code of Ordinances CUP Regulations. For more information on this project, you can contact the Planning & Development offices at (512) 332-8840, plan@cityofbastrop.org, or visit the office at 1311 Chestnut Street, Bastrop, Texas.

For additional information, please visit or call the Planning & Development offices.

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As a property owner within 200': (please check one)

- I am in favor of the request.
- $\hfill\square$  I am opposed to the request.
- □ I have no objection to the request.

Property Owner Name: Chad E. Byler D. D. C. Property Address: 201 Hunters Crossing Blvd, STE Phone (optional): 512-308-9860 Mailing Address: Same 2,5 above	5 E16
Email (optional): Property Owner's Signature:	RECEIVED
Comments: (Optional)	SEP 19 2017
	By
Please provide reply to the address below, via fax (512) 332-8829, or e	email: plan@cityofbastrop.org

#### PLANNING & DEVELOPMENT

Notice of Pending Conditional Use Permit Approval City of Bastrop Planning & Zoning Commission And City Council



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Dear Property Owner:

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Owner/Applicant:	Jack Lieberman/Deborah Brunn & Rachel Bailey
Address:	201 Hunters Crossing, for 1.269 acres, being Hunter's Crossing Section Two A, Lot 1

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# ≫\_\_\_\_\_ 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.

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Property Owner Name: The CLEBUNH Property Address: 201 At white RS CRUT Phone (optional): 512-612-9400 Mailing Address: Email (optional): TAECA AMAN Property Owner's Signature.	SEP 1 2 2017
Comments: (Optional)	$\bigcirc$
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Please provide reply to the address below, via fax (512) 332-8829, or email: plan@cityofbastrop.org

PLANNING & DEVELOPMENT

1311 Chestnut Street • PO Box 427 • Bastrop, Texas 78602 • 512.332.8840 • www.cityofbastrop.org

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Owner/Applicant:	Jack Lieberman/Deborah Brunn & Rachel Bailey
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For additional information, please visit or call the Planning & Development offices.

# S PROPERTY OWNER'S RESPONSE

As a property owner within 200": (please check one)

I am in favor of the request.

□ J'am opposed to the request.

I have no objection to the request.

Property Owner Name: Goin' Postal - Mark Gray Property Address: 201 Auntors Crossing Phone (optional): <u>Sterio</u> Mailing Address: <u>Bastrop</u> , Tx-78602 Email (optional): <u>Bastrop</u> & gormostal com Property Owner's Signature: <u>Mark-R. Stan</u> Comments: (Optional)	RECEIVED SEP 27 2017 By
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Please provide reply to the address below, via fax (512) 332-8829, or email: plan@cityofbastrop.org

PLANNING & DEVELOPMENT

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Owner/Applicant:	Jack Lieberman/Deborah Brunn & Rachel Bailey
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#### PROPERTY OWNER'S RESPONSE

As a property owner within 200': (please check one)

- A I am in favor of the request.
- □ I am opposed to the request.
- □ I have no objection to the request.

Property Owner Name: Dom No L
Property Address: 201 HJUNERS CROSSING # 2
Phone (optional):
Mailing Address: P. O. Box 630 BASTROP TY 78602
Email (optional):
Property Owner's Signature: C. A.
Comments: (Optional)

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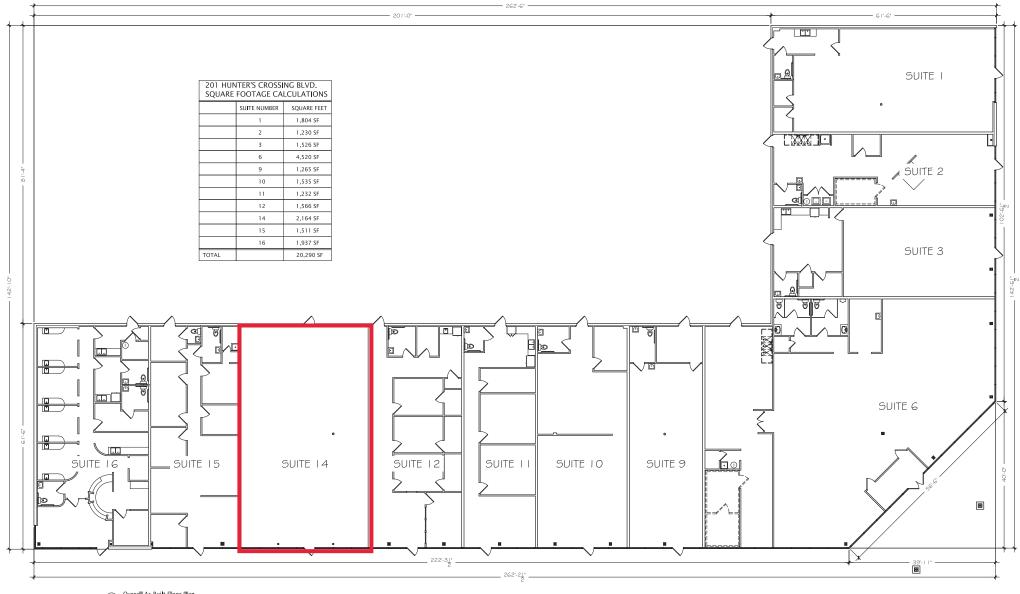
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# Attachment 4



Overall As-Built Floor Plan

Section 305 - Hx-C

The Hx-C Zoning District utilizes the City's Zoning Code C-1 zoning district and regulates all Commercial uses within the Hx-PD.

Section 305.1 - Uses

For the proposed commercial use or its accessory uses located on tract 10-A, the right of use shall commence only after Developers completion of construction of an eight foot (8') developer fence, located along the district boundary, to the extent such boundary is adjacent to that use. See illustration 305.1. Maintenance of such fence(s) shall be the responsibility of the Commercial Property Owner.

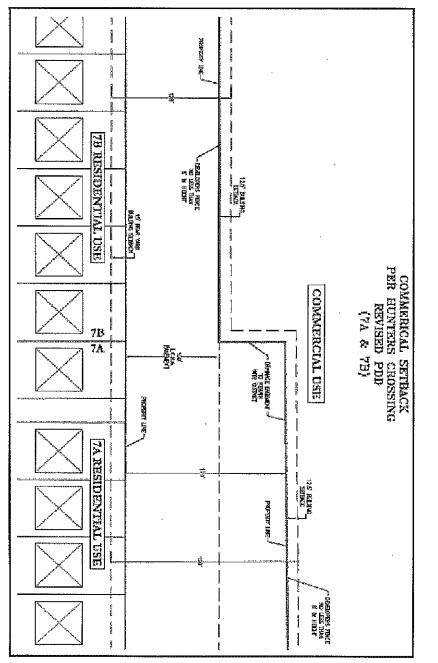


Illustration 305.1

The following uses are allowed by right in Hx-C

#### **Residential Uses**

Multifamily, Apartments and Condominiums (up to 25 units/acre) Bed & Breakfast Inns

#### **Recreation and Entertainment Uses**

Amusement Arcade Amusement Commercial (Indoor) – C\* Amusement Commercial (Outdoor) – C\* Day Camp for Children – C\* Golf Driving Range (Commercial) – C\* Health Club (Private) Park or Playground (Private, noncommercial) Roller or Ice Rink Swim, Tennis or Handball Court Theater, Cinema or Playhouse Brew Pub

#### Educational, Institutional and Special Uses

Art Gallery or Museum Assisted Living Facility Childcare Facility within a Church Childcare Facility / Day Care Facility Church, Rectory or Temple College or University Community Center Continuing Care Retirement Community Convent or Monastery Defensive Driving School Driving School Fraternal Organization, Lodge, Union Hall or Civic Club Hospital (acute care and chronic care) Institution of a Religious, Charitable or Philanthropic nature Kindergarten or Nursery school (private) Retirement Housing for the Elderly Schools -Defensive Driving School, Driving School, Private elementary, Private Secondary, Business, Commercial Trade, Federally funded Preschool, Public or Parochial Skilled Nursing Facility

#### **Transportation Related Uses**

Bus Station or Terminal – C\* Structured Parking Lot – C\* Tractor Sales, indoor sales only – C\*

#### Automobile Related Uses

Auto Accessory Installation (minor) Auto Financing and Leasing Auto Glass, Seat Cover, Upholstery, and Muffler shop Auto Car Wash Auto Car Wash Auto Parts and Accessory Sales (indoor) Auto Rental Auto Repair, Major and Minor Auto Service Station (with service bays and no convenience shopping) – C\* Boat Sales Motorcycle Sales/Repair New and Used Auto Sales (note used cars can only be sold in conjunction with a new-car dealership, no stand-alone used-car sales. Tire Dealership

#### Office and Professional

Accountant or Bookkeeping Office Architect's Office Armed Services Recruiting Brokerage Firm Dental Clinic, Lab or Office Financial Institutions, Automatic Teller Machines, and Drive-through Banking Medical Clinic, Lab or Office Minor Medical Emergency Clinic Mortgage & Loan Agency (does not include pawn shop or bail bonding agency) Offices, General Business and Professional Optician or Optometrist Real Estate Office

#### **Retail Uses**

Antique Shop (indoor sales only) Appliance Sales and Rental Art Supply Automated Laundromat (not commercial laundry) Bakery and Confectionery Shop (retail) Barber Shop / Hair Salon Book or Stationary Shop or Newsstand (no adult or X-rated content) Cell phone / Pager sales (indoor) Computer Sales Consignment Store (no outdoor display) Convenience Stores with Food & Beverage, Gasoline and (beer & wine sales if legally allowed by law) Copy Shop Coffee Shop Custom Personal Service Shop (no modeling studios, or unregistered massage studios)

Discount or Department Store Donut Shop Drapery, Needlework, or Weaving Shop Dry Cleaning & Laundry (retail) Drug Store or Pharmacy Florist Shop Food Store -Funeral Home or Mortuary – C\* Furniture Store, Home and Office Furnishings and Appliances Handcraft Shop or Art Objects Sales Hardware Shop or Store Hobby Shop Household Appliance Service or Repair Ice Cream or Yogurt Sales Internet Cafe (Internet access rental) Key & Safe Shop Laundromat (self service) Medical Appliances, Fitting, Sales or Rental **Off-Premise Sales Office** Pet Shop and Grooming Restaurant - Indoor Dining, Outdoor Dining, Drive-through, Drive-in, Cafeteria Restaurant - Indoor dining only, no drive-through part of a retail center Restaurant/eating place (carry out service only) Retail Shops - Apparel, Gifts, Accessories and Similar Items Security Systems Installation Company Silk Screening Studio or Tee Shirt Shop Studio for Decorator, Artist or Photographer Studio for Health and Reducing or Similar Service Studio for Music, Dance or Drama Temporary Outdoor Retail Sales for Commercial or Fundraising promotion Tool and Light Equipment Rental (indoor only) Travel Agent, Bureau or Travel Consultant Trophy Sales and Engraving Vacuum Cleaner Sales and Repair Variety Store or Similar Retail Outlet Veterinarian Hospital or Office (indoor pens only) Wallpaper, Flooring & Carpet Sales

#### **Commercial Type Uses**

Ambulance Service – C\* Commercial or Wholesale Bakery or Confectioner – C\* Book Binding (over 10,000 s.f.) Clothing Manufacturer Drapery or Furniture Upholstery Shop Furniture Manufacturing or Reconditioning – C\* Heating and Air-Conditioning Sales Hotels (no room limit) Laboratory Equipment Manufacturing (indoor only) – C\* Laboratory, Scientific or Research – C\* Light Manufacturing and Assembly (indoor only) – C\* Lithograph and Print Shop Maintenance and Repair Service for Buildings Motels (no room limit) (see Motels/ Hotels less than 75 rooms below) Motels/ Hotels (less than 75 rooms) Office Showroom (no outdoor storage) Office Warehouse (no outdoor storage) Plumbing Shop (no outdoor storage) Printing Company Taxidermist – C\*

#### Beer, Wine and Liquor Sales

Sale of wine and beer (with food sales more than 50% gross income) Sale of hard liquor with permit (with food sales more than 50% gross income) Package Liquor Sales Beer & wine sales from grocery or convenience store

#### Industrial Uses

Light Manufacturing or Industrial Use (indoor only) – C\* Low Risk Industrial Manufacturing (indoor only) – C\* Mini Warehouse – C\*

#### Accessory & Incidental Uses

Caretaker's or Guard's Residence Swimming Pool (Private) Tennis Courts, Public or Private (lighted or unlit) Parking Lot or Structured Parking Lot

#### Utility, Service and Other Uses

Government Uses Park and Ride Antenna, Transmission for TV, Cellular, Radio, Microwave (Commercial) Co-Generation Electric Plant Electric Substation Satellite Dishes (Commercial) (See screening requirements in Site Plan Section) Local Utility Lines and Public Utility Easements Municipal Buildings - Fire Station, Police Substation, Public Health Telephone Business Office, Switching or Relay Station, Transmitting Station Water Reservoir, Stand Pipe or Pumping Station Water Treatment Plant Sewage Pumping Station / Lift Station

\* The "C" designation shown above means use allowed only with conditional use permits, obtained in accordance with City of Bastrop Code of Ordinances Section 33. [Section 305.2 Reserved for future use]

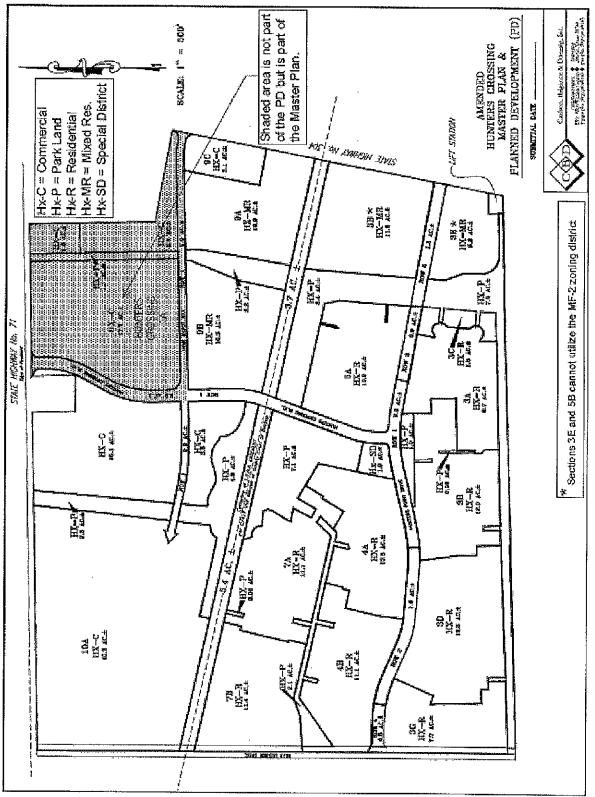
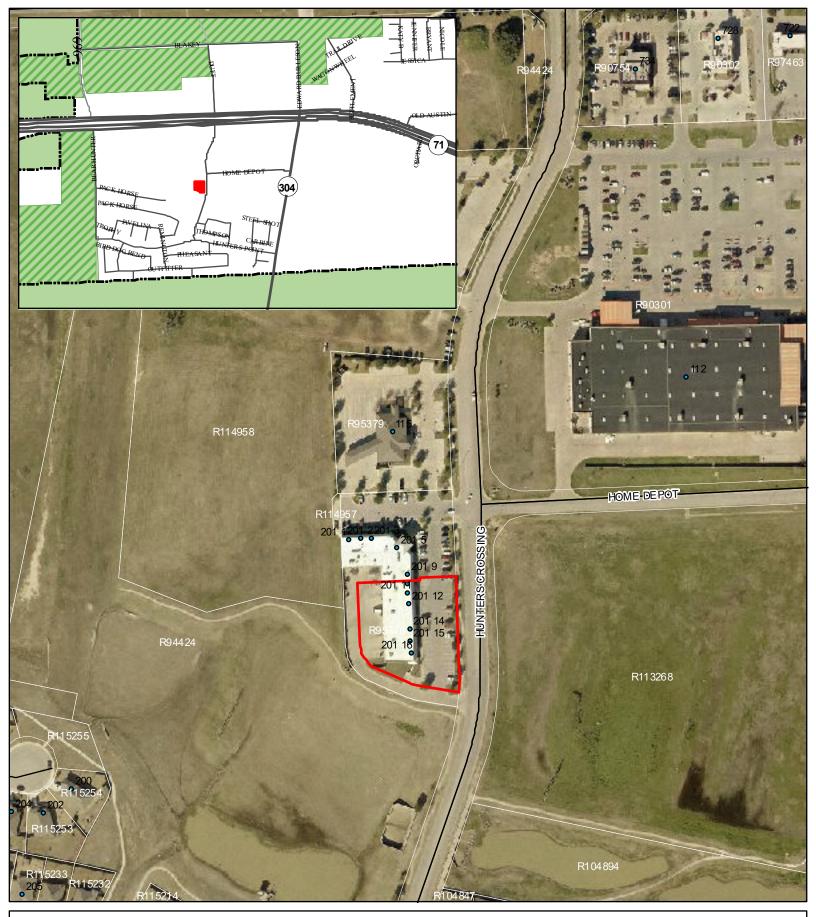


Illustration A-2





Property CityBoundary Non-Annex Areas (DAs)

ETJ Areas Statutory (1-mi) Area A Area B Attachment 6 Location Map Conditional Use Permit 201 Hunters Crossing Blvd Ste 14 R95378

1 inch = 200 feet

Date: 9/7/2017 The accuracy and precision of this cartographic data is limited and should be used for information planning purposes only. This data does not implace surveys conducted by registered Texas land surveyrs nor does it constitute an 'oficial' verification of zoning, land use dassification, or other dassification set forth in local, state, or federal regulatory processes. The City of Bastop, mor any of its employees, do not make any warrardy of merchantability and fitness of 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 mot infinge upon privately owned rights.