

TO: Paul A. Hofmann, City Manager  
From: Jennifer C. Bills, Director of Planning & Development  
Date: June 20, 2022  
Subject: Bastrop Colorado Bend Comprehensive Plan Future Land Use Map Amendment



=====

**ITEM DETAILS:**

Site Address:	West of Lovers Lane (Attachment 1)
Total Acreage:	312.591 acres
Acreage Rezoned	312.591 acres
Legal Description:	312.591 acres out of the Stephen F. Austin Survey, Abstract 2
Property Owner:	Alton Butler, Bastrop Colorado Bend, LLC
Agent Contact:	Matt Synatschk, Carlson, Brigance, and Doering, LLC
Existing Use:	Vacant/Undeveloped
Existing Zoning:	P2 Rural (upon annexation)
Proposed Zoning:	PEC Employment Center (Attachment 4)
Character District:	Pine Village (upon annexation)
Future Land Use:	Rural Residential – Companion Request to Change to Industry (Attachment 5)

**BACKGROUND:**

The applicant has submitted an application for a Zoning Concept Scheme for Bastrop Colorado Bend (Exhibit A). The development is proposed to be Place Type EC – Employment Center zoning with a mix of land uses and development types that support a primary use as a film studio.

Place Type EC – Employment Center is defined in the code as:

“Areas that by their function, deposition, or configuration cannot, or should not, conform to one or more of the Place Types. EC shall be used for job creation centers and Building forms that do not fit within the character of the Place Types.”

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

“The Industry character area supports light industrial, and warehousing and distribution, land uses. Activities within this character area include the assembly, production, and storage of finished products, and may require industrialized buildings of substantial size, as well as areas for outdoor storage. Primary land uses may be expected to generate high volumes of heavy vehicle traffic. The Industry character area may also support some heavy manufacturing activity on a case-by-case basis, but only where performance measures on nuisances (e.g., noise, dust, light, etc.) may be mitigated.

Zoning Concept Schemes usually consider the variety of place type zoning districts in a pedestrian shed. Due to the unique mixed-use development proposed, this requirement was waived within the approved Development Agreement. The land is intended to be used as one large development with a mix of uses that will support a film studio. As shown in the Zoning Concept Scheme ZCS-002, this will include studios, back lots,

recreation areas, short term lodging, open space, and a temporary sound stage. Additionally, most of the area that would be encompassed within the pedestrian sheds is currently in the ETJ and does not have a zoning district to take into consideration.

This ZCS only covers part of the total area that is a part of the Development Agreement. The DA allows for annexation and construction of the development in phases. The north-south perimeter road will be required with the development of the southern portion of the tract.

#### 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 multiple location for detention and also contemplates discharge into the adjacent Colorado River. The maximum impervious cover allowed in Place Type EC is 80%. The applicant will still have to complete a Preliminary Drainage Plan prior to Preliminary Plat and Final Drainage Plans before Final Plats and Site Development Plans. At each stage, the drainage and flood plain will be studied in more detail in relation to the intended development.

#### Traffic Impact Analysis

A traffic impact analysis is being completed as part of the development process and required improvements will be included in the Public Improvement Plans (it is not required for the rezoning). The draft TIA does not call for the developer to construct the bridge but does anticipate improvements at Lovers Lane and SH 71. The future bridge construction will be a capital improvement project led by the City or County. At this point there are no conceptual plans for the bridge other than the general location at the end of the north-south perimeter road and no funding has been identified.

#### Annexation

This ZCS is accompanied by an annexation request for the 312.591 acres. The property will be annexed as P2 Rural. City Council will consider and approve the annexation prior to considering the rezoning from P2 to PEC.

#### Comprehensive Plan Amendments – Future Land Use and Transportation Master Plan

This ZCS is accompanied by amendments to the Future Land Use Map and the Transportation Master Plan. Both of these amendments will be considered by P&Z and City Council prior to recommendation or approval of the ZCS.

#### **PUBLIC COMMENTS:**

A notice was placed in the Bastrop Advertiser on January 8, 2022. Property owner notifications were sent to 61 adjacent property owners on January 14, 2022 (Attachment 3). At the time of this report, three responses to the project has been received, 2 opposed and 1 no objection (Attachment 6).

#### **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 Bastrop Advertiser 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 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.*

*The Planning & Zoning Commission voted to recommendation the amendment by a vote of 3-2. A minimum vote of 5 affirmative votes is required to make a report to city Council, so no recommendation was made.*

#### Compliance with 2036 Comprehensive Plan:

Future Land Use Plan – The Industry character area supports light industrial, and warehousing and distribution, land uses. Activities within this character area include the assembly, production, and storage of finished products, and may require industrialized buildings of substantial size, as well as areas for outdoor storage. Primary land uses may be expected to generate high volumes of heavy vehicle traffic. The Industry character area may also support some heavy manufacturing activity on a case-by-case basis, but only where performance measures on nuisances (e.g., noise, dust, light, etc.) may be mitigated.

- Land uses should be located on and take vehicular access from arterial roads, or from industrial streets which lead directly to arterial streets.
- Substantial landscaping should be placed in required yards to enhance buffering and screening. The maintenance of existing tree cover in required yards should be encouraged to meet landscaping requirements.
- Screen proposed uses related to outdoor storage (including dumpsters), whether as a primary use or a secondary associated use, from all public rights-of-way by a six- to eight-foot-tall opaque wood or masonry fence (depending on the height of the equipment or materials it is screening) and landscaping visible from the right-of-way.

*The proposed PEC and Zoning Concept Scheme will be in compliance with the Future Land Use Plan, once the Future Land Use Plan is amended, and is in compliance with approved Development Agreement.*

*The development will make public improvements along Lovers Lane and the roads on the perimeter of the development, which will provide access across the area and increase landscaped and physical buffering between the development and the surrounding neighborhood.*

#### Compliance with Bastrop Building Block (B<sup>3</sup>) Code:

B<sup>3</sup> 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.

*As this tract is to be developed as one large tract, the emphasis in the Development Agreement has focused on extending existing water and wastewater utilities from the existing limits of the city to this development. Along Lovers Lane, sidewalk, street trees, and streetlights will be provided. For the portions of the Future East-West Road the developer is required for the development of a new Local Connector Street: Rural Street cross-section, with the addition of a public sidewalk, street trees, and streetlights on the north side of the road. This provides additional vehicular and pedestrian access and necessary access for the development.*

- Geographically Sensitive Developments

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

*A part of this development is within the 1% Annual Chance Floodplain (previously 100-year Floodplain). The ZCS lays out the permanent buildings and parking areas to provide minimal disruption to the floodplain and drainage.*

- Perpetuation of Authentic Bastrop

The B<sup>3</sup> 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 style of development is meant to house a specific land use and development with the primary use as a movie studio. As this is a proposed single owner/user, the Development Agreement acknowledges that this a new development pattern for the City. Should this development not occur, the City can revert the site back to the grid network and request revisions to the Place Type Zoning for a new future development.*

#### B<sup>3</sup> 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.

*Upon annexation, the Pine Village Character District will be extended to cover this property. It is the nearest Character District with the most applicable description. The Development Patterns were waived with the Development Agreement, as this project is notably unique in it's development needs.*

#### SEC. 5.2.002 TND STANDARDS

1. Detail the block perimeters, block lengths, pedestrian shed area, place type allocations per B<sup>3</sup> Code 3.2.002b.

*With the PEC Place Type, the ZCS can designate different block pattern for the proposed future development. In this request the applicant will provide sidewalk, street trees and streetlights along Lovers Lane. For the portions of the Future East-West Road the developer is required for the development of a new Local Connector Street: Rural Street cross-section, with the addition of a public sidewalk, street trees, and streetlights on the north side of the road. For the remainder of the development, they have removed the internal blocks, which is in compliance with the approved Development Agreement.*

#### **RECOMMENDATION:**

Consider action to approve the first reading of Ordinance 2022-07 of the City Council of the City of Bastrop, Texas, approving the Bastrop Colorado Bend Zoning Concept Scheme, changing the zoning for 312.591 acres out of the Stephen F. Austin Survey Abstract 2, from P2 Rural to PEC Employment Center and establishing a plan on 312.591 acres, located west of Lovers Lane, within the city limits of the City of Bastrop, as shown in Exhibit A, 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 July 12, 2022 Regular Agenda for the second reading.