City Council Regular Meeting at 6:30 PM

Executive Session at 4:30 PM

Regular Meeting at 6:30 PM

City of Bastrop City Council meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary at (512) 332-8800 or write 1311 Chestnut Street, 78602, or by calling through a T.D.D. (Telecommunication Device for the Deaf) to Relay Texas at 1-800-735-2989 at least 48 hours in advance of the meeting.

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

PLEASE NOTE: ANYONE IN ATTENDANCE WISHING TO ADDRESS THE COUNCIL MUST COMPLETE A CITIZEN COMMENT FORM AND GIVE THE COMPLETED FORM TO THE CITY SECRETARY PRIOR TO THE START OF THE CITY COUNCIL MEETING. ALTERNATELY, IF YOU ARE UNABLE TO ATTEND THE COUNCIL MEETING, YOU MAY COMPLETE A CITIZEN COMMENT FORM WITH YOUR COMMENTS AT CITYOFBASTROP.ORG/CITIZENCOMMENT BEFORE 5:00 P.M. ON THE DATE OF THE MEETING. COMMENTS SUBMITTED BY THIS TIME WILL BE DISTRIBUTED TO THE CITY COUNCIL PRIOR TO MEETING COMMENCEMENT, REFERENCED AT THE MEETING, AND INCLUDED WITH THE MEETING MINUTES. COMMENTS FROM EACH INDIVIDUAL WILL BE LIMITED TO THREE (3) MINUTES WHEN READ ALOUD.

1. CALL TO ORDER

2. EXECUTIVE SESSION
2A. City Council shall convene into closed executive session pursuant to Texas Government Code section 551.071, 551.072, and 551.087 regarding the Colorado Bend project, approximately 546.36 acres located in the Stephen F. Austin Survey, Abstract 2, located west of Lovers Lane, including transportation funding and contractual issues.

Submitted by: Paul A. Hofmann, City Manager

2B. City Council shall convene into closed executive session pursuant to Texas Government Code section 551.071 and 551.087 regarding a certain mixed-use project in the city limits and opportunities for economic development incentives and alternative funding for transportation infrastructure.

Submitted by: Paul A. Hofmann, City Manager

2C. City Council shall convene into closed executive session pursuant to Texas Government Code section 551.071, 551.072, and 551.087 regarding the legal, economic development, and real estate concerns involving the city’s Certificate of Convenience and Necessity and opportunities to modify boundaries to provide services.

Submitted by: Paul A. Hofmann, City Manager

2D. City Council shall convene into closed executive session pursuant to Texas Government Code section 551.071 and 551.074 regarding the legal and personnel matters involved in the pending recruitment efforts for a new City Manager.

Submitted by: Paul A. Hofmann, City Manager

3. TAKE ANY NECESSARY OR APPROPRIATE ACTION ON MATTERS POSTED FOR CONSIDERATION IN CLOSED/EXECUTIVE SESSION

4. CALL TO ORDER - REGULAR SESSION - 6:30 P.M.

5. PLEDGE OF ALLEGIANCE -

   TEXAS PLEDGE OF ALLEGIANCE - Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

6. INVOCATION - Dale Burke, Police Chaplain

7. PRESENTATIONS

7A. Mayor’s Report

7B. Council Members’ Report

7C. City Manager’s Report

8. WORK SESSIONS/BRIEFINGS

8A. Receive presentation on updated City of Bastrop Council Focus Areas as discussed at the May 12, 2022, pre-budget planning session and provide direction as necessary.

Submitted by: Rebecca Gleason, Assistant City Manager
8B. Receive presentation on current status of Convention Center Hotel Development.

Submitted By: Rebecca Gleason, Assistant City Manager

8C. Receive presentation on possible Community Support City Council Subcommittee formation.

Submitted by: Connie Schroeder, Mayor

9. **STAFF AND BOARD REPORTS - NONE**

10. **CITIZEN COMMENTS**

   At this time, three (3) minute comments will be taken from the audience on any topic. Anyone in attendance wishing to address the Council must complete a citizen comment form and give the completed form to the City Secretary prior to the start of the City Council meeting. Alternately, if you are unable to attend the council meeting, you may complete a citizen comment form with your comments at www.cityofbastrop.org/citizencommentform before 5:00 p.m. on June 14, 2022. Comments submitted by this time will be distributed to the city council prior to meeting commencement, referenced at the meeting, and included with the meeting minutes. Comments from each individual will be limited to three (3) minutes when read aloud. In accordance with the Texas Open Meetings Act, if a citizen discusses any item not on the agenda, City Council cannot discuss issues raised or make any decision at this time. Instead, City Council is limited to making a statement of specific factual information or a recitation of existing policy in response to the inquiry. Issues may be referred to City Manager for research and possible future action.

   It is not the intention of the City of Bastrop to provide a public forum for the embarrassment or demeaning of any individual or group. Neither is it the intention of the Council to allow a member of the public to slur the performance, honesty and/or integrity of the Council, as a body, or any member or members of the Council individually or collectively, or members of the City’s staff. Accordingly, profane, insulting or threatening language directed toward the Council and/or any person in the Council’s presence will not be tolerated.

11. **APPROVAL OF THE MINUTES**

   11A. Consider action to approve City Council minutes from the May 24, 2022, Regular meeting.

      Submitted by: Ann Franklin, City Secretary

12. **ITEMS FOR INDIVIDUAL CONSIDERATION**

   12A. Consider action to approve the second reading of Ordinance 2022-14 of the City Council of the City of Bastrop, Texas, annexing Burleson Crossing East, for 12.95 acres of land out of the Nancy Blakey Survey, Abstract No. 98, located east of Edward Burleson Lane and north of State Highway 71, as shown in Exhibit A, providing for findings of fact, adoption, establishing zoning and character district, repealer, severability, filing and enforcement; establishing an effective date; and proper notice and meeting.

      Submitted by: Jennifer C. Bills, Director of Planning & Development
12B. Consider action on the second reading of Ordinance 2022-15 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 a plan on 19.81 acres, located east of Edward Burleson Land and north of State Highway 71, within the city limits of the City of Bastrop, as shown in Exhibit A, consideration of warrants and providing for findings of fact, adoption, repealer, severability and enforcement, proper notice and meeting; and establishing an effective date.

Submitted by: Jennifer Bills, Director of Planning & Development

12C. Consider action to approve Resolution No. R-2022-54 of the City Council of the City of Bastrop, Texas, approving a construction contract with SJ Louis Construction of Texas, LTD of San Antonio, Texas for the Westside Collection System Phase 2 to an amount of Four Million Four Hundred Eighty-Five Thousand Nine Hundred Forty-Four Dollars and Seventeen Cents ($4,485,944.17); authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

Submitted by: Fabiola de Carvalho, MIAM, Director of Engineering and Capital Project Management

12D. Discussion and potential action on mobile food truck vendor permitting fees.

Submitted by: Council Members Kirkland and Lee

12E. Consider action to approve Resolution No. R-2022-53 of the City Council of the City of Bastrop, Texas confirming appointment by the Mayor of Patrice Parsons to Place 6 of the Planning & Zoning Commission, as required in Section 3.08 of the City’s Charter, and establishing an effective date.

Submitted by: Ann Franklin, City Secretary

All items on the agenda are eligible for discussion and action unless specifically stated otherwise.

The Bastrop City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.087 (Economic Development), and §551.086 (Competitive Matters regarding Electric Utility).

13. ADJOURNMENT

I, the undersigned authority, do hereby certify that this Notice of Meeting as posted in accordance with the regulations of the Texas Open Meetings Act on the bulletin board located at the entrance to the City of Bastrop City Hall, a place of convenient and readily accessible to the general public, as well as to the City’s website, www.cityofbastrop.org and said Notice was posted on the following date and time: Thursday, June 9, 2022 at 4:00 p.m. and remained posted for at least two hours after said meeting was convened.

/s/Ann Franklin
Ann Franklin, City Secretary
City Council shall convene into closed executive session pursuant to Texas Government Code section 551.071, 551.072, and 551.087 regarding the Colorado Bend project, approximately 546.36 acres located in the Stephen F. Austin Survey, Abstract 2, located west of Lovers Lane, including transportation funding and contractual issues.

Submitted by: Paul A. Hofmann, City Manager

BACKGROUND/HISTORY:

N/A

FISCAL IMPACT:

N/A

RECOMMENDATION:

N/A

ATTACHMENTS:

N/A
MEETING DATE: June 14, 2022

TITLE:
City Council shall convene into closed executive session pursuant to Texas Government Code section 551.071 and 551.087 regarding a certain mixed-use project in the city limits and opportunities for economic development incentives and alternative funding for transportation infrastructure.

AGENDA ITEM SUBMITTED BY:
Submitted by: Paul A. Hofmann, City Manager

BACKGROUND/HISTORY:
N/A

FISCAL IMPACT:
N/A

RECOMMENDATION:
N/A

ATTACHMENTS:
N/A
MEETING DATE: June 14, 2022

AGENDA ITEM:

TITLE:

City Council shall convene into closed executive session pursuant to Texas Government Code section 551.071, 551.072, and 551.087 regarding the legal, economic development, and real estate concerns involving the city’s Certificate of Convenience and Necessity and opportunities to modify boundaries to provide services.

AGENDA ITEM SUBMITTED BY:

Submitted by: Paul A. Hofmann, City Manager

BACKGROUND/HISTORY:

N/A

FISCAL IMPACT:

N/A

RECOMMENDATION:

N/A

ATTACHMENTS:

N/A
MEETING DATE: June 14, 2022

TITLE:

City Council shall convene into closed executive session pursuant to Texas Government Code section 551.071 and 551.074 regarding the legal and personnel matters involved in the pending recruitment efforts for a new City Manager.

AGENDA ITEM SUBMITTED BY:

Submitted by: Paul A. Hofmann, City Manager

BACKGROUND/HISTORY:

N/A

FISCAL IMPACT:

N/A

RECOMMENDATION:

N/A

ATTACHMENTS:

N/A
MEETING DATE: June 14, 2022

TITLE:
Mayor’s Report

AGENDA ITEM SUBMITTED BY:
Submitted by: Paul A. Hofmann, City Manager

POLICY EXPLANATION:
Texas Local Government Code, Section 551.045 – Governing Body of Municipality or County: Reports about Items of Community Interest Regarding Which No Action Will Be Taken:

(a) Notwithstanding Sections 551.041 and 551.042, a quorum of the governing body of a municipality or county may receive from staff of the political subdivision and a member of the governing body may make a report about items of community interest during a meeting of the governing body without having given notice of the subject of the report as required by this subchapter if no action is taken and, except as provided by Section 551.042, possible action is not discussed regarding the information provided in the report.

(b) For purposes of Subsection (a), “items of community interest” includes:

(1) expressions of thanks, congratulations, or condolence;
(2) information regarding holiday schedules;
(3) an honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person’s public office or public employment is not an honorary or salutary recognition for purposes of this subdivision;
(4) a reminder about an upcoming event organized or sponsored by the governing body;
(5) information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the political subdivision; and
(6) announcements involving an imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda.

ATTACHMENTS:
1. PowerPoint
Mayor’s Report
June 14, 2022
Latest Activities
May 19 – June 7
Events in 2022: 137
Planned Events
June 8 – June 14

- June 8 –
  - CAPCOG Executive Committee Meeting
  - Texas Network Theatre
- June 9 – TML Training
- June 10 – TCMA Welcome
- June 14 –
  - Government Affairs
  - City Council Meeting
Upcoming Events & City Meetings

- June 15 – In the Street Hands Up High Ribbon Cutting
- June 16 – Texas Vision Clinic Ribbon Cutting
- June 17 – Juneteenth Dinner
- June 18 – Juneteenth Parade
- June 20 – BEDC Board Meeting
- June 21 – Board/Commissions Chair Luncheon
- June 23/24 – TML Board Meeting
- June 28 - City Council Meeting
STAFF REPORT

MEETING DATE: June 14, 2022

AGENDA ITEM:

TITLE:
Council Members’ Report

AGENDA ITEM SUBMITTED BY:
Submitted by: Paul A. Hofmann, City Manager

POLICY EXPLANATION:

Texas Local Government Code, Section 551.045 – Governing Body of Municipality or County: Reports about Items of Community Interest Regarding Which No Action Will Be Taken:

(a) Notwithstanding Sections 551.041 and 551.042, a quorum of the governing body of a municipality or county may receive from staff of the political subdivision and a member of the governing body may make a report about items of community interest during a meeting of the governing body without having given notice of the subject of the report as required by this subchapter if no action is taken and, except as provided by Section 551.042, possible action is not discussed regarding the information provided in the report.

(b) For purposes of Subsection (a), “items of community interest” includes:

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5. information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the political subdivision; and
6. announcements involving an imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda.
MEETING DATE: June 14, 2022

AGENDA ITEM:

TITLE:
City Manager’s Report

AGENDA ITEM SUBMITTED BY:
Submitted by: Paul A. Hofmann, City Manager

POLICY EXPLANATION:
Texas Local Government Code, Section 551.045 – Governing Body of Municipality or County: Reports about Items of Community Interest Regarding Which No Action Will Be Taken:

(a) Notwithstanding Sections 551.041 and 551.042, a quorum of the governing body of a municipality or county may receive from staff of the political subdivision and a member of the governing body may make a report about items of community interest during a meeting of the governing body without having given notice of the subject of the report as required by this subchapter if no action is taken and, except as provided by Section 551.042, possible action is not discussed regarding the information provided in the report.

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2. information regarding holiday schedules;
3. an honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision;
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5. information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the political subdivision; and
6. announcements involving an imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda.
MEETING DATE: June 14, 2022

TITLE:
Receive presentation on updated City of Bastrop Council Focus Areas as discussed at the May 12, 2022, pre-budget planning session and provide direction as necessary.

AGENDA ITEM SUBMITTED BY:
Rebecca Gleason, Assistant City Manager for Community Engagement

BACKGROUND/HISTORY:
The Assistant City Manager for Community Engagement will be providing the City Council the revised Council Focus areas as per the Pre-Budget Planning Session held on May 12, 2022.

ATTACHMENTS:
- Memo of Revisions
At the May 12, 2022 Pre-Budget Planning Session, the City Council provided the Assistant City Manager for Community Engagement updates to the definitions of Council’s Nine Focus Areas. Below please find record of those changes:

1. **Communication**: Support and enhance open two-way communication between the City and its residents and businesses.
2. **Community Safety**: Keep citizens, businesses, and visitors safe.
3. **Economic Vitality**: Create sustainability by leveraging tourism, infrastructure renewal and investment; enhancing public/private partnerships; efficient planning and development processes; and fostering an inclusive and diverse environment that encourages entrepreneurial ventures.
4. **Fiscal Responsibility**: Prepare and manage budget; fiduciary responsibility.
5. **Manage Growth**: Plan for and manage growth, development, and redevelopment to maintain Bastrop’s unique feel and character while meeting the needs of the population through facilitation of responsible development and redevelopment.
6. **Multi-Modal Mobility**: Improved mobility for all modes of transportation; manage traffic congestion.
7. **Organizational Excellence**: Organize governance; and progressive operational efficiency through continuous employee and user training; as well employee and citizen volunteer recognition.

   Council Member Lee suggestion: Increase operational efficiency though organized governance, continuous training, employee performance measurements, employee recognition, and acknowledgement of citizen volunteers.

   City Attorney Bojorquez suggestion: Continually improve operations to achieve greater efficiencies and effectiveness.

8. **Uniquely Bastrop**: Maintain and enhance our historic community feel by leveraging the unique combination of community, parks, cultural and recreational assets that make Bastrop a special place to live and work.
9. **Unique Environment**: Continue beautification and natural areas, green spaces, and the river.
MEETING DATE: June 14, 2022

TITLE:
Receive presentation on current status of Convention Center Hotel Development

AGENDA ITEM SUBMITTED BY:
Rebecca Gleason, Assistant City Manager

BACKGROUND/HISTORY:
In 2015, the City of Bastrop contracted for an assessment of the Bastrop Convention & Exhibit Center. The report, conducted by Harde Partners, LLC, states that the lack of an adjoining hotel was a hinderance to the Convention Center performance. In contract with the City of Bastrop, DP Consulting in 2017 stated that there was market justification for a 120+/-room hotel to be built on the site next to the Convention Center. Through the City Council’s focus on Economic Vitality, staff is tasked with creating sustainability through enhancing public/private partnerships and through Fiscal Responsibility, maintaining our fiduciary duty of full utilization of the City asset of the Convention Center.

With Council’s guidance, City staff has contracted with Esch Development Solutions, LLC to review unsolicited proposals for possible recommendation to Council for a letter of intent to be signed. Currently the City of Bastrop has two potential developers who are open to meeting the standards and guiding principles as outlined in our attached Convention Center Hotel Approach. City Staff will return to City Council within the coming weeks to make a recommendation as to next steps.

ATTACHMENTS:
- Convention Center Hotel Approach
Convention Center Hotel Approach

Goal
Leverage the current public investment in the City of Bastrop Convention & Exhibit Center and increase the economic vitality of the downtown corridor through the development of a hotel and catering space on city-owned land.

Project
- Partner for the development and operation of a hotel of at least 120 keys next to the City’s convention center including appropriate catering/kitchen facilities needed for the convention center.
- Hotel will be a recognized flag/brand approved by the City to ensure a certain level of quality in both development and maintenance.
- The developer will be responsible for the operations, maintenance, and upkeep of the hotel (including periodic updates and upgrades required by the hotel brand franchise standards) and will be able to demonstrate the appropriate record of success and sufficient financial capacity to undertake the project.
- The Convention Center will be leased to the hotel operator as part of the incentive to build and operate the hotel. With that, the operator will have an agreed amount of responsibility for management, maintenance, and repairs. The City will retain an agreed number of uses of the Convention Center per year, to ensure local needs are still being served by the space.

Project Guiding Principles
- In remaining Fiscally Responsible, the City seeks to minimize the amount of public financial participation in the project.
- In ensuring the project meets the City’s goals of Multi-Modal Mobility, the project shall appropriately connect to the public realm and develop, as appropriate, supporting retail or opportunity for community connection in a pedestrian yielding environment.
- In maintaining the City’s commitment to our historic community, the developer will create a Uniquely Bastrop design concept that is consistent with the architectural characteristics and history of the area by the City working with the development partner on mutual approval of the architectural elements.
- To meet the City’s objective of Managing Growth, the developer will work closely with the City to determine placement on the site, ensure drainage needs are met, and plan for any increased traffic flow.
MEETING DATE: June 14, 2022

AGENDA ITEM:

TITLE:
Receive presentation on possible Community Support City Council Subcommittee formation

AGENDA ITEM SUBMITTED BY:
Connie Schroeder, Mayor

BACKGROUND/HISTORY:
The Community Support Funding Grants are awarded to organizations for the administration of programs and activities that achieve specific outcomes that align with the City of Bastrop’s mission to “to continuously strive to provide innovative and proactive services that enhance our authentic way of life to achieve our vision.” Each year applicants are required to submit an IRS form from the previous year, proposed Budget as directly related to the funding requested, copy of 501(c)3 letter, list of other sources of funding, and a list of board members. Once funding is granted by the City Council, the organizations submit a written report on a quarterly basis describing the status of the services provided under the agreement. The agencies also attend quarterly Community Partners meetings to discuss their missions, share statistics, and collaborate with other Agencies.

In Fiscal Year 2022, the City staff review team determined four (4) criteria to evaluate the Community Support Funding Grant applications. The criteria were as follows:

- Organization’s relationship to the City’s mission
- Percentage of total operating funds
- Details Pertaining to funding request
- Number of city residents served

The schedule for Fiscal Year 2023 funding application is as follows:

- Applications available – May 16, 2022, at City Hall and on the City website
- Application deadline – June 23, 2022, at 5:00pm
- Organizations present to Council – July 12, 2022, at 6:30pm (limited to 3 minutes)
- Funding approved as part of the budget – September 20, 2022

RECOMMENDATION:
Creation of a Community Support City Council Subcommittee to review Fiscal Year 2023 Community Support Funding Grant applications and make a recommendation to Council as to funding amounts.

ATTACHMENTS:
- Application Template
- Report Template
CITY OF BASTROP
2023 COMMUNITY SUPPORT FUNDING APPLICATION

ORGANIZATION INFORMATION

Official Name of Organization

Date

Address

City

State

Zip

Contact Person

E-mail

Phone Number

Fax Number

Federal ID #

State ID #

Funding Amount Requested

If additional space is needed when filling in the application, please attach a separate sheet to the application.

If your organization received funding last year:

Amount Requested: $__________  Amount Funded: $__________

Provide a brief summary of your organization and the program you are requesting funds for:

Describe the results you have experienced with this program and include statistics:

Specify how the funds will be used for the program and how the program services benefit City of Bastrop citizens:
CITY OF BASTROP
2023 COMMUNITY SUPPORT FUNDING APPLICATION

If requesting a larger funding amount than last year, what specifically will you spend the increase on:

Identify any in-kind services you need, currently receive, or have received in the past from the City of Bastrop:

Describe how you will track the number of City of Bastrop citizens benefited by the program and provide the number of City of Bastrop citizens who received your services in the last 12 months.

The information contained herein and attached to this application is true and correct to the best of my knowledge. I hereby acknowledge that any funding received from the City of Bastrop must be expended as I have represented in this application and according to any requirements set by the City of Bastrop City Council and to the program guidelines. I agree that if funds are not expended accordingly, said funds will be returned to the City of Bastrop within ten (10) days from the date the City of Bastrop demands such.

Will you commit to quarterly meetings and leveraging with other non-profit organizations? Yes ☐ No ☐

Authorized Signature for the Applicant

Date

Title

City of Bastrop - Finance Department Use Only
- Verified current 501(c)3 Status
- Good standing on contract reporting requirements
CITY OF BASTROP
Community Support Funding
Quarterly Submittal Form

Organizational Name: ________________________________

For the Quarter Ended: ______________________________

Please provide a summary of the activities related to the organizations' work and its benefit to the City's citizens for the quarter.

<table>
<thead>
<tr>
<th>Number of City Citizens served</th>
<th>Service Received by City Citizens'</th>
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</tr>
</tbody>
</table>

Please identify the number of City of Bastrop Citizens and the services they received during the quarter.

Please attached the following:

- Financial statement for the reporting period that indicates how the ORGANIZATION has expended funds provided by the City on the activities previously approved by the City Council
- Copies of advertisements and sponsorship materials

Please contact the Finance Department if we can provide you this form through email.
## Quarterly Report
### Income Statement Template

**Organization Name:**

**For the Period Ending:**

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<thead>
<tr>
<th>Category</th>
<th>Amount</th>
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</thead>
<tbody>
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<tr>
<td><strong>REVENUES</strong></td>
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<td><strong>Total Revenues</strong></td>
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<td><strong>Total Expenses</strong></td>
<td>$0</td>
</tr>
<tr>
<td><strong>ENDING BALANCE</strong></td>
<td>$0</td>
</tr>
</tbody>
</table>

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*Item 8C.*
MEETING DATE:  May 24, 2022

TITLE:
Consider action to approve City Council minutes from the May 24, 2022, Regular meeting.

AGENDA ITEM SUBMITTED BY:
Submitted by: Ann Franklin, City Secretary

RECOMMENDATION:
Ann Franklin, City Secretary recommends approval of City Council minutes from the May 24, 2022.

ATTACHMENTS:
1. May 24, 2022, DRAFT Regular Meeting Minutes.
The Bastrop City Council met in a regular meeting on Tuesday, May 24, 2022, at 6:30 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were: Mayor Schroeder and Mayor Pro Tem Rogers and Council Members Lee, Plunkett, Crouch and Kirkland. Officers present were City Manager, Paul A. Hofmann; City Secretary, Ann Franklin; and City Attorney, Alan Bojorquez.

CALL TO ORDER
Mayor Schroeder called the meeting to order at 6:30 p.m. with a quorum present.

PLEDGE OF ALLEGIANCE
Luna Vargas and Braxton Roper, E mile Elementary Safety Patrol, led the pledges.

INVOCATION
Phil Woods, Police Chaplain, gave the invocation.

PRESENTATIONS
4A. Mayor’s Report
4B. Council Members’ Report
4C. City Manager’s Report

WORK SESSION/BRIEFINGS
5A. Receive report from the Bastrop Independent School District regarding BISD bond funded improvements within the Gills Branch Watershed, compliance with City of Bastrop Stormwater Management Criteria, the BISD District Proposal, receive information from city engineer, consider potential terms of a possible agreement, and provide direction to City Manager and City Attorney as appropriate. (Submitted by: Paul A. Hofmann, City Manager)

Presentation was made by Paul A. Hofmann, City Manager; Barry Edwards, BISD Superintendent; and Ryan Whittle, Stantec.

Motion was made by Council Member Kirkland to ask the City of Bastrop to create an interlocal agreement with net zero on the Gills Branch Watershed and the donation of the land in the Gills Branch Watershed that was proposed in the discussion, seconded by Council Member Crouch, motion was approved on a 3-2-0 vote. Council Members Kirkland, Crouch, and Plunkett voted aye. Mayor Pro Tem Rogers and Council Member Lee voted nay.

Mayor Schroeder recessed the Council Meeting at 8:38 p.m.

Mayor Schroeder called the Council Meeting back to order at 9:24 p.m.
5B. Receive status report on Pecan Park Development, approximately 62 acres of the Pecan Park Development more specifically the Pecan Park commercial section better described as Parcel 1: Block 8, Lot 1, the Final Plat of Pecan Park Commercial, a subdivision in Bastrop County, Texas, Parcel 2: Common Area 1, Pecan Park Commercial Phase 1, a subdivision in Bastrop County, Texas, according to the map or plat thereof, recorded in Book 5, Page 146-A of the Plat records of Bastrop County, Texas., Parcel 3: 55.355 acres, more or less, located in Bastrop County, Texas, Parcel 1, Parcel 2, and Parcel 3 collectively, the Commercial Property; the current Memorandum of Understanding (MOU) between the City of Bastrop and owner; prior discussions with the owner and planning staff on amendments to the MOU, receive comments from the owner; and provide direction to City Manager and City Attorney as appropriate. (Submitted by: Paul A. Hofmann, City Manager)

Presentation was made by Trey Job, Assistant City Manager.

SPEAKERS

Duke McDowell
3503 Wild Cherry Dr., Bldg. 8
Lakeway, TX 78738
512-845-3552

A motion was made by Mayor Pro Tem Rogers to insert “on-site” and “off-site” in sections 6.02 and 6.03 and in 6.05 accept the language being proposed but to clarify: 1) the dedication of the Agnes right-of-way does not need to occur until approval of the preliminary plat; and 2) clarify the construction of Orchard will be completed within 12 months of the City’s completion of Agnes, seconded by Council Member Lee.

A friendly amendment was made by Council Member Plunkett to amend the motion to include the balance of the agreement from 2013 will remain in place. The amendment was accepted by the maker and second of the motion.

The amended motion was approved on a 5-0 vote.

STAFF AND BOARD REPORTS


Presentation was made by Tracy Waldron, Chief Financial Officer.

CITIZEN COMMENTS

Garry Moss
1706 Wilson St.
Bastrop, Tx 78602
CONSENT AGENDA

A motion was made by Mayor Pro Tem Rogers to approve Items 8A and 8B as listed on the Consent Agenda after being read into the record by City Secretary, Ann Franklin. Seconded by Council Member Lee, motion was approved on a 5-0 vote.

8A. Consider action to approve City Council minutes from the May 10, 2022, Regular meeting and May 12, 2022, Pre-Budget Planning Workshop. (Submitted by: Ann Franklin, City Secretary)

8B. Consider action to approve Resolution No. R-2022-52 of the City Council of the City of Bastrop, Texas, approving a professional engineering services contract with TRC Engineers, Inc. for the Riverwood Water Main Replacement – Phase I to a not to exceed amount of Fifty-Five Thousand Dollars ($55,000.00); authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date. (Submitted by: Fabiola de Carvalho, MIAM, Director of Engineering and Capital Project Management)

ITEMS FOR INDIVIDUAL CONSIDERATION

9A. Hold a public hearing and consider action to approve the first reading of Ordinance 2022-14 of the City Council of the City of Bastrop, Texas, annexing Burleson Crossing East, for 12.95 acres of land out of the Nancy Blakey Survey, Abstract No. 98, located east of Edward Burleson Lane and north of State Highway 71, as shown in Exhibit A, providing for findings of fact, adoption, establishing zoning and character district, repealer, severability, filing and enforcement; establishing an effective date; and proper notice and meeting, and move to include on the June 14, 2022 Regular Agenda for the second reading. (Submitted by: Jennifer C. Bills, Director of Planning & Development)

Presentation was made by Trey Job, Assistant City Manager.

Public hearing was opened.

Public hearing was closed.

A motion was made by Council Member Plunkett to approve the first reading of Ordinance No. 2022-14, and to include on the June 14, 2202, agenda, seconded by Council Member Lee, motion was approved on a 5-0 vote.

9B. Hold public hearing and consider action on the first reading of Ordinance 2022-15 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 a plan on 19.81 acres, located east of Edward Burleson Land and north of State Highway 71, within the city limits of the City of Bastrop, as shown in Exhibit A, consideration of warrants and providing for findings of fact, adoption, repealer, severability and enforcement, proper notice and meeting; and establishing an effective date and move to include on the June 14, 2022 Consent Agenda for the second reading. (Submitted by: Jennifer C. Bills, Director of Planning & Development)

Presentation was made by Trey Job, Assistant City Manager.

Public hearing was opened.

Public hearing was closed.

A motion was made by Council Member Crouch to approve the first reading of Ordinance No. 2022-15, approving the Burleson Crossing East zoning concepts, changing the zoning from P2 Rural to P5 Core and approve all warrants as submitted by the applicant, and to include on the June 14, 2022, agenda, seconded by Council Member Lee, motion was approved on a 5-0 vote.

Motion to Adjourned at 11:31 p.m. without objection.

APPROVED:  
Mayor Connie B. Schroeder

ATTEST:  
City Secretary Ann Franklin

The Minutes were approved on June 14, 2022, by Council Member  motion, Council Member  second. The motion was approved on a  vote.
MEETING DATE: June 14, 2022

AGENDA ITEM:

TITLE: Consider action to approve the second reading of Ordinance 2022-14 of the City Council of the City of Bastrop, Texas, annexing Burleson Crossing East, for 12.95 acres of land out of the Nancy Blakey Survey, Abstract No. 98, located east of Edward Burleson Lane and north of State Highway 71, as shown in Exhibit A, providing for findings of fact, adoption, establishing zoning and character district, repealer, severability, filing and enforcement; establishing an effective date; and proper notice and meeting.

STAFF REPRESENTATIVE:
Jennifer C. Bills, Director of Planning & Development

BACKGROUND:
The applicant has submitted a request for annexation of 12.95 acres in accordance with the Chapter 43 Development Agreement and Addendum that was approved on October 18, 2011. The Development Agreement requires the annexation of the property prior to development, after a sale of the property, or by 2056 (45 years). A Municipal Service Plan was adopted as part of the agreement but must be updated if more than 10 years old.

Notice of the public hearing was posted in the Bastrop Advertiser in accordance with the Texas Local Government Code, Chapter 43, Subchapter C-3 “Annexation of Area on Request of Owners”. Per Section 2.3.003 of the Bastrop Building Block (B³) Code, the default zoning upon annexation is Place Type 2 – Rural. Staff is recommending extending the Cattleman’s Character District (Chapter 4: Character Districts) which is the designation on the part of the parcel within the City Limits. Extending the city limits of Bastrop will not extend the Extraterritorial Jurisdiction, as the Development Agreement area is part of the City Boundary, as show in Attachment 1. Chapter 43 Development Agreements can be considered the city boundary for annexation and ETJ purposes. This annexation request is accompanied by a Zoning Concept Scheme. The Zoning Concept Scheme cannot be adopted until the annexation is approved by City Council.

RECOMMENDATION:
Consider action to approve the second reading of Ordinance 2022-14 as presented.

ATTACHMENTS:
- Ordinance 2022-04
- Exhibit A: Property Sketch and Metes & Bounds Description
- Exhibit B: Municipal Service Plan
- Attachment 1: Location Map
- Attachment 2: Applicant’s Letter
- Attachment 3: Chapter 43 Development Agreement & Addendum
ORDINANCE 2022-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, ANNEXING BURLESON CROSSING EAST, FOR 12.95 ACRES OF LAND OUT OF THE NANCY BLAKEY SURVEY, ABSTRACT NO. 98, LOCATED EAST OF EDWARD BURLESON LANE AND NORTH OF STATE HIGHWAY 71, AS SHOWN IN EXHIBIT A, PROVIDING FOR FINDINGS OF FACT, ADOPTION, ESTABLISHING ZONING AND CHARACTER DISTRICT, REPEALER, SEVERABILITY, FILING AND ENFORCEMENT; ESTABLISHING AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

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 applicant, on behalf of the Erhard Legacy Partners, submitted a request for voluntary annexation of the property in the area described in Exhibit “A” (the “property”), which is attached hereto and incorporated herein for all purposes; and,

WHEREAS, City Council has entered into a written agreement with the owners of land in the area for the provision of services in the area; and,

WHEREAS, in accordance with Texas Local Government Code Chapter 43 Subchapter C-3, public notice was given, and a public hearing was held before the City Council regarding the requested annexation; and

WHEREAS, Texas Local Government Code Section 51.001 provides the City general authority to adopt an Ordinance 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, the base zoning district is established per Section 2.3.003 “Zoning Upon Annexation” as P2, Place Type 2 Rural, the Character District established will extend Cattleman’s Character District; and,

WHEREAS, after consideration of public input received at the hearing, the information provided by the petitioners, and all other information presented, City Council finds it necessary and proper to enact this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS THAT:
Section 1: The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

Section 2: The property in the area described in Exhibit “A”, which is attached hereto and incorporated herein for all purposes, is hereby annexed and brought into the municipal boundaries (i.e., corporate limits) of the City of Bastrop, Texas, and is made an integral part, hereof. The official map and boundaries of the City are hereby amended and revised so as to include the area annexed, and to reflect the expansion of the City’s extraterritorial jurisdiction resulting from such annexation.

A service plan prepared in accordance with applicable provisions of state law pertaining to annexation is attached hereto as Exhibit “B” and incorporated herein for all intents and purposes. The owners and inhabitants of the area herein annexed are entitled to all of the rights and privileges of other citizens of the City and are hereby bound by all acts, ordinances and other legal actions now in full force and effect and those that may be hereafter adopted or enacted.

Section 3: The base zoning district established is P2 Rural and the Character District established is Cattleman’s.

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 Secretary is hereby instructed to include this Ordinance in the records of the City and to have maps prepared depicting the new municipal boundaries and extraterritorial jurisdiction. The City Secretary is hereby instructed to file a certified copy of this Ordinance and the updated maps with the Bastrop County Clerk.

Section 7: 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 8: This Ordinance shall be effective immediately upon passage and publication.
Section 9: 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.

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

READ & ADOPTED on the Second Reading on this the 14th day of June, 2022.

APPROVED:

___________________________
Connie B. Schroeder, Mayor

ATTEST:

_____________________________
Ann Franklin, City Secretary

APPROVED AS TO FORM:

_____________________________
Alan Bojorquez, City Attorney
Exhibit “A”
DESCRIPTION OF AREA TO BE ANNEXED
Exhibit “B”

ANNEXATION SERVICE PLAN
ZONING DESCRIPTION

BEING 12.95 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 EHRARD 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, O.P.R.B.C.TX.; SAID 12.95 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A CONCRETE MONUMENT (GRID NORTHING: 10,018,765.44 U.S. SURVEY FEET, GRID EASTING: 3,240,377.69 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 NORTHEAST CORNER OF THIS TRACT AND THE NORTHWEST CORNER OF 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, A DISTANCE OF 997.77 FEET TO A CALCULATED POSITION FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE WITH THE SOUTH LINE OF THIS TRACT AND OVER AND ACROSS THE REMAINDER OF SAID 30.00 ACRE TRACT THE FOLLOWING TWO (2) COURSES AND DISTANCES:

1) NORTH 89 DEGREES 56 MINUTES 58 SECONDS WEST, A DISTANCE OF 343.04 FEET TO A CALCULATED POSITION FOR AN ANGLE POINT, AND

2) SOUTH 88 DEGREES 02 MINUTES 12 SECONDS WEST, A DISTANCE OF 247.87 FEET TO A CALCULATED POSITION ON THE EAST LINE OF BURLESON CROSSING, A SUBDIVISION OF RECORD IN PLAT BOOK 5, PAGE 14A, P.R.B.C.TX., ALSO BEING THE EAST LINE OF EDWARD BURLESON ROAD, FOR THE SOUTHWEST CORNER OF THIS TRACT;
THENCE WITH THE WEST LINE OF THIS TRACT, THE EAST LINE OF SAID BURLESON CROSSING SUBDIVISION, AND THE EAST LINE OF SAID EDWARD BURLESON ROAD THE FOLLOWING THREE (3) COURSES AND DISTANCES:

1) NORTH 02 DEGREES 13 MINUTES 44 SECONDS WEST, A DISTANCE OF 884.40 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 SUBDIVISION;

THENCE NORTH 87 DEGREES 57 MINUTES 26 SECONDS EAST, 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 12.95 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 SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY A SURFACE ADJUSTMENT FACTOR OF 0.99997. UNITS: U.S. SURVEY FEET.
CITY OF BASTROP
MUNICIPAL SERVICE PLAN
FOR ANNEXATION OF +/- 12.95 ACRES IN THE A98 NANCY BLAKEY SURVEY
ADJACENT TO THE CITY OF BASTROP MUNICIPAL LIMITS

Owner ERHARD LEGACY PARTNERS LTD
Parcel Acreage +/-12.95 Acres

This Municipal Services Plan ("Plan") is entered into on 14th day of June by and between the City of Bastrop, Texas, a home-rule municipality of the State of Texas ("City") and Erhard Legacy Partners LTD., a Texas limited partnership ("Owner").

RECITALS

WHEREAS, Section 43.0671 of the Local Government Code permits the City to annex an area if each owner of land in an area requests the annexation;

WHEREAS, where the City elects to annex such an area, the City is required to enter into a written agreement with the property owner(s) that sets forth the City services to be provided for the Property on or after the effective date of annexation;

WHEREAS, the City Council of the City of Bastrop has directed staff to proceed with procedures for the annexation of land generally comprised of approximately 12.911 acres within the A98 Nancy Blakey Survey (Number 4) in Bastrop County, such property being more accurately described and set forth in Exhibit “A” which is attached and incorporated herein ("Property");

WHEREAS, the Property consists of undeveloped land and is agriculturally exempt and a topographical map of the Property is attached hereto as Exhibit “B”;

WHEREAS, this Plan is made by the City pursuant to Sections 43.056 of the Texas Local Government Code ("LGC");

WHEREAS, the provisions of this Plan were made available for public inspection and explained to the public at the public hearing held by the City on May 24, 2022 in accordance with Sections 43.056 and 43.0671 of the LGC; and

NOW THEREFORE, in exchange for the mutual covenants, conditions and promises contained herein, City and Owner agree as follows:

The parties agree that the foregoing recitals are true and correct and form the basis upon which the parties have entered into this Plan.
TERM OF SERVICE PLAN

Pursuant to Section 43.056 of the Local Government Code, this Plan shall be in effect for a ten (10) year period, commencing on the effective date of the ordinance approving the annexation. Renewal of the Plan shall be at the discretion of the City Council and must be accomplished by ordinance.

INTENT

It is the intent of the City of Bastrop that services under this Plan shall provide full municipal services as required and defined by the Texas Local Government Code.

FIRE

Existing Services: ESD #2

Services to be Provided: The City of Bastrop intends to submit a petition to remove the area from ESD #2 territory, per the Health and Safety Code, Section 775.022 (a) to become the sole provider of emergency services to the annexed area. Until the petition process is complete, fire suppression will continue to be provided from ESD #2, as provided by such service provider’s authorized service plans and approved areas, and as approved by the citizens in the election for ESD services for this tract. Primary fire response by ESD #2 will be provided by Bastrop Station No. 1 located on 802 Chestnut in Bastrop, Texas.

ESD #2 fire suppression services may, however, be supplemented by services provided by the Bastrop Fire Department and ESD #1 pursuant to mutual aid and/or interlocal policies, and agreements. If so, such fire response services will be provided from Bastrop Fire Department (Bastrop Station No. 2) located on 120 Corporate Drive in Bastrop, Texas, or ESD #1, Still Forest Station (Bluebonnet No. 1) located on 213 Still Forest Drive in Cedar Creek, Texas, or future stations located in proximity to the Property. Adequate supplemental fire suppression activities by the Bastrop Fire Department may be afforded to the Property within City’s current budget appropriation.

In addition, fire prevention activities will be provided by the City of Bastrop’s Fire Marshall’s office, as needed.

ESD Service areas are shown on attached Exhibit “C.”

POLICE

Existing Services: Bastrop County Sheriff’s Department

Services to be Provided: Upon annexation, the City of Bastrop Police Department will extend regular and routine patrols to the Property. Thus, law enforcement protection will be provided to this Property in the same manner as it is currently provided to other similarly situated land
within the corporate limits of the City. These services include routine police patrols and responses to calls, handling of complaints and incident reports, service by special units, such as traffic enforcement, criminal investigations, narcotics, gang suppression, and special tactics team. In addition, the City Code Enforcement and Animal Control Services will be provided by the City of Bastrop to the Property, as appropriate. It is anticipated that the implementation of City’s Police Department, Animal Control, and Code Enforcement activities can be effectively accommodated within the City’s current budget and staff appropriation.

EMERGENCY MEDICAL SERVICE

Existing Services: Bastrop County/Acadian EMS

Services to be Provided: Bastrop County/Acadian EMS will continue to provide emergency and safety services to the Property, pursuant to existing agreements.

BUILDING INSPECTION

Existing Services: None

Services to be Provided: Upon annexation, the City of Bastrop’s Building Inspection Department will provide Building Code Enforcement Services. These services will include issuing building permits as well as issuing electrical, HVAC and plumbing permits, for any new construction and remodeling. Upon annexation, the Building Inspection Department will also assist in issuance and enforcement activities related to all other applicable City of Bastrop Codes and regulations which apply to building construction within the City of Bastrop. It is anticipated that the implementation of City’s Building Inspection Department activities can be effectively accommodated within the City’s current budget and staff appropriation.

PLANNING AND DEVELOPMENT - SUBDIVISION AND DEVELOPMENT

Existing Services: None

Services to be Provided: The Planning and Development Department’s responsibility for regulating development and land use through the administration of the City of Bastrop Zoning Ordinance will extend to this Property on the effective date of the annexation. The annexed tract will also continue to be regulated under the requirements of the City of Bastrop Subdivision Ordinance. These services can be provided within the department’s current budget. The Plan’s services include: site plan review, zoning approvals, sign regulations, platting, and construction services. For a complete list and description of all Planning, Zoning, Subdivision and Development services that will be provided by the City, see the City’s Code of Ordinances, Chapter 3, Chapter 10, and Chapter 14. It is anticipated that the implementation of these activities can be effectively accommodated within the City’s current budget and staff appropriation.
LIBRARY

Existing Services: None.

Services to be Provided: Upon annexation, the City of Bastrop’s municipal library use privileges will continue to be provided by the City to persons residing in the Property. It is anticipated that the implementation of these Library activities can be effectively accommodated within the City’s current budget and staff appropriation.

HEALTH CODE SERVICE

Existing Services: Bastrop County

Services to be Provided: Upon the effective date of the annexation, the Bastrop County Health Department will continue to oversee the enforcement of the State, County, and City of Bastrop’s health ordinances and regulations, for example those related to inspections of commercial kitchens, mobile food vendors, food preparation establishments, and handling operations.

The City will perform other enforcement of the City of Bastrop’s health and sanitation ordinances and regulations, including but not limited to weed, brush control, and control over junked and abandoned vehicles. This service will be provided by the City’s Code Enforcement Department and Police Department, and shall begin in this Property on the effective date of the annexation. Additionally, the City’s control of dilapidated structures will be handled by the City pursuant to its regulations and Code. It is anticipated that the implementation of these activities can be effectively accommodated within the City’s current budget and staff appropriation.

STREET

Existing Services: State of Texas (“TxDOT”) and Bastrop County

Services to be Provided: Upon annexation, the City of Bastrop’s Public Works Department will maintain public streets over which the City has jurisdiction. Maintenance to the street facilities will continue to be provided in accordance with the City’s policies and procedures for City streets and roadways. Bastrop County shall continue to be responsible for County Roads, and TxDOT shall continue to be responsible for State of Texas highways and farm to market roadways, pursuant to their statutory authorities.

As new subdivisions and development occurs within the Property, the developers of property will be required to dedicate appropriate right-of-way and construct City streets in accordance with the City of Bastrop’s Subdivision Code (Bastrop Building Block (B^3) Code), regulations, and policies that are in place at the time of the development. Upon completion of, dedication to, and the City’s acceptance of, new streets and public rights-of-way, the City shall provide on-going operation and maintenance for those streets, rights-of-way, and roadways.
Emergency street maintenance to street facilities not otherwise maintained by the County or TxDOT, under their respective governmental authority, will be provided by the City, as of the effective date of the annexation. Routine maintenance of City streets and roadways will be scheduled as part of the City’s annual street maintenance program, in accordance with the current policies and procedures of the City. It is anticipated that the implementation of these activities can be effectively accommodated within the City’s current budget and staff appropriation.

**STORM WATER MANAGEMENT**

*Existing Services: Bastrop County*

*Services to be Provided:* Upon annexation, the City Public Works Department and Planning and Development Department will provide maintenance on existing public drainage systems and floodplain management in the Property. The same standard of drainage maintenance and floodplain regulations provided to other residents of the City, as per the City’s regulations and Code in effect at the time of development, shall be provided to property owners within the Property. Developers will provide storm water drainage and meet floodplain requirements as per the City’s Code, regulations, and policies, and such facilities will be inspected by the City’s Engineer at the time of completion of such facilities. The City will maintain public drainage facilities within the City right-of-way, as per the City’s Code, regulations, and policies. It is anticipated that the implementation of these activities can be effectively accommodated within the City’s current budget and staff appropriation.

**STREET LIGHTING**

*Existing Services: None*

*Services to be Provided:* Upon annexation, the City of Bastrop will maintain public street lighting over which the City has jurisdiction, and as part of this municipal service, will coordinate any request for improved street lighting with the appropriate and certificated electric provider, in accordance with State and local laws, and the City’s and other providers’ policies and agreements. It is the policy of the City of Bastrop that adequate street lighting for the protection of the public and property be installed in all new subdivisions. Installation procedures and acceptable standards for street lights shall be governed by the utility standards of the City of Bastrop in effect at the time of subdivision construction or additions thereto. It is anticipated that the implementation of these activities can be effectively accommodated within the City’s current budget and staff appropriation.

**WATER SERVICE**

*Existing Services: City of Bastrop*

*Services to be Provided:* Water service to the Property will be provided by City of Bastrop Water Department in accordance with the applicable State law and City Codes, regulations,
and/or policies applicable to the certified service areas. When property develops, water service shall be provided in accordance with State law or contractual agreements in effect and controlling the areas to be served. When applicable, extension of service by the City shall comply with the City’s Code, regulations, and policies. It is anticipated that the implementation of these activities can be effectively accommodated within the City’s current budget and staff appropriation.

Water CCN area is shown on attached Exhibit “D.”

**SANITARY SEWER SERVICE/WASTEWATER SERVICE**

*Existing Services:* None – On-Site Septic Facilities

*Services to be Provided:* Sanitary sewer service to the Property of proposed annexation will be provided in accordance with applicable State and local regulations and policies and in accord with all applicable laws, and Codes. As property develops in the future, the sanitary sewer service shall be provided in accordance with the then existing City policies, Codes, regulations, and policies in effect at that time and as applicable to similarly situated tracts located within the City’s corporate limits, including, when applicable, the City’s then existing extension Ordinance and/or policy.

Wastewater CCN area is shown on attached Exhibit “E.”

**SOLID WASTE SERVICES**

*Existing Services:* Varies, by contract.

*Services to be Provided:* If, at the date of annexation, controlling private solid waste service contracts are in place between property owners and service providers within the Property, property owners may elect to continue to have such services pursuant to the contracts for up to 2 years following annexation. At the end of two (2) years, or earlier if desired by the property owners, solid waste services to the Property will be provided as per the City’s then existing franchises, contracts, or agreements. At this time, solid waste collection in the City of Bastrop is provided by Waste Connections, pursuant to a franchise ordinance controlling the terms of such service. Solid waste collection and disposal services shall comply with existing City policies and regulations. City of Bastrop services available for the City’s residential customers (via Waste Connections) currently includes garbage, recycling, and yard trimmings collection. It is anticipated that the implementation of these activities can be effectively accommodated within the City’s current budget and staff appropriation.

**PARKS AND RECREATION**

*Existing Services:* None

*Services to be Provided:* No City parks, playgrounds, and/or swimming pools exist within the
Property, as of the time of annexation. At the time, such parks and recreational facilities are developed in the Property, the City of Bastrop’s standards and policies in force within the City limits at that time will be followed in maintaining and expanding recreational facilities to serve the Property. Upon annexation, the owners and residents of property located within the Property shall be entitled to the use of all City of Bastrop parks and recreational facilities, subject to the same restrictions, fees, and availability that pertains to the use of those facilities by other citizens of the City. It is anticipated that the implementation of these activities can be effectively accommodated within the City’s current budget and staff appropriation.

**BUSINESS LICENSES AND REGULATIONS**

*Existing Services:* None

*Services to be Provided:* At the time of annexation, existing businesses shall be grandfathered for continuing operation. Otherwise, upon annexation, the provisions of Chapter 4 of the City Code of Ordinances relating to business licenses and regulations (Carnivals Circuses and Other Exhibitions; Electrician’s Licenses; Gross Receipts Charge or Street Rental; Peddlers and Solicitors; Taxicabs, Buses and Other Vehicles for Hire; Horse Drawn Carriages and other Non-Motorized Vehicles for Hire; Sexually Oriented Businesses; and Alcoholic Beverages) shall apply in the Property. It is anticipated that the implementation of these activities can be effectively accommodated within the City’s current budget and staff appropriation.

**ELECTRIC SERVICE**

*Existing Services:* Bluebonnet Electric Cooperative

*Services to be Provided:* Bluebonnet Electric will continue to provide electric utility service to all areas in which it is the authorized provider, pursuant to its authority granted by the State and/or the Public Utility Commission of Texas.

Bluebonnet’s Electric CCN area is shown on attached Exhibit “F.”

**TRAFFIC ENGINEERING**

*Existing Services:* None

*Services to be Provided:* The City of Bastrop’s Public Works Department will provide, after the effective date of annexation, any additional traffic control devices as may be deemed necessary by the City.

Traffic engineering, upon development in the Property, shall comply with City of Bastrop Codes, regulations, and policies in effect at that time. It is anticipated that the implementation of these activities can be effectively accommodated within the City’s current budget and staff appropriation.
MISCELLANEOUS

All other applicable municipal services will be provided to the Property in accordance with the City of Bastrop's established policies governing extension of municipal services to newly annexed and similarly situated areas.

CAPITAL IMPROVEMENTS, AVAILABILITY, AND LEVEL OF SERVICES

The Property annexed in 2022 will be included with all other areas of the City for future planning for any new or expanded facilities, functions, and services to be funded by future capital improvements programs of the City. The priorities assigned by these plans are driven by a desire to maintain an equitable level of service to all areas of the City, with the same population density, land use, and topographical characteristics, and in accord with State and local laws.

Nothing in this plan shall require that the City provide a uniform level of municipal service to each area of the City, including Property, if different characteristics of topography, land use, and population densities are sufficiently distinct to justify a different level of service by the City, or when other service providers areas of service and/or other existing contractual agreements provide for such service.

AMENDMENTS

The City Council may amend the Service Plan to conform to the changed conditions or subsequent occurrences pursuant to the Texas Local Government Code or accommodate significant changes in the population and density characteristics of the 2022 Annexation Area.

USE OF PROPERTY

In accordance with Texas Local Government Code Section 43.002, Continuation of Land Use, all legal uses of property in the 2022 Annexation Area shall be allowed by the City to continue in the manner in which the property was being used on May 23, 2003.

CONFLICTS

In the event that any provision of this Service Plan conflicts with any other plan, comprehensive plan, or program of the City of Bastrop, the provision contained in this Service Plan shall control.

STAFFING

Staffing of City services will be provided to the level necessary to provide equal services to all residents.
SERVICE LEVEL

The City will provide the Property with a level of services, infrastructure, and infrastructure maintenance that is comparable to the level of services, infrastructure, and infrastructure maintenance available in other parts of the City with topography, land use, and population density similar to those reasonably contemplated or projected for the Property.

AUTHORITY

City and Owner represent that they have full power, authority and legal right to execute, deliver and perform their obligations pursuant to this Plan. Owner acknowledges that approval of the Annexation Case is within the sole jurisdiction of the City Council. Nothing in this Plan guarantees favorable decisions by the City Council.

SEVERABILITY

If any part, term, or provision of this Plan is held by the courts to be illegal, invalid, or otherwise unenforceable, such illegality, invalidity, or unenforceability will not affect the validity of any other part, term or provision, and the rights of the parties will be construed as if the part, term, or provision was never part of the Plan.

GOVERNING LAW AND VENUE

The parties to this Plan covenant and agree that in any litigation relating to this Plan, the terms and conditions of the Plan will be interpreted according to the laws of the State of Texas and construed in conformity with the provisions of Texas Local Government Code Chapter 43. Venue shall be located in Bastrop County, Texas.

NO WAIVER

The failure of either party to insist upon the performance of any term or provision of this Plan or to exercise any right granted hereunder shall not constitute a waiver of that party’s right to insist upon appropriate performance or to assert any such right on any future occasion.

GOVERNMENTAL POWERS

It is understood that by execution of this Plan, the City does not waive or surrender any of its governmental powers or immunities.

COUNTERPARTS

This Plan may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.
CAPTIONS

The captions to the various clauses of this Plan are for informational purposes only and shall not alter the substance of the terms and conditions of this Plan.

AGREEMENT BINDS AND BENEFITS SUCCESSORS AND RUNS WITH THE LAND

This Plan is binding on and inures to the benefit of the parties, their successors, and assigns. The terms of this Plan constitute covenants running with the land comprising the Property, is binding on the Owner and the City, and is enforceable by any current or future owner of any portion of the Property.

ENTIRE AGREEMENT

This Plan constitutes the entire agreement between the parties and supersedes all prior oral and written agreements between said parties. This Plan shall not be amended unless executed in writing by both parties.

EXECUTED in multiple originals, and in full force and effect as of the Effective Date.

Attest:
By: ________________________________
Name: Ann Franklin
Title: City Secretary

CITY:
City of Bastrop, Texas
a Texas home-rule municipal corporation
By: ________________________________
Name: Paul A. Hofmann
Title: City Manager

THE STATE OF TEXAS §
COUNTY OF BASTROP §

This instrument was acknowledged before me on this ____ day of ____________, 2022, by Paul A. Hofmann, City Manager of the City of Bastrop, Texas, a Texas home-rule municipal corporation, on behalf of said corporation.

By: ________________________________

Notary Public, State of Texas
OWNER:
Erhard-Legacy Partners LTD
A Texas limited partnership

By:
Name: John B. Duff
Title:

State of Texas $  
County of Bastrop $  

This instrument was acknowledged before me on the ______ day of ____________, 20__, by _______________ of City of Bastrop, a Texas Home-Rule municipality, on behalf of said municipality.

By: _______________________________

Notary Public, State of Texas

State of Texas $  
County of Harris $  

This instrument was acknowledged before me on the ______ day of ____________, 20__, by John B. Duff, Co-Manager, of [Name of individual signing, title (if any)] on behalf of said Erhard-Legacy Partners LTD [insert name of company or individual where applicable].

By: _______________________________

Notary Public, State of Texas
ZONING DESCRIPTION

BEING 12.95 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, O.P.R.B.C.TX.; SAID 12.95 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT A CONCRETE MONUMENT (GRID NORTHING: 10,018,765.44 U.S. SURVEY FEET, GRID EASTING: 3,240,377.69 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 NORTHEAST CORNER OF THIS TRACT AND THE NORTHWEST CORNER OF 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, A DISTANCE OF 997.77 FEET TO A CALCULATED POSITION FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE WITH THE SOUTH LINE OF THIS TRACT AND OVER AND ACROSS THE REMAINDER OF SAID 30.00 ACRE TRACT THE FOLLOWING TWO (2) COURSES AND DISTANCES:

1) NORTH 89 DEGREES 56 MINUTES 58 SECONDS WEST, A DISTANCE OF 343.04 FEET TO A CALCULATED POSITION FOR AN ANGLE POINT, AND

2) SOUTH 88 DEGREES 02 MINUTES 12 SECONDS WEST, A DISTANCE OF 247.87 FEET TO A CALCULATED POSITION ON THE EAST LINE OF BURLESON CROSSING, A SUBDIVISION OF RECORD IN PLAT BOOK 5, PAGE 14A, P.R.B.C.TX., ALSO BEING THE EAST LINE OF EDWARD BURLESON ROAD, FOR THE SOUTHWEST CORNER OF THIS TRACT;
THENCE WITH THE WEST LINE OF THIS TRACT, THE EAST LINE OF SAID BURLESON CROSSING SUBDIVISION, AND THE EAST LINE OF SAID EDWARD BURLESON ROAD THE FOLLOWING THREE (3) COURSES AND DISTANCES:

1) NORTH 02 DEGREES 13 MINUTES 44 SECONDS WEST, A DISTANCE OF 884.40 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 SUBDIVISION;

THENCE NORTH 87 DEGREES 57 MINUTES 26 SECONDS EAST, 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 12.95 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 SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY A SURFACE ADJUSTMENT FACTOR OF 0.99997. UNITS: U.S. SURVEY FEET.

Matt Overall, RPLS # 6864
LJA Surveying, Inc.
7500 Rialto Blvd, Building II, Suite 100
Austin, Texas 78735
Texas Firm No. 10194382
Date: 11/19/2021
The accuracy and precision of this cartographic data is limited and should be used for information (planning purposes only. This data does not replace surveys conducted by registered Texas land surveyors nor does it constitute an "official" verification of zoning, land use classification, or other classification set forth in local, state, or federal regulatory processes. The City of Bastrop, nor any of its employees, do not make any warranty of merchantability and fitness for particular purpose, or assumes any legal liability or responsibility for the accuracy, completeness or usefulness of any such information, nor does it represent that its use would not infringe upon privately owned rights.
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Legend

- **Annexation Proposed**
- **Existing City Limit**

Proposed Annexation
Burleson Crossing East

Date: 5/11/2022
November 4, 2021

Via Electronic Delivery
City of Bastrop
Planning Department
1311 Chestnut Street
Bastrop, Texas 78602

Re: Proposed Rezoning of Approximately 19.837 Acres of Land Within the City of Bastrop (the “City”) generally Located East of Edward Burleson Lane and North of State Highway 71 (the “Property”).

On behalf of, and as the designated agents of, the owner of the Property, this letter serves as the formal request for a Zoning Concept Scheme (Rezoning) change for the Property. The Property is designated as BCAD ID 77734 and consists of a portion along State Highway 71 that is currently designated as a P5 (Core) Place Type Zoning District, with the remainder of the Property located in City’s ETJ and therefore not annexed or zoned.

We are planning a high-quality commercial expansion of the incredibly successful Burleson Crossing retail development on the west side of Edward Burleson Lane (the “Project”). In order to expand the commercial development of Burleson Crossing, which would include over 100,000 square feet of additional retail development that will contribute to the City’s ad valorem and sales tax, it is necessary to zone the unzoned portion of the Property to Place Type Zoning District.

The proposed project will be an expansion of the previously constructed Burleson Crossing development, which was constructed (i) pursuant to a Ch. 380 Agreement that contained specific design guidelines and parameters and (ii) prior to the B³ Code’s enactment. Due to the previously existing parking layout, infrastructure design, and traffic patterns, using the proposed P5 (Core) Place Type will necessitate some warrants that will be resolved with staff during the annexation and zoning approval process.

For the above listed reasons, we believe that the P5 (Core) Place Type (with necessary warrants) for the Property allows for proper development of the area and promotes healthful and responsible development within the City that will continue to provide employment for Bastrop residents, and
tax revenue for the City.

In addition, pursuant to that certain Chapter 43 Texas Local Government Code Development Agreement dated October 18, 2011 by and between the City and Robert E. Duff, the submittal of the zoning application for the Project constitutes a petition for voluntary annexation by the owner of the Property.

We look forward to working with you on this project.

Sincerely,

Talley J. Williams
Talley Williams
Partner

cc: Steve Durhman
CHAPTER 43 TEXAS LOCAL GOVERNMENT CODE
DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is entered into pursuant to Sections 43.035 and 212.172 of the Texas Local Government Code, by and between the City of Bastrop, Texas (the "City") and Robert E. Duff, the undersigned property owner(s) (the "Owner"). The term "Owner" includes all owners of the Property, and Owner's heirs, assigns and successors in interest, as noted herein.

WHEREAS, the Owner owns a ±12.911 acre parcel of real property (the "Property") in Bastrop County, Texas, which is more particularly and separately described in the attached Exhibit "A"; and

WHEREAS, the City has begun the process to institute annexation proceedings on all or portions of Owner's Property and has held two (2) public hearings related to this annexation on September 13, 2011 and September 27, 2011; and

WHEREAS, the Owner desires to have the Property remain in the City's extraterritorial jurisdiction, in consideration for which the Owner agrees to enter into this Agreement; and

WHEREAS, this Agreement is entered into pursuant to Sections 43.035 and 212.172 of the Texas Local Government Code, in order to address the desires of the Owner and the procedures of the City; and

WHEREAS, the Owner and the City acknowledge that this Agreement is binding upon the City and the Owner and their respective successors and assigns for the term of this Agreement, as defined below; and

WHEREAS, upon execution by all parties, this Agreement is to be recorded by the City of Bastrop, Texas, in the Real Property Records of Bastrop County, Texas.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS CONTAINED HEREIN, THE PARTIES HERETO AGREE AS FOLLOWS:
Section 1. The City guarantees the continuation of the extraterritorial status of the Owner's Property, its immunity from annexation by the City, and its immunity from City property taxes, for the term of this Agreement, subject to the provisions of this Agreement. Except as provided in this Agreement, the City agrees not to annex the Property, agrees not to involuntarily institute proceedings to annex the Property, and further, agrees not to include the Property in a statutory annexation plan for the Term of this Agreement. However, if the Property is annexed pursuant to the terms of this Agreement, then the City shall provide services to the Property pursuant to Chapter 43 of the Texas Local Government Code.

Section 2. The Owner covenants and agrees not to use the Property, or any portion thereof, for any use other than for agriculture, wildlife management, and/or timber land consistent with Chapter 23 of the Texas Tax Code, except for continued residential use of the now existing single-family structures, if any, on the Property, without the prior written consent of the City.

The Owner covenants and agrees that the Owner will not file any type of subdivision plat or related development document for the Property, or any portion thereof, with Bastrop County or the City, until the Property has been annexed into, and zoned by, the City.

The Owner covenants and agrees not to construct, or allow to be constructed, any buildings on the Property that would require a building permit if the Property were in the City's municipal limits, until the Property has been annexed into, and zoned by, the City. The Owner also covenants and agrees that the City's AO-Agricultural Open Space District zoning requirements apply to the Property, and that the Property shall be used only for AO-Agricultural Open Space District zoning uses that exist on that Property at the time of the execution of this Agreement, unless otherwise provided in this Agreement. However, the Owner may construct an accessory structure to an existing single family dwelling, if constructed in compliance with all applicable City Ordinances, Regulations and Codes.

The Owner acknowledges that each and every owner of the Property must sign this Agreement in order for the Agreement to take full effect, and the Owner who signs this Agreement covenants and agrees, jointly and severally, to indemnify, hold harmless, and defend the City against any and all legal claims, by any person claiming an ownership interest in the Property who has not signed the Agreement, arising in any way from the City's reliance on this Agreement.
Section 3. The Owner acknowledges that if any plat or related development document is filed in violation of this Agreement, or if the Owner commences development of the Property, or any portion thereof, in violation of this Agreement, then in addition to the City’s other remedies, such act will constitute a petition for voluntary annexation by the Owner, and the Property will be subject to annexation at the discretion of the City Council. The Owner agrees that such annexation shall be voluntary and the Owner hereby consents to such annexation as though a petition for such annexation had been tendered to the City by the Owner.

If annexation proceedings begin pursuant to this Section, the Owner acknowledges that this Agreement serves as an exception to Local Government Code Section 43.052, requiring a municipality to use certain statutory procedures under an annexation plan. Furthermore, the Owner hereby waives any and all vested rights and claims that they may have under Section 43.002(a)(2) and Chapter 245 of the Texas Local Government Code that would otherwise exist by virtue of any actions Owner has taken in violation of Section 2 herein.

Section 4. Pursuant to Sections 43.035(b)(1)(B) of the Texas Local Government Code, the City is authorized to enforce all of the City’s regulations and planning authority that do not materially interfere with the Owner’s use of the property for agriculture, wildlife management, or timber, in the same manner the regulations are enforced within the City’s boundaries. The City states and specifically reserves its authority pursuant to Chapter 251 of the Texas Local Government Code to exercise eminent domain over property that is subject to a Chapter 43 and/or a Chapter 212 development agreement.

Section 5. The term of this Agreement (the “Term”) is forty-five (45) years from the date that the City Manager’s signature to this Agreement is acknowledged by a public notary, which shall occur after the Agreement is fully executed by all Owners of the Property.

The Owner, and all of the Owner’s heirs, successors and assigns shall be deemed to have filed a petition for voluntary annexation before the end of the Term, for annexation of the Property to be completed on or after the end of the Term. Prior to the end of the Term, the City may commence the voluntary annexation of the Property. In connection with annexation pursuant to this section, the Owner hereby waives any vested rights it/they may have under Section 43.002(a)(2) and Chapter 245 of the Texas Local Government Code that would otherwise exist by virtue of any plat or construction any of the Owners may initiate during the time between the expiration of this Agreement and the institution of annexation proceedings by the City.
Section 6. Property annexed pursuant to this Agreement will initially be zoned AO-Agricultural Open pursuant to the City’s Code of Ordinances, of similar designation if AO zoning is no longer a City designation at the time of annexation of the Property, pending determination of the property’s permanent zoning in accordance with the provisions of applicable law and the City’s Code of Ordinances.

Section 7. Any person who sells or conveys any portion of the Property shall, prior to such sale or conveyance, give written notice of this Agreement to the prospective purchaser or grantee, and shall give written notice of the sale or conveyance to the City. Furthermore, the Owner and the Owner’s heirs, successor, and assigns shall give the City written notice within 14 days of any change in the agricultural, wildlife or timber exemption status of the Property. A copy of either notice required by this section shall be forwarded to the Parties at the following address(es):

Owner:
Mr. Robert E. Duff, et al
11111 Wilcrest Green
Houston Tx 77042

City of Bastrop
Attn: Michael H. Talbot, City Manager
PO Box 427
Bastrop, Texas 78602

With Copy To: JC Brown, City Attorney
Law Offices of JC Brown, PC
1411 West Ave., Suite 100
Austin, TX 78701

Section 8. This Agreement shall run with the Property and be recorded in the real property records of Bastrop County, Texas. Any heirs, successors in interest or assigns are contractually bound by the terms of this Agreement.

Section 9. If a court of competent jurisdiction determines that any covenant of this Agreement is void or unenforceable, including the covenants regarding involuntary annexation, then the remainder of this Agreement shall remain in full force and effect.

Section 10. This Agreement may be enforced by any Owner, or the City, by any proceeding at law or in equity. Failure to do so shall not be deemed a waiver to enforce the provisions of this Agreement thereafter.
Section 11. No subsequent change in the law regarding annexation shall affect the enforceability of this Agreement or the City’s ability to annex the properties covered herein pursuant to the terms of this Agreement.

Section 12. Venue for this Agreement shall be in Bastrop County, Texas.

Section 13. This Agreement may be separately executed in individual counterparts and, upon execution, shall constitute one and same instrument.

Section 14. This Agreement shall survive its termination to the extent necessary for the implementation of the provisions of Sections 3, 4, 5, 6, 7, and 8 herein.

Entered into this 10th day of October, 2011.

Robert E. Duff, Owner and Authorized Representative of all Owner(s) in Interest

Printed Name: Robert E. Duff

THE STATE OF TEXAS §

COUNTY OF BASTROP §

This instrument was acknowledged before me on the 18th day of October, 2011, by Robert E. Duff, Owner.

THERESA JOANN DORST
Notary Public, State of Texas

CITY OF BASTROP, TEXAS:

______________________________
By:  Michael H. Talbot
City Manager, City of Bastrop, Texas

10-26-2011
Date

Witnessed and Attested:

______________________________
Teresa Valdez, City Secretary
ADDENDUM
TO A
CHAPTER 43 TEXAS LOCAL GOVERNMENT CODE
DEVELOPMENT AGREEMENT
BETWEEN R. E. DUFF AND THE CITY OF BASTROP, TEXAS

This First Addendum to a previously executed Development Agreement ("Addendum") is entered into pursuant to Section 43.035 and Section 212.172 of the Texas Local Government Code, by and between the City of Bastrop, Texas (the "City") and Robert E. Duff, the undersigned property owner(s) (the "Owner"). The term "Owner" includes all owners of the Property, and Owner's heirs, assigns and successors in interest, as noted herein. The Owner and the City are referred to jointly herein as the "Parties."

WHEREAS, the Owner and the City have previously executed and entered into a Development Agreement ("Agreement") related to a ±12.911 acre parcel of real property (the "Property") located in Bastrop County, Texas, which is more particularly described on Exhibit "A" to the Agreement; and

WHEREAS, the Owner and the City mutually desire to enter into this Addendum, for the purpose of modifying the Agreement, as set forth herein below, to reflect a subsequently agreed upon provision, and

WHEREAS, the Owner and the City acknowledge that this Addendum is binding upon the Owner and the City and their respective successors and assigns for the term of the Agreement; and

WHEREAS, upon execution by all Parties, this Addendum is to be appended to the Agreement, which is to be recorded by the City of Bastrop, Texas, in the Real Property Records of Bastrop County, Texas.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS CONTAINED HEREIN, THE PARTIES HERETO AGREE AS FOLLOWS:

Part 1. The following provision shall be added to Section 1 of the Agreement:

"The City agrees that if a portion of the Property is sold or otherwise conveyed and/or annexed, the balance of this Property shall remain subject to this Development Agreement. Further, such partial sale or conveyance and/or resulting annexation shall not trigger the annexation of the entire remaining Property, but will trigger only annexation of the portion sold and/or conveyed by Owner."

1
Part 2. All other provision of the Agreement shall remain as stated in the Agreement, and are not otherwise modified, altered, or superseded by this Addendum. In the event of a conflict, the Agreement shall control.

Part 3. This Addendum may be separately executed in individual counterparts and, upon execution, shall constitute one and same instrument.

Part 4. This Addendum shall survive in the same manner as the Agreement, as set forth therein.

Entered into this 18th day of October, 2011.

Robert E. Duff, Owner and
Authorized Representative of all Owner(s) in Interest

Printed Name: Robert E. Duff

THE STATE OF TEXAS §
COUNTY OF BASTROP §

This instrument was acknowledged before me on the 18th day of October, 2011, by Robert E. Duff, Owner.

Notary Public, State of Texas

My Commission Expires On: May 31, 2011
CITY OF BASTROP, TEXAS:

[Signature]

By: Michael H. Talbot  
City Manager, City of Bastrop, Texas

10-25, 2011  
Date

Witnessed and Attested:

[Signature]

Teresa Valdez, City Secretary
MEETING DATE: June 14, 2022

AGENDA ITEM:

TITLE:
Consider action on the second reading of Ordinance 2022-15 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 a plan on 19.81 acres, located east of Edward Burleson Land and north of State Highway 71, within the city limits of the City of Bastrop, as shown in Exhibit A, consideration of warrants and providing for findings of fact, adoption, repealer, severability and enforcement, proper notice and meeting; and establishing an effective date.

STAFF REPRESENTATIVE:
Jennifer C. Bills, Director of Planning & Development

BACKGROUND:
The applicant has submitted an application for a Zoning Concept Scheme for Burleson Crossing East (Attachment 1). The development is proposed to be Place Type 5 - Core zoning for a retail shopping center. The attached Background Memo contains staff analysis.

Warrants
With the ZCS request, the applicant has submitted 28 requests that propose some alternative standards, or request to not follow the adopted code. They cover four main requirements of the P5 form: Block Grid Requirements, Driveways, Building & Parking Placement, and Streets, Sidewalks and Civic Space.

The applicant has provided additional information since the Planning & Zoning Commission that is included in this packet (Attachment 12) and will be available at City Council for presentation by the applicant.

PLANNING & ZONING COMMISSION RECOMMENDATION:
The Planning & Zoning Commission held a public hearing on March 31, 2022. The Commission voted 5-2 to recommend denial of the Zoning Concept Scheme. A vote of 4 out of 5 City Council members will be required to approve the zoning request.

DIRECTOR RECOMMENDATION:
Hold public hearing and consider action to approve, with conditions the first reading of Ordinance 2022-14 as presented.

CITY COUNCIL ACTION ON FIRST READING:
On May 24, 2022, City Council held a public hearing and first reading and made the following approval by a vote of 5-0:

Approve the Zoning Concept Scheme, changing the zoning from P2, Rural to P5 Core with the warrants approved as submitted by the applicant.
ATTACHMENTS:
- Background Memo
- Ordinance 2022-14
- Exhibit A: Location Map
- Exhibit B: Metes and Bounds for 12.95 acres
- Exhibit C: Warrants as submitted by Applicant
- Attachment 1: Zoning Concept Scheme Submittal
- Attachment 2: Applicant’s Project Description Letter
- Attachment 3: Applicant’s Warrant Requests and Responses with Planning Determination
- Attachment 4: Applicant’s Street, Driveway, and Sidewalk Layout
- Attachment 5: Applicant State Effect of 720’ Farm Lot Grid
- Attachment 6: Required Street Grid Right-of-Way
- Attachment 7: Preliminary Traffic Impact
- Attachment 8: Property Owner Notice & Responses
- Attachment 9: Zoning Map
- Attachment 10: Future Land Use Map
- Attachment 11: Letter from Applicant to Delay action to May 24, 2022 meeting
- Attachment 12: Additional Information from Applicant After March 31, 2022 P&Z Meeting
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 28 WARRANTS ON 19.81 ACRES, LOCATED EAST OF EDWARD BURLESON LAND 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 28 Bastrop Building Block (B³) Code Sections have been approved as attached in Exhibit C.

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 14th day of June 2022.

APPROVED:

______________________________
Connie B. Schroeder, Mayor

ATTEST:

______________________________
Ann Franklin, City Secretary

APPROVED AS TO FORM:

______________________________
Alan Bojorquez, City Attorney
TO: Paul A. Hofmann, City Manager
From: Jennifer C. Bills, Director of Planning & Development
Date: May 24, 2022
Subject: Burleson Crossing East Zoning Concept Scheme

ITEM DETAILS:
- Site Address: Northeast corner of State Highway 71 and Edward Burleson Drive (Attachment 1)
- Total Acreage: 19.81 acres
- Acreage Rezoned: 12.95 acres
- Legal Description: 19.81 acres out of the Nancy Blakey Survey
- Property Owner: Erhard Legacy Partners LTD
- Agent Contact: Kevin Pierce/Metcalfe, Wolff, Stuart, & Williams
- Existing Use: Vacant/Undeveloped
- Existing Zoning: P5 Core (existing inside city limits) / P2 Rural (upon annexation) (Attachment 9)
- Proposed Zoning: P5 Core
- Character District: Cattleman’s
- Future Land Use: General Commercial (Attachment 10)
- Site Address: Northeast corner of State Highway 71 and Edward Burleson Drive (Attachment 1)

BACKGROUND:
The applicant has submitted an application for a Zoning Concept Scheme for Burleson Crossing East (Exhibit A). The development is proposed to be all Place Type 5 – Core zoning for commercial uses such as retail and restaurant.

Place Type 5 – Core is defined in the code as:

“Higher density mixture of Building Types that accommodate commercial, retail, offices, row houses, and apartments. It has a tight network of Streets, with wide sidewalks, steady Street Tree plantings, and buildings set close to the sidewalks. P5 is a highly walkable area. A continuous line of buildings is critical to define the Public Frontage and allow for visible activity along the Street edge.”

The Future Land Use Plan shows this area as General Commercial:

“The General Commercial character area supports local and regional businesses that rely on heavy traffic and the visibility that is associated with being located near major roadways. General Commercial developments typically involve varying development intensities, from smaller locally owned shops to big box retailers. These areas are predominantly auto-oriented, with large accessory parking areas. While General Commercial development will continue to be auto-oriented, improved street-side and parking lot landscaping, buffers, appropriately designed and scaled signage, bicycle and pedestrian
accommodations, higher quality building materials, and access management techniques (e.g., limited access points and inter-parcel connectivity) will help to improve overall development quality and appearance.

The proposed site is anchored by one large building with several pad sites along SH 71. In P5 Core, the block perimeter maximum is 1,320 feet. This is the distance around one building block, which is a block length of 330 feet. For a complete farm lot grid, the perimeter is 2,880 feet which is a lot length of 720 feet. The zoning concept scheme proposes the extension of Blakey Lane and Wagon Wheel Drive, which connect Blakey to Settlement Drive, and Wagon Wheel to Edward Burleson Drive, creating a 720-foot block break running north/south. To complete the 720-farm lot going east, the plan proposes to use a private driveway for the required 720’ block break east of Edward Burleson Drive. Using the private drive, the block perimeters are 2,590 feet (north) and 2,855 feet (south). Using the public street grid, the perimeters are 2,940 feet and 4,015 feet. Staff recommends that the eastern private drive be dedicated as a public street, which will meet the farm lot grid. See diagram below.

For P5, the development is required to provide public streets every 330 feet to create the building block grid. The applicant has three drive aisles in the southern farm lot that somewhat mimic the building blocks. There are some pedestrian walkways provided, but they are not well defined in relation to the drive aisles and do not show street trees.
Zoning Concept Schemes also take into account the variety of place type zoning districts in a pedestrian shed. Changing the zoning to P5 increases the area to 65.74%, which provides more than the recommended 25% allocation of P5 zoning in this pedestrian shed. However, this does meet the Future Land Use Plan General Commercial Character Area. The applicant is requesting that the 10% Civic Space be waived but has not provided a justification or alternative.

Landscape plans for the overall style and Street Type compliance are also considered. Page 8 of the proposed ZCS conceptually addresses the requirements. With the landscape plan, the frontage along SH 71 and all local streets should be landscaped with Street Trees and sidewalks. The east driveway should be publicly dedicated as a street and provide the required sidewalks and street trees. Compliance with this regulation is verified upon review of the Public Improvement Plans and Site Development Plans.

The applicant’s proposal contains several deviations from the B³ Code requirements. The applicant provided 28 Warrant Requests, which describe their development issues, but do not provide appropriate justification based on the B³ Code Intents. This should include information on how a warrant would provide 1) Fiscal sustainability, 2) Geographic Sensitivity, and 3) Perpetuate Authentic Bastrop.

### Warrant Request Summary (Attachment 3 for more detail):

<table>
<thead>
<tr>
<th>Block Grid Requirements</th>
<th>Applicant Request/Concern</th>
<th>Staff Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B³ Code</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.2.002(b) Max block perimeter length of 1,320 ft</td>
<td>Use private drives for 330’ and eastern 720’ grid.</td>
<td>Has not met intents. Must meet 720’ block grid. Would support an internal private block perimeter of 1,320 feet, with clearly established private drive aisles, with 6-foot pedestrian walkways on one side of the drive aisles, with lighting and street trees.</td>
</tr>
<tr>
<td>5.2.002(c) 330’ x 330’ block size</td>
<td>Use private drives for 330’</td>
<td></td>
</tr>
<tr>
<td>7.4.002 (a) 330’ max block length, 1,320’ max block perimeter</td>
<td>Use private drives for 330’ and eastern 720’ grid</td>
<td></td>
</tr>
<tr>
<td>5.2.002(d) 20’ wide midblock pedestrian walkway for blocks that exceed (b) and (c)</td>
<td>Eliminate 20’ wide pedestrian walkway on larger than 330’ blocks</td>
<td>Has not met intents. Would support an internal private block perimeter of 1,320 feet, with clearly established private drive aisles, with 6-foot pedestrian walkways on one side of the drive aisles, with lighting and street trees.</td>
</tr>
<tr>
<td>7.4.002(b) 20’ Pedestrian Way if block length exceeds 330’</td>
<td>Allow 30’ wide private drives without street trees and sidewalks, to be utilized as boundary of blocks rather than public streets</td>
<td></td>
</tr>
</tbody>
</table>
### Driveways

<table>
<thead>
<tr>
<th>Section</th>
<th>Requirements</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.3.005(d) (1)</td>
<td>Requires all vehicular access to be taken from alleys, if alleys are provided</td>
<td>Private drives would be considered alleys, prohibiting access from public streets. Private drive aisle provided at the 330-foot block level would be considered in lieu of the publicly dedicated street and not an alley. Warrant not needed.</td>
</tr>
<tr>
<td>6.3.005(d) (3)</td>
<td>For Corner Lots, driveways must be located in the Secondary Frontage</td>
<td>Take access from primary and secondary frontages. Wants determination at zoning. Denied. Reviewed at Site Development Plan and traffic should take access off Secondary Frontages based on the 720' grid.</td>
</tr>
<tr>
<td>6.3.005(d) (4)</td>
<td>Driveways shall be located as far as practical from adjacent public streets</td>
<td>This is an ambiguous statement and requirement. Wants warrant to be determined with Zoning in order to define driveway requirements so as to market major large retailers. Denied at this time. Will determine spacing at Site Development Plan.</td>
</tr>
<tr>
<td>6.3.005(d) (5)</td>
<td>Mid-block lots with more than 40' of frontage are only allowed one driveway, with a max width of 24' for two-way drives</td>
<td>Driveway access to public streets shall meet 200' spacing between centerlines. Wants warrant to be determined with Zoning in order to define driveway requirements so as to market major large retailers. Denied at this time. Will determine total number of driveways at Site Development Plan but are willing to entertain multiple driveways that meet spacing requirements.</td>
</tr>
<tr>
<td>6.3.005(d) (6)</td>
<td>lots with more than 80' of frontage, driveway spacing shall be 300'</td>
<td></td>
</tr>
</tbody>
</table>

### Building & Parking Placement

<table>
<thead>
<tr>
<th>Section</th>
<th>Requirements</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.3.003(a)(3)</td>
<td>Building façade to be located within 30' of street corner and parking prohibited in First Layer</td>
<td>Cannot meet because they are a retail shopping center with parking and loading areas. Eliminate requirement and first layer not provided. Wants determination at zoning. Denied at this time. This warrant review is appropriate at the time of Site Development Plan.</td>
</tr>
<tr>
<td>6.3.006(b) (5)</td>
<td>Requires parking to be located in the 2nd or 3rd Layer</td>
<td>Allow parking in any Layer (eliminate layers). Wants warrant to be determined with Zoning to ensure that parking meets retailer requirements, and an adequate number of spaces can be provided. Has not met intents. More detail on pedestrian access to each building and specific architectural features that will be provided in lieu of providing interaction between the public and private realms is needed that will be determined at SDP.</td>
</tr>
<tr>
<td>6.5.003 - D Limits Parking to Layer 3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B1 Technical Manual Section 2.1.006(a) - Requires parking and drive aisles to be located within Layer 2 or 3</td>
<td>Parking in any Layer. Major Retailers expect their customers to be able to park in front of the front of the building for convenience, especially for customers with physical challenges</td>
<td>Has not met intents. All of the building shown (except for lot 3) show at least one side with no parking between the building and the street ROW. Applicant has not established a first layer anywhere that meets code.</td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
<td>Decision</td>
</tr>
<tr>
<td>---------</td>
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<td>----------</td>
</tr>
<tr>
<td>6.3.006(b)(8)</td>
<td>Parking to be screened either by building or other screening material</td>
<td>Partially Approved. Screening will be provided from all public streets (including East Road) at a height of 3 feet.</td>
</tr>
<tr>
<td>6.3.006(b)(9)</td>
<td>Prohibits parking to be located within the rear setback</td>
<td>Denied at this time. Setbacks will be determined by the ICC requirements (no zoning rear setback, just layers).</td>
</tr>
<tr>
<td>6.3.008(d)</td>
<td>Max first floor story of a Commercial building cannot exceed 25' from floor to ceiling</td>
<td>Has not met intents. Willing to discuss alternative based on architectural elevations and features that meet the intent to be human scale during the site development plan process.</td>
</tr>
<tr>
<td>6.3.009(b)</td>
<td>Building frontage façade must be parallel to the ROW Line</td>
<td>Has not met intents. Not needed. All buildings shown can be parallel to a public street (with East Road) that is not Wagon Wheel.</td>
</tr>
<tr>
<td>6.3.009(d)</td>
<td>First floor of Commercial buildings shall have 70% minimum glazing</td>
<td>Has not met intents. This warrant cannot be considered until the Site Development Plan review with actual building elevations provided.</td>
</tr>
<tr>
<td>6.5.003</td>
<td>A 80% of the frontage width, requires the building to be located between 2'-15' from the ROW / Frontage Line</td>
<td>Has not met intents. Willing to discuss a reduction to 60% during Site Development Plan.</td>
</tr>
<tr>
<td>B³ Tech Manual</td>
<td>Street, Sidewalks, and Civic Space</td>
<td></td>
</tr>
<tr>
<td>----------------</td>
<td>----------------------------------</td>
<td></td>
</tr>
<tr>
<td>3.2.008(c)</td>
<td>Propose 10' wide sidewalks along one side of Wagon Wheel, and along the project side of Edward Burleson and SH 71. Allow more variation in tree spacing as determined by Landscape Architect.</td>
<td></td>
</tr>
<tr>
<td>Approved.</td>
<td>Partially Approved. A 10’ sidewalk will also be required along the 720’ grid street to the east.</td>
<td></td>
</tr>
<tr>
<td>3.2.008(c)</td>
<td>PS street sidewalks to be min. 10' wide and located wholly within the street ROW.</td>
<td></td>
</tr>
<tr>
<td>3.2.008(c)</td>
<td>Allow more variation in tree spacing as determined by Landscape Architect, to be consistent and similar to the requirements established in the Burleson Crossing Chapter 380 Agreement.</td>
<td></td>
</tr>
<tr>
<td>Denied at this time. This warrant review is appropriate at the time of Public Improvement Plan. Staff would be amenable to changing the spacing requirement, but the number of trees required will still be determined on a 30 foot spacing for the length of the street.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.2.013(a)(1)</td>
<td>Street trees shall be 4” caliper and spaced every 30’ on center.</td>
<td></td>
</tr>
<tr>
<td>B³ Tech Manual</td>
<td>Allow more variation in tree spacing and tree size with 2&quot; minimum, as determined by Landscape Architect.</td>
<td></td>
</tr>
<tr>
<td>3.2.013(a)(4)</td>
<td>Per Section 7.3.014 of the B³ Code, 2-inch trees are acceptable as long as they are a minimum height of 10 feet. Spacing will be reviewed during Public Improvement Plans.</td>
<td></td>
</tr>
<tr>
<td>Provides plants:</td>
<td>Requires plant material to meet very strict nursery / propagation Standards. Required standards further limits the availability of procuring a widely varying and diverse mix of plant material and species. Allow plants to be procured from any competent wholesale nursery supplier.</td>
<td></td>
</tr>
<tr>
<td>Denied. Can be reviewed at Site Development Plan review.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
F. With symmetrical growth typical for the variety and species. Match plants for symmetry of a grouping where required.

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

Propose no additional ROW for Wagon Wheel. Edward Burleson was platted with a 10' ROW Reserve on the opposite side of the street. Any additional ROW required along the project side of Burleson shall be determined and commensurate with any proposed improvements to Burleson

Meets the intent and is consistent with the existing ROWs. The 55.5-foot ROW is sufficient for the extension of Wagon Wheel, which is a 60' ROW.

<table>
<thead>
<tr>
<th>Article 7.5 – 10% Civic Space</th>
<th>Eliminate Civic Space</th>
<th>Have not met intent. Meet Civic space requirement with private open space, such as open green lawns, bus stop plazas along the streets, outdoor seating and benches</th>
</tr>
</thead>
<tbody>
<tr>
<td>B³ Technical Manual 3.2.001(b) Requires pedestrian shed to have certain place type percentages</td>
<td>Allow P5 to exceed the maximum pedestrian shed requirement</td>
<td>Partially Approved, if providing private civic space.</td>
</tr>
</tbody>
</table>

To support the warrant requests to not provide the Farm Lot grid, the applicant has provided an exhibit to demonstrate that with his current layout of building, providing the eastern road as a public street would cause the layout to lose one building and part of another.

**Drainage**

A Zoning Concept Scheme must be accompanied by a Conceptual Drainage Plan to ensure that the proposed development is feasible. A Conceptual Drainage Plan has been reviewed and approved by the City Engineer. The site includes one central location for detention. The maximum impervious cover allowed in Place Type 5 is 80%.

**Annexation**

The north 12.95 acres is currently in a Development Agreement approved in 2011. The property owner is required to annex the property into the city limits prior to development. The annexation of the property has been requested. The property will be annexed as P2 Rural. City Council will consider and approve the annexation prior to considering the rezoning from P2 to P5.

**PUBLIC COMMENTS:**

A notice was placed in the Austin American Statesman on May 6, 2022 Property owner notifications were sent to 11 adjacent property owners on March 12, 2022 and May 11, 2022 (Attachment 8). At the time of this report, two written responses have been received in favor, one from the property owner, one from an adjacent owner. One speaker was in favor at the P&Z meeting.
POLICY EXPLANATION:
Texas Local Government Code
Sec. 211.006. PROCEDURES GOVERNING ADOPTION OF ZONING REGULATIONS AND DISTRICT BOUNDARIES. (a) The governing body of a municipality wishing to exercise the authority relating to zoning regulations and zoning district boundaries shall establish procedures for adopting and enforcing the regulations and boundaries. A regulation or boundary is not effective until after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard. Before the 15th day before the date of the hearing, notice of the time and place of the hearing must be published in an official newspaper or a newspaper of general circulation in the municipality.

Notice was published in the Austin American Statesman and notice was sent to property owners within 200 feet of the property boundary.

(b) In addition to the notice required by Subsection (a), a general-law municipality that does not have a zoning commission shall give notice of a proposed change in a zoning classification to each property owner who would be entitled to notice under Section 211.007(c) if the municipality had a zoning commission. That notice must be given in the same manner as required for notice to property owners under Section 211.007(c). The governing body may not adopt the proposed change until after the 30th day after the date the notice required by this subsection is given.

N/A. Bastrop is not a general-law municipality.

(c) If the governing body of a home-rule municipality conducts a hearing under Subsection (a), the governing body may, by a two-thirds vote, prescribe the type of notice to be given of the time and place of the public hearing. Notice requirements prescribed under this subsection are in addition to the publication of notice required by Subsection (a).

Notice of the meeting was posted at least 72 hours in advance.

(d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either:

(1) the area of the lots or land covered by the proposed change; or

(2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

(e) In computing the percentage of land area under Subsection (d), the area of streets and alleys shall be included.

At the time of this report, no protest has been received. If a valid protest is received, a three-fourths vote of the City Council members would be required to approve the rezoning request.

(f) The governing body by ordinance may provide that the affirmative vote of at least three-fourths of all its members is required to overrule a recommendation of the municipality's zoning commission that a proposed change to a regulation or boundary be denied.
If the Planning & Zoning Commission recommends denial of the zoning request, the City Council must have a minimum vote of 4 out of 5 members to approve the zoning request.

At least 5 members of the Planning & Zoning Commission must vote to make an official recommendation to the City Council. Failure to reach five votes means no official recommendation can be forwarded, but this does not impact the City Council’s vote requirement to approve or deny the request.

The Planning & Zoning Commission voted to recommend denial by a vote of 5-2. A three-fourths vote of City Council (4 out of 5 members) is required to approve the zoning request.

Compliance with 2036 Comprehensive Plan:
Future Land Use Plan – The General Commercial character area supports local and regional businesses that rely on heavy traffic volumes and the visibility that is associated with being located near major roadways. General Commercial developments typically involve varying development intensities, from smaller locally owned shops to big box retailers. These areas are predominantly auto-oriented, with large accessory parking areas. While General Commercial development will continue to be auto-oriented, improved street-side and parking lot landscaping, buffers, appropriately designed and scaled signage, bicycle and pedestrian accommodations, higher quality building materials, and access management techniques (e.g., limited access points and inter-parcel connectivity) will help to improve overall development quality and appearance.

- In some instances, a general commercial development may be proposed adjacent to or overlaying a future thoroughfare identified by the Major Thoroughfare Plan; but, the City is not in a position to reserve or acquire the street right-of-way. Where applicable, require that the site plan align buildings and internal driveways so that thoroughfare connections can be made in the future, and without obstructing pedestrian access between parking areas and buildings.
  - The east drive aisle should be publicly dedicated. Internally, the development’s driveways should include pedestrian improvements to mimic the 330-foot building block grid and provide pedestrian access.

- Manage vehicular access by limiting the number and location of curb cuts, requiring cross-access easements (particularly for out-parcels) and providing minimum driveway throat lengths for motor vehicle queuing.
  - With the installation of the new public streets, this will minimize curb cuts onto the main arterials.

- For new general commercial development, include improved standards for building form and architecture such as minimum roof line articulation, prohibitions against large expanses of blank walls, screened utilities, etc.
  - The buildings throughout the development should provide the required encroachments on the primary and secondary facades.

- Require planned general commercial and out-parcels to be arranged in a manner so that buildings are oriented toward and frame the street.
  - The buildings should be oriented to the public streets. In lieu of this, the internal drive aisles should be designed to mimic the street cross sections with parallel parking and sidewalks, and the front of the buildings oriented towards these aisles.
• Increase minimum landscaping standards (i.e., large tree, small trees or shrubs, and ground covers) in required yards and parking lots. Require or incentivize native or xeriscape (i.e., low water) landscaping and / or the use of low impact development (LID) best practices to offset storm water management requirements.
  o The proposed ZCS does not provide street trees or landscaping along State Highway 71. This should be included as well as trees along the internal drive aisles.

• Do not require minimum lot sizes as long as all other minimum requirements (e.g., parking, landscaping, setbacks, etc.) can be met without the need for a variance.
  o The B³ Code does not have minimum lot sizes or parking minimums.

• Construct sidewalks along all public and private rights-of-way and include designated and safe sidewalk connections to the main entrance of the building.
  o The ZCS should include well established internal drive aisles, in addition to the public 720-foot farm lot grid and provide the required sidewalks.

Compliance with Bastrop Building Block (B³) Code:
B³ CODE INTENT (See Executive Summary)
The code is built around three core intents:

• Fiscal Sustainability
  New development and redevelopment must be done with a focus on the intersection of the Public and Private Realms. This is the area where city and utility infrastructure are maintained in an efficient manner and the commercial development creates a complete neighborhood.

This area of town provides existing street connections and a geography that allows opportunity to meet the B³ Code. With the extension of Blakey Lane and Wagon Wheel Drive, the development can extend and connect to the existing infrastructure. At minimum, the east driveway should be dedicated as a public street, which will provide the basic built form that has existed in Bastrop since establishing the Iredell Map in 1920. Internal public streets or at minimum, drive aisles with pedestrian walkways and crosswalks, will need to be provided to create a multimodal environment. The Master Transportation Plan calls for both Blakey Lane and Wagon Wheel Drive to connect back to the existing Riverside Grove neighborhood, thereby creating a complete neighborhood.

• Geographically Sensitive Developments
  Development will retain its natural form and visual character, which is derived from the topography and native environment.

This area does not provide any geographic or built conditions that would prohibit or challenge the requirements of the B³ Code.

• Perpetuation of Authentic Bastrop
  The B³ Code will perpetuate the built form that has been predominate over the City’s 189-year history. The recent trend of allowing parking and automobile traffic as the predominate feature has created a pattern
that is contrary to the historical building patterns of the city and creates sites/buildings that are not adaptable and sustainable in the long-term.

The proposed ZCS is not perpetuating the built form that has withstood the changes over the city’s history but is continuing the style of development predominate in the 1990/2000’s, which creates an auto-oriented development that ignores pedestrians, does not create a walkable/visible streetscape with the building placement, and creates excessive parking which leads to increased drainage detention and management.

B³ Code ARTICLE 5.1 INTENT OF DEVELOPMENT PATTERNS
(b) The Development Pattern type will be used to guide the creation of the Zoning Concept Scheme and Neighborhood Regulating Plan (see Article 2-3 Neighborhood Regulating Plans in B3 Technical Manual) configurations suitable for different geographies and Character Districts.

The Character District of this project is Cattleman’s, which allows for Traditional Neighborhood Development (TND) using the standard building block pattern, or Village Center Development, which focuses the development around a pedestrian center with the vehicular traffic kept to a street network at the outer edges of the development. The development is proposing the TND form.

SEC. 5.2.002 TND STANDARDS
1. Detail the block perimeters, block lengths, pedestrian shed area, place type allocations per B³ Code 3.2.002b.

In P5 Core, the block perimeter maximum is 1320 feet. This is the distance around one building block, which is a block length of 330 feet. The zoning concept scheme does not meet this requirement. The applicant has attempted to meet the farm lot (720-foot grid) requirement using four public streets and one private driveway to form a partial farm lot; however, the development does not meet the 330-foot building block grid even with private drive aisles.

A quarter-mile radius around the development creates the pedestrian shed for the area. The goal of a pedestrian shed is to ensure the neighborhood created is walkable. Allocations of various place types provide variety in a neighborhood to promote a complete neighborhood. Changing the place type to P5 Core increases the P5 Place Type allocation for this pedestrian shed to 66.74%.

DIRECTOR ANALYSIS & RECOMMENDATION:
This Zoning Concept Scheme does not meet the B³ Code for the following reasons:

- Does not provide the publicly dedicated building block or farm lot grid.
  - The eastern drive aisle should be a publicly dedicated street.
  - Internal to the farm lots, the 330-foot grid is required. Staff will entertain a recommendation for creating private drive aisles mimicking the 300-foot grid with parallel parking and pedestrian walkways with landscaping.
  - If the full 330-foot grid is not provided, a Traffic Impact Analysis will be required to for the development during the Preliminary Infrastructure Plan review. The Applicant has provided preliminary traffic counts (Attachment 7) that show that with improvements to State Highway 71 (deceleration/turning lanes, restriping lanes under the overpass) several intersections go from a service level C/D to F. The applicant provided a scenario that shows extending Blakey Lane east
to Jessica Place and Old Austin Highway, which would bring most intersections back to a C service level, however the applicant has not proposed providing any funding for these improvements.

- Buildings are not oriented towards public streets and do not meet the lot occupation standards.
  - Buildings should be oriented and provide required encroachments on the public streets. If an acceptable private aisle grid is provided, Staff may recommend that the buildings orient to these aisles with appropriate pedestrian improvements and landscaping.
- Civic Space has not been provided. Staff recommends the applicant include a plan for internal civic space within the development, i.e. picnic areas, bus stops, plazas, -2 etc.
- The landscape plan should provide street trees along all public streets. Compliance with this requirement will be determined during the Public Improvement Plan review.

**PLANNING & ZONING COMMISSION RECOMMENDATION:**
The Planning & Zoning Commission held a public hearing on March 31, 2022. The Commission voted 5-2 to recommend denial of the Zoning Concept Scheme. The Commission was concerned about the number of warrants requested by the applicant and would have liked to see more of them resolved at the staff review level prior to consideration. There were several questions regarding the Chapter 380 and Development Agreement for the existing Burleson Crossing. This agreement does not cover this area and no incentive agreement is being considered. A Chapter 43 Development Agreement does exist on this property, which requires the property to be annexed prior to development and follow the zoning and subdivision standards in place at that time.

**DIRECTOR RECOMMENDATION:**
Hold public hearing and consider action on a recommendation to approval, with conditions, the Burleson Crossing East Zoning Concept Scheme, changing the zoning for 12.95 acres out of the Nancy Blakey Survey from P2 Rural to P5 Core and establishing a plan on 19.81 acres, attached as Exhibit A, located at the northeast corner of State Highway 71 and Edward Burleson Drive, within the city limits of Bastrop, Texas and forward to the June 14, 2022, City Council meeting for second reading.

**Conditions:**
- The 720-foot Farm Lot grid must be provided with public streets.
- The 330-foot Building Block grid must be provided with defined drive aisle and comprehensive pedestrian network with street trees and lighting.
- A first layer must be identified for each building that relates to the 720’ public streets or the 330’ internal private drive network.
- Civic space (1.9 acres) is provided as private civic space determined on the site development plan.
- Other warrant requests not recommended for approval can be requested during the Public Improvement Plan or Site Development Plan reviews.

**ATTACHMENTS:**
- Exhibit A: Zoning Concept Scheme
- Attachment 1: Location Map
- Attachment 2: Applicant’s Project Description Letter
- Attachment 3: Applicant’s Warrant Requests and Responses with Planning Determination
- Attachment 4: Applicant’s Street, Driveway, and Sidewalk Layout
- Attachment 5: Applicant State Effect of 720’ Farm Lot Grid
• Attachment 6: Required Street Grid Right-of-Way
• Attachment 7: Preliminary Traffic Impact
• Attachment 8: Property Owner Notice & Responses
• Attachment 9: Zoning Map
• Attachment 10: Future Land Use Map
• Attachment 11: Additional Information From Applicant After March 31, 2022 P&Z Meeting
The accuracy and precision of this cartographic data is limited and should be used for information planning purposes only. This data does not replace surveys conducted by registered Texas land surveyors nor does it constitute an "official" verification of zoning, land use classification, or other classification set forth in local, state, or federal regulatory processes. The City of Bastrop, nor any of its employees, do not make any warranty of merchantability and fitness for particular purpose, or assumes any legal liability or responsibility for the accuracy, completeness or usefulness of any such information, nor does it represent that its use would not infringe upon privately owned rights.

Zoning Concept Scheme
Burleson Crossing East

Date: 12/2/2021

1 inch = 400 feet
ZONING DESCRIPTION

BEING 12.95 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, O.P.R.B.C.TX.; SAID 12.95 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT A CONCRETE MONUMENT (GRID NORTHING: 10,018,765.44 U.S. SURVEY FEET, GRID EASTING: 3,240,377.69 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 NORTHEAST CORNER OF THIS TRACT AND THE NORTHWEST CORNER OF 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, A DISTANCE OF 997.77 FEET TO A CALCULATED POSITION FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE WITH THE SOUTH LINE OF THIS TRACT AND OVER AND ACROSS THE REMAINDER OF SAID 30.00 ACRE TRACT THE FOLLOWING TWO (2) COURSES AND DISTANCES:

1) NORTH 89 DEGREES 56 MINUTES 58 SECONDS WEST, A DISTANCE OF 343.04 FEET TO A CALCULATED POSITION FOR AN ANGLE POINT, AND

2) SOUTH 88 DEGREES 02 MINUTES 12 SECONDS WEST, A DISTANCE OF 247.87 FEET TO A CALCULATED POSITION ON THE EAST LINE OF BURLESON CROSSING, A SUBDIVISION OF RECORD IN PLAT BOOK 5, PAGE 14A, P.R.B.C.TX., ALSO BEING THE EAST LINE OF EDWARD BURLESON ROAD, FOR THE SOUTHWEST CORNER OF THIS TRACT;
THENCE WITH THE WEST LINE OF THIS TRACT, THE EAST LINE OF SAID BURLESON CROSSING SUBDIVISION, AND THE EAST LINE OF SAID EDWARD BURLESON ROAD THE FOLLOWING THREE (3) COURSES AND DISTANCES:

1) NORTH 02 DEGREES 13 MINUTES 44 SECONDS WEST, A DISTANCE OF 884.40 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 SUBDIVISION;

THENCE NORTH 87 DEGREES 57 MINUTES 26 SECONDS EAST, 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 12.95 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 SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY A SURFACE ADJUSTMENT FACTOR OF 0.99997. UNITS: U.S. SURVEY FEET.

MATT OVERALL, RPLS # 6864
LJA SURVEYING, INC.
7500 RIALTO BLVD, BUILDING II, SUITE 100
AUSTIN, TEXAS 78735
TEXAS FIRM NO. 10194382
DATE: 11/19/2021
Tract 1: 12.9507 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=3112 ft.

01 s03°30'00"e 991.77
02 n89°56'58"w 343.04
03 s88°02'12"w 247.87
04 n02°13'44"w 884.40
05 Rt, r=25.00, delta=089.5431, arc=39.23, chord=n42.4332e 35.33
06 n02°15'29"w 68.91
07 n87°57'26"e 537.08
### B3 Code Section

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Development Issue</th>
<th>Proposed Alternative</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.2.020(b)</td>
<td>Max block perimeter length of 1,320 ft Due to the nature of this project (Retail Shopping Center), limiting block perimeter and block size is too restrictive and does not allow major retailers to utilize their prototypical buildings and site plans.</td>
<td>Allow 30' wide private drives without street trees and sidewalks, to be utilized as boundary of blocks rather than public streets, as shown on Concept Site Plan. A public street in this location would encourage cut-through traffic that would conflict with proposed service traffic and create a safety issue.</td>
<td></td>
</tr>
<tr>
<td>5.2.020(c)</td>
<td>330’ x 330’ block size 20’ wide midblock pedestrian walkway for blocks that exceed (b) and (c) 330’ x 330’ block size Building façade to be located within 30’ of street corner and parking prohibited in First Layer</td>
<td>Propose a 6’ pedestrian walkway within median between parking rows across Lot 6. Provide additional pedestrian connectivity throughout site and to public ROW’s.</td>
<td></td>
</tr>
<tr>
<td>5.2.020(d)</td>
<td>20’ wide pedestrian walkway, with landscaping, would eliminate 2 rows of parking 20’ wide pedestrian walkway, with landscaping, would eliminate 2 rows of parking</td>
<td>Allow 30’ wide private drives without street trees and sidewalks, to be utilized as boundary of blocks rather than public streets, as shown on Concept Site Plan. A public street in this location would encourage cut-through traffic that would conflict with proposed service traffic and create a safety issue.</td>
<td></td>
</tr>
<tr>
<td>5.3.005(a)</td>
<td>Building façade to be located within 30’ of street corner and parking prohibited in First Layer For a Retail Shopping Center of this nature with large corner lots, this requirement cannot be met due to the parking and service / loading area needs of the retailers.</td>
<td>Propose a 6’ pedestrian walkway within median between parking rows across Lot 6. Provide additional pedestrian connectivity throughout site and to public ROW’s.</td>
<td></td>
</tr>
<tr>
<td>5.3.005(b)</td>
<td>Requires all vehicular access to be taken from alleys, if alleys are provided For Corner Lots, driveways must be located in the Secondary Frontage</td>
<td>Many proposed private drives would qualify as an alley, thus prohibiting access from public streets. Allow vehicular access from either alleys or public streets.</td>
<td>Allow vehicular access from either alleys or public streets.</td>
</tr>
<tr>
<td>5.3.005(c)</td>
<td>Driveway access to public streets shall meet 200’ spacing between centerlines. Driveways utilized for fire or truck access, shall be wide enough to meet IFC requirements, and to allow safe maneuverability by truck traffic.</td>
<td>Propose 10’ wide sidewalks along one side of Wagon Wheel, Edward Burleson and SH 71, and to include landscaping to a height of three feet.</td>
<td>Allow parking in any Layer</td>
</tr>
<tr>
<td>5.3.006(b)</td>
<td>Requires all parking to be screened either by building or other screening material For a Retail Shopping Center of this nature, many lot lines could potentially cross shared parking areas</td>
<td>Limit screening to be required from Wagon Wheel, Edward Burleson and SH 71, to include landscaping to a height of three feet.</td>
<td>Allow parking in any Layer</td>
</tr>
<tr>
<td>5.3.006(c)</td>
<td>Prohibits parking to be located within the rear setback</td>
<td>Limit this requirement to be from eastern property line across adjacent properties only.</td>
<td></td>
</tr>
<tr>
<td>5.3.006(d)</td>
<td>First floor of Commercial buildings cannot exceed 25’ from floor to ceiling Many major retailers standard prototypical buildings have ceiling heights greater than 25’. This would deter those retailers from this shopping center.</td>
<td>Allow ceiling heights to exceed 25’</td>
<td></td>
</tr>
<tr>
<td>5.3.006(e)</td>
<td>Curved/flat frontage façade must be parallel to the ROW Frontage Line Due to surrounding conditions, this project would require at least one public road to be curvilinear, thus making this requirement architecturally difficult to meet and would limit architectural articulation and creativity.</td>
<td>Allow building facades to deviate from being parallel to street ROW’s</td>
<td></td>
</tr>
<tr>
<td>5.3.006(g)</td>
<td>First floor of Commercial buildings shall have 30% minimum glazing As written, this would require the area of all four sides of a building to be glazed with 30% glass, which is problematic for the sides and rear of any retail building</td>
<td>Limit glazing to 70% of the building front for small multi-tenant buildings, 25% of the building front for larger retail buildings, an no glazing would be required for free-standing single use buildings such as restaurants and banks. The building fronts shall be either the primary side of the building facing a public street, or the the side of the building facing the parking area servicing that building.</td>
<td></td>
</tr>
<tr>
<td>5.3.006(h)</td>
<td>Requires that front façade at least 80% of the frontage width requires the building to be located between 2’-15’ from the ROW / Frontage</td>
<td>To measure this for each individual lots is problematic, especially for smaller single building lots like restaurants that require substantial parking area relative to building.</td>
<td>Allow façade to frontage width ratio to be reduced to 60% and measured cumulatively for entire block, not individual lots. Remove building placement requirement relative to ROW.</td>
</tr>
<tr>
<td>5.3.006(i)</td>
<td>Limits Parking to Layer 3 Major Retailers expect their customers to be able to park in front of the front of the building for convenience, especially for customers with physical challenges.</td>
<td>Allow parking in any Layer</td>
<td></td>
</tr>
<tr>
<td>7.3.013(c)(1)(2)</td>
<td>16’ wide sidewalks along both sides of road, trees every 30’ on center both sides of road 16’ wide sidewalks are excessively wide for this type of project and would not be consistent with adjacent shopping center. Trees evenly spaced at 30’ would detract from a native / natural landscape scheme. Trees evenly spaced at 30’ would detract from a native / natural landscape scheme.</td>
<td>Propose 10’ wide sidewalks along one side of Wagon Wheel, and along the project side of Edward Burleson and SH 71. Allow more variation in tree spacing as determined by Landscape Architect, to be consistent and similar to the requirements established in the Burleson Crossing Master Plan Agreement.</td>
<td>Allow more variation in tree spacing as determined by Landscape Architect, to be consistent and similar to the requirements established in the Burleson Crossing Master Plan Agreement.</td>
</tr>
<tr>
<td>7.3.013(c)(2)</td>
<td>Requires an additional 7’ of ROW on each side of a road if PS is located on both sides of the road</td>
<td>Propose additional ROW for Wagon Wheel. Edward Burleson was placed with a 15’ ROW Reserve on the opposite side of the street. Any additional ROW required along the project side of Burleson shall be determined and commensurate with any proposed improvements to Burleson.</td>
<td></td>
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</tbody>
</table>
### Burelson Crossing East

**Warrant Requests**

<table>
<thead>
<tr>
<th>B3 Code Section</th>
<th>Description</th>
<th>Development Issue</th>
<th>Proposed Alternative</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.4.02(a)</td>
<td>330' max block length, 1,320' max block perimeter</td>
<td>Due to the nature of this project (Retail Shopping Center), limiting block perimeter and block size is too restrictive and does not allow major retailers to utilize their prototypical buildings and sites.</td>
<td>Allow 30' wide private drives without street trees and sidewalks, to be utilized as boundary of blocks rather than public streets, as shown on Concept Site Plan. A public street in this location would encourage cut-through traffic that would conflict with proposed service traffic and create a safety issue.</td>
</tr>
<tr>
<td>7.4.02(b)</td>
<td>20' Pedestrian Way if block length exceeds 130'</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Art. 7.5</td>
<td>Requires a Civic Space for development over 13.6 acres</td>
<td>Though this project slightly exceeds 13.6 acres, it is considered a relatively small shopping center and thus cannot accommodate a dedicated civic space</td>
<td>Propose considering the existing public space constructed with the Burleson Crossing shopping center, which consists of a +/- 9000 SF gathering space, stage, lighting, and historical educational plaques, as consideration for the civic space requirement for this project. According to the management for Burleson Crossing, that public space has not been reserved or used by the public since constructed over ten years ago.</td>
</tr>
</tbody>
</table>

**B3 Tech. Manual**

| 2.1.006(a)  | Requires parking and drive aisles to be located within Layer 2 or 3 | Major Retailers expect their customers to be able to park in front of the front of the building for convenience, especially for customers with physical challenges | Allow parking in any Layer |
| 2.1.008(c)  | 10' street sidewalks to be min. 10' wide and located wholly within the street ROW. | For a Retail Shopping Center of this nature, sidewalks along both sides of Wagon Wheel is redundant and provides no additional connectivity. Requiring sidewalks to be contained within ROW limits the ability to incorporate sidewalks into a native landscape scheme | Require one 10' sidewalk along one side of Wagon Wheel. Allow all street sidewalks to meander out of ROW, but to be incorporated into a sidewalk easement as necessary |
| 2.1.015(a)(1) | Street trees shall be 4" caliper and spaced every 30' on center | Trees evenly spaced at 30' would detract from a native / natural landscape scheme. 4" caliper trees are very scarce at this time due to last year's freeze and other conditions | Allow more variation in tree spacing and tree size with 2" minimum, as determined by Landscape Architect |
| 2.1.016(a)(4) | Requires plant material to meet very strict nursery / propagation standards | Requires standards further limits the availability of procuring a widely varying and diverse mix of plant material and species | Allow plants to be procured from any competent wholesale nursery supplier |
| 2.2.001(b)   | Requires pedestrian shed to have certain place type percentages | With the adjacent existing developments to this project that would be classified as P5 Place Types, this requirement cannot be met | Allow P5 to exceed the maximum pedestrian shed requirement |

This list of warrants includes only those code sections that can be identified at this stage, and thus may not be all inclusive of warrants ultimately needed for the project. Additional Warrant Requests may be made in the future as the project progresses through the subdivision and site development phases of the project.
1. This is a conceptual drainage plan for the proposed Burleson Crossing East Site only. More detailed information is being provided as part of the separately prepared drainage concept plans.

- Proposed storm sewer to convey onsite flows to proposed Burleson Crossing East Detention Pond.
- Proposed 4' x 2' RBC storm sewer and 36" storm pipe to drain to existing 36" storm sewer, Burleson Crossing improvements, drains to existing Burleson Crossing Detention Pond.

LJA Engineering, Inc.
7560 Rialto Boulevard
Building I, Suite 100
Austin, Texas 78735
Phone 512.439.4700
Fax 512.439.4716
FRN/F-1568

ZONING CONCEPT PLAN
FRN-F-1386
BURLESON CROSSING EAST
CONCEPTUAL DRAINAGE PLAN
SHT. 06 OF 10
*Owner agrees to select public realm street trees per Table 2.1.003 - Preferred Plant List, but owner shall be allowed to choose which types.
November 4, 2021

**Via Electronic Delivery**
City of Bastrop
Planning Department
1311 Chestnut Street
Bastrop, Texas 78602

Re: Proposed Rezoning of Approximately 19.837 Acres of Land Within the City of Bastrop (the “City”) generally Located East of Edward Burleson Lane and North of State Highway 71 (the “Property”).

On behalf of, and as the designated agents of, the owner of the Property, this letter serves as the formal request for a Zoning Concept Scheme (Rezoning) change for the Property. The Property is designated as BCAD ID 77734 and consists of a portion along State Highway 71 that is currently designated as a P5 (Core) Place Type Zoning District, with the remainder of the Property located in City’s ETJ and therefore not annexed or zoned.

We are planning a high-quality commercial expansion of the incredibly successful Burleson Crossing retail development on the west side of Edward Burleson Lane (the “Project”). In order to expand the commercial development of Burleson Crossing, which would include over 100,000 square feet of additional retail development that will contribute to the City’s ad valorem and sales tax, it is necessary to zone the unzoned portion of the Property to Place Type Zoning District.

The proposed project will be an expansion of the previously constructed Burleson Crossing development, which was constructed (i) pursuant to a Ch. 380 Agreement that contained specific design guidelines and parameters and (ii) prior to the B³ Code’s enactment. Due to the previously existing parking layout, infrastructure design, and traffic patterns, using the proposed P5 (Core) Place Type will necessitate some warrants that will be resolved with staff during the annexation and zoning approval process.

For the above listed reasons, we believe that the P5 (Core) Place Type (with necessary warrants) for the Property allows for proper development of the area and promotes healthful and responsible development within the City that will continue to provide employment for Bastrop residents, and
tax revenue for the City.

In addition, pursuant to that certain Chapter 43 Texas Local Government Code Development Agreement dated October 18, 2011 by and between the City and Robert E. Duff, the submittal of the zoning application for the Project constitutes a petition for voluntary annexation by the owner of the Property.

We look forward to working with you on this project.

Sincerely,

Talley J. Williams  
Talley Williams  
Partner

cc: Steve Durhman
Attachment 3

B3 Code Section Description Development Issue Proposed Alternative Warrant Determination Response

6.2(d)(1) Use block perimeter of street to block use of sidewalk for 30' of sidewalk. Due to the nature of the project (mixed shopping center), blocking the sidewalk perimeter and block use of sidewalks is not realistic and does not allow for easier interactions with the public and their situations. Pedestrians will be used for loading and reviewing the shopping center by all vehicles. Allow, 20' wide public driveway with street trees and sidewalk, to be used for loading and reviewing the shopping center by all vehicles and other service vehicles, in the street could be used for to cut through. The additional ROWs requested to meet the 30' block will provide many anchors and entrance buildings from the shopping center due to the reduced number of parking lot and traffic loading areas.

6.2(d)(3) All wide multilane pedestrian walkway for blocks that measured 40' or less. All pedestrian walkways, with sidewalk, would meet the requirements of walking off sidewalk within tendrils between parking lanes access to sidewalk, as required by pedestrian connectivity throughout the public ROW. Alternate pedestrian connectivity will provided if not required to rigid with proposed public or private drive. Currently approved. All provide drivers that existing the place of the 30' block will have three or four foot sidewalk.

6.2(d)(4) Building facade located within 30' of street corner and parking prohibited in front of corner. For a Retail Shopping Center of this nature with large center corner issues, the requirement cannot be met due to the parking and service loading needs of the retailers. Avenue to the requirement.

6.2(d)(5) Requires all residential access to be taken from driveway of diagonal street. Many proposed private drives would qualify as an alley, thus prohibiting access from public streets. Allow, all access from either alley or public streets. Avenue to the requirement. This warrant review is separate at the time of the Site Plan.

6.2(d)(6) Perimeter lots, Shoals must be located on the frontage. To provide adequate traffic circulation, these must be taken from primary and secondary frontages.

6.3.006(b) (8) Limits lots with more than 40' of frontage and at least 30' of depth. Major retailers require lots to be more than 80 feet of frontage. Limiting access to the building would create interference traffic congestion. Fix Code requires driveways to be 20' wide. Shoeway with large volume of traffic would be limited to one lane out, which would create traffic congestion

Allow, driveway access to public streets that meet 800 space requirements. This would be determined to the minimum requirements from a public street of 44 feet, as required by the section. Avenue to the requirement. This warrant review is separate at the time of the Site Plan.

6.3.009(b), 6.3.009(d) Requires parking to be located in the 30' or 40' space. Major retailers require customers to be able to park in front of the building for convenience, especially for customers with physical challenges. Avenue to the requirement.

6.3.013(b) Parking to be located within the minimum setback. All parking lots would require to be located from the street side to be 20' wide. All parking lots would require to be located from the street side to be 20' wide. Avenue to the requirement.

6.3.013(c) Maximum building footprint to be in parallel to the Building setbacks.

6.3.013(f) First floor commercial buildings shall have 70% minimum Glazing. All buildings shall require a minimum of 40% of the sides of a building to be glazed with 70% glazing, which is problematic for the doors and sides of any retail building.

6.3.018(a) A retail tenant located at least 80% of the sidewalk with a requirement for at least 80% of sidewalk to be maintained for 30' of sidewalk. To ensure the fire and individual's pedestrian, especially for smaller single building lots, the requirement for such sidewalk would allow for some sidewalk for the sidewalk. Avenue to the requirement.

6.3.018(c) Mixed use parking for a 30' parking to be located in the 30' or 40' space. Major retailers require customers to be able to park in front of the building for convenience, especially for customers with physical challenges. Avenue to the requirement.

6.3.018(e) Sidewalks along both sides of road. Trees every 40' of pedestrian sidewalk along both sides of road.

6.3.018(e) Connector. Trees every 40' on center along both sides of road. Trees every 40' shall be located at the natural landscape setting.

6.3.018(f) Requires an additional 7' of ROW as each side of a road (FFS) is located on both sides of the road. This would require 32' of ROW for Wagon Wheel rather than 14', and would increase Edward Burnet 57' from 46'1/2'. Prohibit any additional ROW for Wagon Wheel. Edward Burnet would utilize this additional width for sidewalk, parking lot and loading and maintaining sidewalks and trees.

Warrant Determination: The Edward Burnet review is part of the TDR Environmental Impact Review. Staff will be available at the changing 1000 area, but the number of these reviews will still be determined and 20' additional to the sidewalk for the length of the street.

Item 12B.
Burelson Crossing East

Warrant Requests

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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>12B.02(a)</td>
<td>40' max block length, 2,300 max block perimeter</td>
<td>Due to the nature of the project (mixed shopping center, limited block perimeter and block size in the restrictive and dense area); cannot allow majoraminer to 물론 (the prototypical buildings and the plans.</td>
<td>New NW - west property line without cross streets, sidewalks, or sidewalks formed on the south side of the block, and on E US 45. Public street in this location would encourage cut-through traffic that would conflict with proposed service traffic and create safety issue.</td>
<td>Initially Approved. The B3 Code requires a minimum block perimeter of 2,300 feet. For the proposed development, the sidewalk would support an internal private block perimeter of 1,300 feet, with clearly established private drives, comply with AASHTO standards on one side of the drive, and with this sidewalk and driveway. The 2,300 feet for the perimeter must be provided with publicly dedicated streets that meet the B3 Code requirements in Section 10.</td>
<td>The block width determination would require the benefit of14.3 acres, which is a public street, thereby creating the issue outlined.</td>
</tr>
<tr>
<td>12B.03(b)</td>
<td>6% pedestrian walk length exceeds 10%</td>
<td>Requires a 6' wide sidewalk for development over 12.4 acres.</td>
<td>Though this project slightly exceeds 11.6 acres (in 0.26 acres), it is considered in relatively small shopping centers, and thus cannot accommodate a dedicated bus space.</td>
<td>sidewalk extending the right-of-way combined with the traffic island. (a) This sidewalk, which consists of a 20' ROW 100' ft. of mature trees, sidewalks, lighting, and pedestrian pathways, as consideration for the bus space requirement for the project.</td>
<td>Initially Approved. The 6% sidewalk requirement is approximately 17.5 acres (6% = 100% block perimeter). Staff requirements providing a mix of pedestrian, space, a space green areas, bus stops, and pedestrian pathways along the streets, nuclear reiki, and benches. Provide a program at the Conceptual Plan.</td>
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B3 Tech. Manual

| 3.02.04(a)       | Requires parking and drive aisles to be located within Layer 2 or over | Major reasons for parking in front of the building for convenience, especially for customers with physical challenges. | Providing parking in any layer. | Initially Approved. Staff the building shown (except for 0.17 acres at least one side within the parking between the building and the street ROW. | The warrant needs to be determined with zoning in order to ensure that parking meets 10.04.01 requirements; and an adequate number of spaces can be provided. Shopping Center cannot be planned or measured otherwise as Layer 1 is defined as that space between the front of the building and the public realm, not just any building side. |
| 3.02.05(a)       | 6 ft. sidewalk to be located 10' walk and located within the street ROW. | A sidewalk located in both sides of the block area is redundant and provides no additional connectivity. | Providing one sidewalk along one side of the block area. | Initially Approved. | Initially Approved. Providing one side, the requirement cannot be met. |
| 3.02.05(b)       | Street trees shall be 9" caliper and spaced every 20' or center | Trees are spaced based on the planting area and urban conditions for service roads and streets, as determined by landscape architect. | Trees are spaced on the same spacing as the tree along the 9" service roads, as determined by landscape architect. | Initially Approved. | Can be reviewed in the development plan review. |
| 3.02.05(c)       | Install pedestrian plaques | Pedestrian pathways to be located on property. | Initially Approved. | Initially Approved. Providing private side, space. |

This list of warrants includes only those code sections that can be identified at this stage, and thus may not be all inclusive of warrants ultimately needed for the project. Additional Warrant Requests may be made in the future as the project progresses through the subdivision and site development phases of the project.
Attachment 6

TOTAL R.O.W. AREA = 144,893 SF (3.326 AC.)
Item 12B.

DRAFT / CONCEPTUAL

LEGEND
- EXISTING PAVEMENT
- PROPOSED PAVEMENT
- PROPOSED SIDEWALK/PED RAMP
- EXISTING RIGHT OF WAY LINE

EXISTING DRIVEWAY TO BE REMOVED

TEXAS 304

TEXAS 113

BURLESON CROSSING

SITE DRIVEWAY RIGHT TURN LANE OPTION 1

LJA Engineering, Inc.
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Notice of Pending Zoning Change
City of Bastrop
Planning & Zoning Commission
and City Council

Dear Property Owner:

The Planning and Zoning Commission will conduct a public hearing on Thursday, March 31, 2022 at 6:00 p.m. and the City Council will conduct a public hearing (first reading) Tuesday, April 26, 2022 at 6:30 p.m. in the City Hall Council Chambers located at 1311 Chestnut Street, Bastrop, Texas to consider action on a Zoning Concept Scheme, changing the zoning for 12.95 +/- acres out of the Nancy Blakey Survey from P2 Rural to P5 Core and establishing a plan on 19.81 +/- acres located at the northeast corner of State Highway 71 and Edward Burleson Drive, within the city limits of Bastrop, Texas

Applicant(s): Kevin Pierce / Metcalfe, Wolff, Stuart and Williams
Owner(s): Erhard Legacy Partners LTD
Legal Description: 19.837 acres of land out of Nancy Blakey Survey, Abstract 98 (R77734)

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

As a property owner within 200 feet of the above referenced property, you are being notified of the upcoming meetings per the Bastrop Code of Ordinances. For more information or to provide comments on this project, you may contact the Planning & Development Department at (512) 332-8840, plan@cityofbastrop.org, visit the office at 1311 Chestnut Street, Bastrop, Texas, or mail the response card below to PO Box 427, Bastrop, Texas 78602.

PROPERTY OWNER’S RESPONSE
As a property owner within 200 feet: (please check one)
☐ I am in favor of the request.
☐ I am opposed to the request.
☐ I have no objection to the request.

Property Owner Name: ________________________________________________________________
Property Address: ________________________________________________________________
Mailing Address (if different than property address): ______________________________________
Phone (optional): ___________________ Email (optional): ___________________
Property Owner’s Signature: ____________________________________________________________
Additional Comments (Optional):
__________________________________________________________________________

Re: Burleson Crossing Zoning Concept Scheme
Notice of Pending Zoning Change
City of Bastrop
City Council

Dear Property Owner:

The City Council will conduct a public hearing (first reading) on Tuesday, May 24, 2022 at 6:30 p.m. and a meeting (second reading) June 14, 2022 at 6:30 p.m. in the City Hall Council Chambers located at 1311 Chestnut Street, Bastrop, Texas to consider action on a Zoning Concept Scheme, changing the zoning for 12.95 +/- acres out of the Nancy Blakey Survey from P2 Rural to P5 Core and establishing a plan on 19.837 +/- acres located at the northeast corner of State Highway 71 and Edward Burleson Drive, within the city limits of Bastrop, Texas.

Applicant(s): Kevin Pierce / Metcalfe, Wolff, Stuart and Williams
Owner(s): Erhard Legacy Partners LTD
Legal Description: 19.837 acres of land out of Nancy Blakey Survey, Abstract 98 (R77734)

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

As a property owner within 200 feet of the above referenced property, you are being notified of the upcoming meetings per the Bastrop Code of Ordinances and Texas Local Government Code. For more information or to provide comments on this project, you may contact the Planning & Development Department at (512) 332-8840, plan@cityofbastrop.org, visit the office or mail the response card below to 1311 Chestnut Street, Bastrop, Texas 78602. The staff report will be available 72 hours before the meeting at www.cityofbastrop.org/page/cc.2022agenda

PROPERTY OWNER’S RESPONSE
As a property owner within 200 feet: (please check one)

☐ I am in favor of the request.
☐ I am opposed to the request.
☐ I have no objection to the request.

Property Owner Name: ________________________________
Property Address: __________________________________
Mailing Address (if different than property address): ________________________________
Phone (optional): __________________________ Email (optional): __________________________
Property Owner’s Signature: ______________________________
Additional Comments (Optional):

Re: Burleson Crossing East Zoning Concept Scheme
PROPERTY OWNER'S RESPONSE
As a property owner within 200 feet: (please check one)

☒ I am in favor of the request.
☐ I am opposed to the request.
☐ I have no objection to the request.

Property Owner Name: ERNARD LEGACY PARTNERS

Property Address:

Mailing Address (if different than property address): 1111 W. CREST GREEN ST, 100

Phone (optional): HOUSTON, TX 77055 Email (optional): TB.DMF@LANMARKINDUS

Property Owner's Signature: [Signature]

Additional Comments (Optional):

________________________________________

Re: Burleson Crossing Zoning Concept Scheme

PLANNING DEPARTMENT
1311 Chestnut Street • PO Box 427 • Bastrop, Texas 78602 • 512.332.8840 • www.cityofbastrop.org
Notice of Pending Zoning Change
City of Bastrop
Planning & Zoning Commission
and City Council

Dear Property Owner:

The Planning and Zoning Commission will conduct a public hearing on Thursday, March 31, 2022 at 6:00 p.m. and the City Council will conduct a public hearing (first reading) Tuesday, April 26, 2022 at 6:30 p.m. in the City Hall Council Chambers located at 1311 Chestnut Street, Bastrop, Texas to consider action on a Zoning Concept Scheme, changing the zoning for 12.95 +/- acres out of the Nancy Blakey Survey from P2 Rural to P5 Core and establishing a plan on 19.81 +/- acres located at the northeast corner of State Highway 71 and Edward Burleson Drive, within the city limits of Bastrop, Texas

Applicant(s): Kevin Pierce / Metcalfe, Wolff, Stuart and Williams
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As a property owner within 200 feet of the above referenced property, you are being notified of the upcoming meetings per the Bastrop Code of Ordinances. For more information or to provide comments on this project, you may contact the Planning & Development Department at (512) 332-8840, plan@cityofbastian.org, visit the office at 1311 Chestnut Street, Bastrop, Texas, or mail the response card below to PO Box 427, Bastrop, Texas 78602.

PROPERTY OWNER’S RESPONSE
As a property owner within 200 feet: (please check one)
☐ I am in favor of the request.
☑ I am opposed to the request.
☐ I have no objection to the request.

Property Owner Name: [Signature]
Property Address: 245 Duff Dr. Bastrop, TX 78602
Mailing Address (if different than property address): 245 Duff Dr.
Phone (optional): [Signature] Email (optional): [Signature]

Additional Comments (Optional):

Too much ranchland is being developed for other uses

Re: Burleson Crossing Zoning Concept Scheme
The accuracy and precision of this cartographic data is limited and should be used for information/planning purposes only. This data does not replace surveys conducted by registered Texas land surveyors nor does it constitute an "official" verification of zoning, land use classification, or other classification set forth in local, state, or federal regulatory processes. The City of Bastrop, nor any of its employees, do not make any warranty of merchantability and fitness for particular purpose, or assume any legal liability or responsibility for the accuracy, completeness or usefulness of any such information, nor does it represent that its use would not infringe upon privately owned rights.
The accuracy and precision of this cartographic data is limited and should be used for information/planning purposes only. This data does not replace surveys conducted by registered Texas land surveyors nor does it constitute an "official" verification of zoning, land use classification, or other classification set forth in local, state, or federal regulatory processes. The City of Bastrop, nor any of its employees, do not make any warranty of merchantability and fitness for particular purpose, or assumes any legal liability or responsibility for the accuracy, completeness or usefulness of any such information, nor does it represent that its use would not infringe upon privately owned rights.
April 5, 2022

Via E-Mail: jbills@cityofbastian.org
Jennifer Bills
City of Bastrop
1311 Chestnut Street
Bastrop, Texas 78602

Re: REQUEST FOR POSTPONEMENT – Burleson Crossing East– Public hearing for zoning change to P5 Core; Request for Annexation

Approximately 19.837 acres of Land generally located East of Edward Burleson Lane and North of State Highway 71 (the “Property”).

Dear Ms. Bills:

On behalf of, and as the designated agents of, the owner of the Property, I am writing to respectfully request the postponement of the above-referenced items from the April 26, 2022 City Council Agenda to the May 24, 2022 City Council Agenda. The applicant will pay for any re-notification expenses.

If you have any questions with this request, or need any additional information, please feel free to give me a call.

Sincerely,

Talley J. Williams

cc: Via Email
Trey Job
Steve Duhman
Steve Metcalfe
Alan Bojorquez
Due to the nature of the project (Retail Shopping Center), limiting block perimeter and block size is too restrictive and does not allow major retailers to utilize their prototypical buildings and site plans. Further, the existing driveway will be used for loading and servicing the shopping center by 18-wheeler trucks. The Eastern driveway as a City Street would create a safety issue between non-shopping center traffic and 18-wheeler trucks and other service vehicles, as the street could be used as a cut through route. The additional ROD requested to rezone the 3,800 feet would prevent many anchors and smaller tenant businesses from the shopping center due to the reduced parking and inadequate service areas.

Airline-wide parking driveways without service lanes and sidewalks, to be utilized off of the back boundary of blocks other than public streets, as shown on Concept Site Plan. A public street in this location would encourage cut through traffic that would conflict with proposed service traffic and create a safety issue.

Proposed I-25 will be an arterial roadway, with landscaping, would eliminate 2 rows of parking.

5.2.002(b)  Requirements for a Retail Shopping Center of this nature, limiting access would limit options for customers and shopping center would create internal traffic congestion. Fire Code requires driveways to be 25’ wide. Driveways with large volumes of traffic would be limited to one lane out, which would create traffic congestion. Fire Code requires driveways to meet the minimum separation from a public street of 40 feet, as required by this section. Proposed driveways shall meet the minimum separation from a public street, as required by this section.

6.3.005(d)  Requires all vehicular access to be taken from alleys, if alleys are provided. All vehicles proposed to drive access from alleys or public streets. Private drive access provided at the 300 feet block level would be considered in lieu of the publicly dedicated street and not an alley. Warrant not needed.

B3 Code Section

Warrant Determination

Response

Chapter 7. The B³ Code requires a maximum block perimeter of 1,320 feet in P-5. For this proposed development, staff would support an internal private block perimeter of 2,880 feet, with clearly established private drive aisles, with full pedestrian walkways on one side of the drive access. The 3,800 feet farm lot parcel must be provided with publicly dedicated streets that exist at the B³ Code requirements in Chapter 7.

The 2,880 foot farm lot perimeter would not be required.

Denied at this time. Will determine total number of driveways on site Development Plan but are willing to entertain multiple driveways that meet spacing requirements. Driveways utilized for fire or truck access, shall be wide enough to meet IFC requirements so as to market major large retailers. Driveways across public streets shall meet 25’ spacing between centerlines. Driveways utilized for fire or truck access, shall be wide enough to meet IFC requirements, unless above code minimum by truck traffic. Driveways with large volume of traffic may be widened as necessary to accommodate traffic volumes.

Denied. Reviewed site Development Plan and this warrant is appropriate in lieu of traffic.

Denied at this time. Will determine spacing at site Development Plan.

Partially Approved. Screening will be provided from all public streets at a height of 3 feet. Screening will be provided from all public streets at a height of 3 feet. Screening will be provided from all public streets at a height of 3 feet.

Denied. Willing to discuss a reduction to 60% during Site Development Plan. Screening will be provided from all public streets at a height of 3 feet.

Denied. Not needed. All buildings shown can be parallel to a public street that is 20’ width. No reduction to 25’ needed.

Denied. Willing to discuss a reduction to 60% during Site Development Plan.

Denied at this time. Will determine total number of driveways on site Development Plan but are willing to entertain multiple driveways that meet spacing requirements. Driveways utilized for fire or truck access, shall be wide enough to meet IFC requirements so as to market major large retailers.

Denied. Willing to discuss a reduction to 60% during Site Development Plan. Will determine parking in order to ensure that parking meets retailer requirements and as adequate number of spaces can be provided. Shopping Center cannot be planned or marketed otherwise.

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Denied. Willing to discuss a reduction to 60% during Site Development Plan.

Adjusted. Screening will be provided from all public streets at a height of 3 feet.
B3 Topic Legend

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<tbody>
<tr>
<td>7.2.003-02</td>
<td>Driveway Parking to Layer 3</td>
<td>Major Retailers expect their customers to be able to park in front of the building for convenience, especially for customers with physical challenges</td>
<td>Allow parking in any Layer</td>
<td>Denied at this time. Can be determined during SDP, once an internal 10’ drive aisle grid is depicted that shows internal pedestrian crossing</td>
<td>This warrant needs to be determined with Zoning to ensure that parking meets retailer requirements and an adequate number of spaces can be provided. Shopping Center cannot be planned or marketed otherwise.</td>
</tr>
<tr>
<td>7.3.003 - Reg Ctrs</td>
<td>Driveways, sidewalks along both sides of road, trees every 30’ on center both sides of road</td>
<td>Driveways, sidewalks are necessary aids for this type of project and would not be consistent with adjacent shopping center. Trees evenly spaced at 30’ would detract from a natural / natural landscape scheme.</td>
<td>Propose 10’ wide sidewalks along one side of Wagon Wheel, and along the project side of Edward Burleson and SH 71. Allow more variation in trees spacing as determined by Landscape Architect, to be consistent and similar to the requirements established in the Burleson Crossing Chapter 380 Agreement.</td>
<td>Partially Approved. A 10’ sidewalk will also be required along the 700’ grid streets next to the east.</td>
<td>This warrant needs to be determined with Zoning in order to ensure that parking meets retailer requirements and an adequate number of spaces can be provided. Shopping Center cannot be planned or marketed otherwise.</td>
</tr>
<tr>
<td>7.3.003 - Connector</td>
<td>Trees every 30’ on center along both sides of the road</td>
<td>Trees evenly spaced at 30’ would detract from a natural / natural landscape scheme.</td>
<td>Allow more variation in trees spacing as determined by Landscape Architect, to be consistent and similar to the requirements established in the Burleson Crossing Chapter 380 Agreement.</td>
<td>Denied at this time. This warrant review is appropriate at the time of SDP. Improvement Plan. Staff would be amenable to changing the spacing requirement, but the number of trees required will still be determined on a 30 foot spacing for the length of the street.</td>
<td>This warrant needs to be determined with Zoning in order to ensure that parking meets retailer requirements and an adequate number of spaces can be provided. Shopping Center cannot be planned or marketed otherwise.</td>
</tr>
<tr>
<td>3.2.003(b)</td>
<td>Requires an additional 7’ of ROW on each side of a road if P5 is located on both sides of the road.</td>
<td>This would require 72’ of ROW for Wagon Wheel rather than 54’, and would increase Edward Burleson from 60’ to 67’.</td>
<td>Propose no additional ROW for Wagon Wheel. Edward Burleson was planned with a 67’ ROW in order to have the work in the opposite side of the street. Any additional ROW required along the project side of Burleson will be determined in consultation with any proposed improvements to Burleson.</td>
<td>Partially Approved. The 55.5 foot ROW is sufficient for the extension of Wagon Wheel, which is a 60’ ROW.</td>
<td>This warrant needs to be determined with Zoning to ensure that parking meets retailer requirements and an adequate number of spaces can be provided. Shopping Center cannot be planned or marketed otherwise.</td>
</tr>
<tr>
<td>3.2.003(b)</td>
<td>Max row block length, 1.25X row block perimeter Due to the nature of the project (Retail Shopping Center), limiting block perimeter and block size has two restrictions and does not allow major retailers to utilize their prototypical buildings and site plans. Allow 30’ wide private drives without street trees and sidewalks, to be utilized as a buffer between blocks other than public streets, as shown on Concept Site Plan. A public street in this location would encourage through traffic that would conflict with proposed service traffic and create a safety issue.</td>
<td>Allow 30’ wide private drives without street trees and sidewalks, to be utilized as a buffer between blocks other than public streets, as shown on Concept Site Plan.</td>
<td>Approved.</td>
<td>This warrant needs to be determined with Zoning to ensure that parking meets retailer requirements and an adequate number of spaces can be provided. Shopping Center cannot be planned or marketed otherwise.</td>
<td></td>
</tr>
<tr>
<td>3.1.003(b)</td>
<td>Requires Warrant Requests Limits Parking to Layer 3 Site development phases of the project.</td>
<td>This list of warrants includes only those code sections that can be identified at this stage, and thus may not be all inclusive of warrants ultimately needed for the project. Additional Warrant Requests may be made in the future as the project progresses through the subdivision and site development phases of the project.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

This list of warrants includes only those code sections that can be identified at this stage, and thus may not be all inclusive of warrants ultimately needed for the project. Additional Warrant Requests may be made in the future as the project progresses through the subdivision and site development phases of the project.
Annually 10 Years

Est. Taxable Sales Potential $4,600,000 $46,000,000
Resulting Sales Tax to City $69,000 $690,000
Annual Est. Property Tax $89,183 $891,830
Estimated NOI Lost to Developer $496,000 $4,960,000
SALES TAXES

BURLESON CROSSING

2021 Total Gross Taxable Sales $151,027,867
Total Sales Tax Reimbursement Back to Bastrop $2,265,418

BURLESON CROSSING EAST

Projected Retail Sales Based on Similar Uses in Burleson Crossing *

<table>
<thead>
<tr>
<th>Building</th>
<th>Sales</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building A</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>Building B</td>
<td>$5,100,000</td>
</tr>
<tr>
<td>Building C</td>
<td>$2,800,000</td>
</tr>
<tr>
<td>Building D</td>
<td>$19,000,000</td>
</tr>
<tr>
<td>Building E</td>
<td>$50,000,000</td>
</tr>
<tr>
<td>Building F</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>Total</td>
<td>$82,900,000</td>
</tr>
</tbody>
</table>

Total Gross Taxable Sales $82,900,000
Sales Tax Rate 1.5%
Projected Sales Tax Reimbursement Back to Bastrop $1,243,500

* Projections based on today's dollars - no inflation. Assumes built-out Center.
# PROPERTY TAXES

## BURLESON CROSSING

Total Property Taxes Paid Since 2007 - All Tracts

- Burleson Crossing Rollback Taxes: **$1,097,712**
- Total Taxes Paid: **$14,318,187**

Total Property Taxes Paid in 2021: **$1,269,698**

Burleson Crossing Land Real Estate Tax Prior to 2007

Land was not within the City, not zoned and taxed as agricultural use

## BURLESON CROSSING EAST

(Based on Burleson Crossing historical values)

- Estimated Valuation - Built Out: **$26,300,000**
- Current Tax Rate / $100: **$2.3974**
- Projected Annual Property Taxes: **$630,516**

2021 Current Value of Land (Agricultural Valuation): **$2,183**
<table>
<thead>
<tr>
<th>Store</th>
<th>Employees</th>
</tr>
</thead>
<tbody>
<tr>
<td>A+ Federal Credit Union</td>
<td>7</td>
</tr>
<tr>
<td>Academy</td>
<td>100</td>
</tr>
<tr>
<td>AEG Vision</td>
<td>11</td>
</tr>
<tr>
<td>AT&amp;T Mobility</td>
<td>11</td>
</tr>
<tr>
<td>Best Buy</td>
<td>100</td>
</tr>
<tr>
<td>Arby's</td>
<td>20</td>
</tr>
<tr>
<td>Castle Dental #35230</td>
<td>7</td>
</tr>
<tr>
<td>Chick-Fil-A</td>
<td>40</td>
</tr>
<tr>
<td>DoubleDave's</td>
<td>17</td>
</tr>
<tr>
<td>Factory Mattress</td>
<td>2</td>
</tr>
<tr>
<td>FastMed Urgent Care</td>
<td>10</td>
</tr>
<tr>
<td>Five Below #1141</td>
<td>15</td>
</tr>
<tr>
<td>Garcia's Mexican Restaurant</td>
<td>30</td>
</tr>
<tr>
<td>Great Clips #9318</td>
<td>7</td>
</tr>
<tr>
<td>Hobby Lobby #0668</td>
<td>33</td>
</tr>
<tr>
<td>HomeGoods #864</td>
<td>27</td>
</tr>
<tr>
<td>IBC</td>
<td>8</td>
</tr>
<tr>
<td>James Avery</td>
<td>15</td>
</tr>
<tr>
<td>Kay Jewelers</td>
<td>7</td>
</tr>
<tr>
<td>Lowe's #2840</td>
<td>175</td>
</tr>
<tr>
<td>Maurice's #2080</td>
<td>14</td>
</tr>
<tr>
<td>Old Navy #6310</td>
<td>41</td>
</tr>
<tr>
<td>Petco #1496</td>
<td>17</td>
</tr>
<tr>
<td>PT Solutions Physical Therapy</td>
<td>5</td>
</tr>
<tr>
<td>Rack Room Shoes #640</td>
<td>12</td>
</tr>
<tr>
<td>Ross Dress For Less #1511</td>
<td>18</td>
</tr>
<tr>
<td>rue21 #1260</td>
<td>15</td>
</tr>
<tr>
<td>Sertinos Coffee</td>
<td>3</td>
</tr>
<tr>
<td>Spec's Liquor #38</td>
<td>11</td>
</tr>
<tr>
<td>Studio Nails</td>
<td>10</td>
</tr>
<tr>
<td>Subway #45382</td>
<td>7</td>
</tr>
<tr>
<td>TJ Maxx #1316</td>
<td>61</td>
</tr>
<tr>
<td>Ulta Salon #1071</td>
<td>18</td>
</tr>
<tr>
<td>Wingstop #1035</td>
<td>15</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>889</strong></td>
</tr>
</tbody>
</table>

### Burleson Crossing East

<table>
<thead>
<tr>
<th>Building</th>
<th>Projected Employees</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>55</td>
</tr>
<tr>
<td>B</td>
<td>90</td>
</tr>
<tr>
<td>C</td>
<td>87</td>
</tr>
<tr>
<td>D</td>
<td>80</td>
</tr>
<tr>
<td>E</td>
<td>155</td>
</tr>
<tr>
<td>F</td>
<td>45</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>512</strong></td>
</tr>
</tbody>
</table>
CSJ 0265-04-051

R.O.W. MAP

AS PER TxDOT

ACCESS DENIED

See Chapter 2, Section 5 For Variance Process.

For Spacing Less than Minimum A Variance is Required.

TxDOT Access Management Manual Table 2-1.

*Minimum Spacing 425' Spacing As Per

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945 + 00

950 + 00

955 + 00

960 + 00

Radius=2864.789'

SCALE: 1 : 100

EDWARD BURLESON LANE AT SH 71

THOROUGHFARE ALTERNATIVES

FRN - F -1386

ALT 1

LEGEND

TxDOT CONTROL OF ACCESS LINE

EXISTING RIGHT OF WAY LINE

PROPOSED RIGHT OF WAY LINE

PROPOSED DRIVEWAY

FUTURE PAVEMENT

PROPOSED PAVEMENT

EXIST. R.O.W.

EXIST. R.O.W.

EXIST. R.O.W.

EXIST. R.O.W.

EXIST. R.O.W.

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EXIST. R.O.W.

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Radius=60'

Radius=600'

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RESOLUTION NO. R-2022-54

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS
APPROVING A CONSTRUCTION CONTRACT WITH SJ LOUIS
CONSTRUCTION OF TEXAS, LTD. OF SAN ANTONIO, TEXAS IN THE
AMOUNT OF FOUR MILLION FOUR HUNDRED EIGHTY-FIVE THOUSAND
NINE HUNDRED FORTY-FOUR DOLLARS AND SEVENTEEN CENTS
($66,840.00) FOR THE CONSTRUCTION OF THE WESTSIDE
COLLECTION SYSTEM PHASE 2; AUTHORIZING CITY MANAGER TO
EXECUTE ALL NECESSARY DOCUMENTS; PROVIDING FOR A
REPALING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Bastrop, Texas understands the importance
of pubic safety by performing infrastructure improvements; and

WHEREAS, the City Council of the City of Bastrop understands that providing
maintenance on current City infrastructure should be cost effective; and

WHEREAS, the City Council of the City of Bastrop understands the importance of
focusing on infrastructure improvements in the area of wastewater treatment and conveyance; and

WHEREAS, the City of Bastrop has utilized KSA Engineers for the provision of
engineering services on the Westside Collection System Phase 1 & 2 projects; and

WHEREAS, KSA Engineers has received all bid proposals, and found the lowest
responsible bidder, SJ Louis Construction of Texas, LTD. of San Antonio, Texas to be
qualified.

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

Section 1: That the City Manager is hereby authorized to execute the construction
contract with SJ Louis Construction of Texas, LTD. Of San Antonio, Texas, as recommended
by KSA Engineers. Herein attached as Exhibit A, is the Recommendation to Award of the
Construction Contract to SJ Louis Construction of Texas, LTD from KSA Engineers in the
amount Four Million Four Hundred Eighty-Five Thousand Nine Hundred Forty-Four Dollars and
Seventeen Cents ($4,485,944.17) for the construction of the Westside Collection System
Phase 2 project.

Section 2: The City Council of the City of Bastrop, Texas has found KSA Engineers,
to be a subject matter expert in the field of engineering and accepts KSA’s recommendation
to award for the Westside Collection System Phase 2.

Section 3: That this Resolution shall take effect immediately upon its passage,
and it is so resolved.
DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop, Texas this 14th day of June, 2022.

APPROVED:

____________________________________
Connie B. Schroeder, Mayor

ATTEST:

____________________________________
Ann Franklin, City Secretary

APPROVED AS TO FORM:

____________________________________
Alan Bojorquez, City Attorney
MEETING DATE: June 14, 2022

AGENDA ITEM: XX

TITLE:
Consider action to approve Resolution No. R-2022-54 of the City Council of the City of Bastrop, Texas, approving a construction contract with SJ Louis Construction of Texas, LTD of San Antonio, Texas for the Westside Collection System Phase 2 to an amount of Four Million Four Hundred Eighty-Five Thousand Nine Hundred Forty-Four Dollars and Seventeen Cents ($4,485,944.17); authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

AGENDA ITEM SUBMITTED BY:
Fabiola de Carvalho, MIAM, Director of Engineering and Capital Project Management

BACKGROUND/HISTORY:
On August 28, 2018, City Council approved multiple task orders for engineering services with KSA Engineers for the design of the Wastewater Treatment Plant #3 and all ancillary projects needed to support the Wastewater Treatment Plant #3 to continue serving our customers with wastewater service. As part of the ancillary projects there are the Westside Collection System Phase 1 & 2.

The wastewater collection system, a necessity to the construction of the new wastewater treatment plant, includes transferring wastewater that would otherwise be transferred to the existing plants, to the new wastewater treatment plant. Because land acquisition was taking more than expected, City staff made a decision to split the wastewater collection system projects in two phases: Westside Collection System Phase 1 & 2. The Westside Collection System Phase 1 is reaching its construction completion. The Westside Collection System Phase 2 includes the installation of 24-in and 36-in diameter wastewater lines, laterals, sewer appurtenances, and demolition of two (2) lift stations: Hunter’s Crossing and Seton.

On April 21 and 29 of 2022, the City published an Invitation to Bidders (ITB) for construction services for the Westside Collection System Phase 2. The bids were opened on May 19, 2022. The City of Bastrop received five bids for this project. After KSA’s evaluation of the bids, KSA provided a Recommendation to Award the construction contract for this project to SL Louis Construction of Texas, LTD, the lowest responsible bidder.
A bid summary table is provided below:

<table>
<thead>
<tr>
<th>Rank</th>
<th>Contractor</th>
<th>Total Project Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>S.J. Louis Construction of Texas</td>
<td>$4,485,944.17</td>
</tr>
<tr>
<td>2</td>
<td>D. Guerra Construction LLC</td>
<td>$4,792,195.00</td>
</tr>
<tr>
<td>3</td>
<td>QRO Mex Construction Co., Inc.</td>
<td>$5,323,631.00</td>
</tr>
<tr>
<td>4</td>
<td>T. Construction, LLC</td>
<td>$5,731,230.00</td>
</tr>
<tr>
<td>5</td>
<td>M&amp;C Fonseca Construction Co.</td>
<td>$6,576,215.00</td>
</tr>
</tbody>
</table>

The Notice to Proceed is anticipated to be issued in July 2022 and construction should be completed within 300 calendar days. The substantial completion of the construction is anticipated in April 2023.

**FISCAL IMPACT:**
FY22 Annual Budget
- CO Series 2022
- Impact Fees

**RECOMMENDATION:**
Consider action to approve Resolution No. R-2022-54 of the City Council of the City of Bastrop, Texas, approving a construction contract with S.J. Louis Construction of Texas, LTD of San Antonio, Texas for the Westside Collection System Phase 2 to an amount of Four Million Four Hundred Eighty-Five Thousand Nine Hundred Forty-Four Dollars and Seventeen Cents ($4,485,944.17); authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

**ATTACHMENTS:**
- Exhibit A: Recommendation to Award from KSA Engineers
- Exhibit B: Resolution No. R-2022-54
- Exhibit C: Westside Collection System Phase 2 – location map
MEETING DATE: June 14, 2022

AGENDA ITEM:

TITLE:
Discussion and potential action on mobile food truck vendor permitting fees.

AGENDA ITEM SUBMITTED BY:
Submitted by: Council Members Kirkland and Lee

BACKGROUND/HISTORY:
N/A

FISCAL IMPACT:
N/A

RECOMMENDATION:
N/A

ATTACHMENTS:

1. Mobile Food Vendor Fees Memo
2. Email from David Shuman Yolked Food Truck
TO: Paul A. Hofmann, City Manager
From: Jennifer C. Bills, Director of Planning & Development
Date: June 9, 2022
Subject: Mobile Food Vendor Fee Discussion

BACKGROUND/HISTORY:
On May 12, 2020, the City Council adopted a Mobile Food Vendor ordinance which regulates the selling of food from mobile vending units. These regulations were drafted after the conclusion of the Mobile Food Vendor Pilot Program that was started on May 1, 2019 and concluded October 31, 2019.

The fee schedule was adopted with the ordinance in 2020. The fees were updated in 2021 with the budget to decrease the price of the Temporary Mobile Food Vendor Permit for units that do not contain any cooking oil or gas and to add a lower fee for vendors associated with a Special Event Permit (in red).

<table>
<thead>
<tr>
<th>Code of Ordinances</th>
<th>Permit Type/Length</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>A4.04</td>
<td>Mobile Food Court—Mobile Food Vendor</td>
<td></td>
</tr>
<tr>
<td>Ord. No. 2020-02</td>
<td>Six Months</td>
<td>$400.00</td>
</tr>
<tr>
<td></td>
<td>Per Year</td>
<td>$600.00</td>
</tr>
<tr>
<td></td>
<td>Accessory to Primary Use</td>
<td></td>
</tr>
<tr>
<td>Ord. No. 2020-02</td>
<td>Six Month</td>
<td>$1,300.00</td>
</tr>
<tr>
<td></td>
<td>Per Year</td>
<td>$2,400.00</td>
</tr>
<tr>
<td>Ord. No. 2020-02</td>
<td>Temporary Mobile Food</td>
<td></td>
</tr>
<tr>
<td>Ord. No. 2021-12</td>
<td>Three Day – No cooking oil or gas</td>
<td>$175.00</td>
</tr>
<tr>
<td></td>
<td>Three Day</td>
<td>$350.00</td>
</tr>
<tr>
<td>Ord. No. 2021-12</td>
<td>Three Months – No cooking oil or gas</td>
<td>$600.00</td>
</tr>
<tr>
<td></td>
<td>Three Months</td>
<td>$1,200.00</td>
</tr>
<tr>
<td>Ord. No. 2021-12</td>
<td>Special Event Mobile Food Vendor Permit per Event per Trailer</td>
<td>$100.00</td>
</tr>
</tbody>
</table>

Permitting fees are established for to cover the cost of services. In the case of Mobile Food Vendor fees, the amounts were established to both cover the direct cost of processing the application and inspections and to cover other costs related to city resources. During the program adoption in 2020, there was concern that mobile vendors do not contribute to ad valorem and sales tax like a traditional “brick and mortar” establishment that has a significant investment in a property. As mobile food is a temporary structure, they do not add to the property value that generates property tax and many vendor’s sales tax is not registered to the City of Bastrop to provide sales tax revenue on goods. For the first and second tiers, the fees were reduced by in 2021 for units that do not have any cooking oil or gas. Units with cooking oil and gas are considered a greater hazard and required more frequent inspections (fixtures can...
loosen during transport) and for fire suppression systems. The fee for vendors that will operate at a permitted Special Event was decreased to $100 to cover the cost of the fire inspections that occur on site at the event.

Fees for a vendor in a Mobile Food Court are set the lowest, as a food court has permanent site improvements (utilities, restrooms, seating) that add value and are specifically designed to manage multiple vendors in one locations. The second tier of fees is for a vendor that locates on private property that has an established business and may be operated as a semi-permanent site (more than 4 hours each day). The third tier is for temporary vendors that do not have a single site and are not located in one place for more than 4 hour. These vendors may operate out of the public right-of-way.

A request has been made by a permitted vendor to review and reduce the fees (Attachment 1). He has provided examples of temporary and mobile vendor information from other cities. City Staff has not had reviewed or analyzed the information provided.

ATTACHMENTS:
- Attachment 1: Request from David Shuman, Yolked Food Truck

REFERENCES:
- City of Bastrop: Requirements Applicable to All Mobile Food Vendors
- San Antonio: https://www.sanantonio.gov/Portals/0/Files/ccdo/vending/DITruckRulesandRegulations.pdf
- San Marcos: https://www.sanmarcostx.gov/615/Mobile-Food-Units
- Giddings: https://www.giddings.net/vertical/sites/%7BE49363B6-7314-4FC3-A0A8-9978388B71A8%7D/uploads/Solicitor_App.doc
Hello Mr. Hofmann,

My name is David Shuman, and I am the owner of Bastrop's first fully mobile food truck, Yolked.

We just opened up this year in April, and I can say we have had a very positive response to our fresh take on fried rice. The community seems to have been wanting newer options to choose from in regards to places to eat.

So we are proud to be not only offering this, but also giving back to the community every month with 10% of our gross sales going back into a non profit or charity.

With this being said, we have found it extremely difficult to operate under the current permitting fees set in place to operate as a mobile food truck.

We intended on being in the food court that is being built downtown off of chestnut, but this structure is not complete yet. This forced our hand to have to pay for the $1200 permitting fee, which has to be paid every 3 months.

If the food court were open, we’d have the food court permitting fee of $600 for an entire year.

$600 vs $4800 is a very big difference.

We went ahead and did the $1200 permit for the first 3 months of our business to see how it would work out, and we barely made over $3000.

This is simply not feasible to operate under, with the $1200 fee (almost if not 40% of our earnings), plus our 3% processing fee we have, plus the 10% back of giving to the community.

I would like to appeal these permitting fees and have someone take a look at considering making these changes, so that the food truck community can thrive here in Bastrop and bring in sales revenue for the city.

To make a case for this argument of change, I have supplied surrounding cities and their permitting fees for food trucks:

Austin:

San Antonio:
https://www.sanantonio.gov/Portals/0/Files/ccdo/vending/DTMobileFoodTruckRulesandRegulations.pdf

San Marcos:

https://www.sanmarcostx.gov/615/Mobile-Food-Units

Smithville:


Elgin:


Giddings:

https://www.giddings.net/vertical/sites/%7BE4936386-7314-4FC3-A0A8-9978388B71A8%7D/uploads/Solicitor_App.doc

These are just a few of the cities who have fees for permits running food vendors, yet are nowhere near the yearly cost of what it currently is in Bastrop.

This restraint of a fee is making it very difficult as a local small business to stay afloat.

I am asking for this to be reconsidered.

Thank you for your continued efforts as our City Manager.

-The Yolked Team.

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The Yolked Team / Bastrop, Texas
yolkedfoodtruck.com | @theyolkedfoodtruck

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MEETING DATE: June 14, 2022

AGENDA ITEM:

TITLE:
Consider action to approve Resolution No. R-2022-53 of the City Council of the City of Bastrop, Texas confirming appointment by the Mayor of Patrice Parsons to Place 6 of the Planning & Zoning Commission, as required in Section 3.08 of the City’s Charter, and establishing an effective date.

AGENDA ITEM SUBMITTED BY:
Ann Franklin, City Secretary

BACKGROUND/HISTORY:
Section 3.08, Mayor and Mayor Pro Tem, of the City Charter states that the Mayor shall appoint members to all City boards and commissions, subject to confirmation by the City Council.

FISCAL IMPACT:
N/A

RECOMMENDATION:
Consider action to approve Resolution No. R-2022-53 of the City Council of the City of Bastrop, Texas confirming appointment by the Mayor of Patrice Parsons to Place 6 of the Planning & Zoning Commission, as required in Section 3.08 of the City’s Charter, and establishing an effective date.

ATTACHMENTS:
- Resolution
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS,
CONFIRMING APPOINTMENT BY THE MAYOR OF JUDAH ROSS TO PLACE
1 OF THE PLANNING & ZONING COMMISSION, AS REQUIRED IN SECTION
3.08 OF THE CITY’S CHARTER; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Section 3.08, Mayor and Mayor Pro Tem, of the City Charter states that
the Mayor shall appoint members to all City boards and commissions, subject to confirmation
by the City Council; and

WHEREAS, Mayor Connie Schroeder has appointed Patrice Parsons to Place 6 of the
Planning & Zoning Commission; and

WHEREAS, City Council must confirm this appointment as required by the City Charter.

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

Section 1: That Mayor Connie Schroeder has appointed Patrice Parsons to Place 6 of the
Planning & Zoning Commission.

Section 2: That the City Council of the City of Bastrop confirms Mayor Schroeder’s
appointment of Patrice Parsons to Place 6 of the Planning & Zoning Commission.

Section 3: That this Resolution shall take effect immediately upon its passage, and
it is so resolved.

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this 14th
day of May 2022.

APPROVED:

__________________________
Connie B. Schroeder, Mayor

ATTEST:

__________________________
Ann Franklin, City Secretary

APPROVED AS TO FORM:

__________________________
Alan Bojorquez, City Attorney