

## **ORDINANCE 2022-15**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**APPROVED:**

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Connie B. Schroeder, Mayor

**ATTEST:**

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Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

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Alan Bojorquez, City Attorney