

ORDINANCE 2022-15

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, APPROVING THE BURLESON CROSSING EAST ZONING CONCEPT SCHEME, CHANGING THE ZONING FOR 12.95 ACRES OUT OF THE NANCY BLAKEY SURVEY ABSTRACT 98, FROM P2 RURAL TO P5 CORE AND ESTABLISHING WARRANTS ON 19.81 ACRES, LOCATED EAST OF EDWARD BURLESON LANE AND NORTH OF STATE HIGHWAY 71, WITHIN THE CITY LIMITS OF BASTROP, TEXAS, AS SHOWN IN EXHIBIT A, B, AND C, PROVIDING FOR FINDINGS OF FACT, ADOPTION, REPEALER, SEVERABILITY AND ENFORCEMENT, PROPER NOTICE AND MEETING; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Bastrop, Texas (City) is a Home-Rule City acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

**WHEREAS**, on or about November 8, 2021, the Erhard Legacy Partners, Ltd submitted a request for zoning modifications; and,

**WHEREAS**, City Council has reviewed the request for zoning modifications, and finds the request to be reasonable and proper under the circumstances; and,

**WHEREAS**, the City Staff has reviewed the request for zoning modifications, and finds it to be justifiable based upon the Future Land Use Designation for this Property is General Commercial, which allows for a wide range of commercial and retail uses; and

**WHEREAS**, the 12.95 acres of the Nancy Blakey Survey, Abstract 98 were annexed into the city limits of Bastrop on June 14, 2022, with the default zoning of P2 Rural, as established in the Bastrop Building Block (B3) Code, Section 2.3.003 "Zoning Upon Annexation"; and

**WHEREAS**, in accordance with Texas Local Government Code Chapter 211, public notice was given, and a public hearing was held before the City of Bastrop Planning and Zoning Commission (P&Z) on March 31, 2022, and made the recommendation for denial of the rezoning request by a vote of 5-2; and

**WHEREAS**, in accordance with Texas Local Government Code, Chapter 211, a three-fourths vote of City Council is required to approve a zoning request when the Planning & Zoning Commission has recommended denial; and

**WHEREAS**, in accordance with Texas Local Government Code Chapter 211, public notice was given, and a public hearing was held before the City Council regarding the requested zoning modification; and

**WHEREAS**, Texas Local Government Code Section 51.001 provides the City

general authority to adopt an Ordinance or police regulations that are for good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

**WHEREAS**, after consideration of public input received at the hearing, the information provided by the Applicants, and all other information presented, City Council finds that it necessary and proper to enact this Ordinance by a super majority vote.

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

**Section 1:** The Property, 12.95 acres out of land out of the Stephen F. Austin Survey, Abstract 2 is rezoned from P2 Rural to P5 Core, and a Zoning Concept Scheme is established on 19.81 acres, located east of Edward Burleson Lane and north of State Highway 71, within the City Limits of Bastrop, Texas as more particularly shown on Exhibit A and Exhibit B.

**Section 2:** Warrants for Bastrop Building Block (B3) Code Sections have been approved as attached in Exhibit B. The warrants described in Exhibit B attached hereto are approved for a retail shopping center generally in accordance with the Concept Plan (herein so called) and attached here to as Exhibit C. The Concept Plan depicts a general layout of what is intended to be constructed and the warrants are to apply only to plans for a retail shopping center with a hotel. Retail is defined to mean the sale of goods to the public, usually in stores, for use or consumption by the ultimate consumer. Retail shall not include the operation of outdoor storage (except as accessory use), automotive sales, automotive services (except as an accessory use), warehousing (except as an accessory use), ministorage, call centers, or multifamily residences. It is hereby acknowledged that building sizes, shapes, and locations as well as parking layouts and drive aisles may be adjusted, however, the warrants shall only apply so long as the general character of the retail shopping center remains the same.

**Section 3:** The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**Section 4:** All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**Section 5:** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity or the unenforceability will not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision.

**Section 6:** The City shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law. Any person violating any provision of this ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations, and such violation is hereby declared to be a nuisance. Nothing in this

ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this ordinance and to seek remedies as allowed by law and/or equity.

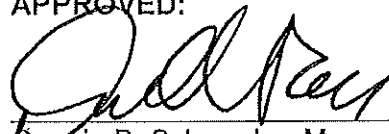
Section 7: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

Section 8: This Ordinance shall be effective immediately upon passage and publication.

READ & ACKNOWLEDGE on First Reading on this the 24th day of May 2022.

READ & ADOPTED on Second Reading on this the 12th day of July 2022.

APPROVED:

  
Connie B. Schroeder, Mayor

Dusilla Rogers,  
Mayor Pro Tem  
for

ATTEST:

Ann Franklin  
Ann Franklin, City Secretary

APPROVED AS TO FORM:


  
Alan Bojorquez, City Attorney

EXHIBIT "A"

**LEGAL DESCRIPTION**

**BEING** 19.81 ACRES OF LAND, MORE OR LESS, SITUATED IN THE NANCY BLAKEY SURVEY, ABSTRACT NO. 98, OUT OF THE REMAINDER OF A CALLED 30.00 ACRE TRACT CONVEYED TO ERHARD LEGACY PARTNERS, LTD., A TEXAS LIMITED PARTNERSHIP, RECORDED IN DOCUMENT NUMBER 201502919, OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS (O.P.R.B.C.TX.) AND DESCRIBED AS 30.00 ACRES, IN VOLUME 640, PAGE 14, DEED RECORDS OF BASTROP COUNTY, TEXAS (D.R.B.C.TX.); SAID 19.81 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

**BEGINNING** AT A CONCRETE MONUMENT (GRID NORTHING: 10,018,464.87 U.S. SURVEY FEET, GRID EASTING: 3,240,280.48 U.S. SURVEY FEET) ON THE SOUTH LINE OF A TRACT OF LAND OWNED BY LLYOD F. KETHA, DESCRIBED AS A 322.78 ACRE TRACT IN BASTROP COUNTY APPRAISAL DISTRICT RECORDS (NO RECORDING INFORMATION), FOR THE COMMON NORTH CORNER OF THIS TRACT AND LOT 8, THE SETTLEMENT ON THE COLORADO, A SUBDIVISION OF RECORD IN PLAT BOOK 2, PAGE 259-B, PLAT RECORDS OF BASTROP COUNTY, TEXAS (P.R.B.C.TX.);

**THENCE** SOUTH 03 DEGREES 53 MINUTES 00 SECONDS EAST, WITH THE EAST LINE OF THIS TRACT AND THE WEST LINE OF SAID SETTLEMENT ON THE COLORADO SUBDIVISION, AT A DISTANCE OF 1,492.10 FEET PASSING A 3/8-INCH IRON ROD, AND CONTINUING FOR A TOTAL DISTANCE OF 1,494.52 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "LJA SURVEY" SET ON THE NORTH RIGHT-OF-WAY LINE OF STATE HIGHWAY 71 (VARIABLE WIDTH RIGHT-OF-WAY), BEING ON A CURVE TO THE LEFT, FOR THE COMMON SOUTH CORNER OF THIS TRACT AND SAID SETTLEMENT ON THE COLORADO SUBDIVISION;

**THENCE** WITH THE SOUTH LINE OF THIS TRACT AND THE NORTH RIGHT-OF-WAY LINE OF STATE HIGHWAY 71 THE FOLLOWING TWO (2) COURSES AND DISTANCES:

1) WITH SAID CURVE TO THE LEFT, HAVING A RADIUS OF 5,358.71 FEET, AN ARC LENGTH OF 415.34 FEET, A CENTRAL ANGLE OF 04 DEGREES 26 MINUTES 27 SECONDS, AND A CHORD THAT BEARS NORTH 89 DEGREES 58 MINUTES 45 SECONDS WEST, A DISTANCE OF 415.24 FEET TO A TXDOT TYPE 1 MONUMENT FOUND (DAMAGED) WITH BASE INTACT, AND

2) SOUTH 87 DEGREES 46 MINUTES 13 SECONDS WEST, A DISTANCE OF 190.23 FEET TO A 1/2-INCH IRON ROD WITH YELLOW CAP STAMPED "CHAPARRAL BOUNDARY" FOUND AT A FENCE POST FOR THE SOUTHWEST CORNER OF THIS TRACT, SAME BEING THE INTERSECTION OF SAID STATE HIGHWAY 71 AND EDWARD BURLESON ROAD, ALSO BEING THE SOUTH EAST CORNER OF BURLESON CROSSING, A SUBDIVISION OF RECORD IN BASTROP COUNTY IN PLAT BOOK 5, PAGE 14A, P.R.B.C.TX.;

EXHIBIT "A"

**THENCE WITH THE WEST LINE OF THIS TRACT, THE EAST LINE OF SAID BURLESON CROSSING SUBDIVISION, AND SAID EDWARD BURLESON ROAD THE FOLLOWING THREE (3) COURSES AND DISTANCES:**

1) NORTH 02 DEGREES 13 MINUTES 44 SECONDS WEST, A DISTANCE OF 1,385.43 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "LJA SURVEY" SET AT THE BEGINNING OF A CURVE TO THE RIGHT,

2) WITH SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 39.23 FEET, A CENTRAL ANGLE OF 89 DEGREES 54 MINUTES 31 SECONDS, AND A CHORD THAT BEARS NORTH 42 DEGREES 43 MINUTES 32 SECONDS EAST, A DISTANCE OF 35.33 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "LJA SURVEY" SET, AND

3) NORTH 02 DEGREES 15 MINUTES 29 SECONDS WEST, A DISTANCE OF 68.91 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "LJA SURVEY" SET ON THE SOUTH LINE OF SAID KETHA 322.78 ACRE TRACT, FOR THE COMMON NORTH CORNER OF THIS TRACT AND SAID BURLESON CROSSING;

**THENCE NORTH 87 DEGREES 57 MINUTES 26 SECONDS WEST, WITH THE NORTH LINE OF THIS TRACT AND THE SOUTH LINE OF SAID KETHA 322.78 ACRE TRACT, A DISTANCE OF 537.08 FEET TO THE POINT OF BEGINNING AND CONTAINING 19.81 ACRES OF LAND, MORE OR LESS.**

Bearing Basis: All bearings shown are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203), NAD83. All distances are surface values. Grid values can be obtained by multiplying by a combined scale factor of 0.99997.



*Matt Overall*

Matt Overall  
June 17, 2022  
Registered Professional Land Surveyor No. 6864  
LJA Surveying, Inc.  
7500 Rialto Blvd, Building II, Suite 100  
Austin, TX 78735  
(512) 493-4700  
TBPLS No. 10194382

**Exhibit B**

The following warrants from the B3 Code are hereby granted:

B3 Code Section		Description	Proposed Alternative
5.2.002(b)		Max block perimeter length of 1,320 ft	Maximum block perimeter shall not exceed 3800' for all publicly dedicated roadways. Internal private driveways with a maximum width of 30' and a minimum width of 25' can be utilized to provide internal circulation within the maximum block perimeter. (As shown on Exhibit C). Street trees and sidewalks are not required on internal circulation driveways.
5.2.002(d)		20' wide midblock pedestrian walkway for blocks that exceed (b) and (c)	Provide alternate pedestrian connectivity throughout site with 6-foot designated sidewalks/crosswalks from building to building and from buildings to public ROWs. Alternate pedestrian connectivity is not required to align with proposed public or private drives and can be obtained through 6-foot designated sidewalks/crosswalks within medians between parking rows.
6.3.003(a)(3)		Building façade to be located within 30' of street corner and parking prohibited in First Layer	Building location on the lot shall be in compliance with the International Building Code.
6.3.005(b)(c)		Alleys are preferred means of access	Screening shall be provided for property development items such as garbage containers/dumpsters with a minimum six-foot masonry wall on three sides with a gate on one side. Screening shall be provided for transformers, free standing electrical meters, and telephone equipment with landscaping and/or moveable fencing.
6.3.005(d)	(1)	Vehicular access to be taken from alleys, if alleys are provided	Not Required
	(3)	For Corner Lots, driveways must be located in the Secondary Frontage	Not Required

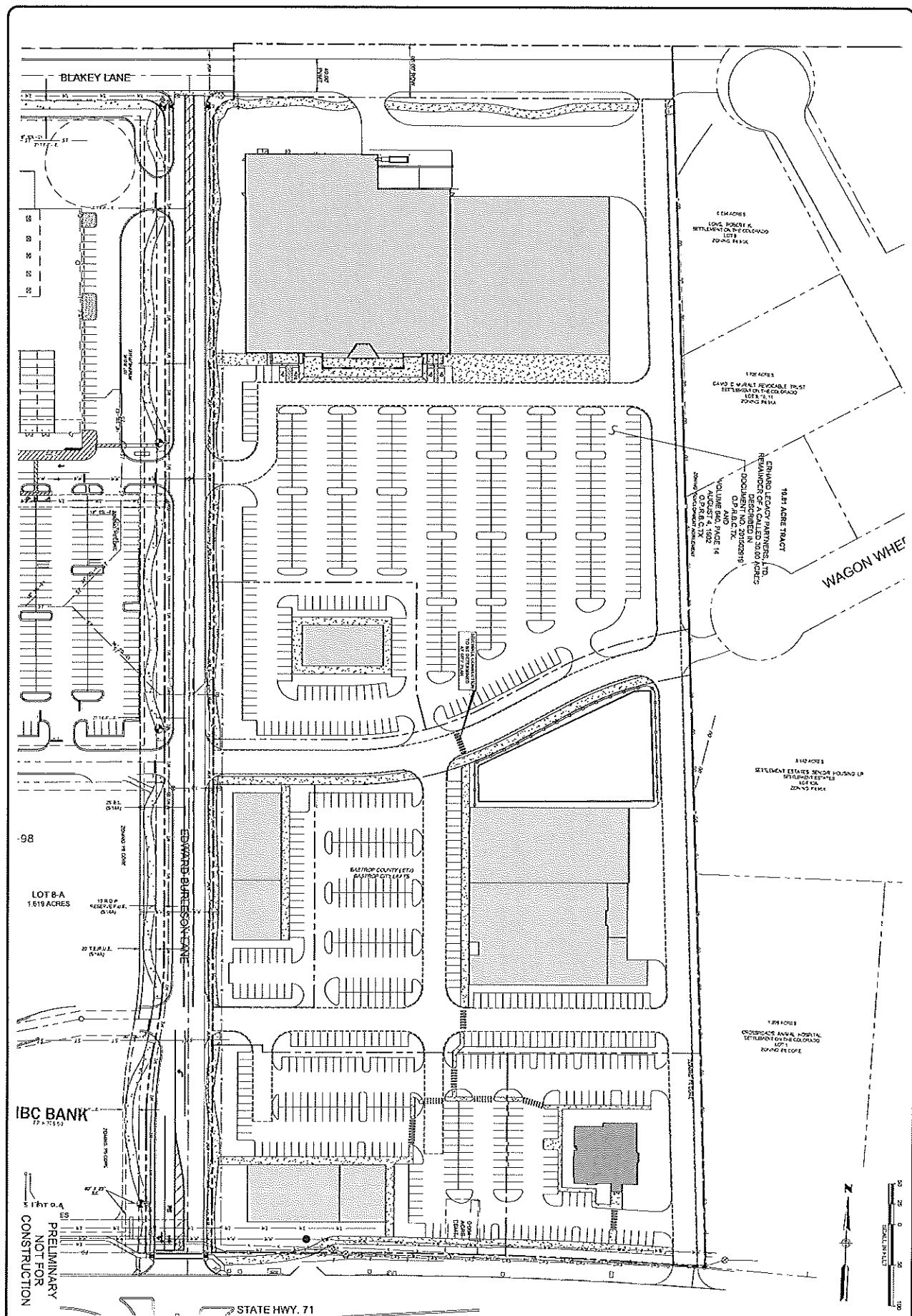
	(4)	Driveways shall be located as far as practical from adjacent public streets, or min. 40' for P5 districts	Proposed driveways shall meet the minimum separation from a public street of 40 feet, as required by this section.
	(5)	Mid-block lots with more than 40' of frontage are only allowed one driveway, with a max width of 24' for two-way drives	Mid-block lots are allowed to have access from an internal private drive no closer than 40 feet to the public ROW. Driveway access on a publicly dedicated roadway shall be 300' from centerline to centerline unless alignment of driveway to neighboring property can be achieved, creating improved traffic flow, but in no case shall driveways on a publicly dedicated roadway be closer than 200' from centerline to centerline. Driveway width cannot exceed 35 feet.
	(6)	For lots with more than 80' of frontage, driveway spacing shall be 300'	
6.3.006(b)	(4)	Max. Parking to be based on market and determined by DRC at Site Plan	Not required.
6.3.006(b)	(5)	Requires parking to be located in the 2nd or 3rd Layer	Parking shall be allowed to be located in any Layer
6.3.006(b)	(8)	Requires all parking to be screened either by building or other screening material	Screening shall be required along all publicly dedicated ROWs. Screening shall include buildings or landscaping material to a height of three feet
6.3.006(b)	(9)	Prohibits parking to be located within the rear setback	Parking shall be allowed in any rear setback.
6.3.008(d)		Max first floor story of a Commercial building cannot exceed 25' from floor to ceiling	Maximum ceiling heights shall be 35'
6.3.009(b)		Building frontage façade must be parallel to the ROW Frontage Line	Not Required
6.3.009(c)		All first floor facades shall have clear glass	See Warrant for 6.3.009(d) for glazing requirements.

		glazing min. 20% of the total first floor façade area	
6.3.009(d)		First floor of Commercial buildings shall have 70% minimum glazing	Glazing shall be optional for free-standing buildings such as restaurants and bank uses on pad sites or other single tenant buildings (up to 5,000 sf). Multi-tenant small buildings shall include a minimum of 70% glazing along the building front. Anchor or junior anchor buildings, or in-line buildings, shall include a minimum of 20% glazing along the building front. The building fronts shall be either the primary side of the building facing a public street, or the side of the building facing the parking area servicing that building, whichever front the tenant / user has the storefront entrance.
6.5.003 - A		Requires that front façade be at least 80% of the frontage width, requires the building to be located between 2'-15' from the ROW / Frontage	Building façade to frontage width ratio is not required. Buildings may be placed anywhere within the lot. All lots must have public street frontage minimum of 120 feet.
6.5.003 - D		Limits Parking to Layer 3	Parking shall be allowed to be located in any Layer
7.3.003 - Reg Comm		16' wide sidewalks along both sides of road, trees every 30' on center both sides of road	A minimum of a 6' wide sidewalk shall be required along one side of all publicly dedicated ROWs. Street trees required, three trees shall be placed every 100 linear feet of ROW and shall not be clustered together, with the intention of providing shade along the sidewalk.
7.3.003 - Connector		Trees every 30' on center along both sides of the road	A minimum of a 6' wide sidewalk shall be required along one side of all publicly dedicated ROWs. Street trees required, three trees shall be placed every 100 linear feet of ROW and shall not be clustered together, with the



			intention of providing shade along the sidewalk.
7.3.013(d)(1)		Requires an additional 7' of ROW on each side of a road if P5 is located on both sides of the road	ROW width for Wagon Wheel shall be 55'. ROW width for Blakey Lane shall be 80'. No additional ROW shall be required for SH 71, except as necessary for any proposed roadway improvements, or as otherwise required by TxDOT.
7.4.002(a)		330' max block length, 1,320' max block perimeter	Maximum block perimeter shall not exceed 3800' for all publicly dedicated roadways. Internal private driveways with a maximum width of 30' and a minimum width of 25' can be utilized to provide internal circulation within the maximum block perimeter. (As shown in Exhibit C). Street trees and sidewalks are not required on internal circulation driveways.
7.4.002(b)		20' Pedestrian Way if block length exceeds 330'	Alternative pedestrian connectivity routes throughout the site shall be provided by a minimum 6' sidewalk from building to building and from buildings to public ROW. Alternative pedestrian connectivity is not required along private drive aisles or internal private driveways, but may be allowed through providing 6' sidewalk within medians between parking rows. Crosswalks shall be provided where pedestrian and vehicular interaction take place.
Art. 7.5		Requires a Civic Space for development over 13.6 acres	Enhancements shall be made to the existing 9,000 sf plaza space located in the original Burleson Crossing shopping center, which shall include additional seating, shade canopy, decorative kid benches, wayfinding signage and other features agreeable to the City and Developer.
<b>B3 Tech. Manual</b>			
2.1.006(a)			

		Requires parking and drive aisles to be located within Layer 2 or 3	Parking shall be allowed in any Layer
2.3.003		Diagram 1.1 Public Frontage Diagram	A minimum 6' wide sidewalk shall be required along one side of all publicly dedicated ROW's. Street trees required, three trees shall be placed every 100' of ROW and shall be a minimum of 2" caliper trees, and shall not be clustered together, with the intention of providing shade along the sidewalk.
3.2.008(c)		P5 street sidewalks to be min. 10' wide and located wholly within the street ROW.	A minimum 6' wide sidewalk shall be required along one side of all publicly dedicated ROWs.
3.2.013(a)(1)		Street trees shall be 4" caliper and spaced every 30' on center	Three shall be placed for every 100 linear feet of ROW and shall be not be clustered together, with the intention of providing shade along the sidewalk. 2" caliper trees can be provided as an alternative.
3.2.013(a)(4)		Requires plant material to meet very strict nursery / propagation standards	Allow plants to be procured from any competent wholesale nursery supplier.
3.2.001(b)		Requires pedestrian shed to have certain place type percentages	Not Required



PRELIMINARY  
NOT FOR  
CONSTRUCTION

DATE: 10/27/2010  
DRAWN BY: [blank]  
CHECKED BY: [blank]  
SCALE: AS SHOWN

**LJA Engineering & Surveying, Inc.**  
 5315 Highway 250 West  
 Suite 150  
 Fort Worth, Texas 76176  
 Phone 817.439.4300  
 Fax 817.439.4715  
 FRIE-1365

NO.	DESCRIPTION	BY	DATE

**BURLESON CROSSING EAST  
CONCEPTUAL SITE PLAN**  
  
EXHIBIT 'C'