



AGENDA

PLANNING & ZONING COMMISSION

REGULAR MEETING

MONDAY, SEPTEMBER 27, 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.I. July 26, 2021 Minutes

Documents:

[JULY 26 2021 MINUTES.PDF](#)

3.II. August 23, 2021 Minutes

Documents:

[AUGUST 23 2021 MINUTES.PDF](#)

3.III. August 30, 2021 Minutes

Documents:

[AUGUST 30 2021 MINUTES.PDF](#)

4. NEW BUSINESS

- 4.I. Project # 202100834: A Final Plat For "Cano Subdivision" Located On A Parcel Of Land Known By The Travis County Appraisal District As Parcel 248221, Located On The Eastside Of Klaus Ln. And South Of The Intersection Of Klaus Ln. And FM 1100 For A Total Of 9 Lots On 10 Acres Of Land.

Documents:

[CANO SUBDIVISION FINAL PLAT COMBINED PACKET.PDF](#)

- 4.II. Project # 202101536: 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 "R-2" Single Family & Duplex Dwelling District To "R-3" Single Family Dwelling District Located At 316 S. Avenue C (ELGIN CITY, DIV. 8, LOT 5B FR), Being More Described In Exhibit "A"; And Providing For A Savings Clause And Repealing Conflicting Ordinances And Resolutions.

Documents:

[316 S. AVE. C REZONING COMBINED PACKET.PDF](#)

- 4.III. Project # 202101587: 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 "A" Multiple Family Residential District Located On A Parcel Of Land Known By The Bastrop County Appraisal District As Parcel 111936, Located Along The Westside Of Roy Rivers Rd, South Of Lee Dildy Dr.. (ELGIN BUSINESS PARK III, BLK A, LOT 1, 6.0300), Being More Described In Exhibit "A"; And Providing For A Savings Clause And Repealing Conflicting Ordinances And Resolutions.

Documents:

[BCAD PARCEL 111936 REZONING COMBINED PACKET.PDF](#)

- 4.IV. Project # 202101606: An Ordinance Granting A Modification To An Already Approved Specific Use For A Medical Facility In Order To Remove A Condition That The Use Be Renewed In Five (5) Years On Property Located At 122 Fisher St. (0.484 ACRES OF

LAND AND 9.19 ACRES OF LAND, LYING IN AND BEING SITUATED OUT OF THE THOMAS GARRETSON SURVEY, ABSTRACT 178), City Of Elgin, Texas, Bastrop County, Texas, And Providing For A Savings Clause And Repealing Conflicting Ordinances And Resolutions.

Documents:

[122 FISHER ST SPECIFIC USE COMBINED PACKET.PDF](#)

- 4.V. Project # 202101525: An Ordinance Granting A Specific Use For A Medical Facility On Property Located At 124 Fisher St. (0.480 ACRES OF LAND, LYING IN AND BEING SITUATED OUT OF THE THOMAS GARRETSON SURVEY, ABSTRACT 178), City Of Elgin, Texas, Bastrop County, Texas, And Providing For A Savings Clause And Repealing Conflicting Ordinances And Resolutions.

Documents:

[124 FISHER ST. 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, JULY 26, 2021**

CALL TO ORDER – ROLL CALL: The Chair called the meeting to order at 6:30 P.M. at the Library Annex (Civic Center) located at 404 N. Main St., Elgin, TX U.S.A.

COMMISSION PRESENT: Chair Antonio Prete, Dorothy McCarther, Scott Mackay, Ronnie Creppon, and Jason Tatum

COMMISSION ABSENT: Vice-Chair Brian Lundgren and David Lanford.

STAFF PRESENT: David Harrell, Development Services Director; Melissa Lipiec, Secretary; Beau Perry, TRC Engineers (3rd Party City Engineer).

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

CONSENT AGENDA

1. June 28, 2021, Minutes.

Dorothy McCarther moved that the Commission approve the consent agenda, Jason Tatum seconded the motion. The motion passed unanimously with a vote of five (5) for and zero (0) against.

NEW BUSINESS

1. Project #: 202101220: A final plat for “Elm Creek North Phase 4” located on a parcel of land known by the Travis County Appraisal District as Parcel 922752, located adjacent to Phases 2 and 3 and along U.S. Hwy 290 for a total of 96 lots on 18.935 acres of land.
 - A. Staff Presentation – David Harrell conducted a power-point presentation of the staff report.
 - B. Applicant Presentation – Tim Holland, applicant, indicated he was present for any questions.
 - C. Open Public Hearing – The public hearing was opened at 6:35 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 6:35 P.M.
 - E. Discussion – There was no discussion from the Commission.
 - F. Consideration – Jason Tatum made a motion to approve the item, seconded by Dorothy McCarther. The motion passed unanimously by a vote of five (5) to zero (0).

NEW BUSINESS (Cont.)

2. Project #202101222: An ordinance granting a specific use for a medical facility on property located at 122 Fisher St. (0.484 ACRES OF LAND AND 9.19 ACRES OF LAND, LYING IN AND BEING SITUATED OUT OF THE THOMAS GARRETSON SURVEY, ABSTRACT 178), City of Elgin, Texas, Bastrop County, Texas, and providing for a savings clause and repealing conflicting ordinances and resolutions.
 - A. Staff Presentation – David Harrell conducted a power-point presentation of the staff report.
 - B. Applicant Presentation – Peter Piraino, one (1) of the applicants, offered comments concerning the history of the site, indicated they wanted to update the site, increase number of patients from thirty (30) to forty-six (46) which will require a new men's dorm, women's dorm, and dining hall, and eventually allow for a driveway onto State Highway 95.
 - C. Open Public Hearing – The public hearing was opened at 6:45 P.M. with one (1) member of the public in attendance to speak on the item.

Brenda Hernandez, 118 Fisher St., was present to see what was happening and inquire onto the current use of the site. No comments for or against given.
 - D. Close Public Hearing – The public hearing was closed at 6:48 P.M.
 - E. Discussion – There was discussion between Commission and City Staff regarding tracking of conditions, option of a five (5) year cap versus capping the square footage at 25,000 square feet of gross floor area, rezoning versus specific use. There was discussion between the Commission and the present applicant concerning the future construction on the site, future driveway access to State Highway 95.
 - F. Recommendation – Scott Mackay made a motion to recommend approval the item with the condition that the specific use be renewed in five (5) years, seconded by Jason Tatum. The motion passed unanimously with a vote of five (5) to zero (0).

WORKSHOP

The Chair turned the discussion over to the Development Services Director in which he introduced opening of the items. The Development Services Director asked for a momentary recess to allow time to set up the workshop exhibits. The Chair allowed for this recess starting at 6:59 P.M.

The Chair called the meeting back to Order at the dais at 7:03 P.M.

1. Review, discuss, and provide input for future PDD rezoning for Stone Creek Ranch Development. Mr. Harrell provided general information associated with the request. Mr. Perry indicated the intent of the workshop was to take their concerns, input, and questions and place them with City Staff comments, and send them to the developer to address. The applicant either accept them and makes the changes or they do not accept them and they do not make the changes.

WORKSHOP (cont.)

The Commission moved from the dais to a table in the meeting room where the items were located, and the meeting was conducted from this location for the remaining time. The City Engineer and Development Services Director also joined the Commission at the table.

The Chair brought up a question to City Staff (Staff) regarding why a non PDD zoning couldn't be used as to which Staff indicated the site has a combination of buildings for one (1) to three (3) units. Staff indicated the entire site is to be private driveways with no public roadways. Staff indicated the Parks and Recreation Advisory Board wanted the parkland fees over public parkland, more landscaping, and recommended interconnectivity to the Elgin High School.

Staff and the Commission discussed potential management association of common areas, guest parking, dwelling unit parking, acceleration/deceleration lanes on FM 1100, traffic impact analysis, traffic inside development, utilities, drainage, widening of County Line Road, reconfiguration of intersection of County Line Road and FM 1100, neighboring zoning, code enforcement, affordable housing, potential driveway to high school from FM 1100 and the development connection to this driveway, and public use of private parkland

Individual members expressed the desire to have the greenspace and interconnect it with other greenspaces to make a permanent linear park.

2. Review, discuss, and provide input for future PDD rezoning for Eagles Landing Phase III & IV Development.

The Development Services Director provided general information associated with the request. Mr. Perry indicated the intent of the workshop was to take their concerns, input, and questions and place them with Staff comments, and send them to the developer to address. The applicant either accept them and makes the changes or they do not accept them, and they do not make the changes.

The City Engineer indicated there is still a lot of work that needs to be completed with the PDD. Staff and the Commission discussed the development history of Eagles Landing, parking on lots, alleys, sidewalks, size of streets, affordable housing, cost participation for County Line Rd., phases for County Line Rd. enlargement, dedication of reserved right-of-way on Carlson Ln., neighboring Harvest Ridge Subdivision development pattern.

Individual members expressed their concern for the small lots.

3. Review, discuss, and provide input for future PDD rezoning for Creek's Crossing Development.
Mr. Harrell provided general information associated with the request. Mr. Perry indicated the intent of the workshop was to take their concerns, input, and questions and place them with Staff comments, and send them to the developer to address. The applicant either accept them and makes the changes or they do not accept them and they do not make the changes.

WORKSHOP (cont.)

Staff and Commission discussed the lot sizes, layout of Klaus Ln., potential for an arterial roadway in the development, connection to Western Sky Blvd., limitation of extending Western Sky Blvd. to the north, original two (2) year extension of previous approved preliminary plat, annexation into City limits, original idea of PDD to allow for deviations to City standards and concessions, discussion with HOA to flip access to smaller roadway at top of Westwind Subdivision, length of blocks,

Individual members expressed their concern for the small lots and to allow for the connection of the three (3) stub outs roadways in Westwind Subdivision to the new developments. Staff expressed concerns that allowing the two (2) western stub outs on Willow Sage Ln. and Crestwind Ln. in the Westwind Subdivision to be opened, instead of the one (1) stub out on Willow Sage Ln., could compromise the project as the new arterial roadway through Creeks Crossing will require Westwind HOA to give land to the developer for the system.

4. Review, discuss, and provide input for future PDD rezoning for Nana's House Development.

Mr. Harrell provided general information associated with the request. Mr. Perry indicated the intent of the workshop was to take their concerns, input, and questions and place them with Staff comments, and send them to the developer to address. The applicant either accept them and makes the changes or they do not accept them and they do not make the changes.

The City Engineer indicated the sidewalk as shown on the PDD plan will need to be moved back as the City wants to enlarge Central Ave. Staff and Commission discussed medical access to the site, sidewalks, alleys, commercial uses, utilities, drainage, detention pond, and site development plans.

There were no individual members that expressed concerns.

ANNOUNCEMENTS

David Harrell announced that there will be a rezoning and preliminary plat extension for next month's agenda.

ADJOURNMENT

The meeting was adjourned by the Chair at 8:34 P.M.

Antonio Prete, Chairman

ATTEST: _____
Melissa Lipiec, Secretary

On a motion by _____, seconded by _____

the foregoing instrument was passed and approved on this 27th day of September 2021.

MINUTES
CITY OF ELGIN PLANNING AND ZONING COMMISSION
REGULAR MEETING
MONDAY, AUGUST 23, 2021

CALL TO ORDER – ROLL CALL: The Chair called the meeting to order at 6:30 P.M. at the Library Annex (Civic Center) located at 404 N. Main St., Elgin, TX U.S.A.

COMMISSION PRESENT: Chair Antonio Prete, Ronnie Creppon, Jason Tatum, and David Lanford.

COMMISSION ABSENT: Vice-Chair Brian Lundgren, Dorothy McCarther, & Scott Mackay.

STAFF PRESENT: David Harrell, Development Services Director; Melissa Lipiec, Secretary

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

NEW BUSINESS

1. Project #: 202101477: A time extension for “Brickston Phase 1” approved preliminary plat located on a parcel of land known by the Travis County Appraisal District as Parcel 248187, located at the intersection of Albert Voelker Rd and U.S. Highway 290, on the northside of U.S. Highway 290.
 - A. Staff Presentation – David Harrell conducted a power-point presentation of the staff report.
 - B. Applicant Presentation – Chris Reed, applicant, indicated he was present for any questions.
 - 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 – Jason Tatum asked City Staff why they weren’t concerned with the extension. Staff indicated they didn’t see any issues as it was approved before and it is a modern type subdivision with multiple agreements. These agreements control how the subdivision is developed and the extension won’t be an issue because of these controls. Also, Staff indicated the historical perspective the Commission has approved some of these developments. David Lanford indicated that it’s almost useless to grant the extension earlier than normal. Ronnie Creppon indicated they are here now it makes since to grant it.
 - F. Consideration – Ronnie Creppon made a motion to approve the item with the condition it be for one (1) year with expiration in September 2023, seconded by Jason Tatum. The motion passed unanimously by a vote of four (4) to zero (0).

NEW BUSINESS (Cont.)

2. Project #202101422: 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 land from “R-2” Single Family and Duplex Dwelling District” to “C-2” General Commercial District located at 301 S. Main St (AWAD ADDITION, LOT 2, ACRES 0.332), being more described in Exhibit “A”; and providing for a savings clause and repealing conflicting ordinances and resolutions.

- A. Staff Presentation – David Harrell conducted a power-point presentation of the staff report.

- B. Applicant Presentation – No applicant was present.

- C. Open Public Hearing – The public hearing was opened at 6:42 P.M. with two (2) members of the public in attendance to speak on the item.

Rick Wallen, 309 & 311 S. Main St., spoke in favor of the rezoning.

Deborah Schagen, 304 S. Main St., expressed concerns about parking, however the Chair advised her we are only talking about zoning and land use. The Chair indicated they are using the site as is today with no expansions planned and it is just a cleanup of the zoning. Staff provided information relating to the noticing requirements and that only this site is being rezoned. No comments given for or against the item.

- D. Close Public Hearing – The public hearing was closed at 6:52 P.M.

- E. Discussion – There was no discussion of the item.

- F. Recommendation – David Lanford made a motion to recommend approval the item, seconded by Ronnie Creppon. The motion passed unanimously by a vote of four (4) to zero (0).

WORKSHOP

1. Review and discuss TXDOT realignment of FM 1100 intersection with County Line Road.
2. Review and discuss TXDOT improvements to FM 1100 from SR 95 to County Line Road
3. Review, discuss, and provide input for future PDD rezoning for Larson Tract.

The Chair indicated that City Staff had let him know the City Engineer is not here and he needs to be present for these updates. The Development Services Director asked for a special meeting to be held on August 30, 2021, at 6:30 P.M. at the Library Annex (Civic Center) located at 404 N. Main St., Elgin, TX U.S.A. to hear the workshop items. Jason Tatum made a motion to table the items until Monday, August 30, 2021, at 6:30 P.M., seconded by Ronnie Creppon. The motion passed unanimously by a vote of four (4) to zero (0).

ANNOUNCEMENTS

None.

ADJOURNMENT

The meeting was adjourned by the Chair at 6:56 P.M.

Antonio Prete, Chairman

ATTEST: _____
Melissa Lipiec, Secretary

On a motion by _____, seconded by _____

the foregoing instrument was passed and approved on this 27^h day of September 2021.

MINUTES
CITY OF ELGIN PLANNING AND ZONING COMMISSION
SPECIAL MEETING
MONDAY, AUGUST 30, 2021

CALL TO ORDER – ROLL CALL: The Chair called the meeting to order at 6:30 P.M. at the Library Annex (Civic Center) located at 404 N. Main St., Elgin, TX U.S.A.

COMMISSION PRESENT: Chair Antonio Prete, Scott Mackay, Ronnie Creppon, David Lanford and Jason Tatum (arrived at 6:34 P.M.).

COMMISSION ABSENT: Vice-Chair Brian Lundgren & Dorothy McCarther.

STAFF PRESENT: David Harrell, Development Services Director; Beau Perry & Derek Klenke, TRC Engineers (3rd Party City Engineers).

WORKSHOP

The Chair opened all the workshop meeting items at the same time and the Commission moved from the dais to around a set of tables.

1. Review and discuss TXDOT realignment of FM 1100 intersection with County Line Road.
The Development Services Director offered general information per the staff report. City Engineer Beau Perry provided a large-scale map which showed the Phase 3 Preliminary Plan from the Texas Dept. of Transportation and provided generalized information to the Commission.
2. Review and discuss TXDOT improvements to FM 1100 from SR 95 to County Line Road.
The Development Services Director offered general information per the staff report. City Engineer Beau Perry provided a large-scale map which showed the Preliminary Plan from the Texas Dept. of Transportation and provided generalized information to the Commission.
3. Review, discuss, and provide input for future PDD rezoning for Larson Tract.
The Development Services Director offered general information per the staff report. City Engineer Beau Perry provided a large-scale map of all the existing and proposed developments along County Line Road and FM 1100 area. The City Engineer indicated a major north-south road will need to be completed that will tie into Harvest Ridge.

City Staff and the Commission discussed what the neighboring developments of Harvest Ridge and Peppergrass are doing in relation to this proposed development, benefits to the City of allowing smaller lots, greenbelt, trails, lots of different sizes in development, multifamily versus single family development, school concessions, and neighboring communities development.

Individual members expressed their concern for small lots. If we were going to allow for them what is the tangible benefit to the loosening of zoning requirements to allow for smaller lots. Some individual members desire to keep this development to R-3 lot size standard.

ADJOURNMENT

The meeting was adjourned by the Chair at 8:02 P.M.

Antonio Prete, Chairman

ATTEST: _____
Melissa Lipiec, Secretary

On a motion by _____, seconded by _____

the foregoing instrument was passed and approved on this 27^h day of September 2021.



Development Services Department

STAFF REPORT

Cano Subdivision Final Plat

File Number: 202100834

Date: September 15, 2021

Applicant: Mario Cano

Representative: SAME

Hearing Dates: Planning & Zoning Commission – September 27, 2021

Location: TCAD Parcel 248221; located on the eastside of Klaus Ln. and south of the intersection of Klaus Ln. and FM 1100.

APPLICATION SUMMARY

Consideration of a final plat for Cano Subdivision which consists of 9 lots (8 single family lots and 1 right-of-way lot) within 1 block.

DEPARTMENT COMMENTS

A preliminary plat for Cano Subdivision was approved several years ago. In review of the proposed final plat, it matches the approved preliminary plat. This plat is within the City's ETJ, and the applicant will be also seeking approval from the Travis County Commissioners as well. This approval should occur after approval by the Commission.

STAFF ANALYSIS

Based on the information provided by the applicant which is included with the packet, staff believes there are no issues or concerns with approving the request. The Commission may approve, approve with conditions, or deny the request.

ATTACHMENTS

Additional information is provided through attached exhibits.

1. Application.
2. Approved Preliminary Plat.
3. Proposed Final Plat.

Attachment 1

Application

FINAL PLAT APPLICATION

Date: _____

SITE INFORMATION

Project Address: 14201 Klaus Ln, Elgin, TX

Parcel Identification Number (if no address): 14021 Klaus Ln

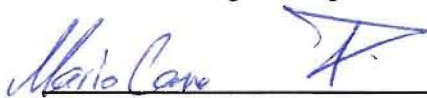
APPLICANT

Name: Mario A. Cano

Postal Address: 1305 Terrace View Dr
Cedar Park, TX 78613

E-Mail Address: mario@heavyroadway.com; Phone Number: (512) 567-8710

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.



Mario A. Cano

03/23/21

Signature

Printed Name

Date

Project Description:

A 10-acre tract being subdivided eight single-family residential lots with a 920 linear feet
private street, water (Jonah Water), Individual OSSF and drainage improvements.



310 North Main Street
P.O. Box 591
Elgin, Texas, 78621



(512) 281-5724



www.elgintx.com

Attachment 2
Approved Preliminary Plat

STATE OF TEXAS:
COUNTY OF TRAVIS:

KNOW ALL MEN BY THESE PRESENTS:

THAT MARIO ALCANTARA CANO BEING THE OWNERS OF THAT CERTAIN 10,000 ACRE TRACT OF LAND OUT THE WILLIAM HINES SURVEY NO. 53, IN TRAVIS COUNTY, TEXAS, AS CONVEYED BY DEED RECORDED IN DOCUMENT NO. 2016118831 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, DOES HEREBY SUBDIVIDE 10,000 ACRES OF LAND IN ACCORDANCE WITH THE ATTACHED MAP OR PLAT SHOWN HEREON, PURSUANT TO CHAPTER 212 OF THE TEXAS LOCAL GOVERNMENT CODE, TO BE KNOWN AS:

PRELIMINARY PLAT OF:

AND DO HEREBY DEDICATE TO THE PUBLIC, THE USE OF THE STREETS AND EASEMENTS SHOWN HEREON, SUBJECT TO ANY EASEMENTS AND/OR RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED.

DATE:

STATE OF TEXAS:
COUNTY OF TRAVIS:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED MARIO ALCANTARA CANO KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND I THEREIN ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE CAPACITY THEREIN STATED FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE _____ DAY OF _____, 20____.

NOTARY PUBLIC FOR THE STATE OF TEXAS

(NAME: _____)

MY COMMISSION EXPIRES:

IGLESIA DE LA GRACIA
DE AUSTIN
10.00 AC.

DOC. 2016089279

SURVEYOR'S CERTIFICATE

I, HERMAN CRICHTON, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THIS PLAT COMPLIES BOTH THE SURVEYING RELATED PORTIONS OF CHAPTER 25 OF THE AUSTIN CITY CODE OF 1988 AS AMENDED, IS TRUE AND CORRECT, AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR MADE UNDER MY SUPERVISION IN AUGUST OF 2016



HERMAN CRICHTON, R.P.L.S. 4046
SURVEYING BY:
CRICHTON AND ASSOCIATES

TBLS Firm # 101727-00
6448 East Highway 290
Suite B105
Austin, Texas 78723
(512) 244-3395
Orders@CrichtonandAssociates.com

ENGINEER'S CERTIFICATION

I JAVIER BARAJAS, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF ENGINEERING, AND HEREBY CERTIFY THAT IT IS FEASIBLE FROM AN ENGINEERING STANDPOINT AND COMPLIES WITH THE ENGINEERING RELATED PORTIONS OF THE CITY OF ELGIN, TEXAS SUBDIVISION ORDINANCE, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

NO PORTION OF THIS TRACT IS WITHIN THE DESIGNATED FLOOD HAZARD AREA AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) 48453C0510H, TRAVIS COUNTY, TEXAS, DATED SEPTEMBER 26, 2008.

LANDMARK ENGINEERING, INC.
JAVIER BARAJAS, P.E., LIC. 99998
5811 BLUE BLUFF ROAD
AUSTIN, TEXAS 78724
PHONE: (512) 913-5080
FAX: (512) 628-3528

DATE:

THIS PRELIMINARY PLAT CONFORMS TO THE ADOPTED CONCEPT PLAN

CURVE TABLE				
CURVE	LENGTH	RADIUS	BEARING	CHORD
C1	53.40	35.00	N70°39'42"E	48.37
C2	21.78	25.00	N40°54'51"W	21.10
C3	114.86	60.00	S70°47'32"E	98.11
C4	114.86	60.00	N60°28'20"W	98.11
C5	21.68	35.00	N89°31'41"E	21.00
C6	56.56	35.00	N19°20'18"W	51.69

SUMMARY TABLE
TOTAL ACREAGE = 10.0000 ACRES

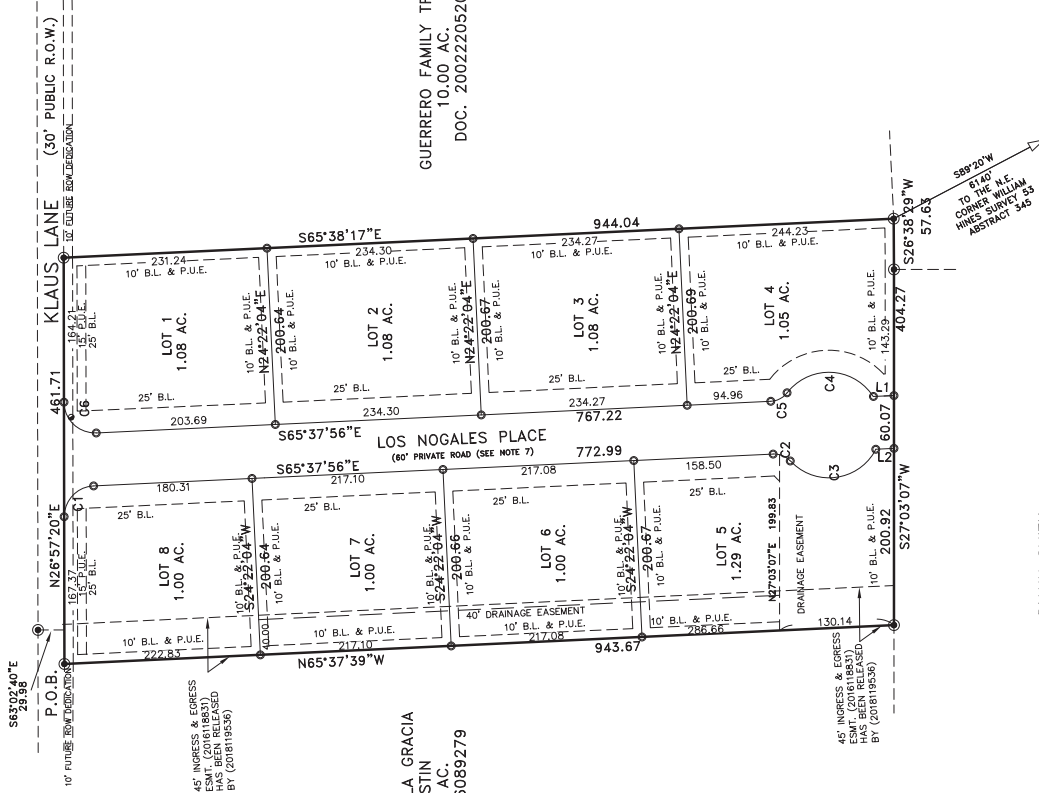
TOTAL NO. OF BLOCKS = N/A
TOTAL AREA OF LOTS = 8.58 ACRES
ALL LOTS ARE AT LEAST 43,560 SQ. FT.
ALL LOTS ARE DESIGNATED R1
TOTAL AREA OF PROPOSED R.O.W. = 1.4

PRELIMINARY PLAT OF
CANO SUBDIVISION

COVEY INTERESTS ONE LLC

60.58 ACRES

DOC. 2016140690



DIANN SMITH

32.00 AC. 628
VOL 7581 PG

JAME BETHKE
63.987 AC.
VOL. 6472 PG. 1974

DATE	REVISIONS
10/13/17	ADDRESSED COMMENTS
11/03/17	ADDRESSED COMMENTS
12/08/17	ADDED FUTURE ROW
01/16/18	ADDRESSED COMMENTS
08/28/18	ADDRESSED COMMENTS

LINE TABLE		
LINE	LENGTH	BEARING
L1	23.51	N65°37'56"W
L2	20.69	S65°37'56"E

DATE: SEPT. 22, 2017	CASE NO.
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JOB NO.

JOB NO.	16 229
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PAGE 1 OF 2

PRELIMINARY PLAT OF
CANO SUBDIVISION

GENERAL NOTES:

- 1) A TEN (10) FEET WIDE EASEMENT FOR PUBLIC UTILITIES IS HEREBY ASSIGNED ALONG ALL RIGHTS-OF-WAY DEDICATED BY THIS PLAT.
- 2) THIS TRACT LIES WITHIN ZONE X, AREAS OUTSIDE, THE 500-YEAR FLOOD PLAIN, AS SHOWN ON COMMUNITY PANEL NUMBER 48453 C 0510 H, OF THE FLOOD INSURANCE RATE MAP PREPARED FOR TRAVIS COUNTY BY THE FEDERAL INSURANCE ADMINISTRATION DEPARTMENT, H.U.D. ON SEPT. 26, 2008.
- 3) SETBACKS SHALL COMPLY WITH THE CITY'S ZONING ORDINANCE.
- 4) ALL LOTS ARE SINGLE-FAMILY RESIDENTIAL USE.
- 5) THE ESTIMATED AVERAGE RANGE OF LOT SIZES ARE 57,489 SQUARE FEET.
- 6) DRAINAGE AND DETENTION PONDS ARE OWNER RESPONSIBILITY
- 7) THE PRIVATE ROAD SHOWN HEREON IS RESERVED EXCLUSIVELY FOR THE LOTS SHOWN HEREON AND A 52.00 ACRE TRACT CONVEYED TO DIANE SMITH BY DEED RECORDED IN VOL. 7581, PG. 628, DEED RECORDS, TRAVIS COUNTY, TEXAS.

TRAVIS COUNTY ON-SITE WASTEWATER PROGRAM PLAT NOTES:

1. NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PUBLIC SEWER SYSTEM OR A PRIVATE ON-SITE WASTEWATER (SEPTIC) SYSTEM THAT HAS BEEN APPROVED AND LICENSED FOR OPERATION BY THE TRAVIS COUNTY ON-SITE WASTEWATER PROGRAM.
2. THIS SUBDIVISION IS SUBJECT TO ALL THE TERMS AND CONDITIONS OF CHAPTER 48, TRAVIS COUNTY CODE, RULES OF TRAVIS COUNTY, TEXAS FOR ON-SITE SEWAGE FACILITIES. THESE RULES REQUIRE, AMONG OTHER THINGS, THAT A CONSTRUCTION PERMIT BE OBTAINED FROM THE TRAVIS COUNTY ENGINEER. NO STRUCTURE SHALL BE CONSTRUCTED, ALTERED, MODIFIED, OR REPAIRED IN THE SUBDIVISION AND THAT A LICENSE TO OPERATE BE OBTAINED FROM TRAVIS COUNTY BEFORE AN ON-SITE SEWAGE FACILITY CAN BE OPERATED IN THE SUBDIVISION.
3. NO WATER WELL IN THIS SUBDIVISION MAY BE LOCATED WITHIN 150 FEET OF THE SUBDIVISION BOUNDARY WITHOUT THE CONSENT OF THE ADJOINING LAND OWNER(S).
4. THESE RESTRICTIONS ARE ENFORCEABLE BY THE TRAVIS COUNTY ON-SITE WASTEWATER PROGRAM.

STAFFY SWEET, D.R. #050011143 DATE _____
PROGRAM MANAGER
ON-SITE WASTEWATER,
TRAVIS COUNTY TNR

STATE OF TEXAS
COUNTY OF TRAVIS

COMMISSIONERS COURT RESOLUTION

IN APPROVING THIS PLAT BY THE COMMISSIONERS' COURT OF TRAVIS COUNTY, TEXAS, IT IS THE ORDER OF SAID COURT THAT THE PUBLIC UTILITIES EASEMENT, DRAINAGE THOROUGHFARES SHALL BE THE RESPONSIBILITY OF THE OWNER AND/OR DEVELOPER OF THE TRACT OF LAND COVERED BY THIS PLAT AND IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS PRESCRIBED BY THE COMMISSIONERS' COURT OF TRAVIS COUNTY, TEXAS, THE DEVELOPER SHALL MAINTAIN AND REPAIR ALL EXISTING AND NEW ROADS OR OTHER PUBLIC THOROUGHFARES OR ANY BRIDGES OR CULVERTS IN CONNECTION THEREWITH. THE ACCEPTANCE FOR MAINTAINING BY TRAVIS COUNTY, TEXAS, OF THE ROADS OR STREETS IN REAL ESTATE SUBDIVISIONS DOES NOT OBLIGATE THE COUNTY TO MAINTAIN OR REPAIR SUCH ROADS OR STREETS. THE DEVELOPER SHALL MAINTAIN AND REPAIR SUCH ROADS OR STREETS FOR SPEED AND STOP AND YIELD SIGNS SHALL REMAIN THE RESPONSIBILITY OF THE COUNTY.

THE OWNER(S) OF THE SUBDIVISION SHALL CONSTRUCT THE SUBDIVISION'S STREET AND DRAINAGE IMPROVEMENTS (THE "IMPROVEMENTS") TO COUNTY STANDARDS IN ORDER FOR THE COUNTY TO ACCEPT THE PUBLIC IMPROVEMENTS FOR MAINTENANCE OR TO RELEASE SUCH IMPROVEMENTS TO THE PUBLIC. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE OBLIGATION OF THE ESTIMATED COST OF IMPROVEMENTS. THE OWNER(S) OBLIGATION TO CONSTRUCT THE IMPROVEMENT TO COUNTY STANDARDS AND TO POST THE FISCAL SECURITY TO SECURE SUCH CONSTRUCTION IS A CONTINUING OBLIGATION BINDING THE DEVELOPER AND THE OWNER(S) OF THE SUBDIVISION. THE IMPROVEMENTS HAVE BEEN ACCEPTED FOR MAINTENANCE BY THE COUNTY, OR THE PRIVATE IMPROVEMENTS HAVE BEEN CONSTRUCTED AND ARE PERFORMING TO COUNTY STANDARDS.

THE AUTHORIZATION OF THIS PLAT BY THE COMMISSIONERS' COURT FOR FILING OR THE SUBSEQUENT ACCEPTANCE FOR MAINTENANCE BY TRAVIS COUNTY, TEXAS, OF ROADS AND STREETS IN THE SUBDIVISION DOES NOT OBLIGATE THE COUNTY TO INSTALL STREET NAME SIGNS OR ERECT TRAFFIC CONTROL SIGNS, SUCH AS SPEED LIMIT, STOP SIGNS, AND YIELD SIGNS, WHICH IS CONSIDERED TO BE PART OF THE DEVELOPER'S CONSTRUCTION.

ACCEPTED AND AUTHORIZED FOR RECORD BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF ELGIN, TEXAS, ON THIS THE _____ DAY OF _____, 201____.

APPROVED:

CHAIRPERSON

ACCEPTED AND AUTHORIZED FOR RECORD BY THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS, ON THIS THE _____ DAY OF _____, 201____.

APPROVED:

SECRETARY

THIS SUBDIVISION IS LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF ELGIN CORPORATE CITY LIMITS AS OF THIS

DATE. _____DAY OF _____, 201____.

THE STATE OF TEXAS
COUNTY OF TRAVIS

I, DANA DEBEAUVOR, CLERK OF THE COUNTY COURT, OR TRAVIS COUNTY, TEXAS DO HEREBY CERTIFY THAT ON THE _____, 20____, A.D. THE COMMISSIONERS' COURT OF TRAVIS COUNTY, TEXAS PASSED AN ORDER AUTHORIZING THE FILING FOR RECORD OF THE PLAT AND THAT SAID ORDER WAS DULY ENTERED IN THE MINUTES OF SAID COURT.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY COURT OF SAID COUNTY, THE _____, DAY OF _____, 20____ AD.

DANA DEBEAUVOR, COUNTY CLERK,
TRAVIS COUNTY, TEXAS

BY _____
DEPUTY

FIELD NOTES

FIELD NOTES FOR 10.00 ACRES OF LAND, MORE OR LESS, OUT OF THE WILLIAM JONES SURVEY NO. 51 IN TRAVIS COUNTY, TEXAS, BEING THE SAME TRACT CONVEYED TO MARIO ALCANTARA CANO BY DEED RECORDED IN DOCUMENT NO. 206168831 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS SAID 8.9978 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found on the East R.O.W. line of Klaus Lane, at the Northwest corner of a 10.00 acre tract conveyed to Iglesia De La Gracia De Austin by deed recorded in Document No. 201689279, Official Public Records, Travis County, Texas for the Southwest corner of this tract; and the POINT OF BEGINNING.

THENCE with the East R.O.W. line of Klaus Lane N26°57'20"E (7/29°37'26"E) a distance of 461.71 (461.71) feet to a 1/2" iron rod found on the East R.O.W. line Klaus Lane at the Southwest corner of a 10.00 acre tract conveyed to Diane Smith by deed recorded in Document No. 200220531, Official Public Records, Travis County, Texas for the Northwest corner of this tract.

THENCE S66°58'47"W (65°59'57°W), along the South line of the said 10.00 acre Guerrero Family Trust tract, a distance of 944.44 (628.05) feet to a 1/2" iron rod found on the East line of the said 10.00 acre tract, being the Northeast corner of a 52.00 acre tract conveyed to Diane Smith by deed recorded in Vol. 7581, Pg. 628, Deed Records, Travis County, Texas for an angle point on the East line of this tract.

THENCE S26°30'39"W (62°59'59°W), along the West line of the said 63.987 acre Baskin tract, a distance of 57.63 (57.60) feet to a 1/2" iron rod found on a Southwest corner of said 63.987 acre Baskin tract, same being the Northwest corner of a 52.00 acre tract conveyed to Diane Smith by deed recorded in Vol. 7581, Pg. 628, Deed Records, Travis County, Texas for an angle point on the East line of this tract.

THENCE S27°40'37"W (62°59'59°W), along the West line of the said 52.00 acre tract, a distance of 484.27 (484.19) feet to 1/2" iron rod found on said line for the Northeast corner of said 10.00 acre Iglesia De La Gracia De Austin tract for the Southeast corner of this tract.

THENCE N65°37'39"W (N65°37'38°W), along the North line of the said 10.00 acre Iglesia De La Gracia De Austin tract a distance of 943.67 (943.67) feet to the POINT OF BEGINNING and containing 10.0000 acres of land, more or less.

BEARING BASIS IS TEXAS STATE PLANE COORDINATES (NAD 83), TEXAS CENTRAL ZONE (4303)
RECORD BEARINGS AND DISTANCES SHOWN HEREON IN PARENTHESES ARE PER SAID DEED RECORDED IN DOCUMENT NO. 206168831, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS

THE STATE OF TEXAS
COUNTY OF TRAVIS

I, DANA DEBEAUVOR, CLERK OF TRAVIS COUNTY, TEXAS DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE DAY OF 20____ AD. AT _____ O'CLOCK____M., AND DULY RECORDED ON THE _____ DAY OF _____, 20____ AD. AT _____ O'CLOCK____M., PLAT RECORDS OF SAID COUNTY AND STATE IN DOCUMENT NO. _____ OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THIS _____, DAY OF _____, 20____ AD.

DANA DEBEAUVOR, COUNTY CLERK, TRAVIS COUNTY, TEXAS

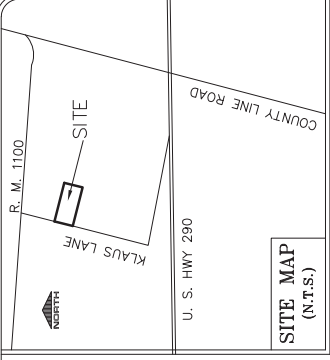
BY _____
DEPUTY

DATE	REVISIONS
10/13/17	ADDRESSED COMMENTS
11/03/17	ADDRESSED COMMENTS
12/08/17	ADDED FUTURE ROW
01/16/18	ADDRESSED COMMENTS
08/28/18	ADDRESSED COMMENTS

Attachment 3
Proposed Final Plat

FINAL PLAT OF CANO SUBDIVISION

TRAVIS COUNTY CONSUMER PROTECTION NOTICE FOR HOMEBUYERS



IF YOU ARE BUYING A LOT OR HOME, YOU SHOULD DETERMINE WHETHER IT IS INSIDE OR OUTSIDE THE CITY LIMITS. DEPENDING ON STATE LAW AND OTHER FACTORS, LAND OUTSIDE THE CITY LIMITS MAY BE SUBJECT TO FEWER LOCAL GOVERNMENT CONTROLS OVER THE DEVELOPMENT AND USE OF LAND THAN INSIDE THE CITY LIMITS.

BECAUSE OF THIS, LOCAL GOVERNMENT MAY NOT BE ABLE TO RESTRICT THE NATURE OR EXTENT OF DEVELOPMENT NEAR THE LOT OR HOME NOR PROHIBIT NEARBY LAND USES THAT ARE INCOMPATIBLE WITH A RESIDENTIAL NEIGHBORHOOD.

THIS CAN AFFECT THE VALUE OF YOUR PROPERTY. TRAVIS COUNTY REQUIRES THIS NOTICE TO BE PLACED ON SUBDIVISION PLATS. IT IS NOT A STATEMENT OR REPRESENTATION OF THE OWNER OF THE PROPERTY, THE SUBDIVIDER, OR THEIR REPRESENTATIVES.

FINAL PLAT OF
CANO SUBDIVISION

GENERAL NOTES:

- 1) A TEN (10) FEET WIDE EASEMENT FOR PUBLIC UTILITIES IS HEREBY ASSIGNED ALONG ALL RIGHTS-OF-WAY DEDICATED BY THIS PLAT.
- 2) THIS TRACT LIES WITHIN ZONE X, AREAS OUTSIDE THE 500-YEAR FLOOD PLAIN, AS SHOWN ON COMMUNITY PANEL NUMBER 48453 C 0510 H, OF THE FLOOD INSURANCE RATE MAP, PREPARED BY THE FEDERAL INSURANCE ADMINISTRATION DEPARTMENT, H.U.D., ON SEPT. 26, 2008.
- 3) THIS PLAT IS LOCATED WITHIN THE CITY OF ELGIN ETJ.
- 4) ALL LOTS ARE SINGLE-FAMILY RESIDENTIAL USE.
- 5) THE ESTIMATED AVERAGE RANGE OF LOT SIZES ARE 57,489 SQUARE FEET.
- 6) DRAINAGE AND DETENTION PONDS ARE OWNER RESPONSIBILITY
- 7) THE PRIVATE ROAD SHOWN HERON (LOT 9 BLOCK "A") IS RESERVED EXCLUSIVELY FOR THE LOTS SHOWN HERON AND A 5200 ACRE TRACT CONVEYED TO DIANE SMITH BY DEED RECORDED IN VOL. 7351, PG. 625, DEED RECORDS, TRAVIS COUNTY, TEXAS.
- 8) A TRAVIS COUNTY SITE DEVELOPMENT PERMIT IS REQUIRED PRIOR TO ANY SITE DEVELOPMENT.
- 9) ALL PRIVATE STREETS SHOWN HERON, LOS NOGALES PLACE, AND ANY SECURITY GATES OR DEVICES CONTROLLING ACCESS TO SUCH STREETS WILL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION OF THIS SUBDIVISION.
- 10) NO OBJECTS, INCLUDING BUT NOT LIMITED TO, BUILDINGS, FENCES, OR LANDSCAPING SHALL BE ALLOWED IN A DRAINAGE EASEMENT EXCEPT AS APPROVED BY TRAVIS COUNTY.
- 11) PROPERTY OWNER AND/OR HIS/HER ASSIGNS SHALL PROVIDE FOR ACCESS TO THE DRAINAGE EASEMENT AS MAY BE NECESSARY AND SHALL NOT PROHIBIT ACCESS BY TRAVIS COUNTY FOR INSPECTION OR MAINTENANCE OF SAID EASEMENT.
- 12) ALL DRAINAGE EASEMENTS ON PRIVATE PROPERTY SHALL BE MAINTAINED BY THE OWNER AND/OR HIS/HER ASSIGNS.
- 13) DRAINAGE PLANS SHALL BE SUBMITTED TO THE CITY OF ELGIN AND TRAVIS COUNTY FOR REVIEW PRIOR TO SITE DEVELOPMENT. RAINFALL RUN-OFF SHALL BE HELD TO THE AMOUNT EXISTING AT UNDEVELOPED STATUS BY PONDING OR OTHER APPROVED METHODS.
- 14) THIS PLAT IS SUBJECT TO RESTRICTIONS AND EASEMENTS RECORDED IN VOL. 6292 PG 882, VOL. 6243 PG. 118, VOL. 6029 PG. 315, VOL. 420, VOL. 10611 PG. 455, DEED RECORDS, TRAVIS COUNTY, TEXAS. DOC. NO. 2004194919, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.
- 15) TELE. EASEMENT GRANTED TO SOUTHWESTERN BELL TELEPHONE COMPANY RECORDED IN VOL. 2834 PG. 145, DEED RECORDS, TRAVIS COUNTY, TEXAS, DOES NOT AFFECT THIS TRACT.
- 16) THE ZONING FOR THIS DEVELOPMENT SHALL COMPLY WITH THE CITY OF ELGIN'S R-2 ZONING REQUIREMENTS.

STATE OF TEXAS
COUNTY OF TRAVIS
COMMISSIONERS COURT RESOLUTION

IN APPROVING THIS PLAT, THE COMMISSIONERS COURT OF TRAVIS COUNTY, TEXAS, ASSUMES NO OBLIGATION TO BUILD THE STREETS, ROADS, AND OTHER PUBLIC IMPROVEMENTS SHOWN ON THIS PLAT, AND TO MAINTAIN THEM THEREAFTER. THE BUILDING OF ALL STREETS, ROADS, AND OTHER PUBLIC THOROUGHFARES SHOWN ON THIS PLAT, AND ALL BRIDGES AND CULVERTS NECESSARY TO BE CONSTRUCTED OR PLACED IN SUCH STREETS, ROADS, OR OTHER PUBLIC THOROUGHFARES OR IN ANY OTHER PUBLIC IMPROVEMENTS SHOWN ON THIS PLAT, SHALL BE THE OBLIGATION OF THE TRACT OF LAND COVERED BY THIS PLAT IN ACCORDANCE WITH PLANS AND SPECIFICATIONS PRESCRIBED BY THE COMMISSIONERS COURT OF TRAVIS COUNTY, TEXAS.

THE OWNER(S) OF THE SUBDIVISION SHALL CONSTRUCT THE SUBDIVISION'S STREET AND DRAINAGE IMPROVEMENTS (THE "IMPROVEMENTS") TO COUNTY STANDARDS IN ORDER FOR THE COUNTY TO ACCEPT THE PUBLIC IMPROVEMENTS FOR MAINTENANCE OR TO RELEASE FISCAL SECURITY POSTED TO SECURE PRIVATE IMPROVEMENTS. TO SECURE THIS OBLIGATION, THE OWNER(S) OF THE SUBDIVISION SHALL POST FISCAL SECURITY WITH THE COUNTY FOR THE ESTIMATED COST OF THE IMPROVEMENTS. THE OWNER(S) OBLIGATION TO CONSTRUCT THE IMPROVEMENTS TO COUNTY STANDARDS AND TO POST THE FISCAL SECURITY TO SECURE SUCH CONSTRUCTION IS A CONTINUING OBLIGATION BINDING THE OWNER(S) AND THEIR SUCCESSORS AND ASSIGNS WITH THE PUBLIC IMPROVEMENTS HAVE BEEN CONSTRUCTED AND ARE BEING PERFORMED TO COUNTY STANDARDS.

THE AUTHORIZATION OF THIS PLAT BY THE COMMISSIONERS COURT FOR FILING OR THE SUBSEQUENT ACCEPTANCE FOR MAINTENANCE BY TRAVIS COUNTY, TEXAS, OF ROADS AND STREETS IN THE SUBDIVISION DOES NOT OBLIGATE THE COUNTY TO INSTALL STREET NAME SIGNS OR ERECT TRAFFIC CONTROL SIGNS, SUCH AS SPEED LIMIT, STOP SIGNS, AND YIELD SIGNS, WHICH IS CONSIDERED TO BE PART OF THE DEVELOPER'S CONSTRUCTION.

TRAVIS COUNTY ON-SITE WASTEWATER PLAT NOTES:

1. NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PUBLIC SEWER SYSTEM OR A PRIVATE ON-SITE WASTEWATER (SEPTIC) SYSTEM THAT HAS BEEN APPROVED AND LICENSED FOR OPERATION BY THE TRAVIS COUNTY ON-SITE WASTEWATER PROGRAM.
2. THIS SUBDIVISION IS SUBJECT TO ALL THE TERMS AND CONDITIONS OF CHAPTER 48, TRAVIS COUNTY CODE, RULES OF TRAVIS COUNTY, TEXAS FOR ON-SITE SEWAGE FACILITIES. THESE RULES REQUIRE, AMONG OTHER THINGS, THAT CONSTRUCTION OF AN ON-SITE SEWAGE FACILITY BE COMPLETED PRIOR TO THE COMMENCEMENT OF BE CONSTRUCTED, ALTERED, MODIFIED, OR REPAIRED IN THE SUBDIVISION, AND THAT A LICENSE TO OPERATE BE OBTAINED FROM TRAVIS COUNTY BEFORE AN ON-SITE SEWAGE FACILITY CAN BE OPERATED IN THE SUBDIVISION.
3. NO WATER WELL IN THIS SUBDIVISION MAY BE LOCATED WITHIN 150 FEET OF THE SUBDIVISION BOUNDARY WITHOUT THE CONSENT OF THE ADJOINING LAND OWNER(S).
4. THESE RESTRICTIONS ARE ENFORCEABLE BY THE TRAVIS COUNTY ON-SITE WASTEWATER PROGRAM.

STACEY SCHEFFEL D.R. #050011143
TRAVIS COUNTY ON-SITE WASTEWATER,
TRAVIS COUNTY TNR

DATE

FIELD NOTES

FIELD NOTES FOR 10.00 ACRES OF LAND, MORE OR LESS, OUT OF THE WILLIAM M. HERRON TRACT, TRAVIS COUNTY, TEXAS, AS SHOWN AS RECORDED IN DOCUMENT NO. 2016118831 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. SAID 10.00 ACRES OF LAND ARE MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 Iron rod found on the East R.O.W. line of Klaus Lane, at the Northwest corner of a 10.00 acre tract conveyed to Iglesia De La Gracia De Austin by deed recorded in Document No. 2002220520, Official Public Records, Travis County, Texas for the Southwest corner of this tract and the POINT OF BEGINNING.

THENCE with the East R.O.W. line of Klaus Lane N26°57'20" E (N26°57'36"E) a distance of 57.63 (57.68) feet to 1/2 Iron rod found on the East R.O.W. line of Klaus Lane at the Southwest corner of a 10.00 acre tract conveyed to Guerrero Family Trust by deed recorded in Document No. 2002220520, Official Public Records, Travis County, Texas for the Northwest corner of this tract.

THENCE S65°38'17" E (S65°38'27"E), along the South line of the said 10.00 acre Guerrero Family Trust tract, a distance of 944.04 (943.95) feet to 1/2 Iron rod found on the west line of a 63.987 acre tract conveyed to James Bethke by deed recorded in Volume 6342, Page 1974, Deed Records, Travis County, Texas for the Northeast corner of this tract.

THENCE S26°38'29" W (S26°59'35"W), along the West line of the said 63.987 acre Bethke tract a distance of 57.63 (57.68) feet to 1/2 Iron rod found for a Southwest corner of said 63.987 acre tract, a distance of 57.63 (57.68) feet to 1/2 Iron rod found for a 62.00 acre tract conveyed to Diane Smith by deed recorded in Vol. 7281, PG. 628, Deed Records, Travis County, Texas for an angle point on the East line of this tract.

THENCE S27°03'07" W (S26°59'35"W), along the West line of the said 52.00 acre tract, a distance of 404.27 (404.19) feet to 1/2 Iron rod found on said line for the Northeast corner of said 10.00 acre Iglesia De La Gracia De Austin tract, for the Southeast corner of this tract.

THENCE N65°37'39" W (N65°37'58"W) , along the North line of the said 10.00 acre Iglesia De La Gracia De Austin tract a distance of 943.67 (943.67) feet to the POINT OF BEGINNING and containing 10.0000 acres of land, more or less.

BEARING BASIS IS TEXAS STATE PLANE COORDINATES (NAD 83), TEXAS CENTRAL ZONE (4203)

RECORD BEARINGS AND DISTANCES SHOWN HEREIN IN PARENTHESES ARE PER SAID DEED RECORDED IN DOCUMENT NO. 2016118831, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS

THE STATE OF TEXAS
COUNTY OF TRAVIS

I, DANA DEBEAUVOR, CLERK OF TRAVIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE DAY OF 20____, AD. AT _____ O'CLOCK____M., AND DULY RECORDED ON THE _____ DAY _____, AD. AT _____O'CLOCK____M., PLAT RECORDS OF SAID COUNTY AND STATE IN DOCUMENT NO. _____.

OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THIS _____ DAY OF _____, 20____ AD.

DANA DEBEAUVOR, COUNTY CLERK,
TRAVIS COUNTY, TEXAS

BY _____ DEPUTY

THIS FINAL PLAT WAS APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF ELGIN, TEXAS, ON THIS THE _____ DAY OF _____, 20____.

APPROVED:

CHAIRPERSON

SECRETARY,

THIS SUBDIVISION IS LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF ELGIN CORPORATE CITY LIMITS AS OF THIS

DATE, _____ DAY OF _____, 20____.

THE STATE OF TEXAS
COUNTY OF TRAVIS

I, DANA DEBEAUVOR, CLERK OF THE COUNTY COURT, OR TRAVIS COUNTY, TEXAS DO HEREBY CERTIFY THAT ON THE _____ DAY OF _____, 20____, A.D. THE COMMISSIONERS' COURT OF TRAVIS COUNTY, TEXAS PASSED AN ORDER AUTHORIZING THE FILING FOR RECORD OF THE PLAT AND THAT SAID ORDER WAS DULY ENTERED IN THE MINUTES OF SAID COURT.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY COURT OF SAID COUNTY, _____, DAY OF _____, 20____ AD.

DANA DEBEAUVOR, COUNTY CLERK,
TRAVIS COUNTY, TEXAS

BY _____ DEPUTY

R. M. 1100

KLAUS LANE

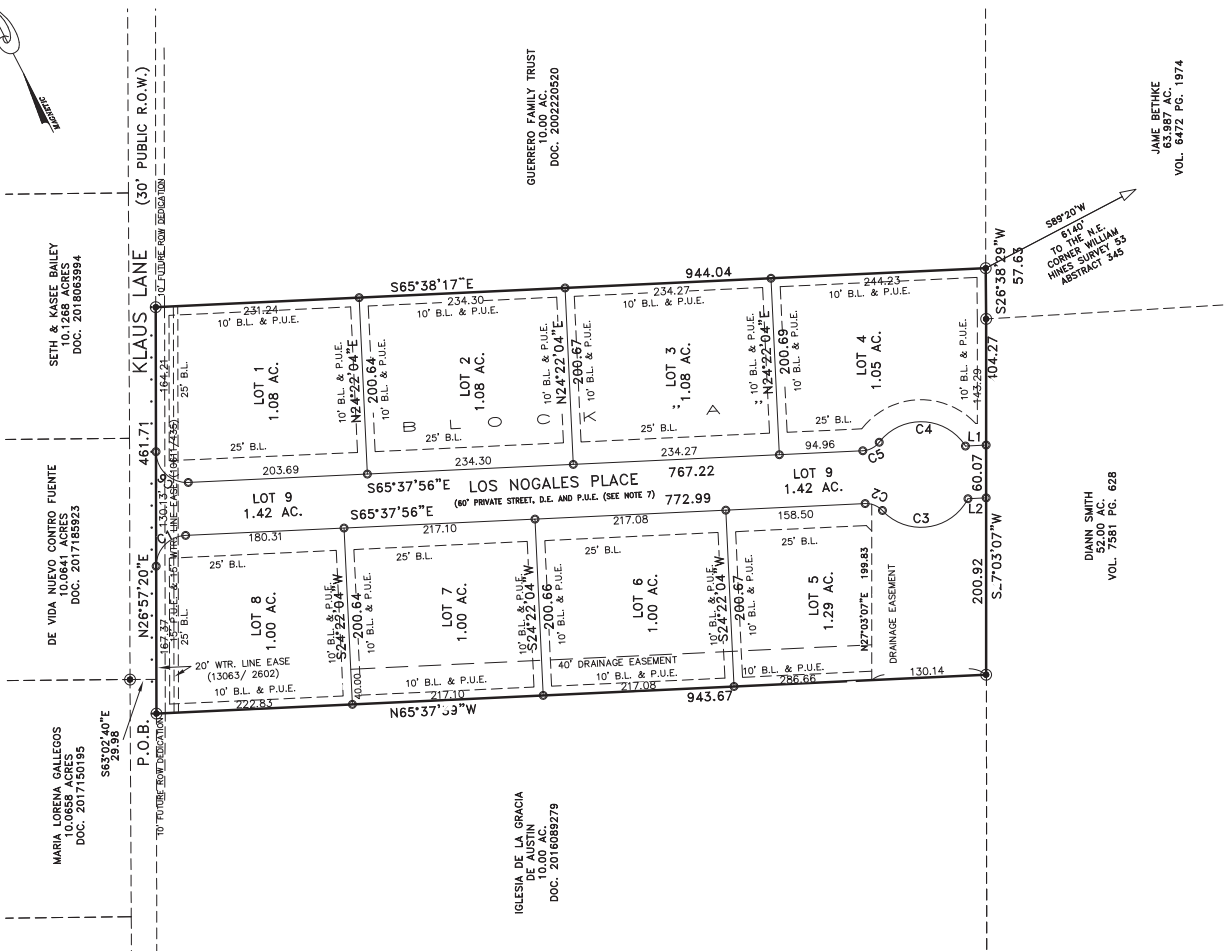
SITE

COUNTY LINE ROAD

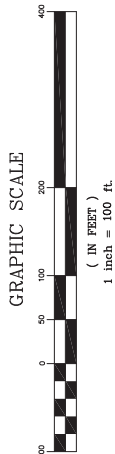
U. S. HWY 290

NORTH

SITE MAP
(N.T.S.)



LEGEND	
① 1/2" ROOF PIP SET	⑩ LOG UTILITY WARNING SIGN
② 1/2" ROOF PIP	⑪ WATER PISTOL
③ LIGHT POLE	⑫ WATER METER
④ POWER POLE	⑬ WATER WELL
⑤ POWER POLE	⑭ WATER VALVE
⑥ POWER POLE	⑮ FIRE HYDRANT
⑦ 1" DRAINAGE METER	⑯ STREET SIGN
⑧ ELECTRIC METER	⑰ FLAG POLE
⑨ ELECTRIC METER	⑱ SANITARY SEWER MANHOLE
⑩ ELECTRIC METER	⑲ SANITARY SEWER MANHOLE
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65 RECORD INFORMATION	74 RECORD INFORMATION
66 RECORD INFORMATION	75 RECORD INFORMATION
67 RECORD INFORMATION	76 RECORD INFORMATION
68 RECORD INFORMATION	77 RECORD INFORMATION
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76 RECORD INFORMATION	85 RECORD INFORMATION
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78 RECORD INFORMATION	87 RECORD INFORMATION
79 RECORD INFORMATION	88 RECORD INFORMATION
80 RECORD INFORMATION	89 RECORD INFORMATION
81 RECORD INFORMATION	90 RECORD INFORMATION
82 RECORD INFORMATION	91 RECORD INFORMATION
83 RECORD INFORMATION	92 RECORD INFORMATION
84 RECORD INFORMATION	93 RECORD INFORMATION
85 RECORD INFORMATION	94 RECORD INFORMATION
86 RECORD INFORMATION	95 RECORD INFORMATION
87 RECORD INFORMATION	96 RECORD INFORMATION
88 RECORD INFORMATION	97 RECORD INFORMATION
89 RECORD INFORMATION	98 RECORD INFORMATION
90 RECORD INFORMATION	9



LINE TABLE		
LINE	LENGTH	BEARING
L1	23.51	N65°37'56"W
L2	20.69	S65°37'56"E

SUMMARY TABLE

LINEAR FEET OF PROPOSED STREET	=	944 FEET
TOTAL ACREAGE =	10.0000 ACRES	
TOTAL NO. OF LOTS =	9	
TOTAL NO. OF BLOCKS =	1	
TOTAL AREA OF LOTS =	10.0 ACRES	
ALL LOTS ARE AT LEAST	43,560 SQ. FT.	
TOTAL AREA OF PROPOSED R.O.W. =	1.42 ACRES	

CURVE TABLE				
CURVE	LENGTH	RADIUS	BEARING	CHORD
C1	53.40	35.00	N70°39'42"E	49.37
C2	21.78	25.00	N40°54'51"W	21.10
C3	114.86	60.00	S70°47'32"E	98.11
C4	114.86	60.00	N60°28'20"W	98.11
C5	21.68	25.00	N89°31'41"E	21.60
C6	56.56	35.00	N19°20'18"W	50.80

[illegible]

DATE: _____
MARIO ALCAINZARA CANO
1305 TERRACE VIEW DR.
CEDAR PARK, TEXAS 78613

STATE OF TEXAS: _____
COUNTY OF TRAVIS: _____

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED MARIO ALCAINZARA CANO KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN FULL KNOWLEDGE OF THE CONTENTS AND INTENT THEREOF AND THAT HE INTENDS TO EXPRESSLY CONFIRM THE SAME BY HIS SIGNATURE AND SEAL OF OFFICE, THIS THE _____ DAY OF _____, 20____ AD.

NOTARY PUBLIC FOR THE STATE OF TEXAS

(NAME: _____)

MY COMMISSION EXPIRES: _____

SURVEYORS CERTIFICATE

I, HERMAN CRICHTON, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT, AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR MADE UNDER MY SUPERVISION IN AUGUST OF 2016

DATE: _____

HERMAN CRICHTON, R.P.S. 4046
SURVEYING BY:
Crichton and Associates
TBS Firm # 101727-00
6448 East Highway 290
Suite B105
Little Rock, AR 78723
(512) 244-3395
Orders@CrichtonandAssociates.com

ENGINEER'S CERTIFICATION

I, JAVIER BARAJAS, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF ENGINEERING, AND HEREBY CERTIFY THAT I AM FEASIBLE FROM AN ENGINEERING STANDPOINT AND COMPLES WITH THE ENGINEERING RELATED PORTIONS OF THE CITY OF ELGIN, TEXAS SUBDIVISION ORDINANCE, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

NO PORTION OF THIS TRACT IS WITHIN THE DESIGNATED FLOOD HAZARD AREA AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) 48453C0510H, TRAVIS COUNTY, TEXAS, DATED SEPTEMBER 26, 2008.

TRINE ENGINEERING, PILING, INC.
JAVIER BARAJAS, P.E., LIC. 99998
10000 W. 10TH AVE., SUITE 280
DENVER, CO 80231
RUGS, R. SUITE 6
AUSTIN, TEXAS 78735
PHONE: (512) 913-5080
FAX: (512) 628-3528
TELE FIRM #22228

FINAL PLAT CONFORMS TO CITY OF ELGIN
APPROVED PRELIMINARY PLAT.

REVISED: JULY 13, 2021		PAGE 2 OF 3
DATE: SEPT. 22, 2017	CASE NO.	
SCALE: 1" = 100'	JOB NO.	16_229



Development Service Department

STAFF REPORT

Project #: 202100834

Rezoning from R-2 to R-3

Date: September 16, 2021

Applicant: Richard Miscoe c/o Miscoe Properties

Representative: SAME

Hearing Dates: Planning & Zoning Commission – September 27, 2021
City Council – October 12, 2021

Location: 316 S. Ave. C.

APPLICATION SUMMARY

Recommendation by the Planning & Zoning Commission and consideration by the City Council of a rezoning of 1.175 acres of land located at 316 S. Ave. C. The proposal is to change the zoning from R-2 Single Family and Two-family District to R-3 Single Family, Two Family, and Industrialized Zoning District to increase a future new subdivision by one (1) additional lot.

DEPARTMENT COMMENTS

The applicant has stated the basis for the rezoning is to allow for an additional lot. This application is for the rezoning of land and the process of platting is a separate process that is independent of the rezoning process. The applicant can always subdivide land so long as the standards such as minimum lot width and minimum lot area within the zoning district are met.

STAFF ANALYSIS

In review of the Elgin Comprehensive Plan the parcel is located within the Elgin Main Street Land Use category. This category's secondary land usage is multifamily residential (see attachment 3) according to the provided map and associated land use language. A duplex use can be fit into this standard. The proposed zoning category will allow for duplexes 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. There are no subtractions but an additional permitted uses would be allowed with proposed rezoning request.

R-2 District (existing)	R-3 District (proposed)
Detached single-family dwelling.	Detached single-family dwelling.
Garage Apartments.	Garage Apartments.
Duplex.	Duplex.
Churches, but not including revival tents or arbors.	Churches, but not including revival tents or arbors.

R-2 District (existing)	R-3 District (proposed)
Duplex	Duplex
Garage Apartment	Garage Apartment
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 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.	Public park and playground
Library.	Library.
Growing of farm products.	Growing of farm products.
Municipal use	Municipal use
Telephone exchanges.	Telephone exchanges.
Home occupations.	Home occupations.
Transportation and utility easements, alleys, and rights-of-way	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.	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.
Accessory uses, which shall include the following where the primary use is residential: Customary home occupations, if done inside of building, such as dressmaking, babysitting, seamstress, tailoring, millinery, tutoring, when engaged in by members of the resident family and employing not more than one person, not a member of the resident family, but not including beauty culture, barbering or appliance repairing.	Accessory uses, which shall include the following where the primary use is residential: Customary home occupations, if done inside of building, such as dressmaking, babysitting, seamstress, tailoring, millinery, tutoring, when engaged in by members of the resident family and employing not more than one person, not a member of the resident family, but not including beauty culture, barbering or appliance repairing.
	Zero-Lot Line two-family dwelling.

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

	R-2 (existing)	R-3 (proposed)
Height	2.5 stories or 35'	35'.
Front Setback	25'; garage at 25'	15', garage at 20'.
Side Setback	5' for 1 story; 10' for more than 1 story	5' for 1 story; 7.5' for more than 1 story
Rear Setback	10'	10'
Lot Width	60'	50'
Lot Area	7,500 sq. ft.	6,000 sq. ft.
Impervious Cover on Lot	45% interior; 50% corner	45% interior; 50% corner

The rezoning will decrease the area regulations in particular the lot width from sixty (60) feet in width to fifty (50) feet in width and reduce the lot area from 7,500 sq. ft to 6,000 sq ft. Staff estimates a total of five (5) lots allowed under the current R-2 zoning would be increased to six (6) lots under the proposed R-3 zoning. This will be an additional lot where either a single-family home or duplex can be built thereby increasing the density on the acreage. The Land Use has approximately seven (7) units per acre, this would total eight (8) units as this parcel is 1.175 acres (see attachments 2 & 3). Under the current R-2 zoning, with five (5) lots, at two (2) dwelling units on each lot, this would equal ten (10) units (5 x 2) per acre. Under the proposed R-3 zoning, with six (6) lots, at two (2) dwelling units on each lot, this would equal twelve (12) units (6 x 2) per acre. Allowing the rezoning to R-3 would further increase this number past the recommended residential densities outlined in the Comprehensive Plan.

The allowance of the R-3 zoning would decrease the legal size of the lots within an established neighborhood (see above in staff report). Many of the lots within the area surrounding are a larger size (see attachment 5) in lot width and lot area than would any new lots under the R-3 zoning category.

Based on the information within the packet, staff has issues or concerns regarding the proposal. 1) The potential increase in density to an established neighborhood by allowing the additional lot over the recommended density in the Comprehensive Plan and 2) allowing smaller legal lots in an established neighborhood where larger lots exist intermingled.

This is a staff analysis of the requested rezoning and is not to be considered as a staff recommendation to the Commission/Council. The Commission/Council in their analysis of the evidence presented in this packet or from other sources can make their own decision.

ATTACHMENTS

Additional information is provided through attached exhibits.

1. Application.
2. Ordinance.
3. Staff Added Comprehensive Plan Exhibits.
4. Staff Added Zoning Map.
5. Staff Added Bastrop County Appraisal District (BCAD) Map.

Attachment 1

Application

NON-PDD REZONING APPLICATION

Date: 8/4/21

SITE INFORMATION

Project Address: 316 S. Ave C

Parcel Identification Number (if no address): _____

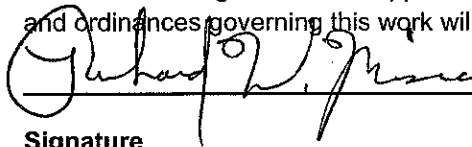
APPLICANT

Name: Richard Miscoe President for Miscoe Properties

Postal Address: P. O. Box 5594, Austin, TX 78763

E-Mail Address: rwmiscoe@gmail.com; Phone Number: 512-750-7508

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.



Richard W. Miscoe

8/4/21

Signature

Printed Name

Date

Project Description:

Rezone from existing property from an existing zoning of R-2 to a R-3

This will allow us an additional lot through a resubdivision process.

This additional lot will allow us to move and keep the 1890's historic house

This single family house will be used as rentals along with the 5 new duplexes to be built.



310 North Main Street
P.O. Box 591
Elgin, Texas, 78621



(512) 281-0119



www.elgintx.com

Attachment 2

Ordinance

ORDINANCE NO. 2021-10-12-??

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, TWO FAMILY, AND INDUSTRIALIZED HOUSING DISTRICT, THE PROPERTY BEING APPROXIMATELY 1.175 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 R-2 Single Family & Two Family Dwelling District to R-3 Single Family, Two Family, and Industrialized Housing 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 September 27, 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, Two Family, and Industrialized Housing District, and

WHEREAS, on October 12, 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 R-2 Single Family & Two-Family Dwelling District to R-3 Single Family, Two Family, and Industrialized Housing 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 12th day of October 2021.

Ron M. Ramirez, Mayor

ATTEST:

Jennifer Stubbs, City Secretary

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

185 McAllister Road
Bastrop, Texas 78602
512-303-4185
Firm Reg. #10058400
jgaron@austin.rr.com

September 25, 2020

EXHIBIT "A"

LEGAL DESCRIPTION: BEING A 1.175 ACRE TRACT OF LAND LYING IN AND BEING SITUATED OUT OF SUBDIVISION 5, DIVISION VIII (8) IN THE TOWN OF ELGIN, BASTROP COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT OF RECORD IN VOLUME "Y", PAGE 301 DEED RECORDS, BASTROP COUNTY, TEXAS AND IN CABINET 1, PAGE 100B PLAT RECORDS, BASTROP COUNTY, TEXAS AND BEING ALL OF THAT CERTAIN 1.18 ACRE TRACT OF LAND CONVEYED TO THE CLARICE LYN JOHNSON AND FLOYD SHERMAN JOHNSON LIVING TRUST BY DEED RECORDED IN INSTRUMENT #201705232 OF SAID DEED RECORDS; SAID 1.175 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND AS SURVEYED UNDER THE SUPERVISION OF JAMES E. GARON & ASSOCIATES IN SEPTEMBER, 2020:

BEGINNING at an iron rod found in the westerly right-of-way line of S Avenue C for the northeast corner hereof and said Johnson 1.18 acre tract and southeast corner of that certain 0.456 acre tract of land conveyed to Peter Brow by deed recorded in Instrument #201501624 of said deed records;

THENCE S 20°43'09" E a distance of 183.65 feet along said S Avenue C to a 1/2" an iron rod with cap stamped "J.E. Garon RPLS 4303" set for the southeast corner hereof and said Johnson 1.18 acre tract and northeast corner of Lot 1, Creppon Addition, to the City of Elgin, of record in Plat Cabinet No. 2, Page 315-B of the Plat Records of Bastrop County, Texas;

THENCE S 70°40'36" W a distance of 284.01 feet to a 1/2" iron rod found on the easterly right-of-way line of S Avenue B for the southwest corner hereof and said Johnson 1.18 acre tract and the northwest corner of Lot 3 of said Creppon Addition, to the City of Elgin,

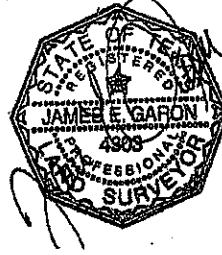
THENCE N 20°39'05" W a distance of 177.08 feet along said S Avenue B to a 1/2" an iron rod found for the northwest corner hereof and said Johnson 1.18 acre tract and southwest corner of said Brow 0.456 acre tract;

September 25, 2020

THENCE N 69°21'11" E a distance of 283.72 feet along said line to the **POINT OF BEGINNING**, containing 1.175 acres of land, more or less and as shown on sketch of survey prepared herewith.

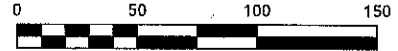
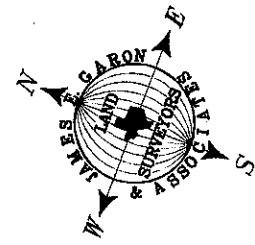
Surveyed by:

James E. Garon
Registered Professional Land Surveyor
Co\Bastrop\City of Elgin\Div 8\78920



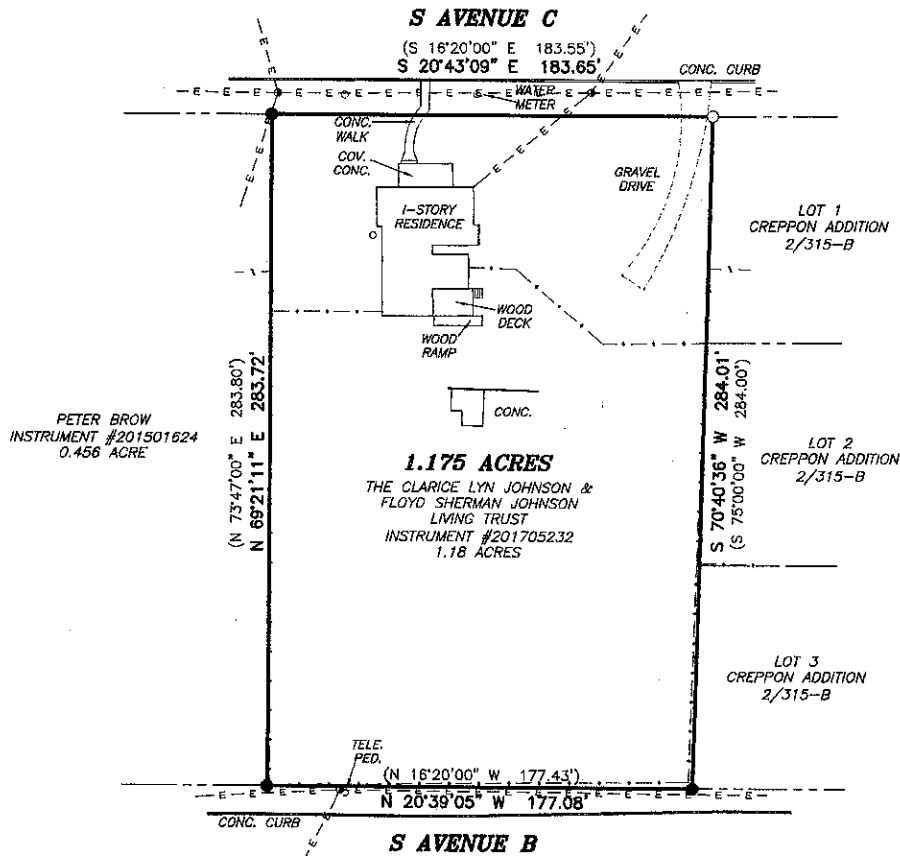
LEGEND

- 1/2" REBAR FOUND (UNLESS NOTED)
- 1/2" REBAR SET W/CAP
- STAMPED J.E. GARON RPLS 4303
- //— WOOD FENCE
- ◇— CHAIN LINK FENCE
- POWER POLE
- E— OVERHEAD ELECTRIC LINE
-) DOWN GUY
- (BRG.-DIST.) RECORD CALL



SCALE: 1" = 50'

BEARINGS SHOWN ARE
GRID NORTH BASED ON
GPS OBSERVATIONS FOR
TEXAS STATE PLANE
COORDINATE SYSTEM
"CENTRAL ZONE" NAD83.



TO THE OWNERS, LIENHOLDERS AND INDEPENDENCE TITLE COMPANY

THE UNDERSIGNED DOES 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 HEREON.

THE UNDERSIGNED DOES FURTHER CERTIFY THAT THE PROPERTY DESCRIBED HEREON IS LOCATED IN ZONE "X" AND IS NOT WITHIN A 100-YEAR FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, PANEL NO. 48021C0100E EFFECTIVE JANUARY 19, 2006.



SEPTEMBER 24, 2020



JAMES E. GARON & ASSOC.
LAND SURVEYORS & CIVIL ENGINEERS
Firm Reg. #10058400 & F-20386
185 McAllister Road
Bastrop, Texas 78602
(512) 303-4185
jgaron@austin.rr.com
www.jamesegaronsurvey.com

REFERENCE: MISCOE PROPERTIES G.F. NO. 2054307-WLK
ADDRESS: 316 S AVENUE C, ELGIN
LEGAL DESCRIPTION: 1.175 ACRES OUT OF SUBDIVISION 5, DIVISION VII, TOWN OF ELGIN, PLAT CABINET NO. 1, PAGE 100B, PLAT RECORDS, BASTROP COUNTY, TEXAS.
FIELD BOOK: B-624/78
FILE: Server\Co\Bastrop\City of Elgin\Division 5\78920.dwg

Attachment 3

Staff Added Comprehensive Plan Exhibits



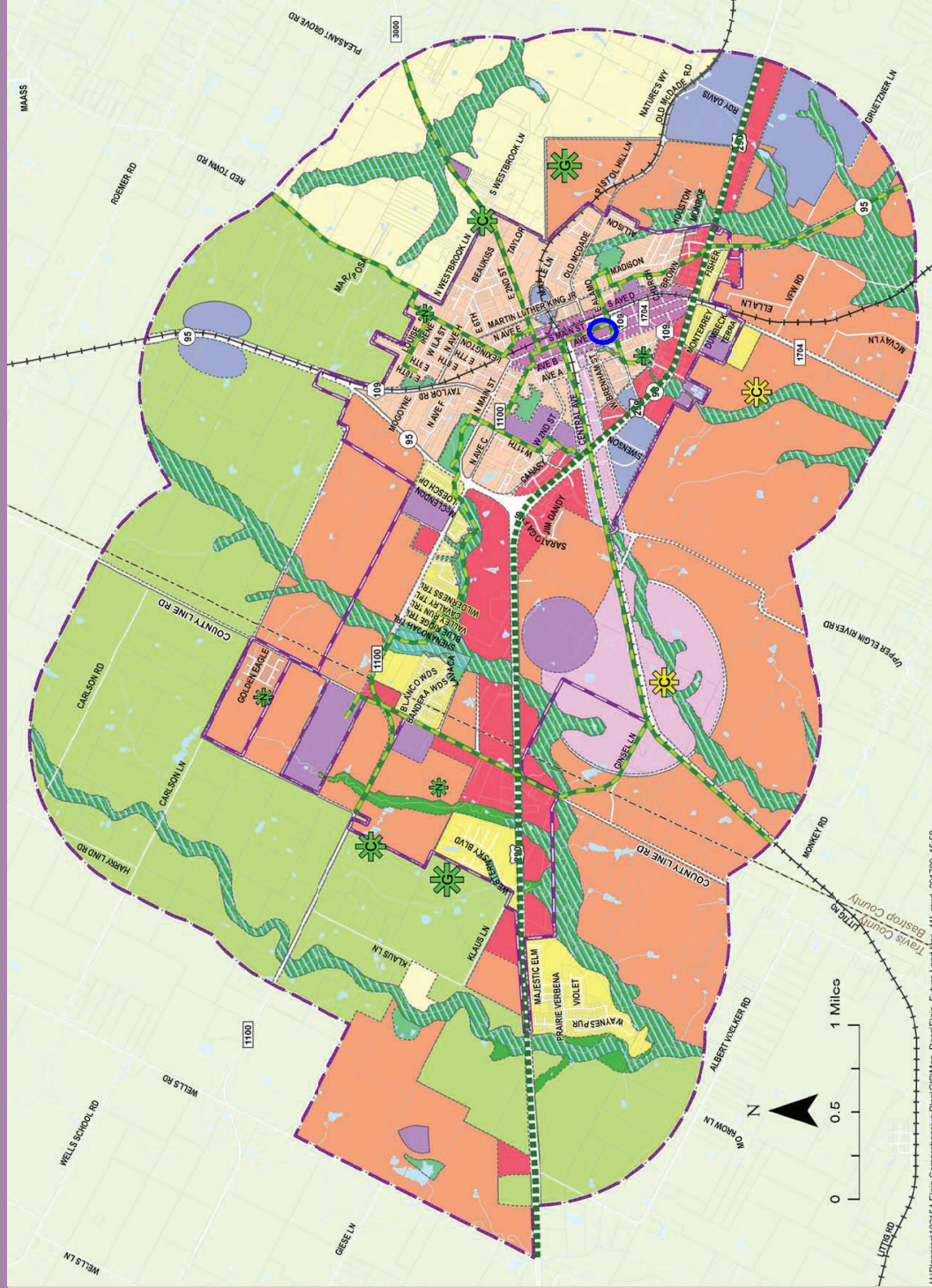
Exhibit 4.4: Future Land Use and Development Plan

- 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.



Main Street

General Description: As the heart of Elgin and the community's historic town center, the Main Street area is an important district to preserve and revitalize as Elgin develops. Many of the buildings along Main Street were constructed with local Elgin brick from the late 1800s to the mid 1900s, and as a result, are a true representation of Elgin's local history. This area continues to be a center for retail, business, local government, community festivals, and art. It is an area that Elgin residents treasure and many community members have worked to preserve and promote through efforts such as the Main Street Program, the Historic Review Board, and Elgin Art Walks.

Transect Zone: Urban Center (T5)

Primary Land Use: Commercial retail and office

Supporting Land Uses: Multi-family residential (apartments and condos typically above retail storefronts), single family residential, public, semi-public, light industrial, and industrial.

Residential Densities: Approximately 7 units per acre.

Form and Character: The core of Historic Main Street is mainly comprised of historic two-story brick buildings built between 1872 and 1947. Many of these buildings support an integrated mix of retail, office, and residential uses in a walkable environment. The official Main Street Historic District is subject to design guidelines that aim to maintain the historic integrity of the district. As such, all development and restoration should conform to the design standards. Areas immediately surrounding the District may not be subject to the specific design guidelines, but should be developed with sensitivity to the surrounding context. Infill development should be encouraged in the area to attract additional residents to support Main Street businesses. Additionally, Main Street should remain a focus for promoting small-scale retail, restaurant, entertainment, and arts venues to provide a draw for Elgin residents as well as visitors.

Parks and Open Space: Open space is primarily provided in small pocket parks and plazas such as Veterans' Memorial Park. Additional streetscaping and landscaping should be encouraged along public frontages with bike and pedestrian connections to surrounding areas.



Attachment 4
Staff Added Zoning Map

Zoning Map



9/15/2021, 10:09:38 AM

Zoning

C2 - General Commercial District

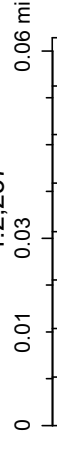
R2 - Single Family & Garage Apartment District

R3 - Single Family/Two Family/Industrialized Housing District

<all other values>

Bastrop Parcels July 2021

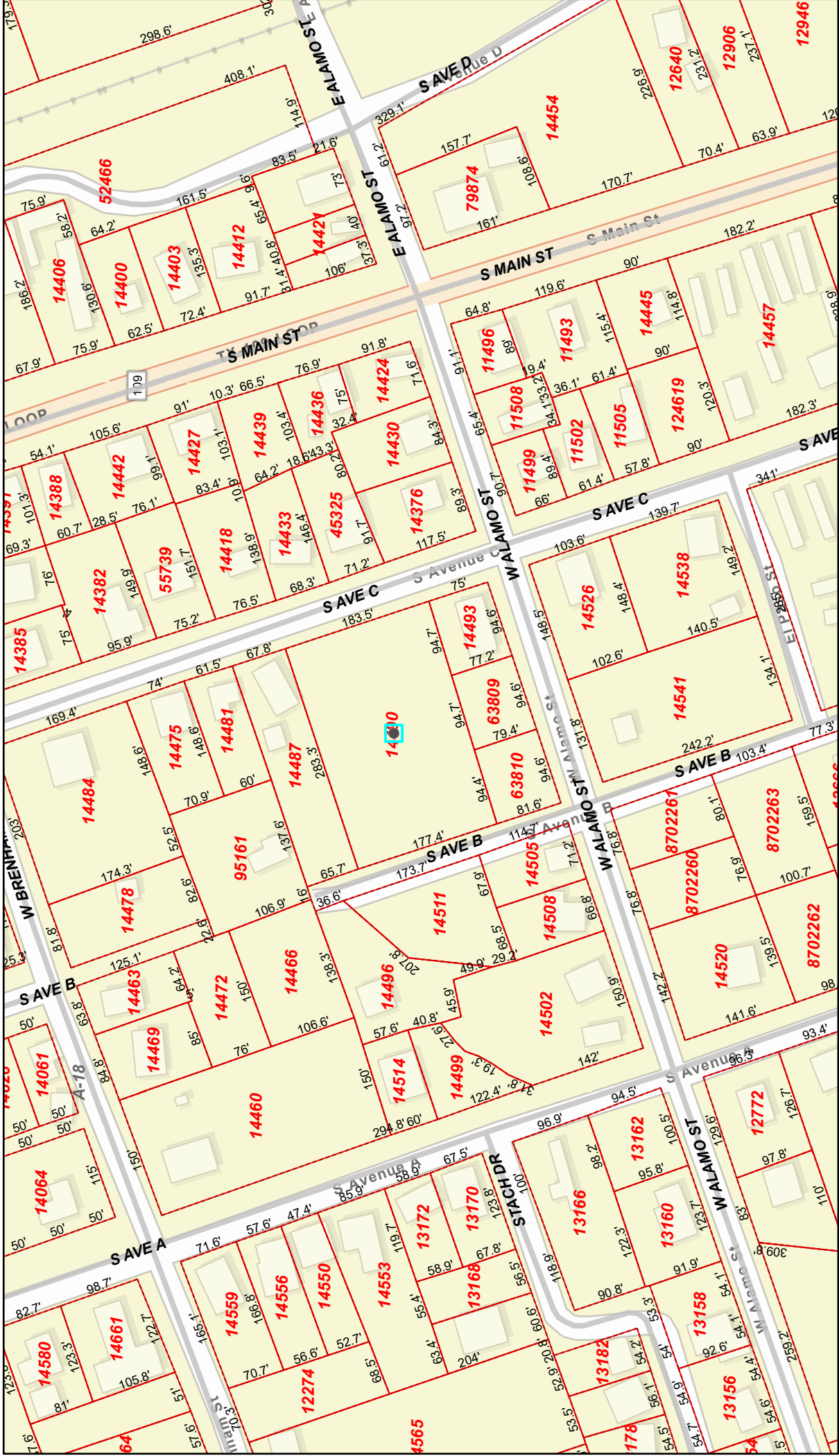
1:2,257



Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Attachment 5
Staff Added Bastrop County
Appraisal District (BCAD) Map

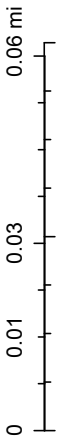
Bastrop CAD Web Map



9/15/2021, 1:36:59 PM

-  Abstracts
-  Parcels
-  Lot Lines
-  Bastrop Roads

1:2,257



Esri Community Maps Contributors, Baylor University, City of Austin, Texas
Parks & Wildlife, CONANP, Esri, HERE, Garmin, © OpenStreetMap
contributors, Microsoft, SafeGraph, INCREMENT P, METI/NASA, USGS, EPA,
NPS, US Census Bureau, USDA

Bastrop County Appraisal District, BIS Consulting - www.bisconsulting.com
Disclaimer: This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries.



Development Service Department

STAFF REPORT

Project #: 202101587

Rezoning from C-3 and I to A

Date: September 16, 2021

Applicant: Paravel Capital LLC

Representative: SAME

Hearing Dates: Planning & Zoning Commission – September 27, 2021
City Council – October 12, 2021

Location: BCAD Parcel #111936 (located along the westside of Roy Rivers Rd, south of Lee Dildy Dr.)

APPLICATION SUMMARY

Recommendation by the Planning & Zoning Commission and consideration by the City Council of a rezoning of 6.03 acres of land located along the westside of Roy Rivers Rd, south of Lee Dildy Dr. The proposal is to change the zoning from “C-3” Highway Commercial District and “I” General Industrial Dist. to “A” Multiple Family Residential District to allow for the building of a proposed garden style multi-family community.

DEPARTMENT COMMENTS

The applicant has been working with the City Economic Development Department regarding the selling and proposed development of the property. The parcel itself is in the Elgin Business Park and within the Tax Increment Revitalization Zone (TIRZ). This area has additional development requirements through the Elgin Business Park (Parks) Development Standards that are governed by the Parks Development Review Board (DRB) and must be approved through this DRB. This includes items such as site development, landscaping, architecture, setbacks, buffers, lighting, signage that are above and some are more stringent than City Code standards. Their Development Standards also gives their DRB wide latitude to impose conditions on these standards. These are powers that the Commission and Council do not have without a separate approved Development Agreement.

STAFF ANALYSIS

In review of the Elgin Comprehensive Plan the parcel is located within the Mixed-Use Land Use category. This category’s primary land usage is multifamily residential (see attachment 3) according to the provided map and associated land use language. The proposed zoning category will allow for multifamily 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. There are subtractions of the commercial uses, and the additional permitted uses would be allowed with proposed rezoning request.

C-3 ad I District (existing)	A District (proposed)
All 104 allowed Commercial Uses	
All 29 allowed Industrial Uses.	Multiple-Family Dwellings & Garden Apts.
	Detached single-family dwelling.
	Garage Apartments.
	Duplex.
	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.
	Accessory uses, which shall include the following where the primary use is residential: Customary home occupations, if done inside of building, such as dressmaking, babysitting, seamstress, tailoring, millinery, tutoring, when engaged in by members of the resident family and employing not more than one person, not a member of the resident family, but not including beauty culture, barbering or appliance repairing.
	Zero-Lot Line two-family dwelling.

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

	C-3 and I (existing)	A (proposed)
Height	50'	50'
Front Setback	25'	25'
Side Setback	0'	10' when side has no openings; otherwise 12' + 1' for each 15' in length.
Rear Setback	10'	Same as side yard.

Lot Width	None	None
Lot Area	None	None
Impervious Cover on Lot	None.	None

Although the rezoning itself will dramatically change the uses associated with the lot, Staff has no issues or concerns because these additional uses will not affect the neighboring development which will consist of commercial and industrial uses. Also, the City's Economic Development Commission controls the sell of the land which directly controls what "type" of commercial or industrial uses develop next to it. Also, the additional development regulations of the Elgin Business Park and the approval authority through its DRB will mitigate any additional negative impacts to the higher classification of residential zoning.

Rezoning of this parcel is also regarded as spot zoning, since there are no other "A" zoning uses around this area. Typically, spot zoning is viewed unfavorably, and case law exists regarding it. In consultation with the City Attorney, there are several findings from the Texas Supreme Court that should be considered when making your decision. Staff will offer their interpretation of these findings *in italics* based on the evidence provided in the packet.

1. Whether the City has disregarded the zoning ordinance or long-range master plans and maps that have been adopted by ordinance; *The City has not disregarded its long-range master plan (interpreted as the Comprehensive Plan) as this area is in the mixed-use category and the proposed multi-family use is consistent with the Land Use.*
2. The nature and degree of an adverse impact on surrounding properties; i.e. is the change substantially inconsistent with surrounding properties; *the surrounding properties are zoned commercial and industrial zoning, this is a downzoning to residential and no adverse impacts on neighboring properties are expected.*
3. Whether the use of the property as presently zoned is suitable or unsuitable; and, *the present zoning is unsuitable as the proposed use will be multi-family. There is a defined need within the area for multi-family development as this is an area that has an underlying land use of Mixed-Use Land Use which allows for residential and commercial use to coexist in the area. The parcels to the immediate north are zoned C-3.*
4. Whether the rezoning ordinance bears a substantial relationship to the public health, safety, morals, or general welfare or protect and preserve historical and cultural places and areas. *Although typically residential land uses next to industrial land uses are discouraged, the additional regulations allowed by the Development Standards of the Elgin Business Park, their DRB, and the City EDC controlling the "type" of industrial uses through their sale of the land to customers greatly reduces the issues of public health, safety, morals, or the general welfare of the lot being rezoned and the surrounding area.*

Based on the information within the packet, staff has no issues or concerns.

This is a staff analysis of the requested specific use and is not to be considered as a staff recommendation to the Commission/Council. The Commission/Council in their analysis of the evidence presented in this packet or from other sources can make their own decision.

ATTACHMENTS

Additional information is provided through attached exhibits.

1. Application.
2. Ordinance.
3. Staff Added Comprehensive Plan Exhibits.
4. Staff Added Zoning Map.
5. Applicant Proposed Landscape Buffer.

Attachment 1

Application

NON-PDD REZONING APPLICATION

Date: _____

SITE INFORMATION

Project Address: _____

Parcel Identification Number (if no address): _____

APPLICANT

Name: _____

Postal Address: _____

E-Mail Address: _____; Phone Number: _____

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.

 _____

Signature

Printed Name

Date

Project Description:



310 North Main Street
P.O. Box 591
Elgin, Texas, 78621



(512) 281-0119



www.elgintx.com

Attachment 2

Ordinance

ORDINANCE NO. 2021-10-12-??

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 “A” MULTIPLE FAMILY RESIDENTIAL DISTRICT, THE PROPERTY BEING APPROXIMATELY 6.03 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 and “I” General Industrial District to “A” Multiple Family Residential 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 September 27, 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 “A” Multiple Family Residential District, and

WHEREAS, on October 12, 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 Commercial District and "I" General Industrial District to "A" Multiple Family Residential 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 12th day of October 2021.

Ron M. Ramirez, Mayor

ATTEST:

Jennifer Stubbs, City Secretary

Melissa J. Norton 7/18/18
MELISSA T. NORTON
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 10000
6477 FM 311, P.O. BOX 992
SPRING BRANCH, TEXAS 76082
PHONE# (800) 228-5446
FAX# (800) 865-2170

Attachment 3

Staff Added Comprehensive Plan Exhibits

Mixed Use

General Description: The Mixed Use category is intended to develop as an area with a vital mix of complementary uses in a higher density environment. Where possible, land uses should be integrated within the same building with retail and service uses on the ground floor and residential or office uses above. Density levels should be sufficient to support transit to maximize the opportunity for future passenger rail in the region. Pedestrian access and comfort is emphasized through the design of buildings and the streetscape.

Transect Zone: Urban Center (T5)

Primary Land Use: A mix of multi-family residential and commercial retail/office

Supporting Land Uses: Attached residential units such as townhomes and rowhouses, schools, parks, community facilities, and transit facilities.

Residential Densities: Approximately 12 units per acre.

Form and Character: This area is intended to be relatively urban in character with buildings of a minimum of two and a maximum of four stories tall. As an area that prioritizes transit use and walking, surface parking lots should be discouraged in favor of structured or on-street parking. Buildings should have shallow setbacks so that they address the sidewalk, provide a comfortable street wall for pedestrians, and provide easy access to store fronts and entrances from the sidewalk. Sidewalks should be wide to promote walking and other activities such as café seating. Street trees, plantings, public art, and attractive street furniture should also be used to create an attractive pedestrian environment.

Parks and Open Space: Small pocket parks and plazas should be provided in commercial and high-density residential areas to provide a gathering place for residents and visitors to the area. A neighborhood or community park should be developed on the edge of the Mixed Use area to provide recreational space for those living in multi-family units as well as to provide a transition from high-density to lower density neighborhoods.





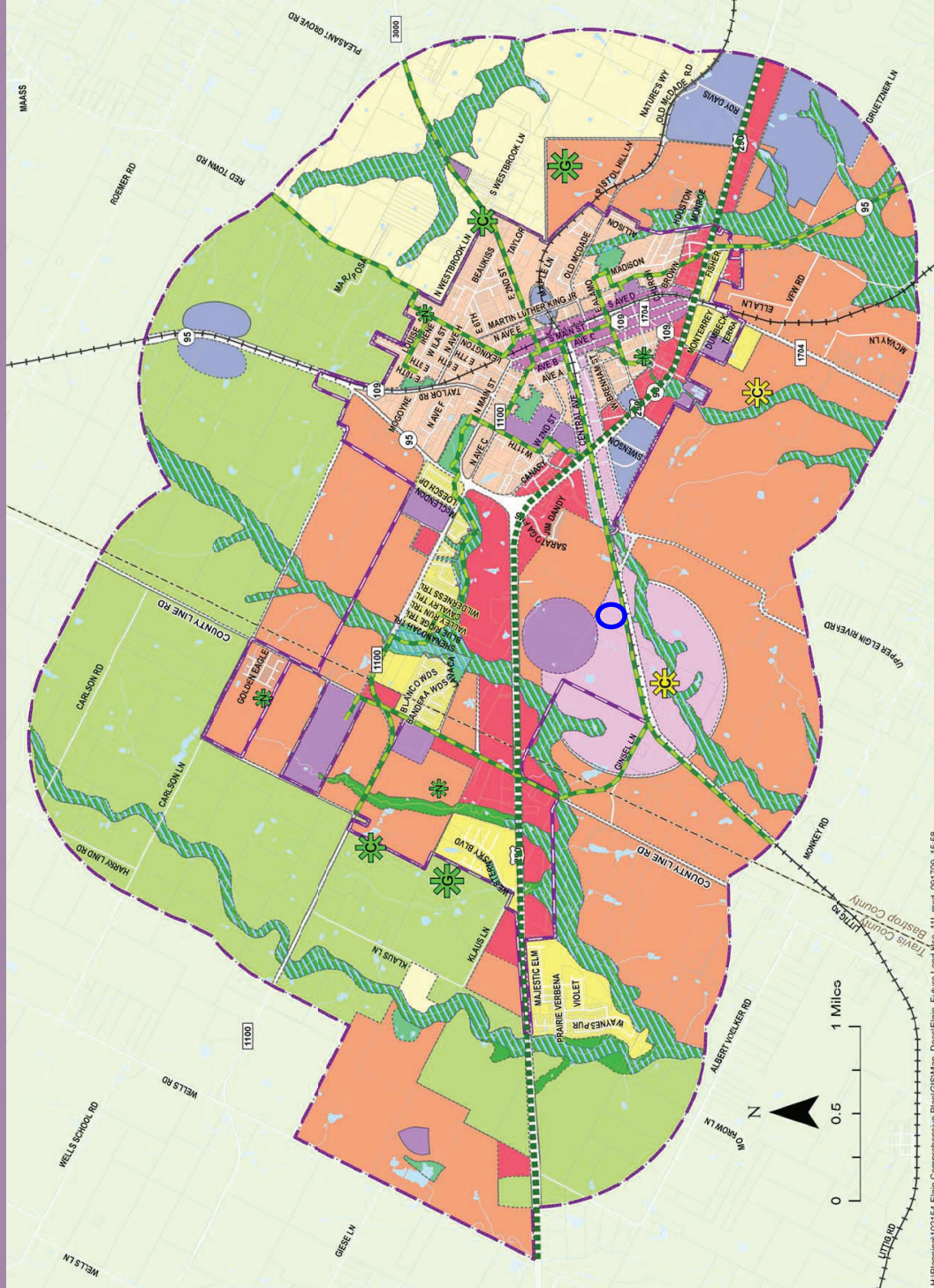
Exhibit 4.4: Future Land Use and Development Plan

- 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

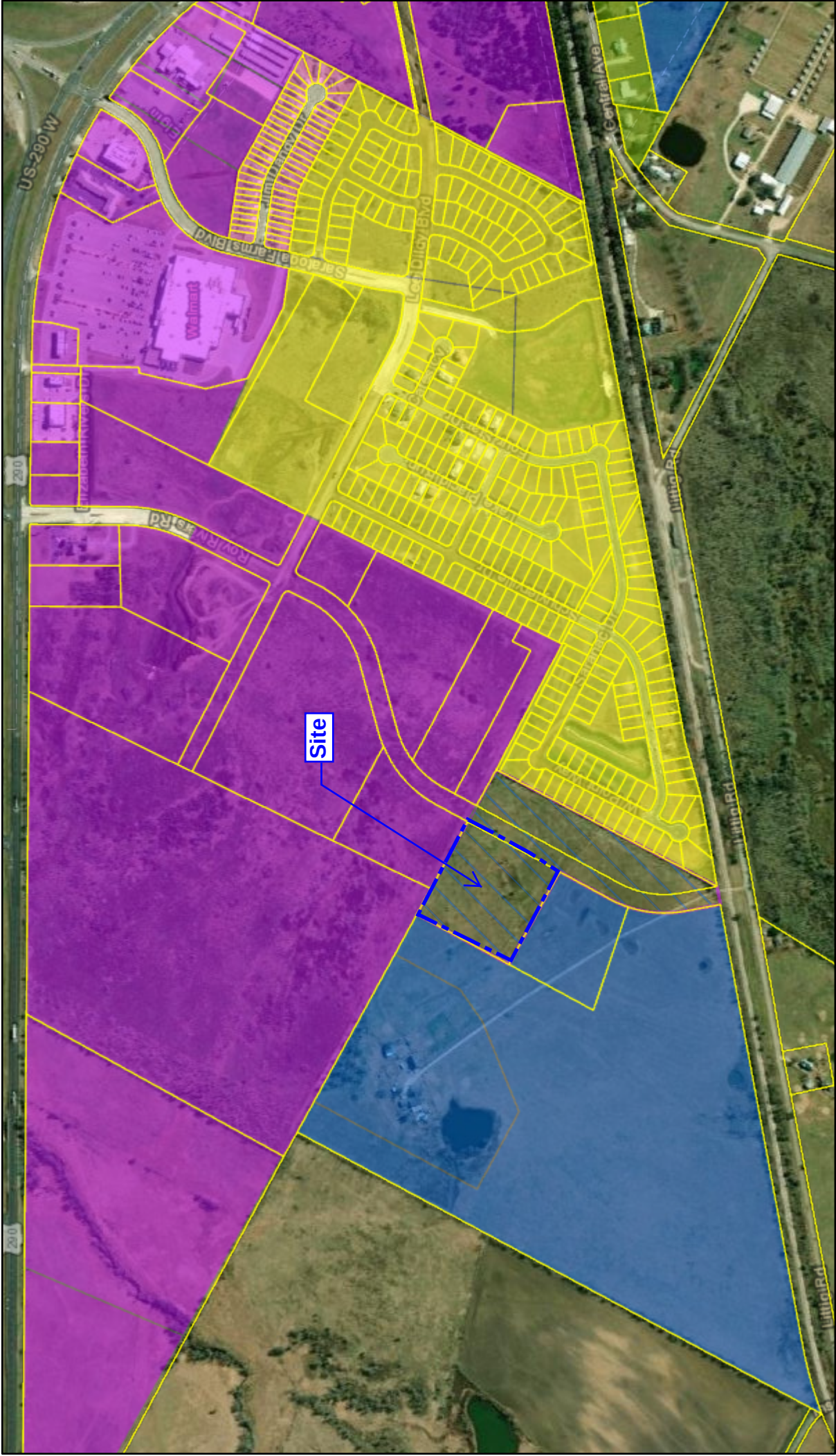
Note: A Comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.



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.

Attachment 4
Staff Added Zoning Map

Zoning Map



9/15/2021, 2:00:37 PM

Zoning

- C3 - Highway Commercial District
- I - General Industrial District
- I, C3 - Highway Commercial/General Industrial District

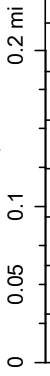
R1 - Single Family

R2 - Single Family & Garage Apartment District

R3 - Single Family/Two Family/Industrialized Housing District

Bastrop Parcels July 2021

1:9,028

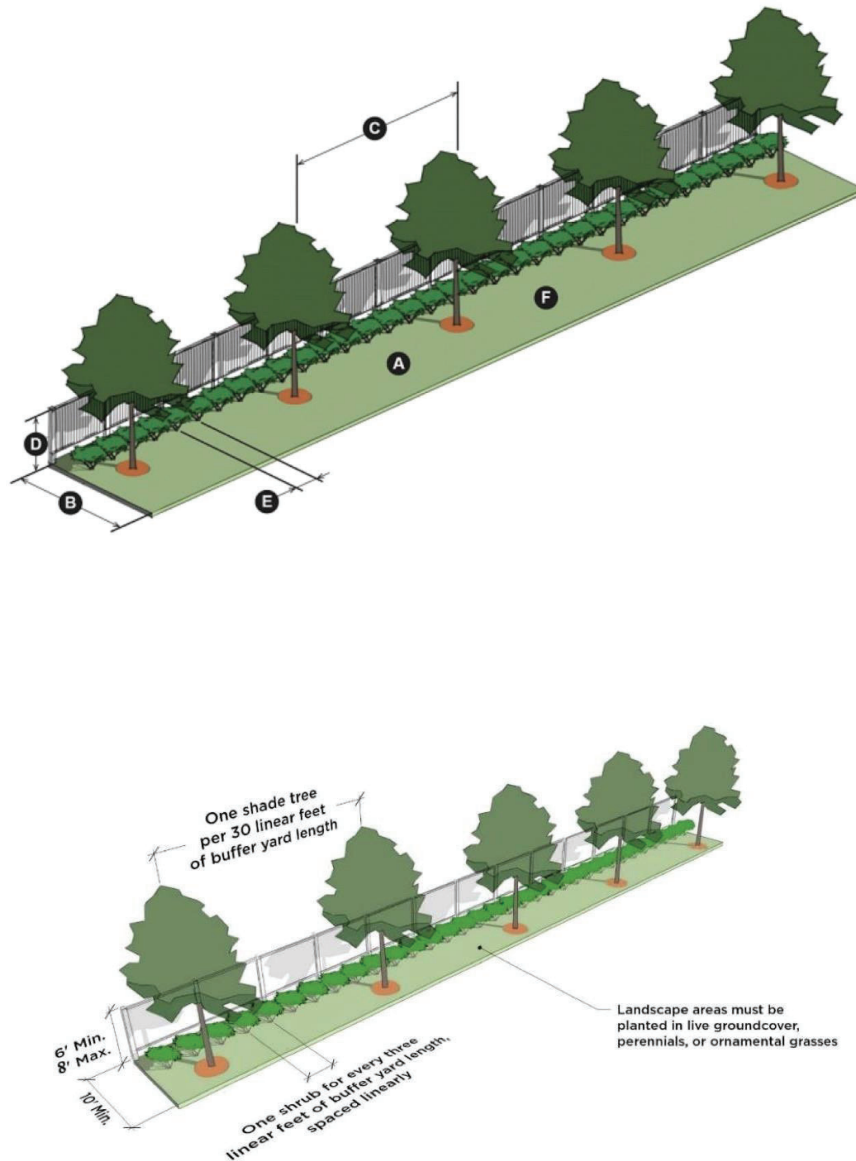


Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Attachment 5
Applicant Proposed
Landscaping Buffer

Exhibit A:

- Developer to provide sufficient buffer to adjacent industrial properties using a combination of 6 – 8' fencing, shade trees, and shrubbery



Disclaimer: This is a proposal; this could be changed or may be entirely different than seen at this time. This proposal cannot be conditionally approved for the rezoning. Ultimately, the Design Review Board (DRB) for the Elgin Development Corporation (EDC) will determine the landscaping and buffering standards in accordance with Section 5.2.4 Elgin Business Park Development Standards



Development Services Department

STAFF REPORT

Specific Use Permit

Project #: 202101606

Date: September 15, 2021

Applicants: Renewal Lodge by Burning Tree

Representative: Peter Piraino / David Elliott

Hearing Dates: Planning & Zoning Commission – September 27, 2021
City Council – October 12, 2021

Location: 122 Fisher St.

APPLICATION SUMMARY

Recommendation of the Planning & Zoning Commission and consideration (action) for City Council of a modification to an already approved Specific Use Permit. This modification will ONLY remove a condition that the Use be renewed in five (5) years on the property. It will not negate the previously approved Ordinance or the original approval of the medical facility.

DEPARTMENT COMMENTS

On July 26, 2021 the Commission recommended approval of a specific use allowing for a medical facility at 122 Fisher St. This specific use was necessary as the medical facility (with 13,000 sq. ft of existing building space) was legally non-conforming to the zoning code. It was planning to add a new 3,200 sq. ft. dining hall, 2,400 sq. ft. women's dorm, and 3,600 sq. ft. men's dorm (9,200 square feet total) and needed to become legally conforming to the Zoning Code. As a part of that approval the Commission added a recommended condition the use be limited to a period of five (5) years.

On August 3, 2021 this item went for a consideration in front of the City Council. At that time the Council approved the Specific Use with the condition the use be limited to a period of five (5) years. Due to this condition being approved the applicant has indicated there has been an issue in securing funding for the proposed new buildings.

If the Commission and/or Council have reservations about allowing a specific use to continue in perpetuity with no oversight for any changes, a potential option is to limit based on the gross floor area. This was a City Staff option presented before the Commission at the original July 26, 2021 meeting and was not conditioned as part of the approval. The original condition is as posted below:

The specific use is restricted to a maximum 25,000 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.

This shouldn't cause issues with the applicant's ability to secure funding as their funding is probably based on repayment over a specified number of years.

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

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 APPLICATION

Date: 08/30/2021

SITE INFORMATION

Project Address: 122 Fisher st Elgin Texas 78621

Parcel Identification Number (if no address): 119836,12610

APPLICANT

Name: Peter Piraino/ David Elliott/ Renewal Lodge by Burning Tree

Postal Address: 122 Fisher St. Elgin Texas 78621

E-Mail Address: ppiraino@burningtree.com; Phone Number: 512-285-5900

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.



Signature

Peter Piraino

Printed Name

8/30/21

Date

Project Description:

Burning Tree was recently granted a specific use permit for 122 fisher st that must be renewed every 5 years. Due to the 5 year renewal requirement Burning Tree is unable to secure funding for a renovation.

I am requesting a new specific use permit without restrictions for 122 Fisher st.

Please find survey plat and legal descriptions attached.



310 North Main Street
P.O. Box 591
Elgin, Texas, 78621



(512) 281-0119



www.elgintx.com

Attachment 2

Ordinance

ORDINANCE NO. 2021-10-12-_____

AN ORDINANCE GRANTING A MODIFICATION TO AN ALREADY APPROVED SPECIFIC USE FOR A MEDICAL FACILITY (GRANTED UNDER ORDINANCE 2021-08-03-22) IN ORDER TO REMOVE A CONDITION THAT THE USE BE RENEWED IN FIVE (5) YEARS ON PROPERTY LOCATED AT 122 FISHER ST (0.484 ACRES OF LAND AND 9.19 ACRES OF LAND, LYING IN AND BEING SITUATED OUT OF THE THOMAS GARRETSON SURVEY, ABSTRACT 178), CITY OF ELGIN, BASTROP COUNTY, TEXAS; 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 modification to an existing Specific Use Permit to remove a condition that the Use be renewed in five (5) years on 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 September 27th, 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 of a modification to an already approved specific use permit allowing the removal of the condition that the Use be renewed in five (5) years on the Property; and

WHEREAS, on the 12th day of October 2021, after proper notification, the City Council held a public hearing on the requested application, and

WHEREAS, the City Council determines that the modification to an already approved Specific Use Permit allowing the removal of the condition that the Use be renewed in five (5) years on the Property, 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 policies 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 modification to an approved Specific Use Permit allowing the removal of the condition that the Use be renewed in five (5) years on the property of medical facility is hereby 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 12th day of October 2021.

Ron M. Ramirez, Mayor

ATTEST:

Jennifer Stubbs, City Secretary



SCALE: 1" = 50'

- IRON ROD FOUND
- IRON PIPE FOUND
- S/S IRON ROD SET
- △ FENCE POST
- BASKETBALL HOOP
- UTILITY POLE
- WATER METER
- FIRE HYDRANT
- FENCE LINE
- ELECTRIC LINE
- PIPE LINE

Please see Exhibit A

4841
ACRE OF LAND

Please see Exhibit B

9.195 ACRES

NO portion of this tract appears to be in a Federally designated FLOOD PRONE AREA according to FIRM Number: 48021C 0075C for BASTROP COUNTY, TEXAS.
Effective Date: 08/19/91
This Tract lies in Zone(s) X
Base Flood Elevation: None

WARNING:
This Flood Statement, as determined by a FIRM DOES NOT IMPLY that the Property or improvements thereon will be free from Flooding of Flood Damage. On rare occasions, Greater Floods Can AND Will Occur, and Flood Heights may increase by Man-Made Natural Causes.
THIS STATEMENT SHALL NOT CREATE LIABILITY OF THE PART OF THE SURVEYOR
© 2004 Dale L. Olson Surveying Company
ALL RIGHTS RESERVED

LARRY WICKST
1.0 AC.
410.24' BCDP

SOUTHWEST REGION CONFERENCE ASSOCIATION
OF SOUTHWESTERN AREAS
1.4 AC.
144.10' BCDP

The undersigned does hereby certify to the Title Agency, Underwriter, Lender, Mortgage Co. and/or Purchaser, that this survey was, this day, made on the ground, on the property legally described herein, and is correct, and there are no discrepancies, conflicts, 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 road way, except as shown hereon.

INFORMATION ONLY

DALE L. OLSON
REGISTERED PROFESSIONAL LAND SURVEYOR
711 WATER STREET (512) 321-5476 BASTROP, TEXAS

SURVEY PLAT
of a 9.195 ACRE TRACT in the
THOMAS GARRETSON SURVEY, A-178,
BASTROP, COUNTY, TEXAS.

SCALE: 1" = 50.00'
DRAFTSMAN: D. BROOKS
SANTA ANITA, Inc.
PLAT FILE # 2847 M

PROFESSIONAL
LAND SURVEYORS

1515 Chestnut Street (512) 303-0952
Bastrop, Texas 78621 Fax: (512) 332-0961

LEGAL DESCRIPTION

0.484 ACRE OF LAND OUT OF THE THOMAS GARRETSON SURVEY, ABSTRACT NO. 178, BASTROP COUNTY, TEXAS, COMPRISED OF A PORTION OF THAT TRACT CONVEYED AS 3.268 ACRES TO JUAN LOREDO AND ROSA LOREDO BY DEED RECORDED IN VOLUME 1427, PAGE 369, OFFICIAL RECORDS OF BASTROP COUNTY AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SURVEYED UNDER THE SUPERVISION OF C. RICHARD RALPH, R.P.L.S. NO. 4758 DURING AUGUST, 2010:

BEGINNING at a capped iron rod found marked "J.E. Garon" for the north corner hereof, the common north corner of said 3.268 acres and that tract conveyed as 9.915 acres to Santa Anita, Inc. by deed recorded in Volume 1473, Page 558 of said Official Records, same being the common south corner of that tract conveyed as 0.25 acre to Ernest Vincent by deed recorded in Volume 149, Page 617, Deed Records of Bastrop County and that tract conveyed to Guadalupe Hernandez per Bastrop Central Appraisal District Records;

THENCE S 38°12'23" W, (Bearing Basis for this survey per said Volume 1427, Page 369) 471.55 feet along the east or southeast line of said 3.268 acres, called to be common with the west line of said 9.915 acres (Note: the undersigned's survey reveals the bearing along the west line of said 9.915 acres (called to be common with the east line of said 3.268 acres) to be S 30°02'32" W, creating a 0.367 acre gap of undetermined ownership between the two tracts) to a capped iron rod found marked "J.E. Garon" for the south or southeast corner hereof, the southeast corner of said 3.268 acres (ostensibly an angle point along the west line of said 9.915 acres, but found iron rods (not capped or marked) delineating the west line of said 9.915 acres place this point approximately N 50°40'25" W, 67.74 feet away from the angle point and southeast corner of said 3.268 acres per said Volume 1473, Page 558);

THENCE N 50°24'24" W, pass at 29.84 feet S 28°32'38" W, 0.51 feet from an iron rod found called per said Volume 1473, Page 558 to be the common north corner of said 9.915 acres and that tract conveyed as 1.0 acre to Larry Vincent by deed recorded in Volume 410, Page 266 of said Official Records, continue for a total of 89.38 feet along the line called to be common with both said 9.915 acres and said 1.0 acre per said Volume 1427, Page 369 to an iron rod set for the west or southwest corner hereof;

THENCE N 48°59'02" E, 477.82 feet over and across said 3.268 acres to the POINT OF BEGINNING, containing 0.484 acre of land, more or less and shown on the survey map prepared herewith.

Surveyed by:



C. Richard Ralph

Registered Professional Land Surveyor No. 4758

Project No. 1011075 - 113/52



August 11, 2010

Exhibit A

DALE L. OLSON

Registered Professional Land Surveyor

711 Water Street

Bastrop, TX 78602

Phone (512) 321-5476 * Fax (512) 303-5476

Exhibit B

FIELD NOTES FOR FIELD NOTES FOR A 9.195 ACRE TRACT IN THE THOMAS GARRETSON SURVEY, BASTROP COUNTY, TEXAS.

BEING a 9.195 acre tract or parcel of land out of and being a part of the Thomas Garretson Survey, A-178, in Bastrop County, Texas, and being all of that certain 2.000 acre tract described in a deed from John R. Butler, individually and as Trustee for Michael L. Butler, to L. Warren Investment, dated July 19, 1988, recorded in Volume 511, Page 639, Bastrop County Deed Records and being a part of that certain 7.189 acre tract described in a deed from John R. Butler, individually and as Trustee for Michael L. Butler, to T. Warren Investments, dated July 19, 1988, recorded in Volume 511, Page 642, Bastrop County Deed Records. Herein described tract or parcel of land being more particularly described by metes and bounds as follows:

BEGINNING at the northwest corner of the said 2.000 acre tract, a 1/2 inch iron rod found in the south line of Fisher Street, at the northeast corner of that certain 0.25 acre tract described in a deed from Mamie Hill to Ernest Vincent, recorded in Volume 149, Page 617, Bastrop County Deed Records, for the most northerly northwest corner of this tract.

THENCE with the south line of Fisher Street and north line of the 2.000 acre and before mentioned 7.189 acre tracts, S 64 deg. 30 min. 00 sec. E, 109.25 feet to a 1/2 inch iron rod found at the northeast corner of the 7.189 acre tract and northwest corner of that certain 1.5 acre tract described in a deed from Wayland Ridings to the Trustees of Elgin Revival Center Church, recorded in Volume 232, Page 119, Bastrop County Deed Records, for the most northerly northeast corner of this tract.

THENCE with the west line of the Elgin Revival Center tract, S 11 deg. 40 min. 28 sec. W, 211.09 feet to the southwest corner of same, a 1/2 inch iron rod found for an interior corner of the 7.189 acre tract, for an interior corner of this tract.

THENCE with a lower north line of the 7.189 acre tract, the south line of the Elgin Revival Center tract, the south line of the Andrew Owens Jr. tract, recorded in Volume 164, Page 207, the south line of the William Hawkins tract, recorded in Volume 152, Page 459, the south line of the Quintus Goins 1.2 acre tract described in Volume 144, Page 310, Bastrop County Deed Records, S 64 deg. 30 min. 00 sec. E, 410.85 feet to a 1/2 inch iron rod found at the northwest corner of that certain 3.4 acre tract described in a Correction Deed from W.H. Rivers III to the Southwest Region Conference Association of Seventh-Day Adventists recorded in Volume 149, Page 363, Bastrop County Deed Records, for a lower northeast corner of the 7.189 acre tract and this tract.

THENCE with the west line of the Seventh Day Adventists 3.4 acre tract and lower east line of the 7.189 acre tract, S 09 deg. 54 min. 09 sec. W, 10.04 feet to a 1/2 inch iron rod found; N 64 deg. 36 min. 24 sec. W, 43.76 feet to a 1/2 inch iron rod found; S 13 deg. 17 min. 15 sec. W, 453.80 feet to a 1/2 inch iron rod found in the north line of 20 foot dedicated strip of land described in a deed recorded in Volume 153, Page 30, Bastrop County Deed Records, the southwest corner of the Seventh Day Adventists tract, the southeast corner of the said 7.189 acre tract, for the southeast corner of this tract.

THENCE with the north line of the 20 foot strip and south line of the 7.189 acre tract, N 86 deg. 58 min. 08 sec. W, 722.88 feet to a 1/2 inch iron rod found at the southeast corner of the Larry Vincent 1.0 acre tract recorded in Volume 410, Page 266, Bastrop County Deed Records, the southwest corner of the 7.189 acre tract, for the southwest corner of this tract.

Exhibit B

THENCE with the lower west line of the 7.189 acre tract and east line of the Vincent tract, N 14 deg. 05 min. 41 sec. E, 264.96 feet to a ½ inch iron rod found in the south line of that certain 3.268 acre tract described in a deed from Herb Dieringer to Juan Loreda recorded in Volume 1427, Page 369, Bastrop County Deed Records, the northeast corner of the Vincent tract, an angle corner of the 7.189 acre tract, for an angle corner of this tract.

THENCE with the south line of the Loreda 3.268 acre tract, S 65 deg. 09 min. 05 sec. E, 97.76 feet to the southeast corner of same, a ½ inch iron rod found at an interior corner of the 7.189 acre tract, for an interior corner of this tract.

THENCE with the east line of the Loreda 3.268 acre tract and a lower west line of the 7.189 acre and before mentioned 2.000 acre tract, N 15 deg. 33 min. 52 sec. E, 477.42 feet to a ½ inch iron rod found at the northeast corner of the Loreda tract and a lower northwest corner of the 2.000 acre tract, for a lower northwest corner of this tract.

THENCE with a lower north line of the 2.000 acre tract and south line of the before mentioned Vincent tract, S 63 deg. 48 min. 33 sec. E, 129.98 feet to a ½ inch iron rod found at the southeast corner of the Vincent tract and an interior corner of the 2.000 acre tract, for an interior corner of this tract.

THENCE with the east line of the Vincent tract and upper west line of the 2.000 acre tract, N 11 deg. 40 min. 44 sec. E, 211.10 feet to the POINT OF BEGINNING, containing 9.195 acres of land.



Dale L. Olson
Reg. Pro. Land Surveyor 1753

OR

Michael D. Olson
Reg. Pro. Land Surveyor 5386

©2004 Dale L. Olson Surveying Co.

Order #: 143204

Date Created: 09/21/04

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Rose Pietsch

2004 SEP 24 01:54 PM 200415457
KRISTAB \$15.00
ROSE PIETSCH, COUNTY CLERK
BASTROP COUNTY, TEXAS

Attachment 3
Staff Added Zoning Map

ArcGIS Web Map



6/29/2021. 3:05:00 PM

Zoning

- | | | | |
|---|--|---|---|
|  | A - Multiple Family Residential District |  | R2 - Single Family & Garage Apartment District |
|  | C2 - General Commercial District |  | R3 - Single Family/Two Family/Industrialized Housing District |
|  | C3 - Highway Commercial District |  | Bastrop Parcels Jan 2021 |

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 | TRC GIS.

Web AppBuilder for ArcGIS

1:4,514

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0	0.03	0.07	0.13

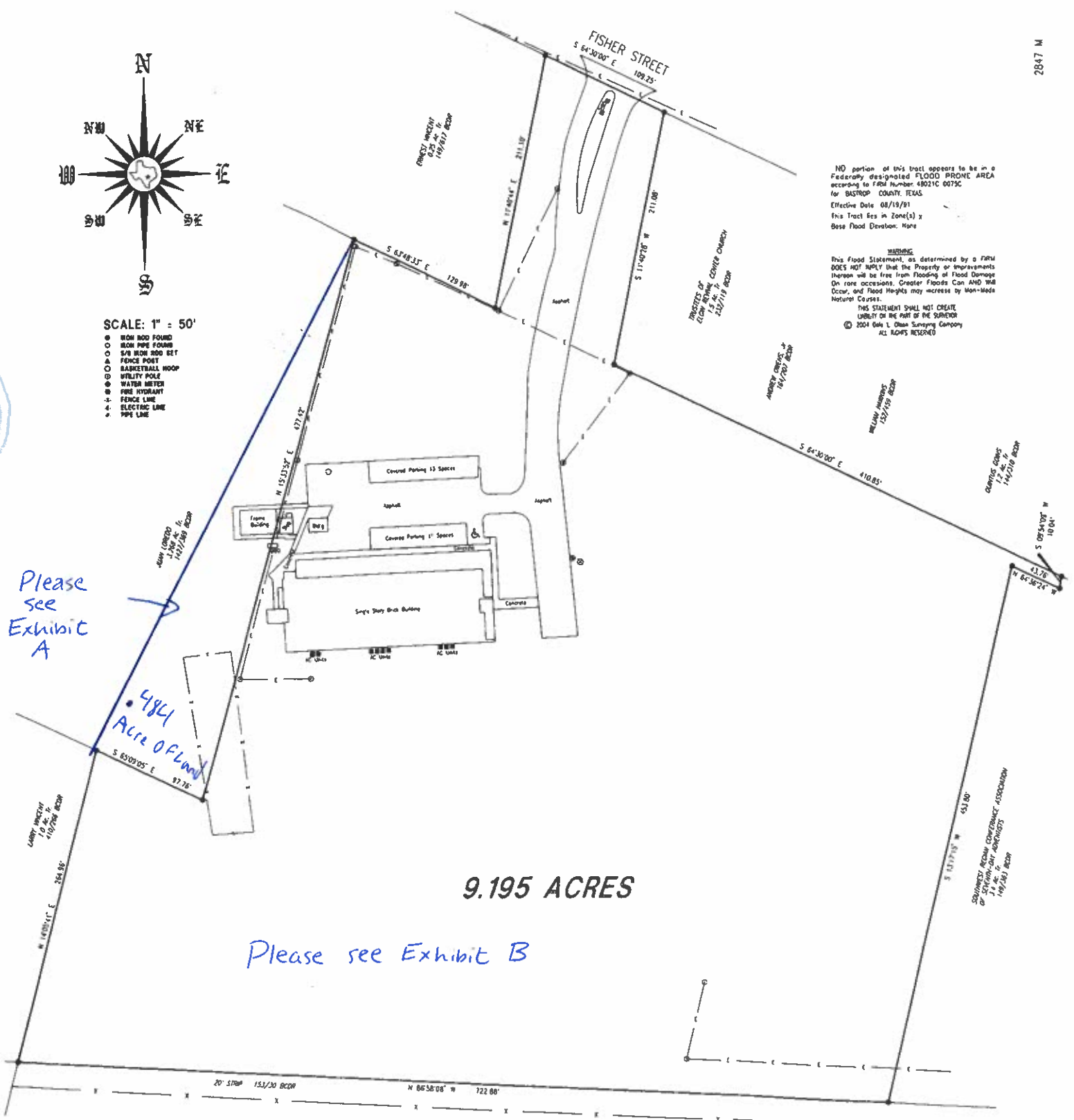
Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community. Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Attachment 4
Applicant Site Plan & Survey



SCALE: 1" = 50'

- IRON ROD FOUND
- IRON PIPE FOUND
- 5/8" IRON ROD SET
- FENCE POST
- BASKETBALL HOOP
- UTILITY POLE
- WATER METER
- FIRE HYDRANT
- FENCE LINE
- ELECTRIC LINE
- PIPE LINE



NO portion of this tract appears to be in a Federally designated FLOOD PRONE AREA according to FEMA Number 48031C 0075C for BASTROP COUNTY, TEXAS.
Effective Date: 08/19/91
This Tract lies in Zone(s) 1
Base Flood Elevation: None

WARNING:
This Flood Statement, as determined by a FIRM DOES NOT IMPLY that the Property or Improvements thereon will be free from Flooding or Flood Damage. On rare occasions, Greater Floods Can AND WILL Occur, and Flood Heights may increase by Man-Made Natural Causes.
THIS STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR
© 2004 Dale L. Olson Surveying Company
ALL RIGHTS RESERVED

Please see Exhibit A

Please see Exhibit B

9.195 ACRES

INFORMATION ONLY

The undersigned does hereby certify to the State Agency, Underwater, Underway, and/or Purchase, that this survey was, this day, made on the ground, on the property legally described herein, and is correct, and there are no discrepancies, conflicts, 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 road way, except as shown hereon.

DALE L. OLSON REGISTERED PROFESSIONAL LAND SURVEYOR 711 WATER STREET (512) 321-5476 BASTROP, TEXAS	
SURVEY PLAT of a 9.195 ACRE TRACT in the THOMAS GARRETSON SURVEY, A-178, BASTROP COUNTY, TEXAS.	
SCALE: 1" = 50.00'	SANTA ANITA, Inc.
DRAFTSMAN: D. BROOKS	



Development Services Department

STAFF REPORT

Specific Use Permit

Project #: 202101525

Date: September 15, 2021

Applicants: Renewal Lodge by Burning Tree

Representative: Peter Piraino / David Elliott

Hearing Dates: Planning & Zoning Commission – September 27, 2021
City Council – October 12, 2021

Location: 124 Fisher St.

APPLICATION SUMMARY

Recommendation of the Planning & Zoning Commission and consideration (action) for City Council of a Specific Use Permit for a medical facility.

DEPARTMENT COMMENTS

Originally there was a specific use granted for a medical facility for this site, this is related to the Burning Tree substance abuse facility at 122 Fisher St. This specific use was granted in September 2016 and conditioned 1) only for an Alcoholics Anonymous (AA) facility; 2) for a period of (5) years. Since that time the AA facility has moved out of this building. The proposal for this site is to modify the existing buildings to house a training facility and related office spaces for the Burning Tree substance abuse facility at 122 Fisher St. Since the use will no longer be an AA facility and will house training and associated office space for the substance abuse facility, it is still regarded as a medical facility under the Zoning Code.

A survey has been provided indicating that a gravel parking area and a residential designed home exist at the location (see attachment #4). In review of the Bastrop Co. Appraisal District (BCAD) records this home was built in 1940 and is 2,832 sq. ft in size.

STAFF ANALYSIS

The area itself within the City Limits have residential zoning, and most of the area is residential in nature. This medical facility related use has existed since 2016 on almost a half (1/2) acre of land and was greatly restricted under the previous specific use. Also, this area within the City has no significant growth issues that would change the area or create traffic related issues. Since the usage was restricted with conditions, Staff would suggest the following conditions if the Commission/Council decide to approve the project.

1. The specific use is restricted to a maximum 3,000 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.

2. The Use is restricted to only directly related uses to the substance abuse facility located at 122 Fisher St. The term “directly related uses” means uses that are directly connected to the functioning of the substance abuse facility, this definition does NOT make the differentiation between principal and accessory usage of the site.

This is a staff analysis of the requested specific use and is not to be considered as a staff recommendation to the Commission/Council. The Commission/Council in their analysis of the evidence presented in this packet or from other sources can make their own decision.

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

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 APPLICATION

Date: 08/03/21

SITE INFORMATION

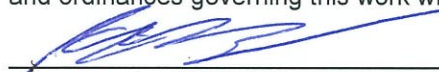
Project Address: 124 Fisher st Elgin Texas 78621

Parcel Identification Number (if no address): _____

APPLICANT

Name: Peter Piraino/ David Elliott/ Renewal Lodge by Burning TreePostal Address: 122 Fisher St. Elgin Texas 78621E-Mail Address: ppiraino@burningtree.com; Phone Number: 512-285-5900

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.

Peter Piraino 8/3/21

Signature

Printed Name

Date

Project Description:

Burning Tree is requesting a specific use permit for 124 Fisher st. This property was previously granted a specific use permit for Elgin AA to hold self help meetings daily. Elgin AA has found a new home. Burning Tree would like to use this property as a training facility and office space. We would like a medical use specific use permit to match our application for 122 Fisher street. This change of use would decrease traffic in and out of the building. AA was using the building 7 nights a week with 35-50 people with vehicles in attendance. Our new use would be three days a week with far fewer people in attendance. Please see attached survey showing property and property boundaries.



310 North Main Street

P.O. Box 591

Elgin, Texas, 78621



(512) 281-0119



www.elgintx.com

Attachment 2

Ordinance

ORDINANCE NO. 2021-10-12-_____

AN ORDINANCE GRANTING A SPECIFIC USE FOR A MEDICAL FACILITY ON PROPERTY LOCATED AT 124 FISHER ST (0.480 ACRES OF LAND, LYING IN AND BEING SITUATED OUT OF THE THOMAS GARRETSON SURVEY, ABSTRACT 178), CITY OF ELGIN, BASTROP COUNTY, TEXAS; 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 a medical facility on 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 September 27th, 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 of a specific use permit for a medical facility on the Property; and

WHEREAS, on the 12th day of October 2021, after proper notification, the City Council held a public hearing on the requested application, and

WHEREAS, the City Council determined that the Specific Use Permit allowing for a medical facility on the Property, 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 policies 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 modification to an approved Specific Use Permit allowing the removal of the condition that the Use be renewed in five (5) years on the property of medical facility is hereby 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 12th day of October 2021.

Ron M. Ramirez, Mayor

ATTEST:

Jennifer Stubbs, City Secretary

METES AND BOUNDS DESCRIPTION

0.473 ACRE OF LAND OUT OF THE THOMAS GARRETSON SURVEY, ABSTRACT 178 IN THE CITY OF ELGIN, BASTROP COUNTY, TEXAS, COMPRISED OF THAT TRACT CONVEYED AS 0.4800 ACRE TO SANTA ANITA, LLC PER VOLUME 2320, PAGE 490 OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY AND MORE PARTICULARLY DESCRIBED BY THE FOLLOWING METES AND BOUNDS OF SURVEY DURING JULY, 2021:

BEGINNING at an iron rod found for the northeast corner hereof, the common north corner of said 0.4800 acre and that tract conveyed as 0.235 acre to J. Miguel Martinez and Juana Martinez per Volume 2310, Page 414 of said Official Public Records and a point on the south line of Fisher Street (r.o.w. varies);

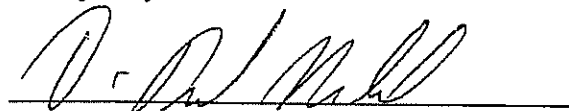
THENCE S 10°02'41" W, 211.81 feet (horizontal control (bearing basis) per Grid North, Texas Central Coordinate Zone, NAD83) to an iron rod set for the common south corner of said 0.4800 acre and that tract conveyed as 9.195 acres to Santa Anita Inc. per Volume 1473, Page 558 of said Official Public Records;

THENCE N 66°12'06" W, 100.00 feet along the common line of said 0.4800 acre and said 9.195 acres to an iron rod set for the southwest corner hereof;

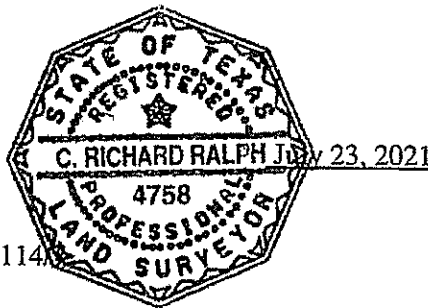
THENCE N 09°58'22" E, 211.80 feet to an iron rod found for the northwest corner hereof, the common north corner of said 0.4800 acre and said 9.195 acres and a point on the south line of said Fisher Street;

THENCE S 66°14'31" E, 100.26 feet along the south line of said Fisher Street to the POINT OF BEGINNING, containing 0.473 acre of land, more or less, and shown on the Survey Plat prepared to accompany herewith

Surveyed by:



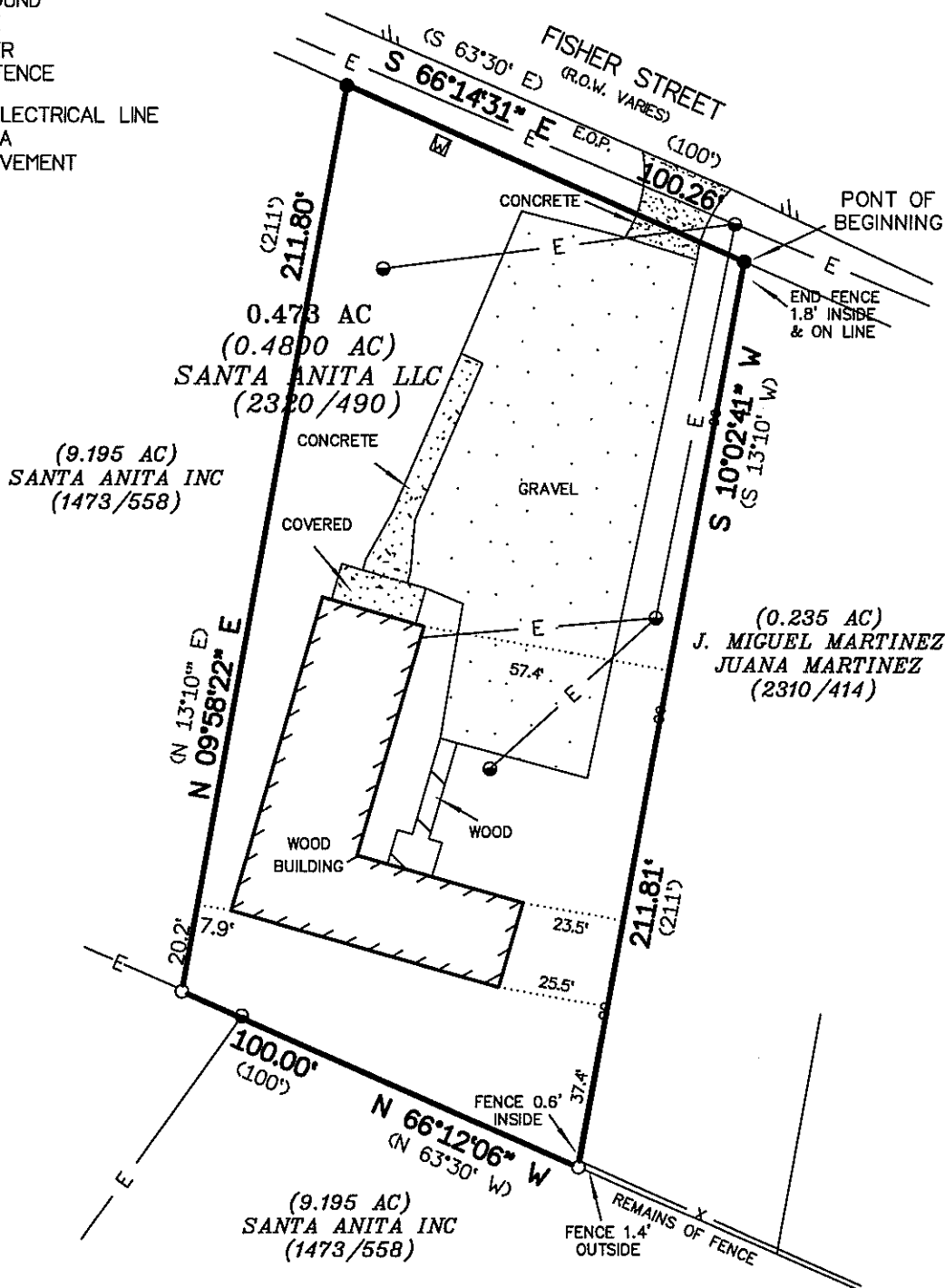
C. Richard Ralph, Professional Land Surveyor
Registered Professional Land Surveyor No. 4758
Project 1011075.5 – 0.473 – 178/7;113/52;122/78;114



LEGEND

- IRON ROD SET
- IRON ROD FOUND
- POWER POLE
- ⊠ WATER METER
- ∞— CHAIN LINK FENCE
- X— WIRE FENCE
- E— OVERHEAD ELECTRICAL LINE
- (XXX) RECORD DATA
- E.O.P. EDGE OF PAVEMENT

40 0 40 80
ORIGINAL SCALE: 1" = 40'



NOTE: HORIZONTAL CONTROL (BEARING BASIS) PER GRID NORTH, TEXAS CENTRAL COORDINATE ZONE, NAD83.

NOTE: THIS PROPERTY IS SUBJECT TO:
RESTRICTIVE COVENANTS AND ANY EASEMENTS, EASEMENT RIGHTS
EXCEPTIONS AND/OR RESERVATIONS (1473/558) (2020/3) (2320/490)

FLOOD NOTE:

THE SUBJECT PROPERTY IS LOCATED IN ZONE X AND IS NOT WITHIN THE 100 YEAR FLOOD HAZARD AREA SHOWN ON FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP (F.I.R.M.)

PANEL NO. 48021C 0100 E DATED JAN. 19, 2006.

WARNING: THIS FLOOD NOTE IS FOR INFORMATIONAL PURPOSES ONLY, DOES NOT INDICATE WHETHER OR NOT THE SUBJECT PROPERTY DOES OR DOES NOT FLOOD AND IS NOT TO BE CONSIDERED AS ANY TYPE OF DEVELOPMENT AUTHORIZATION OR FLOOD TYPE STUDY.

TO THE OWNERS AND LIENHOLDERS:

THE UNDERSIGNED DOES HEREBY CERTIFY THAT AN ON THE GROUND SURVEY WAS THIS DAY MADE OF THE PROPERTY AS DESCRIBED HEREON AND IS CORRECT, WITH DISCREPANCIES, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, AS SHOWN HEREON. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT AND IS SUBJECT TO ANY EASEMENTS HERETOFORE GRANTED, NOT RELEASED AND NOT SHOWN HEREON.

C. Richard Ralph

REGISTERED PROFESSIONAL LAND SURVEYOR

RICHARD RALPH

PROFESSIONAL LAND SURVEYOR

REG. PROFESSIONAL LAND SURVEYOR 4758
PH (512) 303-0952 116 TAHITIAN DRIVE
PROFLANDSUR@AOL.COM BASTROP, TEXAS 78602

REFERENCE: BURNING TREE LODGE C/O RICO HERNANDEZ

SUBJECT: 0.473 ACRE OF LAND OUT OF THE THOMAS GARRETSON SURVEY, ABSTRACT 178, BASTROP COUNTY, TEXAS
-METES AND BOUNDS DESCRIPTION PREPARED HEREWITH-

DRAWN: CRR DATE: 07/23/2021 PROJECT NO.: 1011075.5 - 0.473

CHECKED: CRR REVISED: FIELD BOOK: 178/7;113/52;
122/78;114/7

© 2021, RICHARD RALPH, PROFESSIONAL LAND SURVEYOR



Attachment 3
Staff Added Zoning Map

Zoning Map



6/29/2021, 3:05:00 PM

Zoning

- A - Multiple Family Residential District
- C2 - General Commercial District
- C3 - Highway Commercial District
- R1 - Single Family
- R2 - Single Family & Garage Apartment District
- R3 - Single Family/Two Family/Industrialized Housing District
- Bastrop Parcels Jan 2021

1:4,514

0 0.03 0.07 0.13 mi

0 0.05 0.1 0.2 km

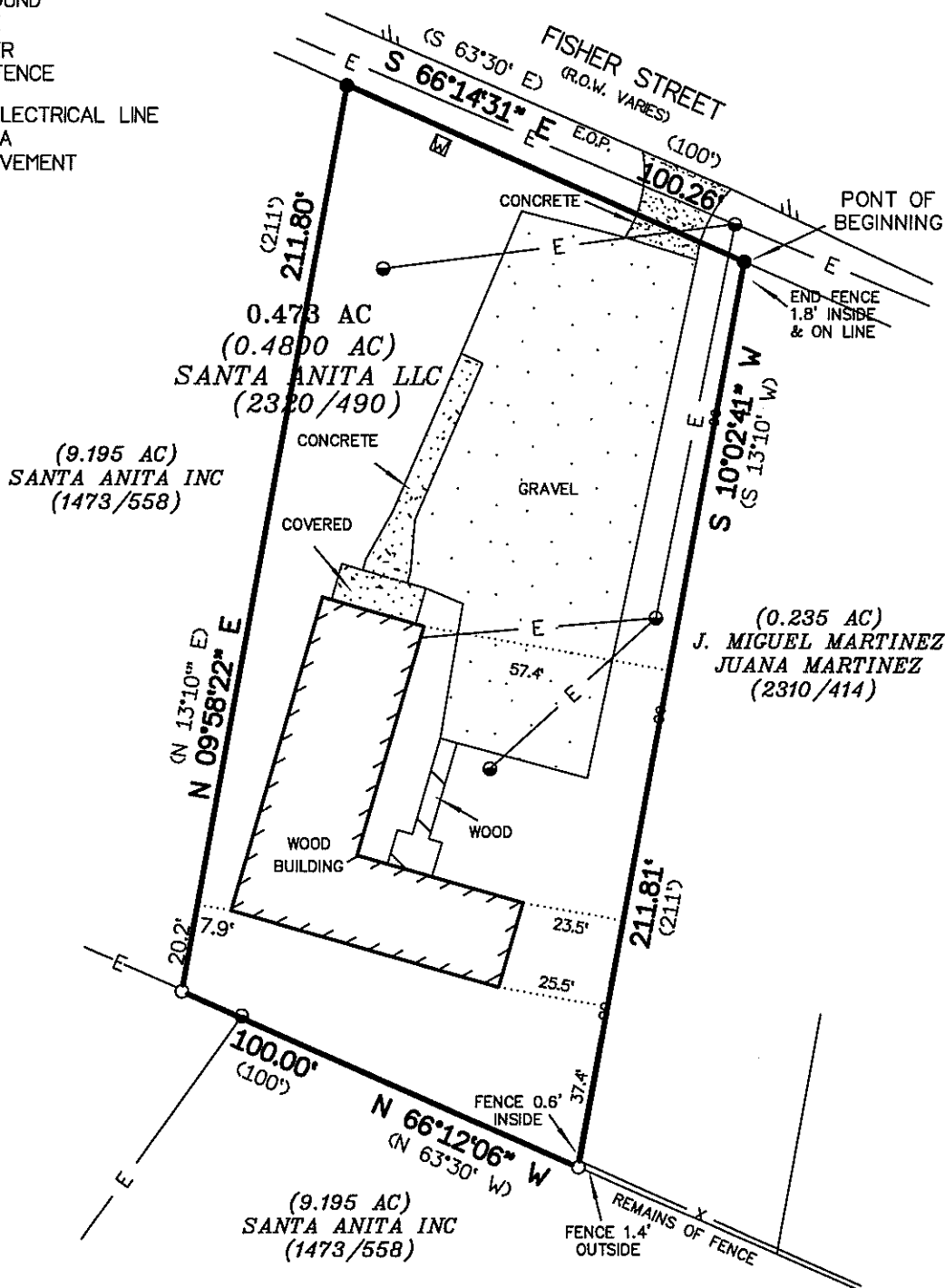
Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Attachment 4
Applicant Site Plan & Survey

LEGEND

- IRON ROD SET
- IRON ROD FOUND
- POWER POLE
- ⊠ WATER METER
- ∞— CHAIN LINK FENCE
- X— WIRE FENCE
- E— OVERHEAD ELECTRICAL LINE
- (XXX) RECORD DATA
- E.O.P. EDGE OF PAVEMENT

40 0 40 80
ORIGINAL SCALE: 1" = 40'



NOTE: HORIZONTAL CONTROL (BEARING BASIS) PER GRID NORTH, TEXAS CENTRAL COORDINATE ZONE, NAD83.

NOTE: THIS PROPERTY IS SUBJECT TO:
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CHECKED: CRR REVISED: FIELD BOOK: 178/7;113/52;
122/78;114/7

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