

RESOLUTION NO. R-2025-120

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, GRANTING A VARIANCE TO BASTROP CODE OF ORDINANCES ARTICLE 4.02.005, SALE OF ALCOHOLIC BEVERAGES, SEPARATION REQUIREMENTS FROM CHURCH, PUBLIC OR PRIVATE SCHOOL, OR PUBLIC HOSPITAL, ON PROPERTY LOCATED AT 1006 MAIN STREET, WITHIN THE CITY LIMITS OF BASTROP, TEXAS, AS SHOWN IN EXHIBIT A; PROVIDING FOR REPEALER; SEVERABILITY; AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City of Bastrop ("City") has general authority to adopt an ordinance, resolution, or police regulation that is for the 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, Numero 28 Bastrop LLC, the applicant representing 1006 Main Street, acknowledges that the property is located within 300 feet of a church, public or private school, or public hospital, and therefore is located within the area which would require a variance from the measurement of applicable distances which are set forth by the State of Texas in the Alcoholic Beverage Code; and

WHEREAS, Calvary Episcopal Church's entrance door is within 300 feet of the entrance door of where Numero 28 Bastrop LLC is located; and

WHEREAS, authority is granted to the City Council to allow variances in the Texas Alcoholic Beverage Code, Chapter 107.33; and

WHEREAS, public notice was sent in accordance with the Bastrop Code of Ordinances Section 4.02.006 - Variance to separation requirements

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

Section 1. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Bastrop, Texas, and are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Section 2. Execution: The City Council approves and authorizes the execution of Resolution No. R-2025-120 (attached and incorporated herein as Exhibit A.

Section 3. The City Council grants the variance to Bastrop Code of Ordinances Article 4.02.005, Sale of Alcoholic Beverages, Separation Requirements from church, public or private school, or public hospital, on property located at 1006 Main Street, within the city limits of Bastrop, Texas

Section 4. Repealer: To the extent reasonably possible, resolutions are to be read together in harmony. However, all resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters regulated.

Section 5. Severability: Should any of the clauses, sentences, paragraphs, sections, or parts of this Resolution be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Resolution.

Section 6. Effective Date: This Resolution shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, its Code of Ordinances, and the laws of the State of Texas.

Section 7. Proper Notice & Meeting: It is hereby officially found and determined that the meeting at which this Resolution 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. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

DULY RESOLVED & ADOPTED by the City Council of the City of Bastrop, TX, on this, the 22nd day of July 2025.

[Signature Page Follows]

THE CITY OF BASTROP, TEXAS:



Ishmael Harris, Mayor

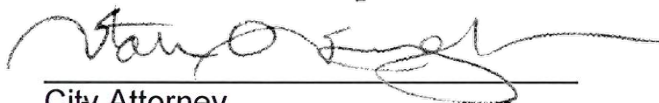
ATTEST:



Michael Muscarello, City Secretary



APPROVED AS TO FORM:



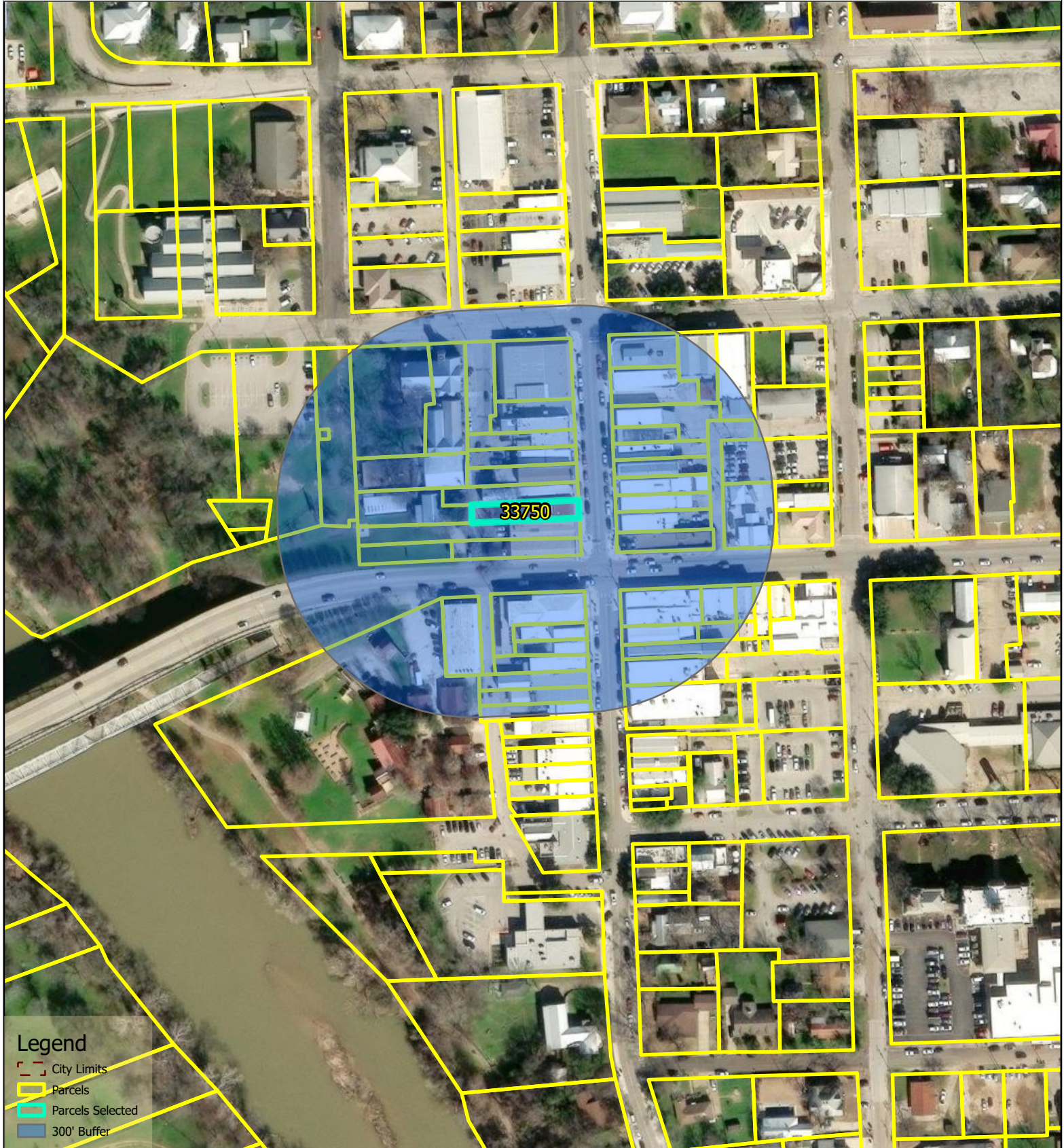
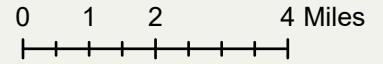
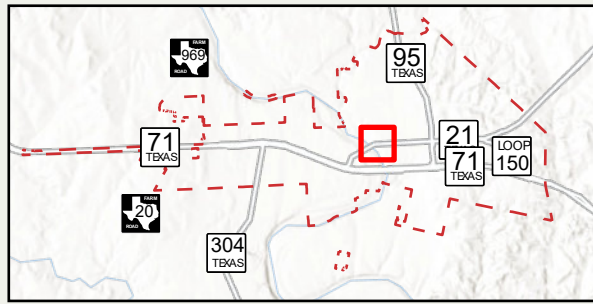
City Attorney

Denton Navarro Rocha Bernal & Zech, P.C.

PID 33750

The City of Bastrop, Texas makes no warranties regarding the accuracy or completeness of the information used to compose this map or the data from which it was produced. The map does not purport to depict the boundaries between private and public lands. This map is general in nature and is not suitable for navigational purposes.

Current Time: 7/7/2025 2:48 PM



Legend

- City Limits
- Parcels
- Parcels Selected
- 300' Buffer

05/30/2025

City of Bastrop
Assistant City Secretary
1311 Chestnut Street
Bastrop, TX 78602

RE: Support for Variance Request – Proximity to Church

To Whom It May Concern,

This letter is to confirm that Calvary Episcopal Church, located at 1028 Main Street, Bastrop, Texas 78602, does not object to the issuance of a Texas Alcoholic Beverage Commission license to **Numero 28 Bastrop LLC**, located at 1006 Main Street, Bastrop, Texas 78602, despite its proximity to our church.

We understand that under the Texas Alcoholic Beverage Code, certain distance restrictions apply to businesses seeking to obtain a liquor license when located within 300 feet of a church. However, after careful consideration, we wish to express our formal support for a variance and confirm that we have no objection to **Numero 28 Bastrop** operating and serving alcoholic beverages at the above-mentioned location.

We respectfully request that the Texas Alcoholic Beverage Commission consider this letter as a statement of support for the variance to allow the business to proceed with the licensing process.

If additional information or clarification is needed, please feel free to contact us at (512) 303-7515 or <https://cecbastrop.org>

Sincerely,

Print Name Mr Matt Stone

Signature [Handwritten Signature]

Title June 5th 2005