



AGENDA

PLANNING & ZONING COMMISSION

REGULAR MEETING

MONDAY, MAY 24, 2021, 6:30 P.M.

PUBLIC LIBRARY ANNEX (CIVIC CENTER)

404 NORTH MAIN STREET

1. CALL TO ORDER

2. PUBLIC COMMENTS FOR NON-AGENDA RELATED ITEMS

Individuals may request to speak on items not on the agenda. Speaker comments are limited to three (3) minutes and no formal action can be taken. All speakers must limit their comments to the specific subject matter noted on the "PUBLIC COMMENT FORM" and refrain from personal attacks or derogatory comments directed at any Commissioner, Staff, or others.

3. CONSENT AGENDA

All matters listed below are to be considered routine by the Commission and will be enacted in one motion. There will not be separate discussion on the items. If discussion is desired, that items can be removed from the consent agenda and will be considered separately as a new business item.

<!--[if !supportLists]-->1. Consider approval of the following Minutes:

3.1. March 22, 2021 Minutes.

Documents:

[MARCH 22, 2021 MINUTES.PDF](#)

4. NEW BUSINESS

- 4.I. Project #202100652: An Ordinance Amending The Official Zoning Map Of The City Of Elgin, Texas Adopted In Chapter 46, Section 46-3, Revised Code Of Ordinances City Of Elgin, Texas, 2012 And Making This Amendment A Part Of Said Official Zoning Map To Wit: To Rezone Land From "C-3" Highway Commercial District To "R-3" Single Family Dwelling District Located At 335 W. U.S. Hwy. 290 (A59 STANDIFER, ELIZABETH, ACRES 0.4800), Being More Described In Exhibit "A"; And Providing For A Savings Clause And Repealing Conflicting Ordinances And Resolutions.

Documents:

[REZONING COMBINED PACKET.PDF](#)

- 4.II. Project #202000119: An Ordinance Granting A Specific Use For The Continuation And Enlargement Of A Childcare Center At Property Located At 1512 And 1520 N. Ave. C (ELGIN WEST COUNTRYSIDE, LOT 10, ACRES 1.105 & LOT 11, ACRES 1.076), City Of Elgin, Texas, Being More Described In Exhibit "A", And Providing For A Savings Clause And Repealing Conflicting Ordinances And Resolutions.

Documents:

[SPECIFIC USE COMBINED PACKET.PDF](#)

5. ANNOUNCEMENTS

6. ADJOURNMENT

The Commission may adjourn the public meeting at any time during the meeting and convene in Executive Session pursuant to Chapter 551 of the Texas Government Code to discuss any matter as specifically listed on the agenda and/or as permitted by Chapter 551 of the Texas Government Code. The Commission will return to an open session for possible discussion and action as a result of the Executive Session.

Notice of Assistance at Public Meetings, the City of Elgin is committed to compliance with the Americans with Disabilities Act. Elgin City Hall and Council Chambers are wheelchair accessible and special marked parking is available. Persons with disabilities who plan to attend this meeting and who may need assistance are requested to contact the City Secretary's Office at (512) 281-5724. Please provide a forty-eight (48) hour notice when feasible.

Para informacion en espanol favor de llamar (512) 281-0119. Servicios de traduccion disponible en la reunion.

**MINUTES
CITY OF ELGIN PLANNING AND ZONING COMMISSION
REGULAR MEETING
MONDAY, MARCH 22, 2021**

CALL TO ORDER: The Chair called the meeting to order at 6:31 P.M. at the Library Annex (Civic Center) located at 404 N. Main St., Elgin, TX U.S.A.

COMMISSION PRESENT: Chair Antonio Prete, Vice-Chair Brian Lundgren, Jason Tatum, Dorothy McCarther, Ronnie Creppon, and David Lanford.

COMMISSION ABSENT: None.

STAFF PRESENT: David Harrell, Development Services Director; Melissa Lipiec, Secretary; Beau Perry, City Engineer.

CONSENT AGENDA

1. February 22, 2021 Minutes.

David Lanford moved that the Commission approve the consent agenda. Ronnie Creppon seconded the motion. The motion passed unanimously with a vote of six (6) for and zero (0) against.

PUBLIC COMMENT FOR NON-AGENDA RELATED ITEMS: No members of the public were present to speak on this item.

NEW BUSINESS

1. Project #: 202100518: A time extension for Caesar's Crossing approved concept plan located on a parcel of land known by the Travis County Appraisal District as Parcel 248209, located northwest of the intersection of Klaus Ln. and Western Sky Blvd.
 - A. Staff Presentation – David Harrell read the staff report into the record.
 - B. Applicant Presentation – Applicant declined to make presentation.
 - C. Open Public Hearing – The public hearing was opened at 6:36 P.M. with no members of the public in attendance to speak on the item.
 - D. Close Public Hearing – The public hearing was closed at 6:36 P.M.
 - E. Discussion – There was discussion regarding why Willow Sage Lane was not connected to Caesar's Crossing, Beau Perry indicated it was a determination between Westwind HOA and the City to draw traffic away from the subdivision.
 - F. Consideration – David Lanford moved that the Commission deny the item, motion died due to a lack of second. Jason Tatum made a motion to approve the item with the condition it only be extended one (1) year, this was seconded by Brian Lundgren. The motion passed on a vote of five (5) for and one (1) against.

NEW BUSINESS (Cont.)

2. An Ordinance amending Chapter 36, Subdivisions, Revised Code of Ordinances, City of Elgin, Texas and deleting in their entirety Sections 36.38 – 36.39. Repealing all other ordinances and parts of ordinances in conflict therewith; and providing a savings clause.

- A. Staff Presentation – David Harrell went through the details of each proposed Code change with the Commission. Discussion occurred throughout the presentation. There was discussion regarding certificate of completion versus letter of concurrence, as-builts versus record drawings, project engineer versus engineer of record, engineer of record versus developer. Also discussed was removal of as-built application requirements, administrative approval for changes to tree preservation plans after four (4) years, signature blocks, approval of City engineer for cost estimates.

David Harrell requested a recess; the Chair called a recess of the meeting at 7:12 P.M.

The Chair reconvened the meeting at 7:19 P.M.

Staff Presentation (cont.) – Continued discussion included the modification process to capital improvement program, development agreements, modification for criteria to TIA, addition of criteria for traffic on road systems, mail kiosks, modification, site development plan versus platting, addition of required modification to allow required minimum connectivity and exceptions, additional access management standards, signage for Municipal Utility Districts and Public Improvement Districts, modification to street light standards, and parkland modifications.

- B. Open Public Hearing – The public hearing was opened at 7:55 P.M. with no members of the public in attendance to speak on the item.
- C. Close Public Hearing – The public hearing was closed at 7:55 P.M.
- D. Discussion – Occurred in subsection A.
- E. Recommendation – Jason Tatum moved that the Commission recommend approval of the item to Council with the condition the changes discussed in the meeting are placed in the proposed code for recommendation to the Council, this was seconded by Ronnie Creppon. The motion passed unanimously by a vote of six (6) to zero (0).

ANNOUNCEMENTS

David Harrell announced that Gilbert Rangel had resigned from the Commission and a vacancy exists. He indicated to the Members that if they knew of anyone wanting to be on the Commission to send an application to the City Secretary. Mr. Prete indicated he knew of a gentleman that might be interested and would ask him to submit his application. Mr. Prete instructed staff to bring back lighting standards per Commission request. Beau Perry updated regarding placement of sidewalks and updating of utilities in City via a grant.

ADJOURNMENT

The meeting was adjourned at 8:03 P.M.

Antonio Prete, Chairman

ATTEST: _____
Melissa Lipiec, Secretary

On a motion by _____, seconded by _____

the foregoing instrument was passed and approved on this 24th day of May, 2021.



Development Service Department

STAFF REPORT

Rezoning from C-3 to R-3

Date: April 20, 2021

Applicant: Deyanita Rocha

Representative: SAME

Hearing Dates: Planning & Zoning Commission – May 24, 2021
City Council – June 1, 2021

Location: 335 W. Hwy. 290

APPLICATION SUMMARY

Recommendation of a rezoning of 0.48 acres of land located along the north side of U.S. Hwy 290 (a change to the official zoning map). The proposal is to change the zoning from C-3 Highway Commercial District to R-3 Single Family District.

DEPARTMENT COMMENTS

Presently a single-family dwelling unit exists on the property. The applicant desires to remove the present single-family dwelling unit and replace with another single-family dwelling unit. Under the current C-3 zoning, the new dwelling unit would not be allowed hence the rezoning to R-3 zoning.

STAFF ANALYSIS

In review of the Elgin Comprehensive Plan the parcel is located within the Commercial Land Use category. This category's primary land usage is commercial retail and office, lodging, and entertainment as supporting land uses (see attachment 3) according to the provided map and associated land use language. The proposed zoning category will allow for single family homes as a use by right. When seeking a rezoning, the Commission/Council should consider the uses that could occur on the land by rezoning to another zoning category. The rezoning from commercial to residential fundamentally changes the uses allowed on the land.

C-3 District (Current)	R-1 District (Proposed)
All 104 allowed commercial uses.	
	Detached single-family dwelling.
	Churches, but not including revival tents or arbors.
	Public school offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping.
	Public park and playground.
	Library.

	Growing of farm products.
	Municipal use
	Telephone exchanges.
	Home occupations.
	Transportation and utility easements, alleys and rights-of-way
	Accessory building which is not a part of a main building, including one private garage, or accessory building which is a part of a main building, including one private garage.

Below is a list of zoning standards for each zoning category, changes are highlighted in yellow between zoning categories:

	C-3 (exist. zoning)	R-3 (prop. zoning)
Height	50 feet.	2 stories or 35 feet
Front Setback	25 feet.	15 feet; garage at 25 feet
Side Setback	10 feet	7.5 feet for 1 story; 10 feet for more than 1 story
Rear Setback	10 feet if adjoining a dwelling district, otherwise 0 feet.	10 feet
Lot Width	None	60 feet
Lot Area	None	6,000 sq. ft.
Impervious Cover on Lot	None	45% interior; 50% corner.

Based on the information within the packet, staff has no issues or concerns regarding the proposal. The underlying land use is commercial, and the zoning would be residential which technically is not compatible regarding the comprehensive plan. However, the requested downzoning from commercial to residential is being initiated by the applicant (see attachments 1 & 3), consists of an area where one (1) home already exists (see attachment 2 & 3), is a small overall area of 0.48 acres which makes subdivision into more homes difficult (see attachment 1 & 2) due to size of the lot and potential costs to place subdivision improvements such as road and utilities.

ATTACHMENTS

Additional information is provided through attached exhibits.

1. Application
2. Ordinance
3. Staff Added Comprehensive Plan Exhibit 4.4
4. Staff Added Zoning Map

Attachment 1

Application

NON-PDD REZONING APPLICATION

Date: 3/24/2021

SITE INFORMATION

Project Address: 335 W. Hwy 290

Parcel Identification Number (if no address): _____

APPLICANT

Name: Deyanita Rocha

Postal Address: 335 W. Hwy 290
Elgin TX 78621

E-Mail Address: dnitagreen@gmail.com; Phone Number: 737-666-5495

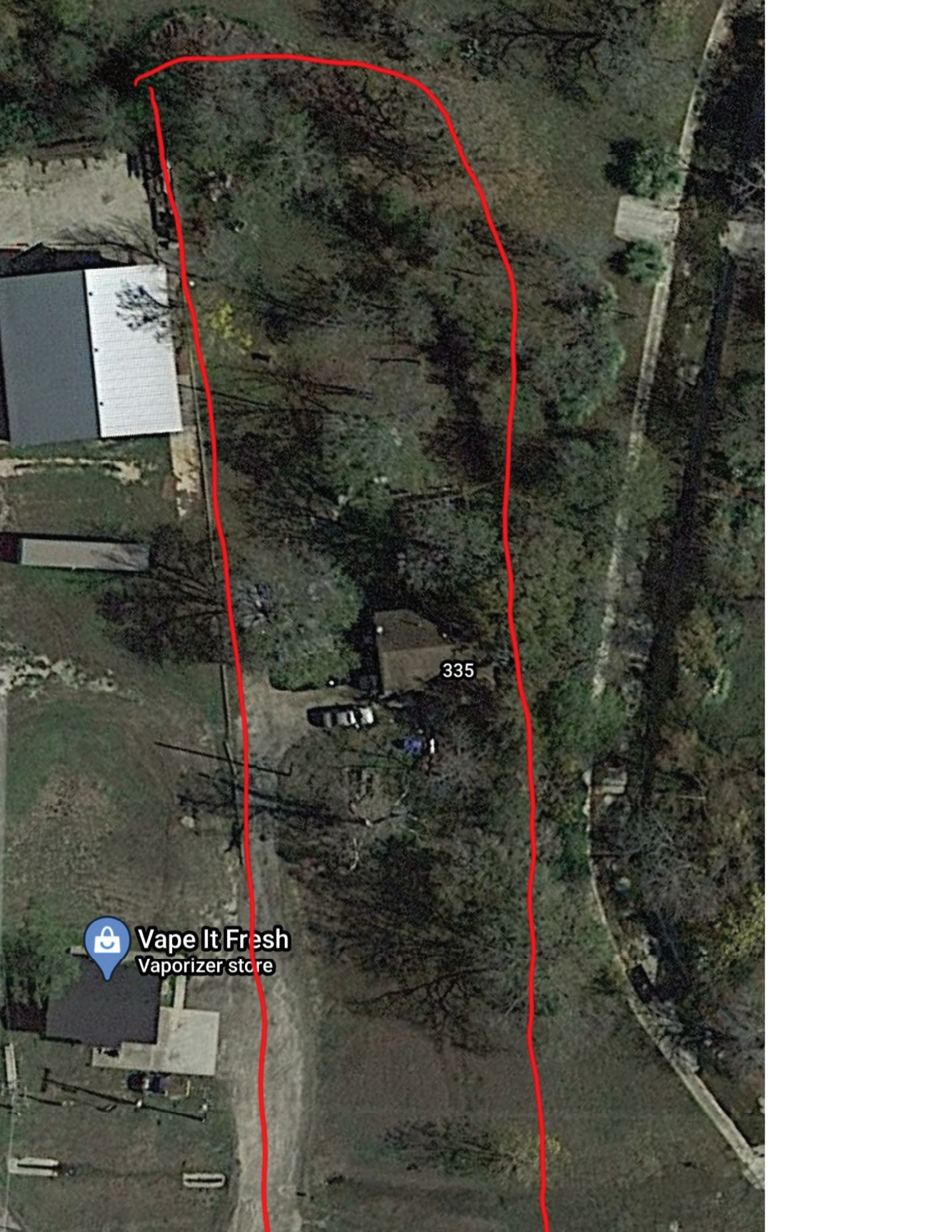
The information given on this application is accurate to the best of my knowledge. All provisions of laws and ordinances governing this work will be complied with, whether specified on this application or not.

<u>Deyanita Rocha</u>	<u>Deyanita Rocha</u>	<u>3/24/2021</u>
Signature	Printed Name	Date

Project Description:

I would like to request the zoning of this property from
C3 to be zoned to R3





335



Vape It Fresh
Vaporizer store

Attachment 2

Ordinance

ORDINANCE NO. 2021-06-01-??

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ELGIN, TEXAS ADOPTED IN CHAPTER 46, SECTION 46-3, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, 2013 AND MAKING THIS AMENDMENT A PART OF SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE AS R-3 SINGLE FAMILY DWELLING DISTRICT, THE PROPERTY BEING APPROXIMATELY 0.4800 ACRES OF LAND AND BEING DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

WHEREAS, an application has been made to the City Council of Elgin, Texas to amend the Official Zoning Map to rezone the property described in Exhibit "A" attached hereto and incorporated herein, from C-3 Highway Commercial District to R-3 Single Family Dwelling District, and

WHEREAS, the City Council has submitted the requested change in the Official Zoning Map to the Planning and Zoning Commission for its recommendation and report, and

WHEREAS, the Planning and Zoning Commission held a public hearing concerning the requested change on May 24, 2021, following lawful publication of the notice of said public hearing, and

WHEREAS, after considering the public testimony received at such hearing, the Planning and Zoning Commission has recommended that the Official Zoning Map be amended so that the zoning classification of the property described in Exhibit "A" is R-3 Single Family Dwelling District, and

WHEREAS, on June 1, 2021, after proper notification, the City Council held a public hearing on the requested zoning, and

WHEREAS, the City Council determines that the zoning provided for herein promote the health, safety, morals, and protects and preserves the general welfare of the community, and

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A, Texas Local Government Code, and Chapter 46, City of Elgin Ordinances, concerning public notices, hearings, and other procedural matters has been fully complied with, Now Therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ELGIN, TEXAS, THAT:

I.

The Official Zoning Map adopted in Chapter 46, Section 46-3, City of Elgin, Texas is hereby amended so that the zoning classification of the property described in Exhibit "A" is rezoned from C-3 Highway Dwelling District to R-3 Single Family Dwelling District.

II.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this Ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

READ, PASSED, and ADOPTED on first reading this the 1st day of June 2021.

Ron M. Ramirez, Mayor

ATTEST:

Amelia Sanchez, City Secretary

Exhibit "A"



4/15/2021, 9:45:55 AM

 Bastrop County Parcels

Legal – A59 STANDIFER, ELIZABETH, ACRES 0.4800

Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, TRC GIS, City of Elgin

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS user community | Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community | TRC GIS, Web AppBuilder for ArcGIS

Attachment 3

Staff Added Comprehensive Plan Exhibit 4.4



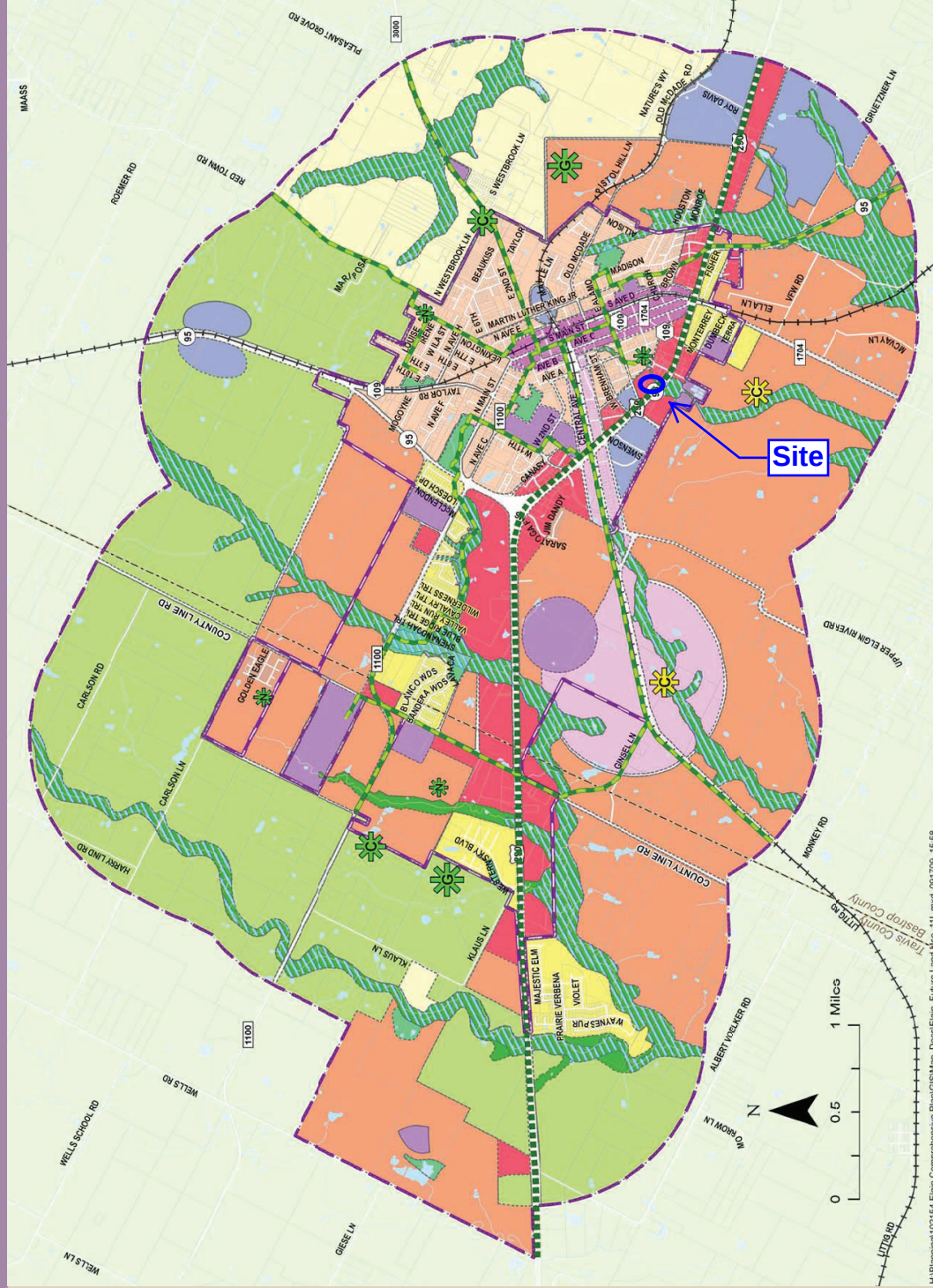
Exhibit 4.4: Future Land Use and Development Plan

- Parcel Boundary
- Elgin City Limits
- Elgin Planning Area

Future Land Use

- Natural Area
- Agriculture
- Low Density Residential
- Existing Single-Family Residential
- Traditional Neighborhood Residential
- Central Elgin Neighborhoods
- Mixed Use
- Main Street Elgin
- Commercial
- Light Industrial
- Institutional
- Parks and Recreation
- 100-Year Flood Plain
- Proposed Park from Parks Master Plan
- Proposed Park from WSA
- Proposed Trail from Parks Master Plan
- US 290 Corridor Greenscaping

Note: A Comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.



H:\Planning\102154-Elgin Comprehensive Plan\GIS\Map_Docs\Elgin_Future Land Use_11L.mxd 09/17/09 15:58
Source: Wilbur Smith Associates, Inc., 2009.



Commercial

General Description: With primary access along US 290 this area is intended to support local and regional businesses that rely on the visibility and access of a major roadway facility. Because highway access is paramount to this district, it is primarily auto-oriented in character and form. However, new commercial should be built to the street edge and provide parking in the back while providing for safe pedestrian access to connect retail uses with surrounding businesses and residential areas. This area is also an important gateway into Elgin and should be aesthetically appealing through the use of high-quality building materials, architectural guidelines, and landscaping requirements.

Transect Zone: Sub-Urban (T3)

Primary Land Use: Commercial retail

Supporting Land Uses: Office, lodging, and entertainment.

Residential Densities: N/A

Form and Character: This area supports large-scale, regional commercial retail, and office uses that require the visibility and accessibility of a major thoroughfare such as US 290. Though this area is by nature auto-oriented, pedestrian and bicycle access should be encouraged by providing safe and attractive bicycle and pedestrian connections between commercial establishments and into surrounding residential areas. Amenities such as bike racks should also be provided at retail and office buildings to accommodate bicycle access for employees and visitors. Buffering between surrounding uses should be accomplished through landscaping rather than fencing or other physical barriers that prohibit access from surrounding residential neighborhoods.

Past development in this area does not represent the character or quality of development that Elgin desires, and as a result, additional architectural standards should be enforced for all future developments along this corridor. Building setbacks should be consistent to maintain a uniform street wall with parking located at the side or back of commercial buildings. Aesthetic standards should include enhancements for landscaping, entrance signs, building form, building materials, and lighting. Access management strategies are also important in order to minimize conflict points and maintain the traffic flow of US 290.

Parks and Open Space: A landscaping or streetscaping treatment along US 290 is desired to improve the aesthetics of the corridor and potentially aid in managing driveway access. Floodplains and surrounding wooded areas should be kept in their natural state to provide a visual break in the commercial landscape.

Attachment 4
Staff Added Zoning Map

An aerial photograph overlaid with a zoning map. The map shows various colored zones: a large red area on the left, a yellow area at the top, and purple areas on the right and bottom. A blue-shaded area, labeled 'R-3 zoning' in a red box, is located in the center-left. Within this blue area, a specific lot is highlighted in a darker blue and labeled 'Site' in a blue box. A blue arrow points from the 'Site' label to the highlighted lot. The map includes several streets: Williams St running diagonally from the top left, W Alamo St running vertically on the left, and Highway 290 running diagonally from the bottom left towards the center. Highway 824 is also visible, running horizontally across the middle. The background is an aerial view of the land, showing buildings, trees, and roads.

Zoning

- | | |
|-----|--|
| R-2 | Single Family and Garage Apartment District |
| R-3 | Single Family, Two-Family and Industrialized |
| C-2 | General Commercial District |

-  C-3 Highway Commercial District
 I General Industrial District
 Bastrop County Parcels

C-2 General Commercial District

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community | Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community | Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community | Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

Web AppBuilder for ArcGIS

user community | Esri, HERE, Garmin, (c) OpenStreetMap contributors | TRC GIS,

user community | Esri, HERE, Garmin, (c) OpenStreetMap contributors | TRC GIS,



Development Services Department

STAFF REPORT

Application for Specific Use Permit

To allow continuation & enlargement of childcare center.

Date: April 20, 2021

Applicants: Jackie Mabry and James Mabry

Representative: SAME

Hearing Dates: Planning & Zoning Commission – May 24, 2021
City Council – June 1, 2021

Location: 1512 & 1520 N. Ave. C

APPLICATION SUMMARY

Recommendation of the Planning & Zoning Commission and consideration (action) for City Council of a Specific Use Permit to allow for the continuation of a childcare center at 1512 N. Ave. C. and the potential to enlarge the childcare use at 1520 N. Ave. C.

DEPARTMENT COMMENTS

Under Section 46-138 a childcare center must receive a specific use permit to be placed within this zoning district. The childcare use has existed at the 1512 N. Ave. C location since April 7, 2015 on a specific use that granted by the City Council. A condition of this approval was the life of the specific use was for a period of five (5) years. The applicant has filed a new application to renew the specific use for the 1512 N Ave. C site and expand to the western neighboring lot at 1520 N. Ave. C.

The applicant has provided a site plan for 1512. According to the Appraisal District there is a home that is 3,005 square feet in size. The applicant has provided a survey for 1520. According to the Appraisal District there is a home that is 1,832 square feet in size.

STAFF ANALYSIS

Staff has issues and concerns with only the expansion of the proposed childcare center on 1520 N. Ave. C. In review of the 10th edition of the ITE Trip Generation Manual a single-family home only generates 2.33 number of trips (1.34 AM & 0.99 PM) per household while a child (day) care generates 32.19 number of trips per 1,000 sq. ft of gross floor area (GFA) (21.07 AM & 11.12 PM). The expansion of the childcare facility will add trips onto a roadway system where additional residential development, such as the 272 lot Peppergrass development, is occurring and adding their trips (see attachments 3 & 4). This will result in more traffic onto N. Ave C.

The childcare use itself is commercial in nature and is allowed within any of our commercial zoning as a use by right. The underlying zoning is R-1 Single Family Dwelling District with other residential zoning in the immediate area (See attachment 3). Although a specific use was granted in 2015 for the 1512 N. Ave. C site, the expansion of the use onto 1520 N. Ave. C site would enlarge a commercial use (childcare center)

within a residential zoning district and in an area with residential zoning (See attachment 3). At a certain point it may become an over commercialization of the area.

The present commercial use (childcare center) at 1512 N. Ave. C is already existing and predates some of the newer residential development. Also, the number of trips is already impacting that area. None of this would change with extending the specific use for 1512 N. Ave. C., especially if a square footage maximum encompassing the buildings was placed on this lot as a condition of approval, if desired by the Commission or Council.

Originally the City Council imposed a five (5) year limit on the specific use. Staff has no issue or concern with a similar imposition of time on the applicant, if desired by the Commission or Council.

As part of that request the Commission/Council may pass any requirements, conditions, or safeguards as needed to protect adjacent property in accordance with Section 46-138, City Code.

Staff would suggest the following conditions if the Commission/Council decide to approve the project.

1. The 1512 N. Ave C. lot (ELGIN WEST COUNTRYSIDE LOT 11) is restricted to a maximum 3,005 square feet of gross floor area (GFA). GFA is defined as the amount of heated and cooled square footage of all total on-site buildings, and
2. The specific use is granted for a maximum five (5) years from the date of Council approval.
3. That the enlargement of the childcare center onto 1520 N Avenue C (ELGIN WEST COUNTRYSIDE, LOT 10) is not allowed under this approval.

ATTACHMENTS

Additional information is provided through attached exhibits.

1. Application.
2. Ordinance.
3. Staff added zoning map.
4. Applicant site plan and survey.

Attachment 1

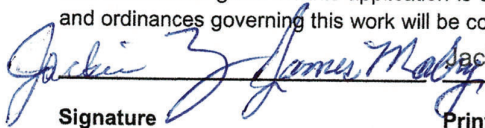
Application

SPECIFIC USE APPLICATIONDate: 10/6/2020**SITE INFORMATION**Project Address: 1512 N. Ave C, Elgin, TX 78621

Parcel Identification Number (if no address): _____

APPLICANTName: Jackie Mabry / James MabryPostal Address: 120 Mabry Lane, Elgin, TX 78621E-Mail Address: mabryjackie@ymail.com; Phone Number: 512-914-0965

The information given on this application is accurate to the best of my knowledge. All provisions of laws and ordinances governing this work will be complied with, whether specified on this application or not.

Jackie Mabry / James Mabry10/6/2020

Signature

Printed Name

Date

Project Description:

At this time, we want to renew our Specific Use permit. We would also like to add
the property next door, 1520 N. Ave C, just in case we decide to expand in the future.



310 North Main Street
P.O. Box 591
Elgin, Texas, 78621
(512) 281-0119



www.elgintx.com

Attachment 2

Ordinance

ORDINANCE NO. 2021-06-01-_____

AN ORDINANCE GRANTING A SPECIFIC USE PERMIT FOR THE CONTINUATION AND ENLARGEMENT OF A CHILDCARE CENTER AT PROPERTY LOCATED AT 1512 AND 1520 N. AVENUE C (ELGIN WEST COUNTRYSIDE, LOT 10, ACRES 1.105 & LOT 11, ACRES 1.076), CITY OF ELGIN, BASTROP COUNTY, TEXAS BEING MORE DISCRIBED IN EXHIBIT “A”; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

WHEREAS, an application has been made to the City Council of Elgin, Texas for a Specific Use Permit to allow for the continuation and enlargement of a childcare center at the property described in Exhibit “A” attached hereto and incorporated herein (“Property”); and

WHEREAS, the City Council has submitted the application to the Planning and Zoning Commission for its recommendation and report; and

WHEREAS, the Planning and Zoning Commission held a public hearing concerning the requested change on May 24, 2021, following lawful publication of the notice of said public hearing; and

WHEREAS, after considering the public testimony received at such hearing, the Planning and Zoning Commission has recommended approval with conditions of a specific use permit allowing for the continuation and enlargement of a childcare center at the property; and

WHEREAS, on the June 1, 2021, after proper notification, the City Council held a public hearing on the requested application, and

WHEREAS, the City Council determines that the Specific Use Permit provided for herein promote the health, safety, morals, and protects and preserves the general welfare of the community, and

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A, Texas Local Government Code, and Chapter 46, City of Elgin Ordinances, concerning public notices, hearings, and other procedural matters has been fully complied with,

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

I.

The facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim. The City Council hereby finds that this Ordinance implements the vision, goals and policies of the City of Elgin’s Comprehensive Plan and further finds that enactment of this Ordinance is not inconsistent with or in conflict with any other polices or provisions of the Comprehensive Plan and the City’s Code of Ordinances.

II.

The Zoning District for the Property shall remain R-1 Single Family District, and the Ordinance granting a Specific Use Permit for the specific use on the property of Child Care Center is hereby adopted with the conditions that (1) The 1512 N. Ave C. lot (ELGIN WEST COUNTRYSIDE LOT 11) is restricted to a maximum 3,005 square feet of gross floor area (GFA). GFA is defined as the amount of heated and cooled square footage of all total on-site buildings, and (2) the specific use is granted for a maximum five years from the date of Council approval, and (3) that the enlargement of the childcare center onto 1520 N Avenue C (ELGIN WEST COUNTRYSIDE, LOT 10, ACRES 1.105) is not allowed under this approval, this Ordinance is adopted.

III.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this Ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

READ, PASSED, and ADOPTED on first reading this the 1st day of June 2021.

Ron M. Ramirez, Mayor

ATTEST:

Amelia Sanchez, City Secretary

SE PRESENTS

11 acres of land out of the Jonathan Burleson Survey to me by deed recorded in Volume 279, Page 509 of the County Records of the County of Harrison, Missouri. I hereby subdivide said tract in accordance with the recommendations of the Missouri Department of Conservation, and the restrictions heretofore granted, to SECTION 1, PHASE 2, and do hereby dedicate to the public the same as shown hereon.

Day of *Heat* 1980, A.O.

24

a notary public in and for said county and state,
 Harry Akin, Trustee,
 known to me to
 be the foregoing instrument of writing, and
 in the same in such capacity as the act and deed for
 the same is expressed.

this the 14 day of June, 1980 A.D.

County, Texas

Judge, Bastrop County, Texas, do hereby certify that _____
1980, A.D. the Commissioners Court of _____
authorizing the filing for record of this plat that _____
the minutes of said Court in Book _____

Atrop County, Texas

day of APRIL, 1980 A.D. at 10 o'clock

County, Texas

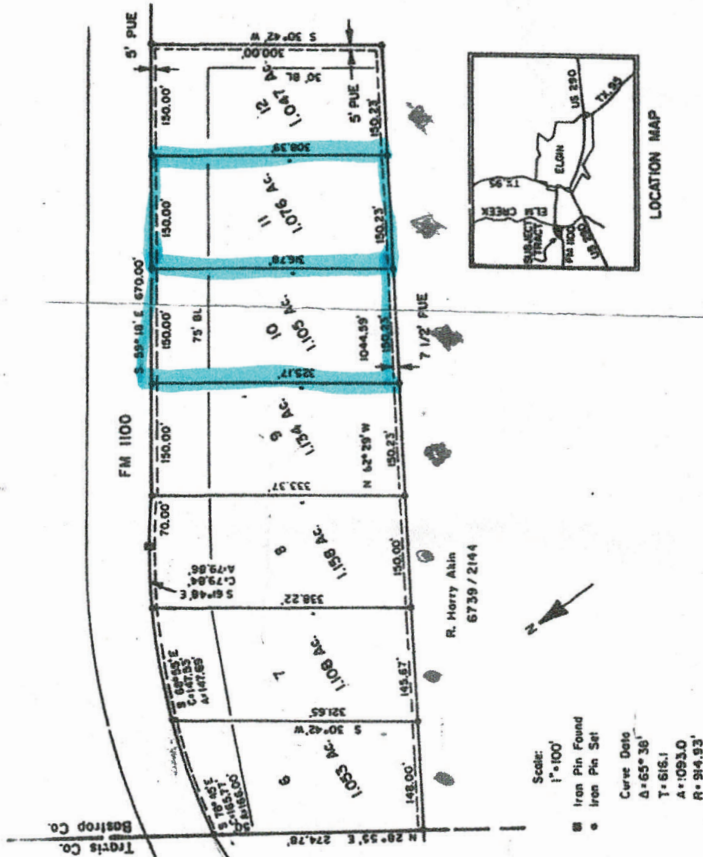
and for the County and State aforesaid, do hereby
 ment of writing with its certificate of
 my office on the 14 day of APRIL, 2009,
 recorded on the APRIL 14 2009,
 of said County in Plat Cabinet 1 Pages 178A
 the date last written above

July, Texas

Commissioners Court of Bastrop County, Texas, it is
reverts, reads or other public thoroughfares or any
need on such streets, roads, or other public
ity of the Owner and/or developer of the tract of
a subdivision road becomes a mail route and a
ity Road.

Easement Note:

A five (5') foot P.U.E. is reserved on all side lot lines where required extending from the back property line to within 50 feet of the front building line.



MC HOLFORD & CARSON 1001 W. Main, Suite 1000, Portland, Oregon 97201 Phone: 503-228-1111	
HUNTER ASSOCIATES, INC. CONSULTING ENGINEERS 3011 S. DALLAS, HOUSTON, TEXAS 77019	
Drawn By _____ C.A.J.	Designed By _____
Checked By _____ C.M.J.	Approved By _____
Job Number _____	L.C.N. _____
Sheet _____ of _____	Date _____ Mar. 1980

Attachment 3
Staff Added Zoning Map

Zoning Map



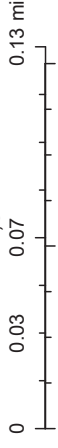
4/15/2021, 2:41:45 PM

Zoning

- R-1 Single Family
- R-3 Single Family, Two-Family and Industrialized Housing District
- PDD Planned Development District

- A Multiple Family Residential District
- C-1 Neighborhood Shopping District
- Travis County Parcels
- Bastrop County Parcels

1:4,514



Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, TRC GIS, City of Elgin

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS user community | Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community | Esri, HERE, Garmin, (c) OpenStreetMap contributors | TRC GIS, Web AppBuilder for ArcGIS

Attachment 4
Applicant Site Plan & Survey

1512 N. Ave C. Existing Site Plan

FM 1100

150'

1' [] = 10'

1512 N AVE C
Elgin, TX 78621

LOT 11

Parking

Grass

dumpster

Parking

House

PG

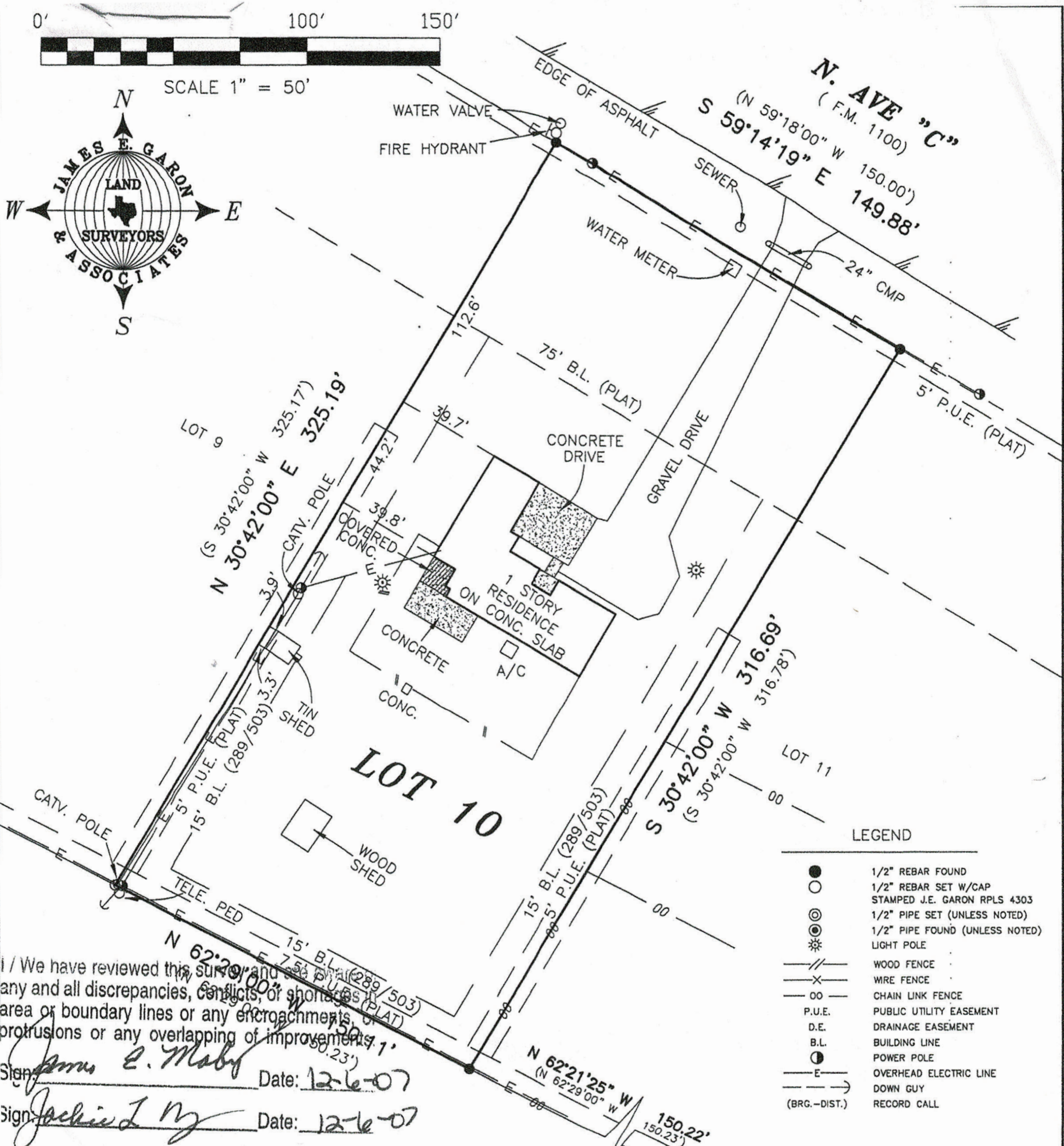
Deck

Club house
Porch

PG

PG
playground

Cresent Village



I / We have reviewed this survey and find it correct and all discrepancies, conflicts, or shortages in area or boundary lines or any encroachments, protrusions or any overlapping of improvements.

Sign: *James E. Maby* Date: *12-6-07*

Sign: *Jackie L. Ny* Date: *12-6-07*

- LEGEND
- 1/2" REBAR FOUND
 - 1/2" REBAR SET W/CAP
 - ⊙ STAMPED J.E. GARON RPLS 4303
 - ⊙ 1/2" PIPE SET (UNLESS NOTED)
 - ⊙ 1/2" PIPE FOUND (UNLESS NOTED)
 - ☼ LIGHT POLE
 - //— WOOD FENCE
 - X— WIRE FENCE
 - OO— CHAIN LINK FENCE
 - P.U.E.— PUBLIC UTILITY EASEMENT
 - D.E.— DRAINAGE EASEMENT
 - B.L.— BUILDING LINE
 - POWER POLE
 - E— OVERHEAD ELECTRIC LINE
 - >— DOWN GUY
 - (BRG.—DIST.) RECORD CALL

NOTE

THIS LOT IS SUBJECT TO:

1.) RESTRICTIVE COVENANTS OF RECORD AND ANY EASEMENTS RECORDED IN; CAB. 1, PG. 178A, PLAT RECORDS, VOL. 289, PG. 503, VOL. 301, PG. 130, VOL. 303, PG. 601, DEED RECORDS AND VOL. 527, PG. 404, OFFICIAL RECORDS OF BASTROP COUNTY, TEXAS.

THIS LOT IS NOT SUBJECT TO:

1.) CHANNEL EASEMENT GRANTED TO THE STATE OF TEXAS, RECORDED IN VOL. 140, PG. 491-492, AND IN VOL. 144, PG. 97, DEED RECORDS OF BASTROP COUNTY, TEXAS.

2.) ELECTRIC TRANSMISSION OR DISTRIBUTION LINE EASEMENT GRANTD TO TEXAS POWER & LIGHT COMPANY, RECORDED IN VOL. 99, PG. 316, AND VOL. 132, PG. 15, DEED RECORDS OF BASTROP COUNTY, TEXAS.

TO THE OWNERS, LIENHOLDERS AND BASTROP ABSTRACT COMPANY

I HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY DESCRIBED HEREON AND IS CORRECT, AND THAT THERE ARE NO DISCREPANCIES, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, EXCEPT AS SHOWN HEREON. AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY EXCEPT AS SHOWN

