



STAFF REPORT

MEETING DATE: July 12, 2022

TITLE:

Consider action to approve Resolution No. R-2022-56 of the City Council of the City of Bastrop, Texas approving the First Amendment to the Development and Annexation Agreement between the City of Bastrop a Home Rule City, and Bastrop Colorado Bend, LLC, a Texas Limited Liability Company for 546.364+/- acres of land out of the A2 Stephen F. Austin, to the West of Lovers Lane, located within the City of Bastrop Extraterritorial Jurisdiction, as attached in Exhibit A; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

AGENDA ITEM SUBMITTED BY:

Jennifer C. Bills, Director of Planning & Development

ITEM DETAILS:

Site Address: West of Lovers Lane (Attachment 1)
Total Acreage: 546.364 +/- acres
Legal Description: 546.364 +/- acres of land out of the Stephen F. Austin Survey, Abstract 2

Property Owner: Bastrop Colorado Bend, LLC
Agent Contact: William McLean/McLean & Howard

Existing Use: Vacant/Undeveloped
Existing Zoning: None. Extra-Territorial Jurisdiction
Adopted Plan: Bastrop Colorado Bend Development Agreement – June 22, 2021
Future Land Use: Rural Residential (FLU amendment requested to Industry)

BACKGROUND/HISTORY:

The Bastrop Colorado Development is a proposed 546-acre development with a mix of land uses and development types that support a primary use as a film studio. The site is within our water and wastewater Certificate of Convenience and Necessity (CCN) areas. The applicant is requesting to connect to the City's water and wastewater lines that end near the edge of the city limits on Lovers Lane.

The City entered into a Development Agreement with Bastrop Colorado Bend LLC on July 4, 2021, which was approved by City Council in Resolution R-2021-57 on June 22, 2021.

The Owner has requested an amendment to the development agreement for the following sections:

Section 3.03 Contemplated Sequence of Events

The amendment includes additional detail on when development applications can be submitted to the City and considered for concurrent review of multiple applications.

Section 3.04 Initial Storage Structure amend Initial Structures

The original agreement allowed for the permitting and construction of two structures on site prior to annexation and any City development process. The amendment would allow an additional 2500-3000 sf house that can utilize an on-site well and on-site sewage facility (septic), and two one-acre back lots (with flatwork). Back lots cannot be used for filming until infrastructure is in place and vertical building permits are approved.

4.03 Approval of Concept Plan

The original agreement requires a Public Frontage Plan that includes a privacy fence made of native stone with landscaping along the perimeter road. With the amendment, the solid fence will not be required until the southern segment (Segment 2) of the road is developed, and, in the meantime, the owner will be allowed to install an eight to ten-foot-tall "game fence" instead.

4.05 Land Uses and Densities

The Informational Land Plan and Land Uses in the original Development Agreement allowed for the development of flex pad and back lots used for filming. The amendment provides additional description for "Temporary Improvements" that will be allowed within the Back lots. The area for the back lots must be included in a Site Development Plan for drainage and fire protection review and include and permanent utilities or structures. This area may include the two one-acre backlots that may be installed prior to City development process starting. The amendment also clarifies the building permitting process for temporary structures that will be used for filming and not permanent occupancy that will not be required to be shown on the Site Development Plan.

The approved Concept Plan from the original Development Agreement includes locations for an RV Park and Campgrounds. With the amendment, the owner will be able to place portable, premanufactured accommodation structures and use OSSF for wastewater and wells for domestic water for short term lodging at the south end of the property. A Site Development Plan and building permits will be required for these structures. The structures/ site must provide adequate fire protection. The any improvements must discontinue the use of OSSF and wells must discontinue and connect to city water and wastewater 10 years from the date of the Development Agreement Amendment approval.

4.12 Public Right of Way

In the original Development Agreement, the owner was to dedicate the right-of-way and build Segments 1 and 2 of the perimeter roadway. Additionally, a traffic impact analysis was to be completed to identify any off-site network improvements. All of the traffic for this site discharges into the intersection at Lovers Lane and State Highway 71. There were no available improvements that the owner could make that would mitigate for the new traffic impact. The addition of another outlet for the traffic was identified as a possible solution. With the amendment, the owner will now be required to dedicate the ROW and build Segment 1, dedicated the ROW and build or provide monetary obligation for Segment 2 at a future date when the southern portion of the tract develops, and add a new connection from Lovers Lane in the unopened ROW for South Street (Attachment 1). This new connection will allow traffic to enter and exit from the intersection at Jackson Street and State Highway 71.

Once this amendment is approved, the applicant has the following application for the first phase of the development for City Council approval:

- Update the Comprehensive Plan
 - Future Land Use map.
 - Master Transportation Plan and Street Grid map.
- Annexation
- Establish Place Type Zoning District

Future applications and agreements

- Negotiate an agreement to provide incentives.
- Annexation, Future Land Use map amendment, Master Transportation Plan Amendment and Zoning for remainder of the 546.364 acres.
- Owner to enter the development process.
 - Preliminary Infrastructure Plan
 - Preliminary Drainage Plan
 - Preliminary Plat – phasing is encouraged
 - Final Drainage Plan
 - Public Improvement Plans
 - Public Improvement Plan Agreement
 - Final Plat(s)
 - Site Development Plan(s)
 - Building Permits

RECOMMENDATION:

Approve Resolution No. R-2022-56 for the First Amendment to the Development and Annexation Agreement between the City of Bastrop and Bastrop Colorado Bend, LLC, a Texas limited liability company, as submitted.

ATTACHMENTS:

- Bastrop Colorado Bend Development Agreement:
<https://www.cityofbastrop.org/page/open/10238/0/RESOLUTION%20NO.%20R-2021-57%20DEVELOPMENT%20AGREEMENT%20BASTROP%20COLORADO%20BEND%20LLC.pdf>
- First Amendment to the Development and Annexation Agreement