



STAFF REPORT

MEETING DATE: August 31, 2023

TITLE:

Hold public hearing and consider action on a recommendation for the Burluson Crossing East Zoning Concept Scheme, changing the zoning for 19.81 acres out of the Nancy Blakey Survey from P5 Core to a Planned Development District (PDD) with a P5 Core base zoning, as shown in attached as Attachment 2, located at the northeast corner of State Highway 71 and Edward Burluson Drive, within the city limits of Bastrop, Texas.

STAFF REPRESENTATIVE:

Kennedy Higgins – Planner, Development Services

ITEM DETAILS:

Site Address:	Northeast corner of State Highway 71 and Edward Burluson Drive
Total Acreage:	19.81 acres
Acreage Rezoned:	19.81 acres
Legal Description:	19.81 acres out of the Nancy Blakey Survey
Property Owner:	Erhard Legacy Partners LTD
Agent Contact:	Steve Durham
Existing Use:	Vacant/Undeveloped
Existing Zoning:	P5 Core
Proposed Zoning:	Planned Development District, P5 Core Base Zoning
Character District:	Cattleman's
Future Land Use:	General Commercial

BACKGROUND:

The applicant was granted a Zoning Concept Scheme for Burluson Crossing East (Attachment 2) in 2022 which contained several warrants. The proposal in front of the Planning Commission is to place a Planned Development District (PDD) with a P5 Core base zoning to suffice commercial uses such as retail and restaurant onsite.

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 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.

Infrastructure	Available (Y/N)	Proposed
Water	Y	Line Extensions
Wastewater	Y	Line Extensions
Drainage	Y	Storm sewer, detention pond
Transportation	Y	Extension, private drive, widening
Parks and Open Space	N	

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 and a storm sewer connection to the detention pond to the west in the Burleson Crossing development. The maximum impervious cover stated in the PDD is no more than 85%.

Utilities

Wastewater and water service (domestic and fire) will be provided the City of Bastrop via line extensions from existing infrastructure located on Edward Burleson Street. These lines will be designed according to the City’s construction standards, as well as the Texas Commission on Environmental Quality’s (TCEQ) requirements.

Electric service provided by Bluebonnet Electric.

Gas will be provided by CenterPoint Energy.

Traffic Impact and Streets

This zoning concept plan creates a private drive, includes Right of Way dedication for widening Edward Burleson and an extension of Blakey Lane eastward. A private drive resembling a typical city street will run through the heart of the development, leading to Wagon Wheel Circle. Access to the development will primarily be provided via entry points located off Edward Burleson. Additionally, on the eastern flank, there will be a coordinated connection to the SH 71 service road, extending northward towards Blakey Lane, with collaboration undertaken in conjunction with TxDOT. The street ROW’s meet the 55.5’ width requirement. The street design will follow the B3 Code, Section 7.3 for design and layout. A Traffic Impact Analysis has been conducted and completed by LJA Engineering for the development. We anticipate two easements along the private drive that will encompass a water line and storm sewer.

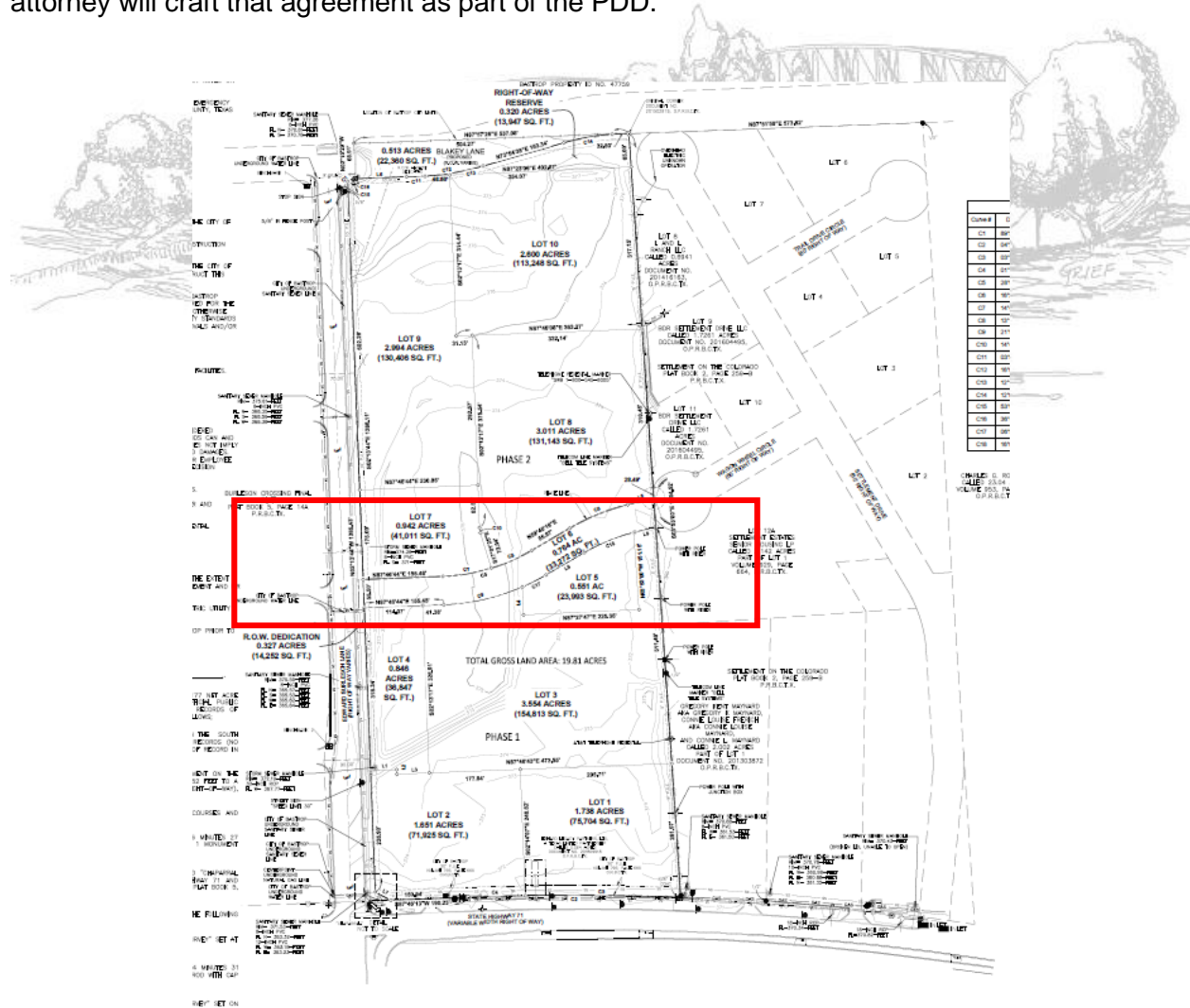
TABLE 1- RAW SITE TRIP GENERATION ESTIMATE

Land Use (ITE Code)	Units/ 1000 Sq Ft	24 Hr Trips	AM Peak			PM Peak		
			IN	OUT	TOTAL	IN	OUT	TOTAL
Commercial (>150k) (820)	175	10433	147	90	237	405	439	844
High-Turnover Restaurant (932)	25	2680	132	107	239	138	88	226
TOTAL		13113	279	197	476	543	527	1070

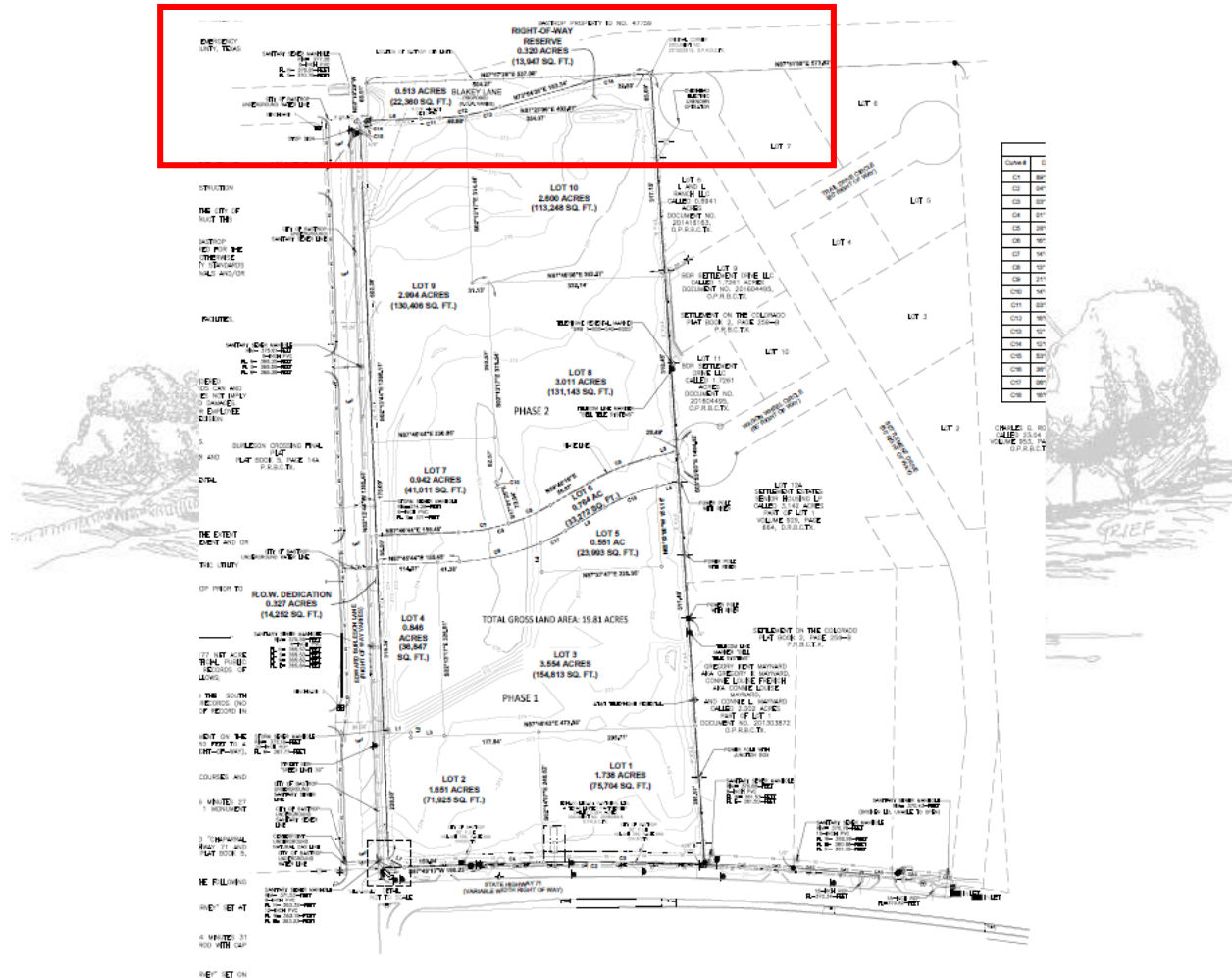
CHANGES TO PRIOR APPROVED ZONING CONCEPT SCHEME:

There are two major amendments to the originally approved plan.

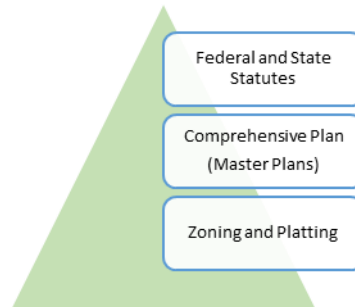
The first is the change of Wagon Wheel to a private street. It will function as a public street, have sidewalks, landscaping, and lighting; however, it will be maintained by the developer. The City attorney will craft that agreement as part of the PDD.



The second change occurs to the north of the property along Blakeley Lane. The property had right of way dedication along the back portion of the property. However, this configuration would require that the daycare property and other property be demolished as a result of the street build. Instead, we have reconfigured the ROW dedication to allow the transition into the neighboring property. The prior configuration is kept for a short duration in a "street reserve" meaning if, by some possibility, the street can cut through the neighboring property as previously designed, the city will be able to do that. If not, after a period of three years, the property owner has the right to seek the property revert back to the owner.



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.

Zoning Change signs were visibly placed in the front of the property 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.

(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 vote means no official recommendation can be forwarded, but this does not impact the City Council's vote requirement to approve or deny the 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.

Representative land uses that are appropriate in General Commercial include General Retail Sales, Food Service, Medical or Health Care Facilities, and Professional Offices which are what is anticipated for Burleson Crossing East.

RECOMMENDATION:

Staff recommends approving the Burleson Crossing East Zoning Concept Scheme, changing the zoning for 19.81 acres out of the Nancy Blakey Survey from P5 Core to a Planned Development District (PDD) with a P5 Core base zoning, as shown in attached Exhibit A, located at the northeast corner of State Highway 71 and Edward Burleson Drive, within the city limits of Bastrop, Texas. The PDD eliminates the original 25 warrants and instead incorporates them into the PDD development agreement. Wagon Wheel will be crafted as a private street within the development, seamlessly connecting Edward Burleson Lane and Settlement Drive. This street, designed to serve as a public thoroughfare, shall be upheld and maintained by the development itself.

ATTACHMENTS:

- Attachment 1: Location Map
- Attachment 2: Zoning Concept Scheme
- Attachment 3: Future Land Use Map
- Attachment 4: Warrant List
- Attachment 5: Draft PDD Agreement
- Attachment 6: PDD Zoning Exhibits

