



AGENDA
ELGIN CITY COUNCIL
REGULAR MEETING
TUESDAY, APRIL 5, 2022
ELGIN PUBLIC LIBRARY ANNEX COUNCIL CHAMBERS
404 NORTH MAIN STREET
6:30 PM

Members of the public may watch the meeting at:

https://www.youtube.com/channel/UC3OGBV_loV0Nr3AqM1jTzA

I. CALL TO ORDER

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. PUBLIC HEARING

- 1. Public Hearing On An Ordinance Amending The Official Zoning Map Of The City Of Elgin, Texas Adopted In Chapter 46, Section 46-3, Revised Code Of Ordinances, City Of Elgin, Texas, 2013 And Making This Amendment A Part Of Said Official Zoning Map, To Wit: To Rezone Land From "R-1" Single Family District To "PDD" Planned Development District Located On A Parcel Of Land Known By The Travis Co. Appraisal Dist. As Parcel 237109. (36.92 ACRE TRACT OF LAND IN THE WILLIAM HINES SURVEY NO. 53, TRAVIS CO., TX), Being More Described In Exhibit "A"; And Providing For A Savings Clause And Repealing Conflicting Ordinances And Resolutions.**

Documents:

[NEW PUBLIC HEARING COUNCIL COVERSHEET.PDF](#)

- 2. PUBLIC HEARING ON AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ELGIN, TEXAS ADOPTED IN CHAPTER 46, SECTION 46-3, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, 2013 AND MAKING THIS AMENDMENT A PART OF SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE LAND FROM "R-1" SINGLE FAMILY DISTRICT TO "PDD" PLANNED DEVELOPMENT DISTRICT LOCATED ON PARCELS OF LAND KNOWN BY THE BASTROP CO. APPRAISAL DISTRICT AS PARCELS 15312 & PARTS OF 62896, SAID TRACT BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.**

Documents:

3. **Public Hearing On An Ordinance To Modify An Existing Planned Development District (PDD) Ordinance (2021-11-16-39) To Add An Educational Use And Change The Certificate Of Convenience And Necessity (CCN) For Water Service From Aqua Water Supply Corp. To The City Of Elgin Located On A Parcel Of Land Known By The Travis Co. Appraisal District As Parcel 839520, Being More Described In Exhibit "A"; And Providing For A Savings Clause And Repealing Conflicting Ordinances And Resolutions.**

Documents:

VI. PUBLIC COMMENT

Individuals may request to speak on items on the agenda, and items not on the agenda, by requesting to speak during the meeting and under "PUBLIC COMMENT" and will be required to fill out a "PUBLIC COMMENT FORM" and present it, along with any material, handouts or information for Council, to the City Secretary prior to commencement of the Council meeting. Speaker comments are limited to three (3) minutes.

No formal action can be taken by the City Council on items not posted on the agenda. Items requiring a Public Hearing will allow a member of the public an opportunity to speak during the Public Hearing and does not require submission of a "PUBLIC COMMENT FORM." Speakers must address their comments to the Mayor or Presiding Officer rather than to an individual Council Member or member of Staff. All speakers must limit their comments to the specific subject matter noted on the "PUBLIC COMMENT FORM" and refrain from personal attacks or derogatory comments directed at any Council Member, member of Staff, other individual or group.

VII. PRESENTATION

1. PROCLAMATION APRIL AS FAIR HOUSING MONTH

Documents:

VIII. CITY MANAGERS REPORT

1. Certificates Of Obligation 2021A Bond Funding Veterans Memorial Park Expansion, Thomas And Elgin Memorial Project Updates.

Documents:

2. General Activity Report And/Or Project Update

Documents:

IX. CONSENT AGENDA

The Consent Agenda includes non-controversial and routine items that are considered to be self-explanatory by the City Council and will be enacted with one motion, one second, and one vote. Any member of the City Council may pull any item from the Consent

Agenda in order that the City Council discuss and act upon it individually as a part of the Regular Agenda.

1. City Council Regular Meeting Minutes - March 15, 2022

Documents:

[EX SUMMARY- MARCH 15, 2022 REGULAR MEETING MINUTES.PDF](#)
[03-15-22 CITY COUNCIL REGULAR MEETING MINUTES.PDF](#)

X. NEW BUSINESS

- 1. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE THE REAL ESTATE CONTRACT COUNTY LINE ROAD – PARCEL 6 WITH BETTY AND/OR DON LUNDGREN IN SUPPORT OF THE COUNTY LINE ROAD PHASE 1 PROJECT; AND MAKING CERTAIN FINDINGS RELATED THERETO**

Documents:

[EXSUMMARY - PURCH AGR CLRD P6.PDF](#)
[RESCLRD PURCH LUNDGREN P6.PDF](#)
[OWENLETTER322.PDF](#)
[LUNDGREN ACCEPTANCE LETTER.PDF](#)

- 2. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE THE REAL ESTATE CONTRACT COUNTY LINE ROAD – PARCEL 2 WITH MARIA L. GUERRERO IN SUPPORT OF THE COUNTY LINE ROAD PHASE 1 PROJECT; AND MAKING CERTAIN FINDINGS RELATED THERETO**

Documents:

[EXSUMMARY - PURCH AGR CLRD P2.PDF](#)
[RESCLRD PURCH GUERREROP2.PDF](#)

- 3. AN ORDINANCE TO MODIFY AN EXISTING PLANNED DEVELOPMENT DISTRICT (PDD) ORDINANCE (2021-11-16-39) TO ADD AN EDUCATIONAL USE AND CHANGE THE CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) FOR WATER SERVICE FROM AQUA WATER SUPPLY CORP. TO THE CITY OF ELGIN LOCATED ON A PARCEL OF LAND KNOWN BY THE TRAVIS CO. APPRAISAL DISTRICT AS PARCEL 839520, BEING MORE DESCRIBED IN EXHIBIT “A”; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.**

Documents:

[NEW COUNCIL COVERSHEET.PDF](#)
[TOTAL COMBINED PACKET FOR STONE CREEK RANCH PDD MODIFICATION.PDF](#)

- 4. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING AN AMENDMENT TO THE AQUA WSC MASTER AGREEMENT FOR TRANSFER OF THE STONE CREEK RANCH DEVELOPMENT WATER CCN SERVICE AREA FROM AQUA WSC TO THE CITY OF ELGIN AND MAKING CERTAIN FINDINGS RELATED THERETO**

Documents:

[EX SUMMARY - AQUA TRANSFERSTONECRK322.PDF](#)
[RESOAQUASTONECRKTRANS322.PDF](#)

[EXHIBIT B-6 \(STONE CREEK RANCH\).PDF](#)
[ATTACHMENT A-6 \(STONE CREEK RANCH\).PDF](#)

5. **AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ELGIN, TEXAS ADOPTED IN CHAPTER 46, SECTION 46-3, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, 2013 AND MAKING THIS AMENDMENT A PART OF SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE LAND FROM “R-1” SINGLE FAMILY DISTRICT TO “PDD” PLANNED DEVELOPMENT DISTRICT LOCATED ON A PARCEL OF LAND KNOWN BY THE TRAVIS CO. APPRAISAL DIST. AS PARCEL 237109. (36.92 ACRE TRACT OF LAND IN THE WILLIAM HINES SURVEY NO. 53, TRAVIS CO., TX), BEING MORE DESCRIBED IN EXHIBIT “A”; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.**

Documents:

[NEW COUNCIL COVERSHEET.PDF](#)
[TOTAL COMBINED PACKET FOR POTH TRACT PDD REZONING.PDF](#)

6. **AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ELGIN, TEXAS ADOPTED IN CHAPTER 46, SECTION 46-3, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, 2013 AND MAKING THIS AMENDMENT A PART OF SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE LAND FROM “R-1” SINGLE FAMILY DISTRICT TO “PDD” PLANNED DEVELOPMENT DISTRICT LOCATED ON PARCELS OF LAND KNOWN BY THE BASTROP CO. APPRAISAL DISTRICT AS PARCELS 15312 & PARTS OF 62896 SAID TRACT BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT “A”; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.**

Documents:

[NEW COUNCIL COVERSHEET.PDF](#)
[LARSON TRACT PDD REZONING COMBINED PACKET.PDF](#)

7. **A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING AN AMENDMENT TO THE AQUA WSC MASTER AGREEMENT FOR TRANSFER OF THE LARSON TRACT DEVELOPMENT WATER CCN SERVICE AREA FROM AQUA WSC TO THE CITY OF ELGIN AND MAKING CERTAIN FINDINGS RELATED THERETO**

Documents:

[EX SUMMARY - AQUA TRANSFERLARSON322.PDF](#)
[RESOAQUALARSONTRANS322.PDF](#)
[EXHIBIT B-4 \(LARSON TRACT\).PDF](#)
[ATTACHMENT A-4 \(LARSON TRACT\).PDF](#)

XI. EXECUTIVE SESSION

The City Council may announce that it will adjourn the public meeting at any time during the meeting and convene in Executive Session pursuant to Chapter 551 of the Texas Government Code to discuss any matter as specifically listed on the agenda and/or as permitted by Chapter 551 of the Texas Government Code.

XII. RECONVENE

The City Council will return to open session for possible discussion and action as a result of the Executive Session

XIII. ANNOUNCEMENTS

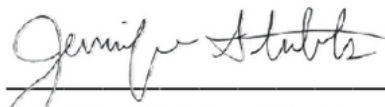
XIV. ADJOURMENT

The City Council may retire to executive session any time between the meeting's opening and adjournment for the purpose of consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code; deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code; deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code; and/or deliberation regarding the deployment, or specific occasions for implementation of security personnel or devices pursuant to Chapter 551.076 of the Texas Government Code. Action, if any, will be taken in open session.

Attendance By Other Elected or Appointed Officials: It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

Notice of Assistance at Public Meetings, the City of Elgin is committed to compliance with the Americans with Disabilities Act. Elgin City Hall and Council Chambers are wheelchair accessible and special marked parking is available. Persons with Disabilities who plan to attend this meeting and who may need assistance are requested to contact the City Secretary's Office at (512)229-3222. Please provide forty-eight hours notice when feasible.

I, Jennifer Stubbs, City Secretary for the City of Elgin, hereby certify this notice was posted at the City Hall Annex of the City of Elgin, Texas on or before Friday, April 1, 2022, in accordance with Chapter 551 of the Texas Government Code.



Jennifer Stubbs, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Public hearing on an Ordinance amending the Official Zoning Map of the City of Elgin, Texas adopted in Chapter 46, Section 46-3, Revised Code of Ordinances, City of Elgin, Texas, 2013 and making this amendment a part of said official zoning map, to wit: To rezone land from “R-1” Single Family District to “PDD” Planned Development District located on a parcel of land known by the Travis Co. Appraisal Dist. as Parcel 237109. (36.92 ACRE TRACT OF LAND IN THE WILLIAM HINES SURVEY NO. 53, TRAVIS CO., TX), being more described in Exhibit “A”; and providing for a savings clause and repealing conflicting ordinances and resolutions.

DEPARTMENT: Development Services.

PROPOSED ACTION: No Council action proposed or requested at this time; this item is to allow for public comments on the proposed ordinance in accordance with State law (Poth Tract Rezoning from R-1 to PDD).

BACKGROUND: The Planning & Zoning Commission held a workshop on February 28, 2022. At that meeting the Commission provided input on the request.

BUDGET/FINANCIAL IMPACT:

Funding for this item was {} included {} not included in the current-year budget {X} N/A

Finance Approval:

Signature: _____ Date: _____

RECOMMENDATION: None.

ATTACHMENTS: None.

- ☐ Staff will be making a detailed presentation on this agenda item at the meeting.
- ☒ Staff will provide brief comments and answer questions on this item at the meeting.
- ☐ This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Public hearing on an Ordinance amending the Official Zoning Map of the City of Elgin, Texas adopted in Chapter 46, Section 46-3, Revised Code of Ordinances, City of Elgin, Texas, 2013 and making this amendment a part of said official zoning map, to wit: To rezone land from “R-1” Single Family District to “PDD” Planned Development District located on parcels of land known by the Bastrop Co. Appraisal District as Parcels 15312 & parts of 62896, located between FM 1100 & SH 95 (BEING A 188.70 ACRE TRACT OUT OF THE THOMAS CHRISTIAN SURVEY, BLK 26, ABSTRACT # 20, BASTROP CO., TX, SAID TRACT BEING ALL OF THE REMAINDER OF A CALLED 103 ACRE TRACT, AND ALL OF A CALLED 99.96 ACRE TRACT, CONVEYED TO NORMAL JEANNE LARSON, ET AL, IN DOCUMENT # 201401408 OF THE OFFICIAL PUBLIC RECORDS OF BASTROP CO., TX, SAID 103 ACRE REMAINDER TRACT BEING DESCRIBED IN DEED TO ALFRED CARLSON IN VOL 62, PG 240, AND SAID 99.96 ACRE TRACT, BEING DESCRIBED TO ALFRED CARLSON, IN VOL 74, PG 410, BOTH OF THE DEED RECORDS OF BASTROP CO., TX; BEING A 8.152 ACRE TRACT OUT OF THE THOMAS CHRISTIAN SURVEY, BLK 26, ABSTRACT # 20, BASTROP CO., TX, SAID TRACT BEING A PART OF A CALLED 66.936 ACRE TRACT, CONVEYED TO AMY MOGONYE DARSEY, A.K.A. AMY LEE DARSEY, AND PAUL DOUGLAS MOGONYE, AS CO-TRUSTEES OF THE JIM MOGOHYE BYPASS TRUST, IN DOCUMENT # 201510215 OF THE OFFICIAL PUBLIC RECORDS OF BASTROP CO., TX) SAID TRACT BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT “A”; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

DEPARTMENT: Development Services.

PROPOSED ACTION: No Council action proposed or requested at this time; this item is to allow for public comments on the proposed ordinance in accordance with State law (Larson Tract Rezoning from R-1 to PDD).

BACKGROUND: The Planning & Zoning Commission held a workshop on February 28, 2022. At that meeting the Commission provided input on the request.

BUDGET/FINANCIAL IMPACT:

Funding for this item was {} included {} not included in the current-year budget {X} N/A

Finance Approval:

Signature: _____ **Date:** _____

RECOMMENDATION: None.

ATTACHMENTS: None.

- {}** Staff will be making a detailed presentation on this agenda item at the meeting.
- {X}** Staff will provide brief comments and answer questions on this item at the meeting.
- {}** This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Public hearing on an Ordinance to modify an existing Planned Development District (PDD) Ordinance (2021-11-16-39) to add an Educational Use and change the Certificate of Convenience and Necessity (CCN) for water service from Aqua Water Supply Corp. to the City of Elgin located on a parcel of land known by the Travis Co. Appraisal District as Parcel 839520, located on the northside of FM 1100, west of County Line Rd. (BEING 68.992 ACRES OF LAND LYING IN AND BEING SITUATED OUT OF THE HENRY MARTIN SURVEY, ABSTRACT 518 IN TRAVIS CO., TX AND BEING THE REMAINDER OF THAT CERTAIN 93.75 ACRE TRACT OF LAND CONVEYED TO NORRIS E. KREIG BY DEED RECORDED IN VOL. 4211, PG 1291 DEED RECORDS, TRAVIS CO., TX; SAID 68.992 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND AS SURVEYED UNDER THE SUPERVISION OF JAMES E. GARON & ASSOCIATES IN MAY, 2019) being more described in Exhibit "A"; and providing for a savings clause and repealing conflicting ordinances and resolutions.

DEPARTMENT: Development Services.

PROPOSED ACTION: No Council action proposed or requested at this time; this item is to allow for public comments on the proposed modification in accordance with State law (Stone Creek Ranch PDD Ordinance Modification).

BACKGROUND: The Planning & Zoning Commission held a workshop on March 28, 2022. At that meeting the Commission provided input on the request.

BUDGET/FINANCIAL IMPACT:

Funding for this item was ☐ included ☐ not included in the current-year budget ☒ N/A

Finance Approval:

Signature: _____ **Date:** _____

RECOMMENDATION: None.

ATTACHMENTS: None.

☐ Staff will be making a detailed presentation on this agenda item at the meeting.

☒ Staff will provide brief comments and answer questions on this item at the meeting.

☐ This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: PROCLAMATION OF APRIL AS FAIR HOUSING MONTH

DEPARTMENT: Executive/Grants

PROPOSED ACTION: Discuss, Approve, and Adopt, April 2022 as Fair Housing Month.

BACKGROUND: The City of Elgin has 6 Federal/State working grants and is in application submission phase for another 2 grants. This proclamation will help to fulfill Fair Housing activity obligations as required by these grants.

Title VIII of the Civil Rights Act of 1968, as amended, prohibits discrimination in housing and declares it a national policy to provide, within constitutional limits, for fair housing in the United States. April is designated as National Fair Housing Month. National Fair Housing Month celebrates the **passage of the Fair Housing Act**.

BUDGET/FINANCIAL IMPACT:

Funding for this item was ☐ included ☐ not included in the current-year budget ☒ N/A

Finance Approval:

Signature: _____ **Date:** _____

RECOMMENDATION:

ATTACHMENTS:

☐ Staff will be making a detailed presentation on this agenda item at the meeting.

☐ Staff will provide brief comments and answer questions on this item at the meeting.

☒ This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

**PROCLAMATION
APRIL AS FAIR HOUSING MONTH**

WHEREAS, Title VIII of the Civil Rights Act of 1968, as amended, prohibits discrimination in housing and declares it a national policy to provide, within constitutional limits, for fair housing in the United States; and,

WHEREAS, the principle of Fair Housing is not only national law and national policy, but a fundamental human concept and entitlement for all Americans; and,

WHEREAS, The National Fair Housing Law, during the month of April, provides an opportunity for all Americans to recognize that complete success in the goal of equal housing opportunity can only be accomplished with the help and cooperation of all Americans.

NOW, THEREFORE, WE, the City Council of the City of Elgin, Texas do proclaim **April as Fair Housing Month in the City of Elgin** and do hereby urge all the citizens of this locality to become aware of and support the Fair Housing law.

Passed and adopted by the City Council of the City of Elgin, Bastrop County, State of Texas, on APRIL 5, 2022.

APPROVED:

RON M. RAMIREZ, MAYOR
City of Elgin, Texas

ATTEST:

JENNIFER STUBBS, CITY SECRETARY
City of Elgin, Texas



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Certificates of Obligation 2021A Bond funding Veterans Memorial Park Expansion, Thomas and Elgin Memorial project updates.

DEPARTMENT: Community Services

PROPOSED ACTION: Approve site plan for Veterans Memorial Park.

BACKGROUND: The Certificates of Obligation 2021A bond issue included funding for Thomas Memorial Park, Elgin Memorial Park and Veterans Memorial Park. The projects are based on the Parks Recreation and Open Space Master Plan and the Five Year Capital Improvement Projects Plan.

Thomas Park Entrance Addition:

Aligning with the goals identified in the Parks, Recreation and Open Space Master Plan, the flag lot adjacent to Thomas Memorial Park will create a new entrance and parking lot to Thomas Memorial Park on Madison Street. The new entrance creates easier access from local BTW Elementary School and captures additional attractive land for Thomas Park. Thomas Park currently has a 9-hole disc golf course, 1 playground, decomposed granite walking trail, 2 soccer fields, 1 baseball field, 1 basketball court, 2 pavilions, 1 concession stand, grills, picnic tables, and restrooms.

Elgin Memorial Park Restrooms:

The Parks, Recreation and Open Space Master Plan City recommended removing the restrooms in Elgin Memorial park due to their age and poor condition. The existing 30 year old restroom facilities in the park have been demolished and port-able toilets are in place. New restroom facilities will provide accessible and family restrooms, drinking fountains and more. In 2020 the City of Elgin implemented a new playscape area with bonded rubber mulch surfacing with a 2019 St. David's Grant in Elgin Memorial Park.

Veterans Memorial Park Expansion

Parks & Recreation Advisory Board, Historic Review Board, and Main Street Board worked with McCann Adams Studio and staff to develop a site plan for the expansion of Veterans Memorial Park. To develop a specific plan for the park land that reflects the needs of the community and the priorities of the master plan. This plan for the park creates a space that is inclusive, provides access to the whole community and supports mental health. It provides elements that are both flexible - the plaza with interactive water feature and outdoor classroom and specific - the skate parks area. The 2021A Certificates of Obligation funds will support phase 1 which includes fencing along the railroad right of way, bonded rubber mulch surfacing, trees, and a train themed playscape. T-Mobile grant funding supports development of an outdoor classroom with WiFi. The City is applying for a Bastrop County grant and grants with other partners to fund the splash pad, pavilion and stage, dog parks, skate park, and other elements in the overall site plan. The restrooms for the park are located at CARTS in the new transit stop at Avenue C and Central Avenue. New sidewalks will be built along the perimeter of the project starting in April with funding from Texas Capital Fund DRP Main Street program.

Resources:

The city council approved the sustainable places plan in 2012 which included acquiring the property from Union Pacific along the railroad tracks from Main Street to Avenue A along Depot Street and Central Avenue. The city purchased the property for park expansion. The expansion and development

of the park is also part of the Elgin Parks Recreation and Open Space master plan which was approved by city council June 2021.

Sustainable places plan: <https://www.elgintx.com/DocumentCenter/View/248/Sustainable-Places-Final-Report>

Master parks plan: <https://www.elgintx.com/Admin/DocumentCenter/Document/View/6684/Parks-Recreation-and-Open-Space-Master-Plan-2021-2031-Final>

Do business downtown: <https://www.elgintx.com/208/Do-Business-Downtown>

BUDGET/FINANCIAL IMPACT:

Funding for this item was {X} included {} not included in the current-year budget { } N/A

RECOMMENDATION: Approval

ATTACHMENTS: Request

{ } Staff will be making a detailed presentation on this agenda item at the meeting.

{ } Staff will provide brief comments and answer questions on this item at the meeting.

{ X} This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: General Activity Report and/or Project Update

DEPARTMENT: City Manager/Staff

PROPOSED ACTION:

No Council action proposed or requested; This item is to allow for general update and/or activities report relating to various on-going city projects or issues.

BACKGROUND:

This item is to provide opportunities for miscellaneous updates and comments by the staff; and general Q&A with the City Council relative to on-going projects and/or issues.

BUDGET/FINANCIAL IMPACT:

Funding for this item was { } included { } not included in the current-year budget {X}
N/A

RECOMMENDATION:

N/A

ATTACHMENTS:

None.

{ } Staff will be making a detailed presentation on this agenda item at the meeting.

{X} Staff will provide brief comments and answer questions on this item at the meeting.

{ } This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: City Council Regular Meeting Minutes - March 15, 2022

DEPARTMENT: Administration

PROPOSED ACTION: Approval of the City Council Meeting Minutes- March 15, 2022

BACKGROUND: N/A

BUDGET/FINANCIAL IMPACT:

Funding for this item was ☐ included ☐ not included in the current-year budget ☒ N/A

Finance Approval:

Signature: _____ Date: _____

RECOMMENDATION: Approval of the City Council Meeting Minutes- March 15, 2022

ATTACHMENTS: Minutes

☐ Staff will be making a detailed presentation on this agenda item at the meeting.

☐ Staff will provide brief comments and answer questions on this item at the meeting.

☒ This is a routine procedural item and no presentation is planned for the meeting.

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MINUTES
ELGIN CITY COUNCIL REGULAR MEETING
ELGIN PUBLIC LIBRARY ANNEX CITY COUNCIL CHAMBERS
404 NORTH MAIN STREET
March 15, 2022

CALL TO ORDER

Mayor Ramirez called the meeting to order at 6:31 p.m.

ROLL CALL

Present: Ron Ramirez, Mayor
Arthur Gibson III, Council Member
Jessica Bega, Council Member
Matthew Callahan, Council Member
Sue Brashar, Mayor Pro Tem
Forest Dennis, Council Member

Absent: Skyler Maldonado, Council Member
Susie Arreaga, Council Member
Thomas Ibis, Council Member

Mayor Ramirez stated that Councilmember Arreaga and Councilmember Ibis are traveling. Councilmember Maldonado is stuck at work. Mayor Pro Tem Brashar made a motion to excuse the absences. Mr. Callahan seconded the motion. All voted in favor. The motion carried. Mayor Ramirez stated there was a quorum.

Staff: Thomas L. Mattis, City Manager
Mysty Nauck, Acting Chief Financial Officer
Pamela Sanders, HR Director
Amy Miller, Community Development Director
Jennifer Stubbs, City Secretary
Michael Gonzalez, Public Works Director
David Harrell, Dev. Services Director
Chris Noble, Chief of Police
Beau Perry, City Engineer
Owen Rock, ED Director

INVOCATION

Mayor Ramirez provided the invocation.

PLEDGE OF ALLEGIANCE

Mayor Ramirez led those in attendance in reciting the Pledge of Allegiance to the Flag of the United States of America and Pledge of Allegiance to the Texas Flag.

PUBLIC HEARING

1. Public Hearing On An Ordinance Adding Chapter 48, Site Development, Revised Code Of Ordinances, City Of Elgin, Texas 2013 Repealing All Other Ordinances And Parts Of Ordinances In Conflict Therewith; And Providing For A Savings Clause.

No one wished to speak under the Public Hearing Item. Mr. Mattis stated this is a routine update for development code changes according to State Law.

PUBLIC COMMENT

There was no one who wished to speak under the public comment item.

CITY MANAGERS REPORT

1. Elgin Sesquicentennial Update

Ms. Debbie Cartwright, Co-Chair of the 150th Committee, provided a brief report and update on all the projects the committee is working on. She stated the committee has divided up into smaller groups to focus on different projects. She stated that an Art Walk is upcoming on Saturday, May 21st in downtown Elgin. The Founder's Day events will be on August 20th, the Lighted Christmas Parade & Time Capsule on Saturday, December 3rd, and a New Year's Eve Celebration on Saturday, December 31st.

2. 2021 Racial Profiling Report

Mr. Mattis stated this is an Annual Report required every year. This Report has been completed and submitted as required and is available on the record for the public. Chief Noble answered questions of the Council.

3. Discussion And Possible Direction To Staff Regarding Potential Neighborhood Traffic And Safety Upgrades At Certain Locations Throughout The City

Mr. Mattis stated the city had made temporary improvements on locations for about a year and he stated this item was to determine if these would be permanent solutions. The recommendation for South Avenue A at Loop 109 Intersection is to remove the temporary barriers and to straighten out the roadway to create a "T" intersection, and stripe traffic lanes, with the coordination from TxDOT. The recommendation at Hillside Dr. at Old McDade Rd. is to remove the temporary barriers and keep new signage in place, the No Left Turn sign to be removed, and move up the eastbound Old McDade stop sign at E. Brenham. The recommendation at Ramirez Rd./South Ave. C/Main Street is to remove the temporary barriers, eliminate the current

prohibition of no-thru traffic on S. Ave. C, reduce and define cul-de-sac area, create a conventional two-way traffic through striping, and consider closing Ramirez Rd. at S. Ave C. Discussion followed. Mr. Dennis made a motion to proceed with South Ave A and Hillside. Mr. Gibson seconded the motion. All voted in favor. The motion carried.

4. January – February Report For Planning & Zoning Commission.

Mr. Mattis stated this is a quarterly report from the Planning & Zoning Commission. There were no questions.

5. Monthly Reports By Department

Mayor Ramirez stated this report looks very similar to the last report. There was no discussion on the item.

6. General Activity Report And/Or Project Update

There was no discussion on this item.

CONSENT AGENDA

1. City Council Regular Meeting Minutes – March 1, 2022

The item passed on the Consent Agenda.

2. A RESOLUTION BY THE CITY OF ELGIN, TEXAS SUSPENDING THE MAY 2, 2022 EFFECTIVE DATE OF THE PROPOSAL BY CENTERPOINT ENERGY RESOURCES CORP., D/B/A CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS -SOUTH TEXAS DIVISION TO IMPLEMENT INTERIM GRIP RATE ADJUSTMENTS FOR GAS UTILITY INVESTMENT IN 2020 AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

The resolution passed on the Consent Agenda.

Mayor Pro Tem Brashar made a motion to approve the Consent Agenda as presented. Ms. Bega seconded the motion. All voted in favor. The motion carried.

NEW BUSINESS

1. A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING AN AMENDMENT TO THE AQUA WSC MASTER AGREEMENT FOR TRANSFER OF THE CREEK'S CROSSING DEVELOPMENT WATER CCN SERVICE AREA FROM AQUA WSC TO THE CITY OF ELGIN AND MAKING CERTAIN FINDINGS RELATED THERETO

Mr. Mattis stated this is a project the Council recently approved with Aqua Water through a mutual partnership to acquire water within the city. Mr. Mattis stated this will create better consistency between City's Water and Wastewater CCN and will help the city have a more active role in commercial development. Mr. Mattis stated that the transfer fee is \$3,900 and the action item tonight is to approve the acquisition of Aqua Water. He stated the next item is to amend the Creek's Crossing Development Agreement to require the developer to pay the city for the costs. Discussion followed.

Mayor Pro Tem Brashar made a motion to approve the Resolution as presented and discussed. Mr. Dennis seconded the motion. All voted in favor. The motion carried.

2. A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO THE AGREEMENT AND DEVELOPMENT PLAN WITH CREEK CROSSING LAND PARTNERS LLC AND MAKING CERTAIN FINDINGS RELATED THERETO

Mr. Mattis stated this agreement is adding a new paragraph stating that the developer will pay \$3,900 per acre. Total costs will not exceed \$265,320.90 for the entirety of the development. Ms. Bega made a motion to approve the Resolution as presented. Mr. Gibson seconded the motion. All voted in favor. The motion carried.

3. AN ORDINANCE ANNEXING ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF ELGIN, TEXAS, TO WIT: 6.990 ACRES OF LAND, LYING IN AND BEING SITUATED OUT OF THE THOMAS GARRETSON SURVEY, ABSTRACT 178 IN BASTROP COUNTY TEXAS AND BEING FULLY DESCRIBED IN EXHIBIT "A", INCLUDING ADJACENT RIGHT-OF-WAY AND RAILROAD RIGHT-OF-WAY, ATTACHED HERETO; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

Mr. Mattis stated this is a routine annexation property that was involved with the annexed area Council dealt with a few years ago. Mr. Mattis answered questions of the Council. Ms. Bega made a motion to approve the Resolution as presented and discussed. Mr. Dennis seconded the motion. All voted in favor. The motion carried.

4. AN ORDINANCE ASSIGNING NEWLY ANNEXED PROPERTY TO CITY COUNCIL WARD AREA NO. 1; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

Mr. Mattis stated this is assigning the property just previously annexed to Ward 1. Mayor Pro Tem Brashar made a motion to approve the Ordinance as presented. Mr. Gibson seconded the motion. All voted in favor. The motion carried.

5. AN ORDINANCE VACATING, ABANDONING, AND CLOSING A PORTION OF A STREET AND/OR ALLEY IN THE BLOCK 37 SUBDIVISION, WITHIN

THE CITY OF ELGIN, TEXAS, PURSUANT TO SECTION 311.007, TEXAS
TRANSPORTATION CODE, V.A.T.S., PROVIDING FOR A SAVINGS CLAUSE
AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS

Mr. Mattis stated these next few items are for the County Line Road Project. He stated that funding is in place and the design and engineering are 90% complete. Mr. Mattis stated this means that the project is ready to bid. Mr. Mattis stated there are 6 parcels of land needed to move forward with the project. He stated that 4 of the parcels have reached agreements. 2 parcels have not and are requesting to move forward with Eminent Domain. Mr. Mattis stated that staff have reached out to all the property owners. Mr. Mattis stated that Parcel 1 is needed from the School District and the city has had regular meetings. Mr. Mattis stated there is an alley that exists and is needed to be closed and vacated. Discussion followed. Mayor Pro Tem Brashar made a motion to approve the Ordinance as presented. Ms. Bega seconded the motion. All voted in favor. The motion carried.

6. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE THE REAL ESTATE CONTRACT COUNTY LINE ROAD – PARCEL 3 WITH ERASMO AND ORALIA BENITEZ IN SUPPORT OF THE COUNTY LINE ROAD PHASE 1 PROJECT; AND MAKING CERTAIN FINDINGS RELATED THERETO

Mr. Mattis stated this is Parcel 3 and is divided into two separate lots. Ms. Benitez agreed to the \$25,000. Mr. Callahan made a motion to approve the Resolution as presented. Mayor Pro Tem Brashar seconded the motion. All voted in favor. The motion carried.

7. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE THE REAL ESTATE CONTRACT COUNTY LINE ROAD – PARCEL 4 WITH ISMAEL GONZALEZ IN SUPPORT OF THE COUNTY LINE ROAD PHASE 1 PROJECT; AND MAKING CERTAIN FINDINGS RELATED THERETO

Mr. Mattis stated this is a tract next to Ms. Benitez and \$25,000 is the agreed upon price. Mr. Dennis made a motion to approve the Resolution as presented. Ms. Bega seconded the motion. All voted in favor. The motion carried.

8. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE THE REAL ESTATE CONTRACT COUNTY LINE ROAD – PARCEL 5 WITH FAUSTO C. MARTINEZ AND MARIA SAUCEDO IN SUPPORT OF THE COUNTY LINE ROAD PHASE 1 PROJECT; AND MAKING CERTAIN FINDINGS RELATED THERETO

Mr. Mattis stated this tract is going north on County Line Road and the agreed upon price is \$30,000. Ms. Bega made a motion to approve the Resolution as presented. Mr. Gibson seconded the motion. All voted in favor. The motion carried.

9. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS DETERMINING A PUBLIC NEED AND NECESSITY FOR THE ACQUISITION

OF CERTAIN PROPERTY AND AUTHORIZING THE CITY'S ATTORNEY TO
FILE PROCEEDINGS IN EMINENT DOMAIN TO ACQUIRE SAID PROPERTY
INTERESTS (PARCEL 2 – GUERRERO)

Mr. Mattis stated this is the first tract next to Peppergrass. Mr. Mattis stated that Ms. Guerrero has not responded to the proposed price of \$21,000 which is the appraised value. Mr. Mattis stated this is delaying the project and the city wants to avoid going to Court. Mayor Ramirez stated that the city is not trying to take away someone's house or barn, just trying to acquire a 25 ft strip of land. Mayor Ramirez stated that without the land, we cannot continue with this project. Mayor Ramirez stated that the city hopes to come to an agreement before having to go to Court. Discussion followed. Mayor Pro Tem Brashar made a motion to approve the Resolution as presented. Ms. Bega seconded the motion. The vote was: Mayor Pro Tem Brashar- yes, Mayor Ramirez- yes, Ms. Bega-yes, Mr. Gibson-yes, Mr. Callahan-no, and Mr. Dennis-yes. The motion carried.

10. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS
DETERMINING A PUBLIC NEED AND NECESSITY FOR THE ACQUISITION
OF CERTAIN PROPERTY AND AUTHORIZING THE CITY'S ATTORNEY TO
FILE PROCEEDINGS IN EMINENT DOMAIN TO ACQUIRE SAID PROPERTY
INTERESTS (PARCEL 6 – LUNDGREN)

Grant Hennig, 1116 Robin Road, stated that he is shocked by the vote that just happened. Mr. Hennig stated that Ms. Lundgren is 91 years old and has lived in Elgin for a long time. Mr. Hennig stated Ms. Lundgren makes money off this land and asked the Council to not take her land.

Mr. Mattis stated this is the largest tract. Mr. Mattis stated the city and Ms. Lundgren's attorney are going back and forth on the price and he does not think the city will go to Court. Mayor Ramirez stated this is about the price of the land. Discussion followed. Ms. Bega made a motion to approve the Resolution as presented. Mayor Pro Tem Brashar seconded the motion. The vote was: Ms. Bega-yes, Mr. Gibson-yes, Mr. Callahan-no, Mr. Dennis-yes, Mayor Pro Tem Brashar-yes, and Mayor Ramirez- yes. The motion carried.

11. A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A
CONTRACT BETWEEN THE CITY OF ELGIN, TEXAS (CITY) AND SARAH
"MAIN STREET" O'BRIEN FOR SESQUICENTENNIAL PROJECT
MANAGEMENT SUPPORT.

Mr. Mattis stated the 150th committee has interviewed candidates and they are ready to execute an agreement. Mr. Dennis stated they asked for an RFQ for a consultant, and this was originally approved in the budget. Mr. Dennis stated there were several applicants Mr. Dennis stated they found an excellent candidate who has experience in exactly what the City of Elgin is doing. Discussion followed. Ms. Bega made a motion to approve the Resolution. Mayor Pro Tem Brashar seconded the motion. All voted in favor. The motion carried.

12. AN ORDINANCE ADDING CHAPTER 48 SITE DEVELOPMENT, REVISED
CODE OF ORDINANCES, CITY OF ELGIN, TEXAS 2013 REPEALING ALL

OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR A SAVINGS CLAUSE.

Mr. Mattis stated this is a routine item that will get the code up to date. Mr. Mattis stated this will not affect any current or past projects. Mayor Pro Tem Brashar made a motion to approve the Ordinance. Mr. Gibson seconded the motion. All voted in favor. The motion carried.

13. AN ORDINANCE AMENDING CHAPTER 26, CODE OF ORDINANCES (2013 EDITION), CITY OF ELGIN, TEXAS, REGARDING MUNICIPAL COURT FEES, FUNDS AND COURT COSTS; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

Mr. Mattis stated this item is mandated by the Legislature. He stated this is bringing practices in compliance with State Law. Mr. Callahan made a motion to approve the Ordinance. Ms. Bega seconded the motion. All voted in favor. The motion carried.

14. Discussion And Consideration Of Establishing A Tax Ceiling Freeze In The FY22-23 Annual Budget For City Property Taxpayers Over The Age Of 65 And Direction To Staff As Appropriate – Councilmember Brashar

Grant Hennig, 1116 Robin Road, stated this is a great idea and asked for the Council to consider this in the next budget cycle.

Stephanie Lippke, 1112 N. Main, stated that she is glad that this is being addressed tonight. Ms. Lippke stated there is plenty of money left over for infrastructure from development fees. Ms. Lippke stated the city needs to double or triple the exemption.

Mr. Mattis stated the Council has considered this request previously. Mr. Mattis stated that the city has a responsibility to check the finances on the impact of this tax freeze. Mayor Pro Tem Brashar stated that she requests to have staff come back to see if this can be added to the budget. Discussion followed. Ms. Bega made a motion to approve giving staff options on the tax freeze. Mayor Pro Tem Brashar seconded the motion. All voted in favor. The motion carried.

15. Discussion Regarding Minimum Lot Size For New Single-Family Homes And Direction To Staff As Appropriate – Councilmember Brashar

Stephanie Lippke, 1112 N. Main, stated that she is glad the Council is discussing this. She stated we need to discuss PDD's which are affecting the lot sizes. Ms. Lippke stated we need more Council oversight.

Mr. Mattis this is an item Mayor Pro Tem Brashar brought forward. Mr. Mattis stated this discussion has come up over the last few months. Mayor Pro Tem Brashar stated that now is the time for staff to come back with new proposed lot sizes. Mayor Pro Tem Brashar stated we are good with starter homes in Elgin. Discussion followed. Mr. Mattis stated that he recommends reviewing this with the city's legal counsel. There was no action taken.

EXECUTIVE SESSION

The City Council may announce that it will adjourn the public meeting at any time during the meeting and convene in Executive Session pursuant to Chapter 551 of the Texas Government Code to discuss any matter as specifically listed on the agenda and/or as permitted by Chapter 551 of the Texas Government Code.

Mayor Ramirez stated the Council would not be retiring into Executive Session.

ANNOUNCEMENTS

Ms. Bega stated we are moving into a critical time and that she has been observing some of the Council candidates in the audience who have been making comments during the meeting. Ms. Bega asked for the council candidates to act as you belong here.

ADJOURNMENT

Mayor Ramirez adjourned the meeting at 8:39 p.m.

Ron M. Ramirez, Mayor

ATTEST:

Jennifer Stubbs, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE THE REAL ESTATE CONTRACT COUNTY LINE ROAD – PARCEL 6 WITH BETTY AND/OR DON LUNDGREN IN SUPPORT OF THE COUNTY LINE ROAD PHASE 1 PROJECT; AND MAKING CERTAIN FINDINGS RELATED THERETO

DEPARTMENT: City Manager

PROPOSED ACTION: Consideration of a Resolution approving a real estate purchase agreement for acquisition of certain property interests required to complete the construction and maintenance the County Line Road (CLRd) Phase 1 Project.

BACKGROUND:

As part of the 2021A Certificates of Obligation Program, the City issued \$12.5M in debt late last year to provide funding for a wide range of capital improvement projects – including the CLRd Phase 1 Project.

All planning for the project has been completed, and the City is now poised to bid the project and immediately proceed with construction thereafter.

The attached information provides details regarding the acquisition of 0.5245 acres owned by Betty and/or Don Lundgren (Parcel 6) required to complete the road-widening project as planned – and the City has reached a tentative agreement with the owners on fair compensation for same.

BUDGET/FINANCIAL IMPACT:

Funding for this item was { } included {X} not included in the current-year budget { } N/A

RECOMMENDATION:

Approve a Resolution authorizing the Mayor to execute a real estate purchase agreement to acquire 0.5245 acres owned by Betty and/or Don Lundgren as required to complete the construction and maintenance the CLRd Phase 1 Project in an amount not to exceed \$100,000.

ATTACHMENTS: (1) Resolution (2) Exhibits

{ } Staff will be making a detailed presentation on this agenda item at the meeting.

{X} Staff will provide brief comments and answer questions on this item at the meeting.

{ } This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF ELGIN, TEXAS,
AUTHORIZING THE MAYOR TO EXECUTE THE REAL ESTATE
CONTRACT COUNTY LINE ROAD – PARCEL 6 WITH BETTY
AND/OR DON LUNDGREN IN SUPPORT OF THE COUNTY
LINE ROAD PHASE 1 PROJECT; AND MAKING CERTAIN
FINDINGS RELATED THERETO**

WHEREAS, the Elgin City Council approved the issuance the 2021A Certificates of Obligation in the principal amount of \$12.5M to provide funding for a wide range of capital improvements, including the County Line Road Phase 1 Project; and,

WHEREAS, County Line Road is a major transportation route within City that currently provides direct access to the Elgin ISD High School Campus and numerous properties, but will also provide direct access to thousands of new homes, and;

WHEREAS, the City Council has approved a plan for upgrading and widening this roadway to four travel lanes with sidewalks and storm drainage improvements, and;

WHEREAS, to accommodate the expanded and improved roadway, the City has reached mutual agreement with property owners to acquire certain property for road right-of-way.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELGIN, BASTROP AND TRAVIS COUNTY, TEXAS THAT:

Section 1. Findings. The following recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Authorization. The Mayor is hereby authorized to execute the *Real Estate Contract County Line Road – Parcel 6 with Betty and/or Don Lundgren* in the not to exceed amount of \$100,000.00 in support of the County Line Road Phase 1 Project, a copy of said contract being attached hereto and marked Exhibit A; and made part of this Resolution as if copied verbatim herein.

Section 3. 2021 Certificates of Obligation Funding. The City Council does also hereby expressly approve the utilization of proceeds from the 2021 Certificates of Obligation debt issuance in support of the project that is the subject matter of this Resolution; and does further acknowledge that an amendment to the *FY21-22 City of Elgin Annual Operating Budget* may be required at a future date to formally appropriate funds for this item.

Section 4. Open Meetings. The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered, and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Section 5. This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 5th day of April, 2022

RON M. RAMIREZ, Mayor
City of Elgin, Texas

ATTEST:

JENNIFER STUBBS, City Secretary

From: Tyler Stevens, Sheets & Crossfield
Sent: Thursday, March 24, 2022 2:05 PM
To: Tom Mattis <TMattis@ci.elgin.tx.us>
Subject: RE: County Line Road ROW Parcel 6

City Attorney Stevens and City Manager Mattis,

Let's not let our professional, reasonable, good faith negotiations be tainted by anything that smacks of a political kerfuffle. I had Betty and Don (Lundgren) both sign acceptance of your offer to assure you and the City that the landowners were content and satisfied.

I'll reiterate my post-meeting call to you: namely, I was ignorant of any third person appearance regarding the taking; I did not authorize any intervention on behalf of my clients; and I was irritated by it, thinking it interfered with the process and potentially placed my clients in a bad light.

Moreover, my clients did not seek or knowingly encourage any third-party intervention.

Please feel free to share this message with the Council.

Mark Owen

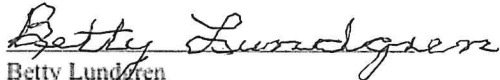
Owen & Bogart, Lawyers
105 East 2nd Street
Elgin, Texas 78621

Dear Mr. Stevens,

Thank you for the City of Elgin's offer of \$100,000 to purchase my road frontage. I am willing to accept that offer and am grateful that we were able to resolve this without undue expense to me or the City.

Please proceed with the formalities necessary to complete our agreement.

Very truly yours,


Betty Lundgren

Witnessed:


Don Lundgren



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE THE REAL ESTATE CONTRACT COUNTY LINE ROAD – PARCEL 2 WITH MARIA L. GUERRERO IN SUPPORT OF THE COUNTY LINE ROAD PHASE 1 PROJECT; AND MAKING CERTAIN FINDINGS RELATED THERETO

DEPARTMENT: City Manager

PROPOSED ACTION: Consideration of a Resolution approving a real estate purchase agreement for acquisition of certain property interests required to complete the construction and maintenance the County Line Road (CLRd) Phase 1 Project.

BACKGROUND:

As part of the 2021A Certificates of Obligation Program, the City issued \$12.5M in debt late last year to provide funding for a wide range of capital improvement projects – including the CLRd Phase 1 Project.

All planning for the project has been completed, and the City is now poised to bid the project and immediately proceed with construction thereafter.

The attached information provides details regarding the acquisition of 0.0963 acres owned by Maria L. Guerrero (Parcel 2) required to complete the road-widening project as planned – and the City has reached a tentative agreement with the owners on fair compensation for same.

BUDGET/FINANCIAL IMPACT:

Funding for this item was { } included {X} not included in the current-year budget { } N/A

RECOMMENDATION:

Approve a Resolution authorizing the Mayor to execute a real estate purchase agreement to acquire 0.0963 acres owned by Maria L. Guerrero as required to complete the construction and maintenance the CLRd Phase 1 Project in an amount not to exceed \$30,000,000.

ATTACHMENTS: (1) Resolution (2) Exhibits

{ } Staff will be making a detailed presentation on this agenda item at the meeting.

{X} Staff will provide brief comments and answer questions on this item at the meeting.

{ } This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF ELGIN, TEXAS,
AUTHORIZING THE MAYOR TO EXECUTE THE REAL ESTATE
CONTRACT COUNTY LINE ROAD – PARCEL 2 WITH MARIA L.
GUERRERO IN SUPPORT OF THE COUNTY LINE ROAD
PHASE 1 PROJECT; AND MAKING CERTAIN FINDINGS
RELATED THERETO**

WHEREAS, the Elgin City Council approved the issuance the 2021A Certificates of Obligation in the principal amount of \$12.5M to provide funding for a wide range of capital improvements, including the County Line Road Phase 1 Project; and,

WHEREAS, County Line Road is a major transportation route within City that currently provides direct access to the Elgin ISD High School Campus and numerous properties, but will also provide direct access to thousands of new homes, and;

WHEREAS, the City Council has approved a plan for upgrading and widening this roadway to four travel lanes with sidewalks and storm drainage improvements, and;

WHEREAS, to accommodate the expanded and improved roadway, the City has reached mutual agreement with property owners to acquire certain property for road right-of-way.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELGIN, BASTROP AND TRAVIS COUNTY, TEXAS THAT:

Section 1. Findings. The following recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Authorization. The Mayor is hereby authorized to execute the *Real Estate Contract County Line Road – Parcel 2 with Maria L. Guerrero* in the not to exceed amount of \$30,000.00 in support of the County Line Road Phase 1 Project, a copy of said contract being attached hereto and marked Exhibit A; and made part of this Resolution as if copied verbatim herein.

Section 3. 2021 Certificates of Obligation Funding. The City Council does also hereby expressly approve the utilization of proceeds from the 2021 Certificates of Obligation debt issuance in support of the project that is the subject matter of this Resolution; and does further acknowledge that an amendment to the *FY21-22 City of Elgin Annual Operating Budget* may be required at a future date to formally appropriate funds for this item.

Section 4. Open Meetings. The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered, and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Section 5. This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 5th day of April, 2022

RON M. RAMIREZ, Mayor
City of Elgin, Texas

ATTEST:

JENNIFER STUBBS, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: AN ORDINANCE TO MODIFY AN EXISTING PLANNED DEVELOPMENT DISTRICT (PDD) ORDINANCE (2021-11-16-39) TO ADD AN EDUCATIONAL USE AND CHANGE THE CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) FOR WATER SERVICE FROM AQUA WATER SUPPLY CORP. TO THE CITY OF ELGIN LOCATED ON A PARCEL OF LAND KNOWN BY THE TRAVIS CO. APPRAISAL DISTRICT AS PARCEL 839520, LOCATED ON THE NORTHSIDE OF FM 1100, WEST OF COUNTY LINE RD. (BEING 68.992 ACRES OF LAND LYING IN AND BEING SITUATED OUT OF THE HENRY MARTIN SURVEY, ABSTRACT 518 IN TRAVIS CO., TX AND BEING THE REMAINDER OF THAT CERTAIN 93.75 ACRE TRACT OF LAND CONVEYED TO NORRIS E. KREIG BY DEED RECORDED IN VOL. 4211, PG 1291 DEED RECORDS, TRAVIS CO., TX; SAID 68.992 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND AS SURVEYED UNDER THE SUPERVISION OF JAMES E. GARON & ASSOCIATES IN MAY, 2019) BEING MORE DESCRIBED IN EXHIBIT “A”; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

DEPARTMENT: Development Services.

PROPOSED ACTION: Discussion, consideration, and action on an ordinance modifying an existing PDD Ordinance (2021-11-16-39) to add an educational use (including development standards) and change the CCN for water service from the Aqua Water Supply Corp. to City of Elgin (Stone Creek Ranch PDD Ordinance Modification).

BACKGROUND: See attached staff report.

BUDGET/FINANCIAL IMPACT:

Funding for this item was ☐ included ☐ not included in the current-year budget ☒ N/A

Finance Approval:

Signature: _____ **Date:** _____

RECOMMENDATION: The Planning & Zoning Commission provided input of this item at their February 28, 2022, meeting. This has been included in the attached staff report.

ATTACHMENTS: Staff Report, Application, PDD Ordinance with Text and Maps, Staff added Comprehensive Plan Exhibits, Staff added Zoning Map, and Staff Compliance Letter.

☐ Staff will be making a detailed presentation on this agenda item at the meeting.

☒ Staff will provide brief comments and answer questions on this item at the meeting.

☐ This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.



Development Service Department

STAFF REPORT

Modification to an existing PDD Ordinance to allow for an educational use (including development standards) & transfer of Certificate of Convenience & Necessity (CCN) from Aqua Water Supply Corp. (WSC) to City of Elgin.

Date: March 29, 2022
Applicant: ITEX
Representative: SAME
Hearing Dates: City Council – April 5, 2022.
Location: Travis Co. Appraisal District Parcel 839520

APPLICATION SUMMARY

Consideration of a PDD Modification of Ordinance 2021-11-16-39 to remove the residential uses in Phase 3 (west of creek) and add an educational use (including development standards) and amend the CCN to change the water service provider from Aqua WSC to City of Elgin.

DEPARTMENT COMMENTS

The City Council approved a rezoning from R-3 to Planned Development District (PDD) on November 16, 2021, to allow for 417 dwelling units on the site. This proposed modification would reduce the number of dwelling units to 288 units (total reduction of 129 dwelling units) to add an educational use on the western one-third (1/3) (Phase 3) of the property west of the creek. Also, the CCN would be changed from Aqua WSC to the City of Elgin.

PLANNING AND ZONING COMMISSION INPUT

The Commission offered their input to the development plan in a workshop format at their March 28, 2022, meeting. Staff and Commission discussed the proposed changes and reviewed the changes in detail. There was no issues or concerns of the Commission, and some individual members expressed their desire to see an educational facility at the location.

STAFF ANALYSIS

In review of the Elgin Comprehensive Plan the parcel is located within the Traditional Neighborhood Residential Land Use category. This category's secondary land usage is schools (see attachment 3) according to the provided map and associated land use language. Therefore, the underlying Land Use and PDD Modification would match and allow for the Educational Use.

Also, the applicant desires to change the CCN from Aqua WSC to the City of Elgin. A main agreement was approved by the Council allowing for the structure to make this transfer. Also, if this modification is approved by the Council this will allow for another specific agreement to be made between both entities that will cover the actual transfer between the entities (this is a separate instrument that will be considered by the Council).

Based on the information within the packet, Staff has no issues or concerns regarding the proposal. The modification will allow for a Use that is encouraged under the Land Use Element of the Comprehensive Plan (see attachment 3). Also, the CCN change will allow for additional customers into the City water system thereby potentially reducing utility costs in the future and will allow for the City to more control as its utilities are in this area. Since an agreement already exists between both regarding water service providers, an additional CCN transfer agreement will be sought if this modification is approved by the Council. Past CCN transfer agreements have included the developer paying the necessary transfer fees to reimburse the City for this transaction thereby canceling out the cost to taxpayers.

ATTACHMENTS

Additional information is provided through attached exhibits.

1. Application
2. PDD Ordinance with Text and Map.
3. Staff Added Comprehensive Plan Exhibits.
4. Staff Added Zoning Map.
5. Staff Compliance Letter.

Attachment 1

Application



PDD REZONING APPLICATION

Date: 08 Mar 22 New Modification 

Modification of Stone Creek Ranch - Ordinance No. 2021-11-16-39

SITE INFORMATION

Project Address: _____

Parcel Identification Number (if no address): Travis Co. Parcel 839520

APPLICANT

Name: ITEX

Postal Address: 9 Greenway Plaza, Suite 1250

Houston, Texas 77046

E-Mail Address: Dakota.Courville@ITEXGrp.com; **Phone Number:** 409.853.3575

The information given on this application is accurate to the best of my knowledge. All provisions of laws and ordinances governing this work will be complied with, whether specified on this application or not.

DocuSigned by:
Dakota Courville
8C435A170412457

Dakota Courville

3/8/2022 | 8:42 AM PST

Signature

Printed Name

Date _____

Project Description:

The PDD is being modified to remove the residential use in Phase 3 (west of the creek) and add educational use for the benefit of Elgin ISD. We are also amending the PDD document to account for changing the water service provider to City of Elgin.



310 North Main Street
P.O. Box 591
Elgin, Texas, 78621



(512) 281-0119



www.elgintx.com

Attachment 2

PDD Ordinance with Text and Maps

ORDINANCE NO. 2022-04-05-??

AN ORDINANCE TO MODIFY AN EXISTING PLANNED DEVELOPMENT DISTRICT (PDD) ORDINANCE (2021-11-16-39) TO ADD AN EDUCATIONAL USE AND CHANGE THE CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) FOR WATER SERVICE FROM AQUA WATER SUPPLY CORP. TO THE CITY OF ELGIN LOCATED ON A PARCEL OF LAND KNOWN BY THE TRAVIS CO. APPRAISAL DISTRICT AS PARCEL 839520, LOCATED ON THE NORTHSIDE OF FM 1100, WEST OF COUNTY LINE RD. (BEING 68.992 ACRES OF LAND LYING IN AND BEING SITUATED OUT OF THE HENRY MARTIN SURVEY, ABSTRACT 518 IN TRAVIS CO., TX AND BEING THE REMAINDER OF THAT CERTAIN 93.75 ACRE TRACT OF LAND CONVEYED TO NORRIS E. KREIG BY DEED RECORDED IN VOL. 4211, PG 1291 DEED RECORDS, TRAVIS CO., TX; SAID 68.992 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND AS SURVEYED UNDER THE SUPERVISION OF JAMES E. GARON & ASSOCIATES IN MAY, 2019) BEING MORE DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

WHEREAS, an application has been made to the City Council of Elgin, Texas to modify existing PDD Ordinance 2021-11-16-39 for property described in Exhibit "A" attached hereto and incorporated here in, and

WHEREAS, the City Council has submitted the requested modification to the Planning and Zoning Commission for its input, and

WHEREAS, the Planning and Zoning Commission held a workshop concerning the requested modification on February 28, 2022, and

WHEREAS, the Planning and Zoning Commission has offered their input on the proposed modification to PDD Ordinance 2021-11-16-39, and

WHEREAS, on April 5, 2022, after proper notification, the City Council held a public hearing on the requested zoning, and

WHEREAS, the City Council determines that the PDD modification provided for herein promote the health, safety, morals, and protects and preserves the general welfare of the community, and

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A, Texas Local Government Code, and Chapter 46, City of Elgin Ordinances, concerning public notices, hearings, and other procedural matters has been fully complied with, Now Therefore

IT ORDAINED BY THE COUNCIL OF THE CITY OF ELGIN, TEXAS, THAT:

I.

PDD Ordinance 2021-11-16-39 is hereby modified with this Ordinance in order to add an educational use and change the CCN for water service from Aqua Water Supply Corporation to the City of Elgin on the property described in Exhibit "A".

II.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this Ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

READ, PASSED, and ADOPTED on first reading this the 5th day of April 2022.

RON M RAMIREZ, Mayor

ATTEST:

JENNIFER STUBBS, City Secretary

AGREEMENT AND DEVELOPMENT PLAN

STONE CREEK RANCH

PLANNED DEVELOPMENT DISTRICT (PDD)

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

THIS AGREEMENT AND DEVELOPMENT PLAN (this “Agreement”) is made and entered by and between the CITY OF ELGIN, TEXAS, a Texas municipal corporation, (hereinafter referred to as the "City"), and ITEX Acquisitions, LLC, its successors and assigns, (hereinafter referred to as the "Owner"); provided, however, upon sale, transfer or conveyance of portions of the hereinafter described property, the duties and obligations of the Owner, as it relates to the respective property, shall be assumed by the new owner, and the Owner shall have no further liability relating to their respective property.

WHEREAS, the Owner is the owner of certain real property consisting of 68.992 acres, as more particularly described in **Exhibit "A"**, (herein after referred to as the “Property”) attached hereto and made a part hereof.

WHEREAS, the Owner has submitted a request to the City to zone the Property as a Planned Development District (the "PDD"), and those portions of the Property currently lie within City Limits.

WHEREAS, pursuant to Chapter 46, Article IV, Division 10, Code of Ordinances, City of Elgin, Texas, the Owner has submitted a Development Plan setting forth the development conditions and requirements within the PDD, which Development Plan is contained in Section II of this Agreement; and

WHEREAS, the City has held public hearings required by law to solicit input from all interested citizens and affected parties; and

WHEREAS, on July 26, 2021, the City's Planning and Zoning Commission originally recommended approval of the Owner's application for a PDD that did not include the proposed changes; and

WHEREAS, the City Council has reviewed the amended Development Plan and determined that it promotes the health, safety, and general welfare of the citizens of Elgin and that it complies with the intent of the Planned Development District Ordinance of the City;

NOW THEREFORE BY THIS AGREEMENT WITNESSETH that, in consideration of the covenants and conditions set forth herein, the City and the Owner agree as follows:

I.

GENERAL PROVISIONS

1. CONFORMITY WITH DEVELOPMENT PLAN

All uses and development within the Property shall conform to the Development Plan included in Section II herein the "Plan."

2. ANNEXATION

The property was previously annexed into the City of Elgin.

3. CHANGES AND MODIFICATIONS

No changes or modifications will be made to this Development Plan unless all provisions pertaining to changes or modifications as stated herein are followed.

4. ZONING VIOLATION

The Owner, his successors and assigns understand that any person, firm, corporation or other entity violating any conditions or terms of the Development Plan shall be subject to any and all penalties for the violation of any zoning ordinance provisions as stated in the Code of Ordinances, City of Elgin, Texas, as amended. This Plan will be filed in the Official Records of Travis County, thereby placing future purchasers of the property on notice of all of the terms and conditions of this Plan.

5. MISCELLANEOUS PROVISIONS

5.1 Assignment.

Neither party may assign its rights and obligations under this Agreement without having first obtained the prior written consent of the other which consent shall not be unreasonably withheld. This section shall not prevent the Owner from selling the Property or portions of the Property, together with all development rights and obligations contained in this Development Plan, and no consent shall be required in connection with any sale provided the purchaser assumes Owner's obligations in writing as to such portions of the Property.

5.2 Necessary Documents and Actions.

Each party agrees to execute and deliver all such other and further instruments and undertake such actions as are or may become necessary or convenient to effectuate the purposes and intent of this Agreement.

5.3 Severability.

In case one or more provisions contained herein are deemed invalid, illegal or unenforceable in any respect such invalidity, illegality or unenforceability shall not affect any other provisions hereof and in such event, this agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

5.4 Entire Agreement.

This Agreement constitutes the entire agreement of the parties and supersedes any prior or contemporaneous oral or written understandings or representations of the parties respecting the subject matter hereof.

5.5 Applicable Law.

This Agreement shall be construed under and in accordance with the laws of the State of Texas.

5.6 Venue.

All obligations of the parties created hereunder are performable in Travis County, Texas and venue for any action arising hereunder shall be in Travis County.

5.7 No Third Party Beneficiaries.

Nothing in this Agreement, express or implied, is intended to confer upon any person or entity, other than the parties hereto (and their respective successors and assigns), any rights, benefits or remedies under or by reason of this Agreement.

5.8 Duplicate Originals.

This Agreement may be executed in duplicate original, each of equal dignity.

5.9 Notices.

Until changed by written notice thereof any notice required under this Agreement may be given to the respective parties, by certified mail, postage prepaid or by hand delivery to the address of the other party shown below:

OWNER

ITEX Acquisitions, LLC
9 Greenway Plaza, Suite 1250
Houston, Texas 77046
Attn: Bobken Simonians

CITY OF ELGIN, TEXAS

City of Elgin, Texas
P.O. Box 591
Elgin, Texas 78621
Attn: City Manager

5.10 Effective Date.

This Agreement shall be effective from and after the date of due execution hereof by all parties.

5.11 Appeal of Administrative Decisions.

Administrative decisions provided for in this Agreement may be appealed to the City Council in writing within 30 days following receipt by the Owner of the written confirmation of the decision.

5.12 Binding Effect.

This Agreement and the Development Plan binds and benefits the Owner and its successors and assigns.

5.13 Sunset Provision

In the event that this Planned Development Plan is not recorded within three (3) years from the date the Planned Development Plan is approved by the City Council, then the Planned Development Plan shall be automatically voided and the zoning shall revert to R-3 (the zoning ordinances in effect at the time of approval of this PDD).

DEVELOPMENT PLAN (“Plan”)

1. DEFINITIONS

Words and terms used herein shall have their usual force and meaning, or as defined in the Code of Ordinances, as amended, City of Elgin, Texas, hereinafter referred to as “the Code”.

2. PROPERTY

This Development Plan (hereinafter referred to as “Plan”) covers approximately 68.992 acres of land, all of which is located within the city limits of Elgin, Texas, and more particularly described by metes and bounds in **Exhibit “A”** and reflected in **Exhibit “B”** and **Exhibit “C”** attached hereto.

3. PURPOSE

The purpose of this Plan is to insure a PDD that 1) is equal to or superior to development that would occur under the standard ordinance requirements, 2) does not have an undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting the public health, safety and welfare, 3) is adequately provisioned by essential public facilities and services, and 4) will be developed and maintained so as not to dominate, by scale or massing of structures, the immediate neighboring properties or interfere with their development or use in accordance with any existing zoning district.

4. APPLICABILITY OF CITY ORDINANCES

4.1. Zoning and Subdivision Ordinances

The Property shall be regulated for purposes of zoning and subdivision by this Plan. All aspects not specifically covered by this Plan shall be regulated by applicable sections of the Code. This PDD serves to augment and/or modify the standards for development not otherwise achieved solely by the underlying base zoning district. Refer to **Exhibit “E”**, Variances to City Code, for additional design standards set forth in the PDD document. If there is a conflict between this Agreement and Plan and the Code, this Agreement and Plan shall supersede the specific conflicting provisions of the Code. If there is a conflict between this Agreement and **Exhibit “E”**, this Agreement shall supersede the specific conflicting provision of **Exhibit “E”**.

4.2. Other Ordinances

All other Ordinances within the Code shall apply to the Property, except as clearly modified by this Plan.

5. PERMITTED USES

The Property shall be used and developed as shown in **Exhibit “D”** attached hereto and incorporated herein. **Exhibit “D”** depicts the Development Plan for the property. Permitted uses include one-, two- and three-unit residential buildings, amenity center building, leasing office, private open space, park improvements, and public school offering general educational courses the same as ordinarily given in public schools having no rooms regularly used for housing and sleeping (herein referred to as “educational use”).

6. UNDERGROUND UTILITY SERVICE

All utility lines must be underground to connection points provided by the utility service provider. All transformers must be visually screened.

7. **DRIVEWAY ACCESS TO FM 1100**

Primary and secondary private access drives will be provided from FM 1100 and a shared access road for Phase 1 and Phase 2 as shown in **Exhibit “D”**. There will be no public streets within the development. All driveways with direct access to FM 1100 shall be approved by TxDOT as required by State law. **Access to FM 1100 in Phase 3 will be determined by Elgin ISD and shall be approved by TxDOT as required by State law.**

8. **PARKLAND DEDICATION**

The parkland dedication requirements for the Property shall be met in full by providing the following:

8.1. **Parkland Fee in Lieu of Required**

The Project will provide approximately 2.73 acres of public park land (4 percent of the Project) and provide 12.7 acres of private open space (18 percent of the Project) as shown on **Exhibit “D”**, for a total of 22 percent of the project. No additional fee is required for parkland. The City is responsible for all public park improvements and maintenance, with the exception the Owner will provide for water and sanitary sewer service to the public park land and a parking lot consisting of six spaces inclusive of one accessible space. Access to the public park will be provided via the Elgin Independent School District (ISD) driveway immediately adjoining the Property.

Ownership and maintenance of the private open space shall be the responsibility of the property management company on behalf of the owner. The property management company will have the right to impose restrictions and enforce proper use of the private open space, including the right to add security measures (fences, cameras or related), if necessary to prevent the misuse, abuse, vandalism, or any other nuisance activities on the open space lands. The public park land will be dedicated to the City on the Short Form plat. Any permanent barrier that would impede the public from utilizing the private open space shall provide for access points for the general public to the linear trails. The Owner and/or property management company must notify the City in writing any time the linear trail system is temporarily limited from public use and provide in writing the conditions warranting such limitation. The Owner will request a meeting in a timely fashion, if necessary, to review the circumstances warranting the limitation.

Improvements to the public park shall be at the discretion of the City.

The private parks/open space consists of:

- 8.1.1. Greenbelt, eight-foot trail, and trail elements as depicted on **Exhibit “D”**
- 8.1.2. Provide a minimum of 10 assorted trail elements in any combination (no more than 3 of a single item will count towards the 10 elements) which will be selected from the following:
 - 8.1.2.1. Bench
 - 8.1.2.2. Bird feeder/house
 - 8.1.2.3. Fitness station
 - 8.1.2.4. Interpretive signage
 - 8.1.2.5. Pet waste station
 - 8.1.2.6. Picnic table
 - 8.1.2.7. Trash can

- 8.1.3. On site improvements located in private parks/open spaces as shown in **Exhibit “D”** including:
 - 8.1.3.1. Amenity center
 - 8.1.3.2. Pool
 - 8.1.3.3. Dog park
 - 8.1.3.4. Provide a minimum of 12 private park/open space elements in any combination (no more than 3 of a single item will count towards the 12 elements) which will be selected from the following:
 - 8.1.3.4.1. BBQ grill
 - 8.1.3.4.2. Bird feeder/house
 - 8.1.3.4.3. Children tot lot
 - 8.1.3.4.4. Fire pit
 - 8.1.3.4.5. Interpretive signage
 - 8.1.3.4.6. Open field
 - 8.1.3.4.7. Pet waste station
 - 8.1.3.4.8. Picnic pavilion
 - 8.1.3.4.9. Picnic table
 - 8.1.3.4.10. Playground
 - 8.1.3.4.11. Splash pad
 - 8.1.3.4.12. Sports court
 - 8.1.3.4.13. Turf play field

8.2. **Trail and Drainage System**

As depicted in **Exhibit “D”**, an eight-foot wide hard surface trail will be constructed along the greenbelt. The hard surface trail can consist of wood decking, pavers, crushed granite, asphalt or concrete. The creek crossing for the trail will be a low-water design. The final greenbelt trail alignment will be determined in the field to mitigate impact on the existing trees. The Owner reserves the right to restrict or limit access to the trail for security and safety reasons. **The Trail must be constructed as part of Phase 1 as shown on Exhibit “D”.**

8.3. **Parkland and Pocket Parks**

In addition to the greenbelt along the creek, additional private parks/open space will be provided as shown in **Exhibit “D”**.

8.4. **Amenity Center**

An amenity center will be provided as reflected in **Exhibit “D”** which includes a community pool. The amenity center will be a private development feature not open to the general public.

9. **SIGNS**

- 9.1. Main entry signs are located on FM 1100 as reflected in **Exhibit “H”**. There will be up to two main entry signs for the project; one on each side of the creek. There will be up to two project identification signs for the project; one on each side of the creek.
- 9.2. The primary property identification sign shall be generally located as reflected in **Exhibit “H”**, in the southwest and southeast corners of the Property.

- 9.3. Entry sign locations are as reflected in **Exhibit “H”**.
- 9.4. Phase 3 signage will be reviewed subsequently and is not addressed in this PDD. Signage for any educational use will be in accordance with Chapter 32, City Code and will not be shown on **Exhibit “H”**.
- 9.5. Interior directional signage is considered an Exempt sign as noted in Chapter 32.-103 of the Code of Ordinances.
- 9.6. Sign height, area, illumination and type are defined in **Exhibit “H”**. This does not apply to signage associated with educational uses.

10. **WATER AND WASTEWATER**

- 10.1. The Project as shown in Exhibit B is wholly within the City of Elgin’s sewer CCN territory as regulated by the Public Utility Commission (PUC). The Project as shown in Exhibit B is wholly within Aqua Water Supply Corporation CCN territory as regulated by the Public Utility Commission (PUC). Developer agrees to pay for fees associated with transferring the water CCN from Aqua WSC to the City of Elgin. The area in question constitutes approximately 68.992 acres. The Developer at the time of final plat shall pay the City of Elgin \$3,900 per acre for the area within the final plat. Total costs shall not exceed \$269,068.80 for the entirety of the development as shown in Exhibit B. Payment will be due upon approval of the construction plans. The developer will be responsible for extending necessary infrastructure to service the property in accordance with City requirements.
- 10.2. An offsite extension of the sanitary sewer and water lines is necessary to provide service to the site. The development shall be responsible for costs and extension of all infrastructure required to service the site. The City shall be the wholesale wastewater service provider to the development. As wholesale service provider, the City shall operate, maintain, and repair all components of the WWTP and wastewater system located outside the boundaries of the development. The rates charged by the City for wholesale wastewater service to the development shall be the same as the rates charged by the City to other wholesale customers. The City agrees to enter into a wholesale wastewater service agreement with the development with the following terms:
 - 10.2.1. The City will provide or contract for the provision of wholesale wastewater utility services to the development sufficient to serve the land uses shown on the Development Plan. The rates charged by the City shall be the same as those charged by the City to other wholesale customers, and such rates may be reviewed and adjusted by the City annually, based on a cost of service study performed by the City. In any event, this Agreement does not prevent the development or its customers from appealing the wastewater rates pursuant to 13.043, Texas Water Code.
 - 10.2.2. The City will receive, treat, and dispose of, or shall contract for the treatment and disposal of, all sewage generated by residents within the development. The City will maintain an adequate wastewater treatment capacity at all times to serve the residents within the development at the same level these services are provided within the City. The City may limit service to the development in the same manner and to the same extent that service is limited inside the City limits.
 - 10.2.3. If necessary, development will provide easements within the area of the development for all development master meters in accordance with applicable City ordinance requirements. Master meters shall be installed to measure development flows. In the

event wastewater mains enter the development from other City service areas, master meters will be installed at both ends of the system serving the development so that the differential flows will be measured to determine flows from development customers. Developer and/or development shall not be required to provide easements outside the area of the development unless required to get service to the site.

10.2.4. The agreement may include other standard terms contained in City wholesale wastewater service agreements that are not in conflict with the terms set forth above.

10.3. A lift station will be required for sewer service for this site. The lift station shall be private and privately maintained.

11. WATER QUALITY, DETENTION, AND IMPERVIOUS COVER

11.1. Detention will be provided as reflected in Exhibits “G1”, “G2” and “G3” based on a coefficient of runoff of 0.45 for a residential density of 6-12 units/per acre.

11.2. Permanent water quality will not be included for this residential project.

12. DESIGN OF INGRESS OR EGRESS FOR DRIVEWAYS

12.1. This project will not provide mutual access agreements on parking lots, driveways and adjoining properties as encouraged on Section 36-514.8 of the Code of Ordinances. This project will, however, work with Elgin ISD and First Baptist Church on a common access drive immediately adjacent to the property on land currently owned by First Baptist Church.

12.2. The property will provide a single private access connection to the common access drive.

12.3. The private access will serve as the second point of access to the project from FM 1100.

13. DEVELOPMENT STANDARDS, DRAINAGE AND STORM SEWERS AND OTHER MATTERS

13.1. Internal circulation is provided as reflected in Exhibit “E”.

13.2. Parking requirements are provided in Exhibit “F”. Parking requirements associated with educational uses shall meet standards in Section 46, City Code.

13.3. Building setbacks means a line beyond which a building must be set back from the property line as defined below. Separation between buildings is also defined below in 13.4.

13.3.1. Front yard for all uses – 25-foot minimum

13.3.2. Side yard for all uses – 10-foot minimum

13.3.3. Side setback adjacent to fire lane or drive for non-educational uses – 10-foot minimum

13.3.4. Rear yard for all uses – 15-foot minimum

13.4. Residential building separation minimum distance

13.4.1. Front separation – 50 feet

13.4.2. Side separation – 10 feet

13.4.3. Rear separation – 30 feet

13.4.4. Rear to side separation – 20 feet

13.5. Building setback along a fire lane or private drive for non-educational uses

13.5.1. Garage – 22 feet minimum from back of curb or sidewalk

13.5.2. Main body of the house/building

13.5.2.1. 15 feet minimum to front from back of curb or sidewalk

13.5.2.2. 10 feet minimum to side from fire lane back of curb

13.6. Height for all uses shall be no more than 35 feet and 2 stories.

13.7. A five-foot sidewalk will be provided on one side of and immediately adjacent to the fire lane for non-educational uses.

13.8. Screen fence or wall is not required along any perimeter boundary.

13.9. Perimeter decorative metal fence is allowed.

13.10. The Short Form plat can provide up to three lots for the development, one of which would include the green belt area, and will include an additional lot which dedicates the public park land. The lot delineation and limits are at the discretion of the Owner, provided the public park land is as depicted on Exhibit “D”.

13.11. A voluntary roadway fee contribution for Phases 1 and 2 of \$268.32 per front-foot of FM 1100 will be paid when the building permit for the leasing office is issued. The resulting fee is \$488,000. The voluntary fee is designated for County Line Road improvements. There are no County Line Road improvements required.

13.12. Drainage

13.12.1. The Existing Drainage Area Map and Proposed Drainage Area Map are attached as **Exhibit “G1”** and **Exhibit “G2”**, respectively.

13.12.2. For purposes of drainage design, the developed portion of the property will be considered Medium Density. Open space will be considered Public Use Areas.

13.12.3. Phase 3 drainage criteria will be as typically determined for the educational use. Phase 3 will address required detention independent of the remainder of the site.

13.13. Payment In Lieu of Sidewalk Installation

The Project shall not be subject to the Payment In Lieu of Sidewalk Installation for frontage along FM 1100.

13.14. Fire Lane for non-educational uses

13.14.1. Front divided entry – entry lane is a minimum 20 feet wide, the exit lane is a minimum 16 feet wide, and the median is a minimum 10 feet wide

13.14.2. Front divided entry is a minimum 45 feet wide and maximum 60 feet wide

13.15. Traffic Impact Analysis

The Owner shall not be required to perform a Traffic Impact Analysis for the Project to the City **in relation to any non-educational uses.**

13.16. Perimeter Improvements

The Project will dedicate required right-of-way (ROW) of 15 feet to TxDOT for the future widening of FM 1100 as shown in Exhibit “D”. If additional ROW dedication is required, the front setback shall be reduced by the additional amount to be dedicated.

14. DENSITY

Maximum density is 6.7 units per gross acre.

15. CHANGES TO AGREEMENT AND DEVELOPMENT PLAN**15.1. Minor Changes**

Minor changes to this Agreement or Plan which do not substantially and adversely change this Plan, may be approved administratively. Administrative approval shall require written approval by the City Engineer, the Director of Planning, the Director of Public Works, and the City Attorney.

15.2. Major Changes

All changes not permitted under section 15.1 above, shall be resubmitted following the same procedure required by the original PDD application; provided, however, that nothing herein or otherwise shall require an owner of a portion of the Property (the "Rezoning Owner") to obtain the consent or approval of any other owner of a portion of the Property for a change in zoning (including amending this Agreement) as it applies to the land of the Rezoning Owner.

15.3. Deed Restrictions and Creation of a Home Owner's Association

Neither Deed Restrictions nor a Home Owner's Association will be provided with this development. The property management company will address ongoing common area maintenance.

15.4. Failure to Acquire the Tract

Mr. Michael Bowen Sr., with Travis Parker Associates, LTD and owner of Stone Creek Ranch, Elgin, Texas is providing ITEX Acquisitions, LLC with PDD Authorization – Stone Creek Ranch for the sole purpose to complete the feasibility study. If for some reason ITEX Acquisitions, LLC decides not to purchase Stone Creek Ranch, the City of Elgin will be notified by ITEX Acquisitions, LLC, which will release Travis Parker Associates, LTD (Mr. Micheal Bowen, Sr.) from the approved submission of ITEX Acquisitions, LLC / PDD – Stone Creek Ranch. The original site plan of "Travis Parker Associates, LTD" currently on file with the City of Elgin will remain in effect and ITEX Acquisitions, LLC / PDD – Stone Creek Ranch is "Voided" back to the original site plan on file with the City of Elgin.

Owner:

ELGIN SCR, LP, a Texas limited partnership

By: Elgin SCR GP, LLC, a Texas limited liability company, the Sole General Partner

By: ITEX ADVISORS, LLC, a Texas limited liability company, its Manager

**By ITEX Group Management, LLC, a Texas limited liability company, its
Manager**

**By: _____
Christopher A. Akbari, Manager**

CITY OF ELGIN

**By: _____
RON RAMIREZ, Mayor**

ATTEST:

**By: _____
JENNIFER STUBBS, CITY SECRETARY**

**STATE OF TEXAS
_____ COUNTY**

**Sworn and subscribed before me this the _____ day of ____, 2022 by
Christopher A. Akbari, Manager, ITEX Group Management, LLC.**

SEAL

Signature of Notary

STATE OF TEXAS

_____ COUNTY

Sworn and subscribed before me this the _____ day of _____, 2022 by Ron Ramirez, Mayor, City of Elgin, Texas.

SEAL

Signature of Notary

STATE OF TEXAS

_____ COUNTY

Sworn and subscribed before me this the _____ day of _____, 2022 by Jennifer Stubbs, City Secretary, City of Elgin, Texas.

SEAL

Signature of Notary

EXHIBITS TABLE OF CONTENTS

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- B. BOUNDARY MAP
- C. TOPOGRAPHIC MAP
- D. DEVELOPMENT PLAN
- E. VARIANCES TO CITY CODES
- F. PARKING REQUIREMENTS
- G. CIVIL PLANS
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- I. TREE PRESERVATION PLAN

EXHIBIT A – METES AND BOUNDS DESCRIPTION OF THE PROPERTY

Exhibit A

**JAMES E. GARON
& ASSOCIATES, INC.**
PROFESSIONAL LAND SURVEYORS

185 McAllister Road
Bastrop, Texas 78602
512-303-4185
Firm Reg. #10058400
jgaron@austin.rr.com

May 31, 2019

LEGAL DESCRIPTION: BEING 68.992 ACRES OF LAND LYING IN AND BEING SITUATED OUT OF THE HENRY MARTIN SURVEY, ABSTRACT 518 IN TRAVIS COUNTY, TEXAS AND BEING THE REMAINDER OF THAT CERTAIN 93.75 ACRE TRACT OF LAND CONVEYED TO NORRIS E. KREIG BY DEED RECORDED IN VOLUME 4211, PAGE 1291 DEED RECORDS, TRAVIS COUNTY, TEXAS; SAID 68.992 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND AS SURVEYED UNDER THE SUPERVISION OF JAMES E. GARON & ASSOCIATES IN MAY, 2019:

BEGINNING at a 1/2" iron rod with cap stamped "JE Garon RPLS4303" set in the southerly line of that certain 92.456 acre tract of land conveyed to the Elgin Independent School District by deed recorded in Volume 9331, Page 902 Real Property Records, Travis County, Texas for the northeast corner hereof and the northwest corner of that certain 18.000 acre tract of land conveyed to First Baptist Church of Elgin, Texas by deed recorded in Document #2013223733 official records, Travis County, Texas;

THENCE S 27°21'05" W a distance of 1200.25 feet to a 1/2" iron rod with cap stamped "JE Garon RPLS4303" set in the curving, northerly right-of-way (80') line of FM 1100 for the southwest corner of said First Baptist Church of Elgin, Texas 18.000 acre tract and the southeast corner hereof;

THENCE along said right-of-way line of FM 1100 a distance of 240.57 feet along the arc of said curving line to the right having a radius of 1106.53 feet and a chord bearing N 68°48'55" W a distance of 240.10 feet to a 1/2" iron rod with cap stamped "JE Garon RPLS4303" set for endpoint of curve and N 62°35'28" W a distance of 2199.38 feet to a 1/2" iron pipe found for the southwesterly corner hereof and said Krieg 93.75 acre tract and the southeasterly corner of that certain 14.795 acre tract of land conveyed to the Ernest W. Bracewell, Sr. Family Trust by deed recorded in Document #2014014538 of said official records;

Exhibit A

THENCE N 27°18'06" E a distance of 1240.16 feet to a "T" post in concrete found for the northwesterly corner hereof and said Krieg 93.75 acre tract and the southwesterly corner of said Elgin Independent School District 92.456 acre tract;

THENCE S 62°15'55" E a distance of 2439.21 feet to the **POINT OF BEGINNING**, containing 68.992 acres of land, more or less, and as shown on map of survey prepared herewith.

Surveyed by:

James E. Garon
Registered Professional Land Surveyor
co\Travis\sur\Henry Martin a518\40719

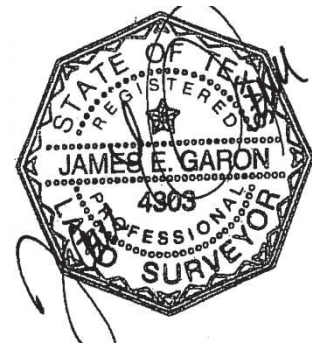
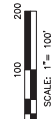


EXHIBIT B – BOUNDARY MAP



LEGEND	
●	1/2" REBAR FENCE (GALVALS NEST)
○	1/2" REBAR SET IN MUD
①	1/2" REBAR (GALVALS NEST)
②	1/2" PIPE FOUND (GALVALS NEST)
③	IRON ROD FOUND (GALVALS NEST)
④	1/2" PIPE FOUND (GALVALS NEST)
⑤	1/2" PIPE FOUND (GALVALS NEST)
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NOTE: THIS PROPERTY IS SUBJECT TO:
10(c) BLANKET TYPE EASEMENT TO SOUTHWESTERN BELL TELEPHONE COMPANY RECORDED IN VOL. 2943, PG. 141, D.R.T.G.T.

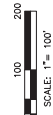
TO THE OWNERS, LEIHHOLDERS AND INDEPENDENCE TITLE COMPANY

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUNDS OF THE PROPERTY DESCRIBED HEREON AND IS CORRECT, AND THAT THERE ARE NO DISCREPANCIES, SHORTAGES OR LINE COMPLETIONS IN THIS SURVEY. THE SURVEY WAS MADE BY THE UNDERSIGNED OR BY AN AGENT OF THE UNDERSIGNED, AND THE UNDERSIGNED DOES HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREON IS LOCATED IN ZONE 2C OF THE FLOOD HAZARD MAP OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP NUMBER 1701 CIL 0001B DATED 1987.

REFERENCE: TRAVIS PARKER ASSOCIATES, LTD
ADDRESS: 18510 FM 1100, ELGIN, TEXAS
LEGAL DESCRIPTION: 68.992 ACRES IN THE HENRY MARTIN SURVEY, ABSTRACT 516,
TRAVIS COUNTY, TEXAS.
G.F. NO.: 19413617-COM

 **JAMES E. GARN & ASSOC.**
PROFESSIONAL LAND SURVEYORS
Firm Reg. #10058400
185 McAllister Road
Bastrop, Texas 78602
(512) 303-4185
jgarn@daustin.rr.com
www.jamesegarn.com

EXHIBIT C – TOPOGRAPHICAL MAP



LEGEND	
●	1/2" REBAR FENCE (GALVALS NEST)
○	1/2" REBAR SET IN MUD
①	1/2" REBAR (GALVALS NEST)
②	1/2" PIPE FOUND (GALVALS NEST)
③	IRON ROD FOUND (GALVALS NEST)
④	1/2" REBAR FOUND (GALVALS NEST)
⑤	OUTSIDE IMPACT FOUND
⑥	40# MAIL FOUND
⑦	40# MAIL SET
⑧	40# MAIL FOUND
⑨	CLEAN OUT
⑩	SEPTIC LID
⑪	WATER TRENCH
⑫	WOOD FENCE
⑬	CHAIN LINK FENCE
⑭	IRON FENCE
⑮	OVERHEAD ELECTRIC LINE
⑯	DOWN OUT
⑰	FIRE HYDRANT
⑱	WATER VALVE
⑲	WATER EXISTENT
⑳	DRAINAGE EXISTENT
㉑	RAILINGS LINE
㉒	RESTRICTIVE COVERS
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10(c) BLANKET TYPE EASEMENT TO SOUTHWESTERN BELL TELEPHONE COMPANY RECORDED IN VOL. 2943, PG. 141, D.R.T.G.T.

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EXHIBIT D – DEVELOPMENT PLAN



Exhibit D

STONE CREEK CONCEPT PLAN

Egin, Texas

Amended March 7, 2022

- Notes:**
- The property is 68,922 acres within the city of Egin, Texas.
 - Located in the City of Egin, Texas, Egin County.
 - Proposed uses: Residential for PH1 & PH2.
 - Educational use for PH3.
 - Proposed: Four lots, one block.
 - No new streets proposed.
 - Maximum Residential Building Coverage: 55% of the site.
 - The property is in Zone X per FEMA FIRMS Panel 48453C0501H.

Residential Units w/o Sidewalk

Residential Units w/ Sidewalk

Parking Summary

	Phases 1 & 2
1 Bdrm Units (2/unit)	46 spaces
2 Bdrm Units (2/unit)	140 spaces
3 Bdrm Units (2/unit)	328 spaces
4 Bdrm Units (2.5/unit)	77 spaces
Total Guest Req'd	59 spaces
Total Guest Provided	108 spaces

Building Type

	Phases 1 & 2
Single Family Units	94
Duplex Units	158
Three Plex Units	36
Total Number of Units	288
Total Number of Units (both sides)	
Unit Type	Phases 1 & 2
1 Bdrm Units	21
2 Bdrm Units	60
3 Bdrm Units	177
4 Bdrm Units	31
	288

Surveyor
James E Garon and Assoc.
Attn: Mr. James Garon, RPLS
185 McAllister Rd
Bastrop, Texas 78602
(512) 303-4185

Engineer
Sambatek, Inc.
Attn: Mr. Jay Marsh, PE
13355 Noel Rd, Suite 1100
Dallas, Texas 75240
(972) 954-5448

Architect/Planner
BSB Design
Attn: Mr. Dave Copenhaver AIA
8825 Coleman Drive
Frisco, Texas 75034
(409) 853-3575

Owner:
ITEX Group
Attn: Mr. Dakota Courville
9 Greenway Plaza
Houston, Texas 77027
(409) 853-3575

The drawings presented are preliminary and design intent only, and are subject to change based upon final design modifications. All applicable codes and structural design requirements, etc. © 2018 BSB Design, Inc.

EXHIBIT E – VARIANCES TO CITY CODES

Variances to the current zoning code include:

1. All residential buildings are defined as follows
 - 1.1. Dwelling, single family is defined as a detached or attached dwelling unit designed to be occupied by one, two or three families living independently of each other.
 - 1.2. Nonresidential applies to all uses other than Dwelling, single family as defined above.
2. A preliminary plat is not required for this development. A short form plat will be required.
3. Total building coverage shall be a maximum of 55 percent of the total gross land area **for non-educational uses.**
4. Head-in parking spaces shall be a minimum of 9 feet wide by 18 feet deep, with parallel spaces a minimum of 8 feet wide by 20 feet long **for non-educational uses.**
5. Maximum impervious cover allowed is 60 percent **for non-educational uses.**
6. Minor waterway buffer zone is 100 feet from the centerline of the waterway. Allowed minor exceptions only as shown on **Exhibit “D”** include limited transition for grading **for non-educational uses.**
7. Livability Open Space **for non-educational uses**
 - 7.1. Definition of Livability Open Space includes
 - 7.1.1. Greenbelt
 - 7.1.2. Park areas
 - 7.1.3. Community gardening area and park
 - 7.1.4. Front and back yards for each unit
 - 7.2. Livability Open Space will be no less than 30 percent of the total gross land area.
8. Landscaping **for non-educational uses**
 - 8.1. Code reference to Street Yard refers to frontage along FM 1100
 - 8.2. Perimeter parking lot – landscape screening required if within 25 feet of a public roadway
 - 8.3. Interior off-street parking spaces – landscape or berm screening is not required
 - 8.4. Irrigation
 - 8.4.1. A combination of drip and spray irrigation will be provided for all trees and shrubs planted with this development.
 - 8.4.2. Spray irrigation will be provided for turf areas.
 - 8.4.3. The construction documents will provide specific irrigation requirements for the various proposed landscape plantings.
 - 8.5. Trees **for non-educational uses**
 - 8.5.1. Existing trees within five feet of a building pad, driveway, trail, sidewalk, deck or patio area, fire lane or parking space are exempt from mitigation.
 - 8.5.2. A minimum of one tree per unit with a minimum of two caliper inches shall be provided. Unit trees are not required to be located in front each unit and may be dispersed throughout the property.
 - 8.5.3. Additional trees for Phase 3 will be determined during the design and review process.

8.5.4. One 2 caliper inch tree shall be provided for every 50 feet in the Street Yard along FM 1100.

9. Individual unit driveway width for non-educational uses

9.1. 16 feet wide minimum for a two-car garage

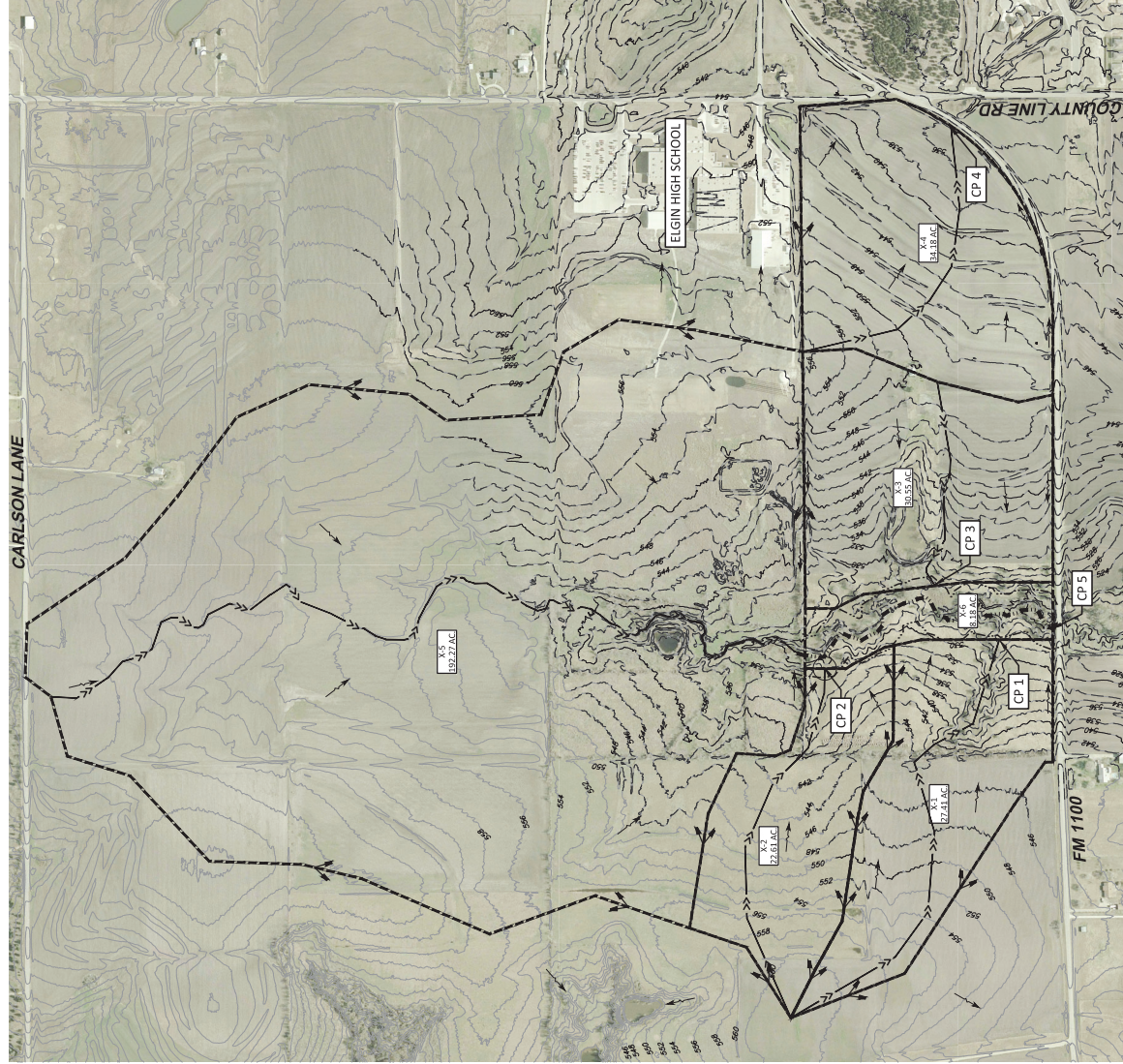
9.2. 10 feet wide minimum for a one-car garage

10. Shared drive lanes will be a minimum 20 feet wide (non-fire lane drive lanes) for non-educational uses.

EXHIBIT F – PARKING REQUIREMENTS

1. Residential parking required for Phases 1 & 2
 - 1.1. One-bedroom unit – 2.0 spaces
 - 1.2. Two-bedroom unit – 2.0 spaces
 - 1.3. Three-bedroom unit – 2.0 spaces
 - 1.4. Four-bedroom unit – 2.5 spaces
 - 1.5. Residential guest parking – 1.0 spaces per 5 units, with fraction of spaces rounded down to the nearest whole number.
 - 1.6. Off-street residential parking for Phases 1 & 2
 - 1.6.1. Attached garage spaces will count toward required unit and covered parking. A one-car garage is acceptable for a one-bedroom unit with respect to fulfilling required covered parking.
 - 1.6.2. Driveways in front of a unit will count toward required unit and guest spaces.
 - 1.6.3. Parking in driveways is allowed within four feet of the building/garage.
 - 1.6.4. Head-in and parallel parking spaces are allowed along the fire lane. Parallel parking spaces will be 20-foot by 8-foot. Head-in spaces will be 9-foot by 18-foot.
 - 1.6.5. Oversized vehicle parking is permitted in off-street parking spaces.
 - 1.7. Off-street parking for Phase 3 will be as typically required for the proposed educational use.
2. Leasing center parking required - 1 space per 300 square feet gross building area for Phases 1 & 2
3. Amenity center parking required for Phases 1 & 2
 - 3.1. 1 space per 400 square feet of gross building area
 - 3.2. 1 space per 350 square feet of wet pool area
4. Parking standards in Section 46. City Code shall apply to educational uses.

EXHIBIT G1 – EXISTING DRAINAGE AREA MAP



TIME OF CONCENTRATION CALCULATIONS											
Basin ID	Length (ft)	Street Flow			Borrow Cut-embank Flow			Channel or Storm Drain Flow			
		Length (ft)	Width (ft)	Velocity (ft/s)	Length (ft)	Width (ft)	Velocity (ft/s)	Length (ft)	Width (ft)	Velocity (ft/s)	Time (min)
X-1	2435	100	0.004	0.07	0.24	0.003	0.07	0.24	0.003	0.07	25.82
X-2	3070	100	0.003	0.08	0.24	0.003	0.08	0.24	0.003	0.08	26.71
X-3	2789	100	0.003	0.08	0.24	0.003	0.08	0.24	0.003	0.08	26.71
X-4	1800	100	0.003	0.08	0.24	0.003	0.08	0.24	0.003	0.08	19.89
X-5	4730	100	0.003	0.08	0.24	0.003	0.08	0.24	0.003	0.08	32.81
X-6	1644	8	0.004	0.07	0.24	0.003	0.07	0.24	0.003	0.07	8.44

NOTE: TIME OF CONCENTRATION CALCULATIONS ARE BASED ON CITY OF ELGIN AND TxDOT DESIGN CRITERIA.

EXISTING DRAINAGE AREA TABLE						
DRAINAGE AREA ID	AREA (ACRES)	C	Tc (MINUTES)	Lrun (INCH/FOOT)	Qrun (CFS)	COMMENTS
X-1	27.41	0.30	25.82	7.95	65.40	DRAINS TO CREEK
X-2	22.61	0.30	26.71	7.82	53.01	DRAINS TO CREEK
X-3	30.55	0.30	19.10	9.24	84.72	DRAINS TO CREEK
X-4	34.38	0.30	19.89	9.06	92.95	DRAINS TO CREEK CROSSING
X-5	192.77	0.30	32.81	7.01	404.23	DRAINS TO CREEK
X-6	8.18	0.30	8.44	13.06	32.04	FM 1100 CULVERT CROSSING

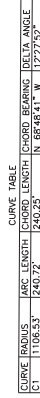


LEGEND	
---	CONTOUR
---	EXISTING DRAINAGE DIVIDE
---	EXISTING DRAINAGE ID
---	EXISTING DRAINAGE AREA IN ACRES
---	APPROXIMATE STREAM CENTERLINE
---	100' WATERWAY BUFFER LINE
---	DRAINAGE DIRECTION ARROW
CP 1	COMPARISON POINT

CONCEPT PLAN-EXISTING DRAINAGE AREA MAP				Exhibit G-1	
DRAWN BY: JBS-SG				ITEM GROUP: MGMT. LLC	
DESIGNED BY: JBS-SG				STONE CREEK RANCH	
CHECKED BY: JEM				ELGIN, TEXAS	
PROJECT NO. 2243					
PRELIMINARY					
DESIGN REVIEW					
PERMIT SUBMITTAL					
CONSTRUCTION DOCUMENTS					
Sambatek Not for construction or permit purposes. Sambatek P.O. Box 10000, Dallas, TX 75210					
Sambatek www.sambatek.com Engineering Surveying Planning Environmental					

EXHIBIT G2 – PROPOSED DRAINAGE AREA MAP

EXHIBIT G3 – UTILITY PLAN



CONCEPT PLAN-UTILITY LAYOUT				SHEET	
				G-3	
Sambatek  www.sambatek.com Engineering Surveying Planning Environmental STATE OF TEXAS REGISTRATION NUMBER: 5-9814				ITEMX GROUP MGMT, LLC STONE CREEK RANCH ELGIN, TEXAS	
PRELIMINARY FOR REVIEW ONLY Not for construction or permit purposes.  Engineer: JAY E. MARSH, P.E. P.E. No.: 20222, Texas, 20072022		PRELIMINARY		DRAWN BY JF-SS	
		DESIGN REVIEW		DESIGNED BY JCS	
		PERMIT SUBMITTAL		CHECKED BY JEM	
		CONSTRUCTION DOCUMENTS		PROJECT NO. 22543	
NO.	DATE	BY	APPR.	COMMENT	
1	11/11/2022	JEM	SS	ISSUED FOR REVIEW	
2	11/11/2022	JEM	SS	ISSUED FOR REVIEW	
3	11/11/2022	JEM	SS	ISSUED FOR REVIEW	
4	11/11/2022	JEM	SS	ISSUED FOR REVIEW	
5	11/11/2022	JEM	SS	ISSUED FOR REVIEW	
6	11/11/2022	JEM	SS	ISSUED FOR REVIEW	
7	11/11/2022	JEM	SS	ISSUED FOR REVIEW	
8	11/11/2022	JEM	SS	ISSUED FOR REVIEW	
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38	11/11/2022	JEM	SS	ISSUED FOR REVIEW	
39	11/11/2022	JEM	SS	ISSUED FOR REVIEW	
40	11/11/2022	JEM	SS	ISSUED FOR REVIEW	
41	11/11/2022	JEM	SS	ISSUED FOR REVIEW	
42	11/11/2022	JEM	SS	ISSUED FOR REVIEW	
43	11/11/2022	JEM	SS	ISSUED FOR REVIEW	
44	11/11/2022	JEM	SS	ISSUED FOR REVIEW	
45	11/11/2022	JEM	SS	ISSUED FOR REVIEW	
46	11/11/2022	JEM	SS	ISSUED FOR REVIEW	
47	11/11/2022	JEM	SS	ISSUED FOR REVIEW	
48	11/11/2022	JEM	SS	ISSUED FOR REVIEW	
49	11/11/2022	JEM	SS	ISSUED FOR REVIEW	
50	11/11/2022	JEM	SS	ISSUED FOR REVIEW	
51	11/11/2022	JEM	SS	ISSUED FOR REVIEW	
52	11/11/2022	JEM	SS	ISSUED FOR REVIEW	
53	11/11/2022	JEM	SS	ISSUED FOR REVIEW	
54	11/11/2022	JEM	SS	ISSUED FOR REVIEW	
55	11/11/2022	JEM	SS	ISSUED FOR REVIEW	
56	11/11/2022	JEM	SS	ISSUED FOR REVIEW	
57	11/11/2022	JEM	SS	ISSUED FOR REVIEW	
58	11/11/2022	JEM	SS	ISSUED FOR REVIEW	
59	11/11/2022	JEM	SS	ISSUED FOR REVIEW	
60	11/11/2022	JEM	SS	ISSUED FOR REVIEW	
61	11/11/2022	JEM	SS	ISSUED FOR REVIEW	
62	11/11/2022	JEM	SS	ISSUED FOR REVIEW	
63	11/11/2022	JEM	SS	ISSUED FOR REVIEW	
64	11/11/2022	JEM	SS	ISSUED FOR REVIEW	
65	11/11/2022	JEM	SS	ISSUED FOR REVIEW	
66	11/11/2022	JEM	SS	ISSUED FOR REVIEW	
67	11/11/2022	JEM	SS	ISSUED FOR REVIEW	

EXHIBIT H – SIGNAGE PLAN

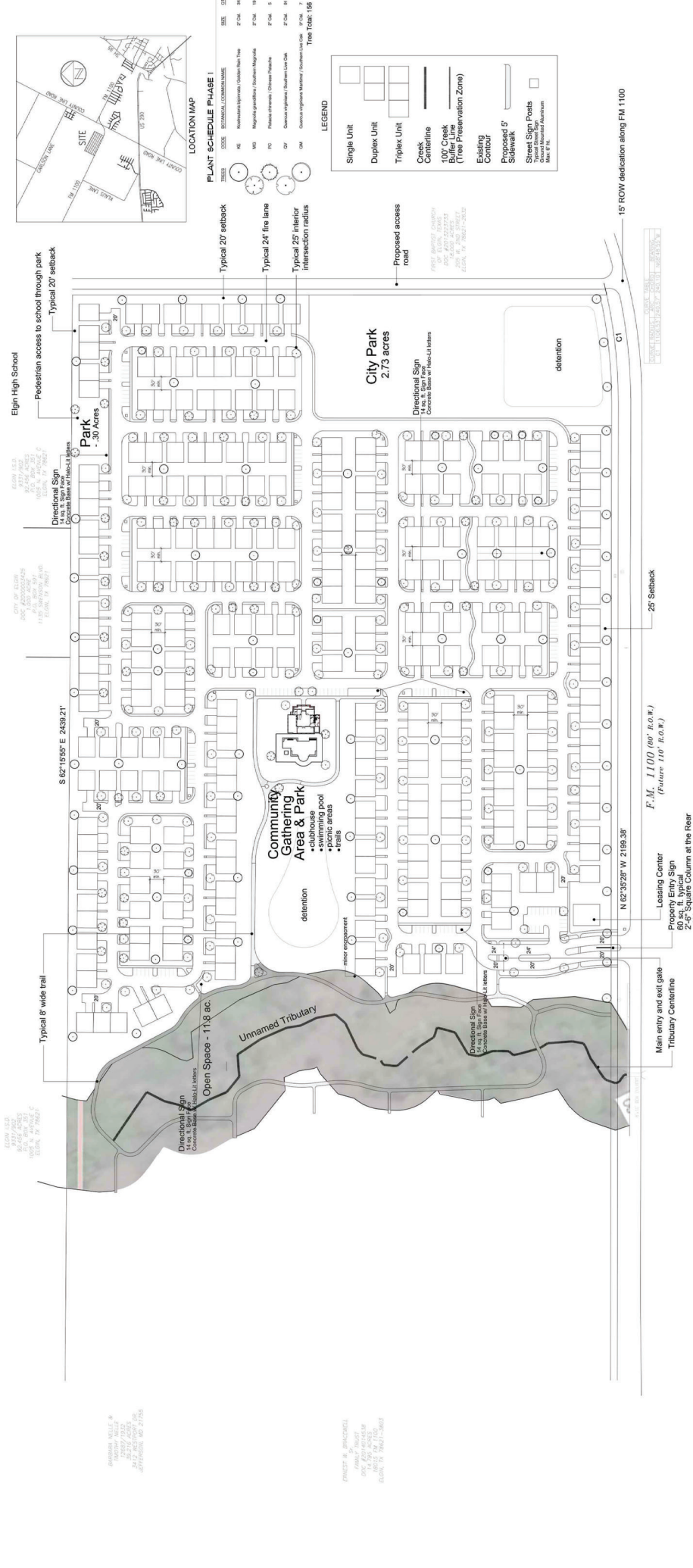


Exhibit H



STONE CREEK SIGNAGE PLAN

Owner: ITEX Group
Attn: Mr. Dakota Courville
9 Greenway Plaza
Houston, Texas 77027
(409) 853-3575

Architect/Planner: BSB Design
Attn: Mr. Dave Copenhaver AIA
8825 Coleman Drive
Frisco, Texas 75034
(409) 853-3575

Engineer: Sambatek, Inc.
Attn: Mr. Jay March, PE
13355 Noel Rd, Suite 1100
Dallas, Texas 75240
(972) 954-5448

Surveyor: James E Garon and Assoc.
Attn: Mr. James Garon, RPLS
185 McAllister Rd
Bastrop, Texas 78602
(512) 303-4185

EXHIBIT I – TREE PRESERVATION PLAN






LAN
 Elgin, Texas

BSB
 DESIGN
 BSBDESIGN.COM

Elgin, Texas

Amended February 23, 2022

The drawings presented are illustrative of character and design intent only, and are subject to change based upon final design considerations (i.e. applicable codes and structural design requirements, etc.) © 2018 BSB Design, Inc.

Attachment 3

Staff Added Comprehensive Plan Exhibits



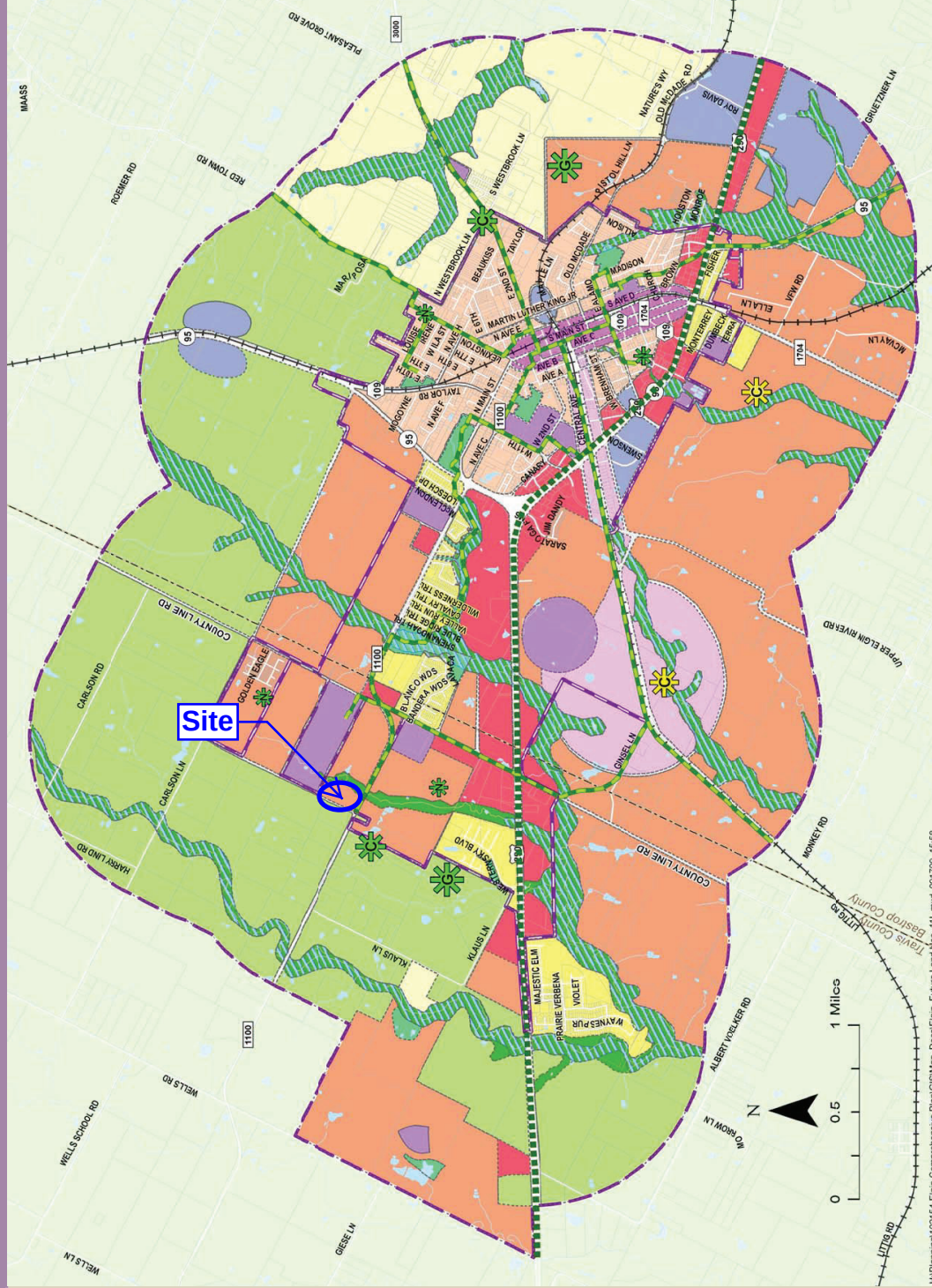
Exhibit 4.4: Future Land Use and Development Plan

- Parcel Boundary
- Elgin City Limits
- Elgin Planning Area

Future Land Use

- Natural Area
- Agriculture
- Low Density Residential
- Existing Single-Family Residential
- Traditional Neighborhood Residential
- Central Elgin Neighborhoods
- Mixed Use
- Main Street Elgin
- Commercial
- Light Industrial
- Institutional
- Parks and Recreation
- 100-Year Flood Plain
- Proposed Park from Parks Master Plan
- Proposed Park from WSA
- Proposed Trail from Parks Master Plan
- US 290 Corridor Greenscaping

Note: A Comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.



H:\Planning\102154-Elgin Comprehensive Plan\GIS\Map_Docs\Elgin_Future Land Use_11L.mxd 09/17/09 15:58
Source: Wilbur Smith Associates, Inc., 2009.

Traditional Neighborhood Development

General Description: Traditional Neighborhood Development (TND) is intended to bring the character and form of Elgin's older neighborhoods (the Central Elgin Neighborhood category) to newly developing areas of the community. Key characteristics include a grid pattern of streets with pedestrian and bicycle amenities, homes that have front porches rather than front garages, a compatible mix of housing types and land uses, and high quality landscaping and building materials.

Transect Zone: General Urban (T4)

Primary Land Use: Single Family Residential

Supporting Land Uses: Attached residential (townhomes, rowhouses), small apartment buildings, neighborhood-scale retail and office, schools, parks, and community facilities. Accessory dwellings or "granny flats" are encouraged with appropriate regulations regarding lot coverage, height, and parking.

Residential Densities: Approximately 5 units per acre.

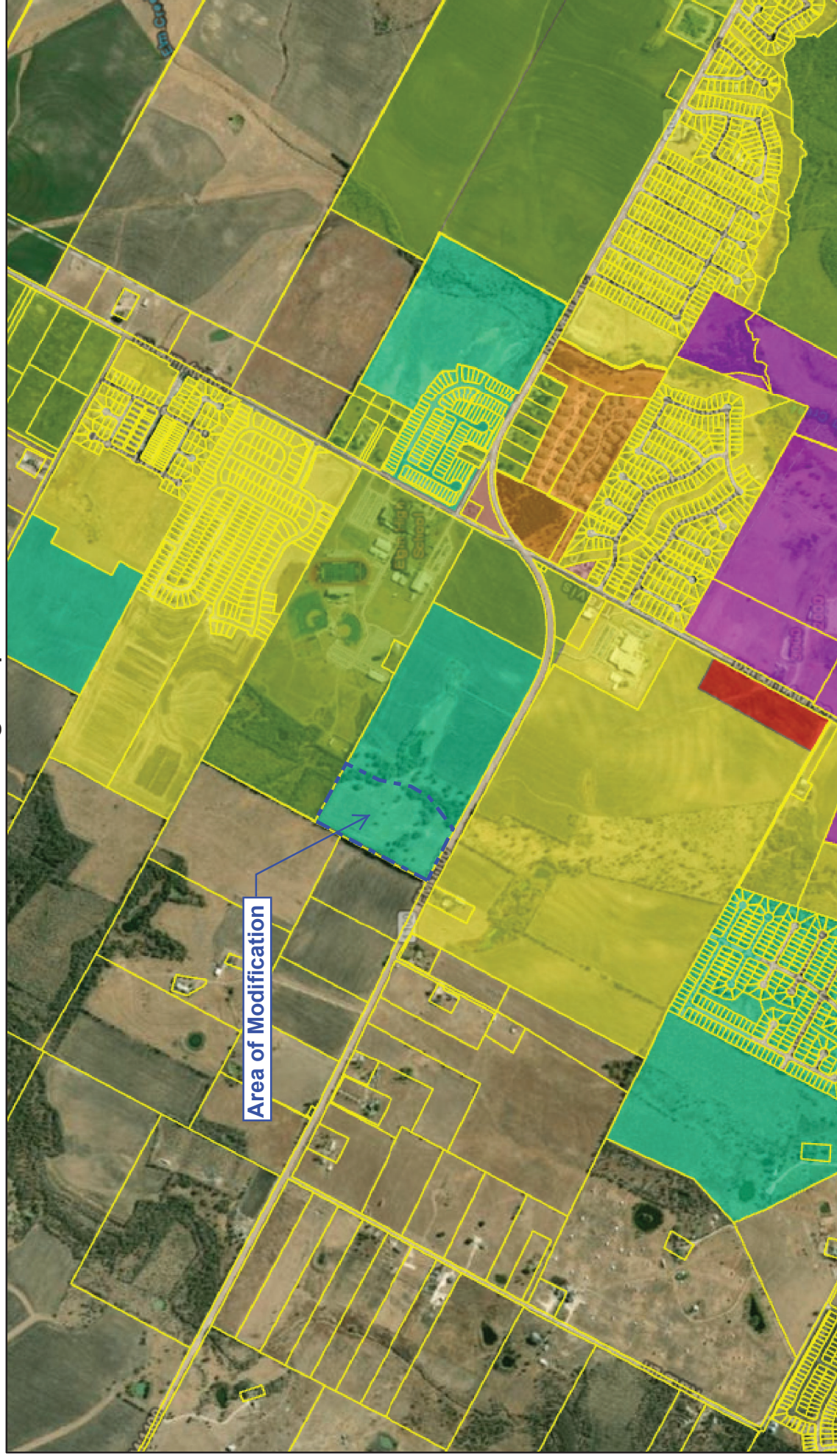
Form and Character: TND areas should be built according to a traditional grid or modified grid street pattern without the use of cul-de-sacs to promote connectivity and walkability. Homes should address the street directly with garages placed to the side or preferably the rear of the home with access from an alley or lane. Front porches should be incorporated into most homes to promote community and neighborly interaction. Buildings are typically two to three stories tall with shallow to medium setbacks that allow landscaping, while also maintaining a close connection to the street and sidewalk. Lot and home sizes vary to offer a wider range of housing choice and affordability than is typically provided in conventional subdivisions. High quality building materials and landscaping should be used to enhance the overall character of development.

Parks and Open Space: Neighborhood parks should be interspersed regularly to ensure all residents have access to park space. Smaller pocket parks, playgrounds, and greens may also be provided. Sidewalks and bike trails should provide connections to parks and playgrounds within or outside of the neighborhood. Floodplains and existing vegetated areas should be preserved and incorporated into neighborhoods as open space amenities and natural buffers from surrounding development. However, floodplains should not be used to meet the active recreation needs of the community because construction of park facilities is limited in these areas.



Attachment 4
Staff Added Zoning Map

Zoning Map



Area of Modification

3/9/2022, 7:43:06 PM

Travis Parcels July 2021

Bastrop Parcels July 2021

Zoning

A - Multiple Family Residential District

C1 - Neighborhood Shopping District

C2 - General Commercial District

C3 - Highway Commercial District

PDD - Planned Development District

Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Web AppBuilder for ArcGIS
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community | Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community | Esri, HERE, Garmin, (c) OpenStreetMap contributors | TRC GIS, City of Elgin |

Attachment 5
Staff Compliance Letter



505 East Huntland Drive
Suite 250
Austin, Texas 78752

T 512.454.8716
TRCcompanies.com
T.B.P.E. #F-8632

March 28, 2022

Mr. David Harrell, Development Services Director
City of Elgin
310 N. Main St.
Elgin, Texas 78621

RE: Stone Creek Ranch PDD Review

Dear Mr. Harrell:

TRC has reviewed the following documents listed below submitted by Sambatek:

1. Agreement and Development Plan for Stone Creek Ranch PDD - Revision dated March 10, 2022.

Our review finds that these documents have been prepared in general conformance with the City of Elgin's Code of Ordinances and any deviations from the Code have been negotiated with additional benefits included for the City.

As TRC did not provide the detailed design of the submitted documents, TRC and the City of Elgin must rely on the adequacy of the Registered Professional Land Surveyor and Registered Professional Engineer that prepared the documents and all responsibility for the surveying, engineering design and submitted documents shall remain with the Registered Professional Land Surveyor and Registered Professional Engineer. Note that prior to execution of the PDD, all applicable filing fees and invoices shall be paid. If you have any questions regarding this information, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in blue ink, appearing to read 'K. Beau Perry'.

K. Beau Perry, P.E.
Vice President

cc: Mr. Jay Marsh, P.E., Sambatek



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING AN AMENDMENT TO THE AQUA WSC MASTER AGREEMENT FOR TRANSFER OF THE STONE CREEK RANCH DEVELOPMENT WATER CCN SERVICE AREA FROM AQUA WSC TO THE CITY OF ELGIN AND MAKING CERTAIN FINDINGS RELATED THERETO

DEPARTMENT: City Manager

PROPOSED ACTION:

Consideration and approval of a Resolution authorizing the transfer of the Stone Creek Ranch Development from the Aqua Water Supply Corporation (WSC) Certificate of Convenience and Necessity (CCN) to the City CCN.

BACKGROUND:

Discussed previously; The City and Aqua WSC have executed a Master Agreement for Transfer of Certain Retail Water CCN Service from Aqua WSC to the City of Elgin, detailing certain terms and conditions whereby Aqua may transfer portions of the Aqua CCN to the City to provide water service to certain tracts, land parcels, and/or developments.

The agreement stipulates certain conditions whereby the City would begin to acquire certain developing areas within Aqua's CCN that will otherwise be fully serviced by the City, the cost for which will be passed on to the affected developer.

The **Stone Creek Ranch Development** is a new residential subdivision being constructed under a Development Agreement with the City and is eligible for transfer of Aqua CCN to the city.

BUDGET/FINANCIAL IMPACT:

Funding for this item was { } included {X} not included in the current-year budget { } N/A

RECOMMENDATION:

Approval a Resolution authorizing the transfer of the Stone Creek Ranch Development from the Aqua WSC CCN (CCN) to the City as described; and routine direction to staff, if any.

ATTACHMENTS: (1) Resolution (2) Agreement Amendment

{ } Staff will be making a detailed presentation on this agenda item at the meeting.

{X} Staff will provide brief comments and answer questions on this item at the meeting.

{ } This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF ELGIN, TEXAS
AUTHORIZING AN AMENDMENT TO THE AQUA WSC
MASTER AGREEMENT FOR TRANSFER OF THE STONE
CREEK RANCH DEVELOPMENT WATER CCN SERVICE
AREA FROM AQUA WSC TO THE CITY OF ELGIN AND
MAKING CERTAIN FINDINGS RELATED THERETO**

WHEREAS, the City of Elgin, Texas (the “City”) and Aqua Water Supply Corporation (“Aqua”) have executed a *Master Agreement for Transfer of Certain Retail Water CCN Service from Aqua WSC to the City of Elgin*, detailing certain terms and conditions whereby Aqua may transfer portions of the Aqua Certificate of Convenience and Necessity (“CCN”) to the City to provide water service to certain tracts or land parcels; and,

WHEREAS, the Stone Creek Ranch Development is a new residential subdivision being constructed within the City under Planned Development District (PDD) zoning; and,

WHEREAS, the Elgin City Council previously authorized the City Manager to finalize negotiations on such amendment(s) to the *Master Agreement*; and,

WHEREAS, it is found to be in the best interests of both Aqua and the City to complete this transfer of the Aqua Water CCN to the City to provide water service to said property.

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

Section 1. Findings. The following recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Authorization. The City Manager is hereby authorized to execute the *Amendment to Aqua WSC Master Agreement* related to the Stone Creek Ranch Development, a copy which being attached hereto and marked Exhibit A; and made part of this Resolution as if copied verbatim herein.

Section 3. Payment. Developer shall pay all fees associated with transferring the Stone Creek Ranch CCN from Aqua WSC to the City; and, at the time of platting, shall pay the City \$3,900 per acre for the area within the final plat, with total costs for the entire PDD not to exceed \$269,068.80.

Section 4. Future Budget Amendment. The City Council does hereby acknowledge that this item was not specifically included within the approved *FY21-22 City of Elgin Annual Operating Budget*; and that said budget may be amended at a future date to formally appropriate funds for this item.

Section 5. Open Meetings. The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered, and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Section 6. This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 5th day of April, 2022

RON M. RAMIREZ, Mayor
City of Elgin, Texas

ATTEST:

JENNIFER STUBBS, City Secretary

EXHIBIT “B-6”

Amendment to Master Agreement for each Residential/Commercial Development Subject to Transfer to Elgin from the Aqua Water CCN

Title of Development: STONE CREEK RANCH

Concept Plan ☒

Preliminary Plat ☐

Replat ☐

Short Form Plat ☐

Date of Approved Concept Plan or Plat: November 9, 2021

Name and Contact (Developer): ITEX Group, Dakota Courville

AMMENDMENT TO AGREEMENT FOR TRANSFER OF CERTAIN WATER CCN SERVICE AREA FROM AQUA WSC TO THE CITY OF ELGIN

A Master Agreement (“Master Agreement”) for establishing basic terms and conditions under which AQUA WATER SUPPLY CORPORATION may consent to transfer specific portions of its retail water CCN to the City of Elgin was made and entered into by and between Aqua Water Supply Corporation (hereinafter called “Aqua”) and the City of Elgin, Texas (hereinafter called “Elgin”), on ____ day of _____, 20__ (the “Effective Date”).

WITNESSETH:

WHEREAS, a Master Agreement dated _____ established the terms and conditions under which Aqua agreed to transfer specific portions of its retail water Certificate of Convenience and Necessity (“CCN”) No. 10294 (“Aqua Water CCN”) to Elgin; and

WHEREAS, the planned development of Stone Creek Ranch, currently in the Aqua Water CCN has submitted a Concept Plan / Preliminary Plat consisting of 68.992 acres, which has been approved by the Planning and Zoning Commission for the City of Elgin; and

WHEREAS, the Stone Creek Ranch development meets the requirements of the conditions stipulated in the Master Agreement to be considered for transfer from the Aqua Water CCN to Elgin; and

WHEREAS, the land under consideration, and subject to conveyance is shown in ATTACHMENT A, and which is located within the Aqua Water CCN and the Elgin Wastewater CCN; and

WHEREAS, Chapter 13 of the Texas Water Code and the rules of the Public Utility Commission of Texas (“PUC”) allow for the transfer or assignment of CCN service areas from a water supply corporation to a municipally owned utility; and

WHEREAS, Elgin has determined that it has sufficient water supplies available to provide water services to specific portion of the Aqua Water CCN proposed to be served by Elgin and agrees that such availability will be a condition precedent before any CCN may be transferred from the Aqua Water CCN to Elgin; and

WHEREAS, the transfer of the specific portion of the Aqua Water CCN to Elgin will further the public purpose of rationalizing the distribution of water services in the region taking into account existing and future needs for additional infrastructure to serve all of Elgin and its urbanizing areas.

NOW THEREFORE, in consideration of the foregoing and the mutual agreements hereinafter set forth, and for other good and valuable consideration, the receipt and adequacy of

which is hereby acknowledged, Aqua agrees to transfer specific portions of the Aqua Water CCN to Elgin on the terms and conditions and for the consideration set forth herein.

SECTION 1.0

SPECIFIC PORTION OF THE AQUA WATER CCN TO BE RELEASED TO ELGIN

Section 1.01 – Definition of Specific Portion of the Aqua Water CCN to be conveyed to Elgin

Attachment A to this Agreement shows a map of the Stone Creek Ranch Development that is covered by this Amendment to the Master Agreement. The map shows the location of the development in relation to the City limits of Elgin, the current Water CCN of Elgin, the parcels included in the development as well as the number of acres that comprise the development.

Section 1.02 – Calculation of compensation

As stipulated in the Master Agreement and agreed to by both parties, calculation of the compensation to be paid to Aqua by Elgin for transfer of the specific portion of the Aqua Water CCN is as follows:

$$\text{Number of acres under development} \times \$3,900.00 = \text{Total Compensation}$$

For the subject development, the actual calculation is as follows:

$$68.992 \text{ acres} \times \$3900.00 = \$269,068.80$$

Section 1.03 – Additional Amounts Owed to Aqua (IF APPLICABLE)

As negotiated by Elgin and Aqua, Elgin shall pay Aqua the amount of \$ [REDACTED] (for stranded assets, easement acquisition, existing customers, etc.)

Section 1.04 – Payment

Payment of the amounts calculated in Section 1.02 and 1.03 shall be paid in accordance with terms and conditions of the Master Agreement as specified in Section 3.4.

Section 1.05 -- Litigation

The terms and conditions of this Amendment shall be construed under and in accordance with the laws of the State of Texas. All obligations of the parties created under these terms and conditions shall be performable in Bastrop County, Texas. All payments required to be made to Aqua under this

Amendment shall be made at Aqua's offices in Bastrop County, Texas. Bastrop County, Texas shall be the exclusive place of venue for any disputes arising under this Agreement.

IN WITNESS WHEREOF, the parties have executed this Amendment as indicated below.

AQUA

ELGIN

By: _____
_____,

By: _____
_____,

Date: _____

Date: _____

ATTEST:

ATTEST:

By: _____
Secretary, Board of Directors

By: _____
Secretary

Date: _____

Date: _____

ATTACHMENT A-6

Map Showing the area of Aqua Water CCN subject to the transfer for Stone Creek Ranch

CITY OF ELGIN, TX
AQUA CCN TRANSFER
ATTACHMENT A-6
STONE CREEK RANCH

LEGEND

- AQUA CCN
- ELGIN CCN
- SUBDIVISIONS
- TRANSFER AREA
- CITY LIMITS

02505001000

SCALE : 1" = 500'

N



TRC ENGINEERS, INC.
505 E. HUNTLAND DRIVE, STE. 250 AUSTIN, TX 78752
T.B.P.E. FIRM REGISTRATION # F-8632
(512) 454 - 8716



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ELGIN, TEXAS ADOPTED IN CHAPTER 46, SECTION 46-3, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, 2013 AND MAKING THIS AMENDMENT A PART OF SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE LAND FROM “R-1” SINGLE FAMILY DISTRICT TO “PDD” PLANNED DEVELOPMENT DISTRICT LOCATED ON A PARCEL OF LAND KNOWN BY THE TRAVIS CO. APPRAISAL DIST. AS PARCEL 237109. (36.92 ACRE TRACT OF LAND IN THE WILLIAM HINES SURVEY NO. 53, TRAVIS CO., TX), BEING MORE DESCRIBED IN EXHIBIT “A”; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

DEPARTMENT: Development Services.

PROPOSED ACTION: Discussion, consideration, and action on an ordinance amending the official zoning map of the City of Elgin, TX adopted in Ch. 46, Sec. 46-3, revised Code of Ordinances, City of Elgin, TX, 2013 and making this amendment a part of said official zoning map (Poth Tract Rezoning from R-1 to PDD).

BACKGROUND: See attached staff report.

BUDGET/FINANCIAL IMPACT:

Funding for this item was {} included {} not included in the current-year budget {X} N/A

Finance Approval:

Signature: _____ **Date:** _____

RECOMMENDATION: The Planning & Zoning Commission provided input of this item at their February 28, 2022, meeting. This has been included in the attached staff report.

ATTACHMENTS: Staff Report, Application w/ Owners Authorization, PDD Ordinance with Text and Maps, Staff added Comprehensive Plan Exhibits, Staff added Zoning Map, Staff Compliance Letter, Staff Added Neighboring Developments.

{} Staff will be making a detailed presentation on this agenda item at the meeting.

{X} Staff will provide brief comments and answer questions on this item at the meeting.

{} This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.



Development Service Department

STAFF REPORT

Rezoning from R-1 to PDD

Poth Tract

Date: March 26, 2022

Applicant: Amanda Brown c/o Kimley Horn

Representative: SAME

Hearing Dates: City Council – April 5, 2022

Location: Travis Co. Appraisal District Parcel 962928

APPLICATION SUMMARY

Consideration of a rezoning of 36.92 acres of land located along the north side of U.S. Hwy 290 and adjacent to the Elm Creek NW and Brickston developments (a change to the official zoning map). The proposal is to change the zoning from R-1 Single Family Residential District to PDD Planned Development District to develop 106 single family residential homes and 3 commercial lots on 17.45 acres.

DEPARTMENT COMMENTS

Since the parcel is being rezoned to a PDD it has separate development standards, these have been included in attachment 2. Except for certain deviations, any changes not listed in this exhibit will defer to the R-3 zoning standard for residential and C-2 zoning standards for commercial. The deviations to City Code include the following:

1. Minimum lot area shall be 3,700 sq. ft. versus 6,000 sq. ft. for R-3 standard.
2. Minimum lot width shall be 40 ft. versus 50 ft. for R-3 standard.
3. Decrease side setback from 10 feet for two story and 7.5 feet for one story to 5 feet no matter the number of stories for R-3 standard.
4. Increase residential building coverage on lot from 45% on interior lots and 50% on corner lots to 55% on all residential lots for R-3 standard.

Residential uses consist of only single family detached dwelling units. The Commercial uses consist of most uses existing under the C-1 and C-2 zoning categories and have been placed directly into the document. The proposed concept plan provides for a collector sized roadway (60 ft. right-of-way) to circle within the development and provide a connection to Travis Co. Municipal Utility District #14 through the Elm Creek NW development. A traffic impact analysis (TIA) requirement will be controlled by TXDOT as the development directly accesses its roadways and therefore has not been included with the proposal. Parkland fees of \$800.00 per lot will be paid by the developer at the time of platting as there will be no public parkland space in the development. Utilities will be through the existing Travis Co. Municipal Utility District #14 for sewer and Aqua WSC for water, and will not use any City related utilities.

PLANNING AND ZONING COMMISSION INPUT

The Commission offered their input to the development plan in a workshop format at their February 28, 2022, meeting. Staff and Commission discussion involved the layout and proposed uses, development of Elm Creek around it, utilities, sales tax, development pattern was a continuation of the MUD regarding smaller residential lots, sizes of rights-of-way, & driveway access for residential. The Commission as a whole or individual members didn't express any concerns regarding the proposed PDD.

STAFF ANALYSIS

In review of the Elgin Comprehensive Plan the parcel is located within the Agricultural Land Use category. This category's primary land usage is agriculture (see attachment 3) according to the provided map and associated land use language. The current R-1 zoning category, as the parcel was zoned automatically when annexed, allows for single family homes as a use by right. This is a conflict with the land use and zoning; the PDD will expand conflicting uses to commercial as well and keep the conflicting residential uses.

It is City Staff's professional opinion that the overall development pattern of the area has changed since the approval of the Brickston Development Agreement in 2019 which allows for single family residential (with different smaller lot sizes) and linear commercial uses along U.S. 290 (see attachments 4 & 6). Also, approval of the Elm Creek NW preliminary plat in Sept. 2021 which consists of residential with smaller lots (40' wide with 4,400 sq. ft. on some lots) have further defined the development pattern of this area. Both developments are also contiguous to the site and are similar with smaller residential lot sizes and incorporate some linear commercial uses.

When seeking a rezoning, the Council should consider the uses that could occur on the land by rezoning to another zoning category. There are no additional uses but a subtraction of many uses in the permitted uses with the proposed rezoning request. Single family homes stay a permitted use in either zoning category.

R-1 District (existing)	PDD (proposed)
	Most C-1 and C-2 Commercial Uses.
Detached single-family dwelling.	Detached single-family dwelling.
Churches, but not including revival tents or arbors.	
Public school offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping.	
Public park and playground.	
Library.	
Growing of farm products.	
Municipal use	
Telephone exchanges.	
Home occupations.	Home occupations.
Transportation and utility easements, alleys and rights-of-way	Transportation and utility easements, alleys and rights-of-way
Accessory building which is not a part of a main building, including one	Accessory building which is not a part of a main building, including one

private garage, or accessory building which is a part of a main building, including one private garage.	private garage, or accessory building which is a part of a main building, including one private garage.
R-1 District (existing)	PDD (proposed)
Accessory uses, which shall include the following where the primary use is residential: Customary home occupations, if done inside of building, such as dressmaking, babysitting, seamstress, tailoring, millinery, tutoring, when engaged in by members of the resident family and employing not more than one person, not a member of the resident family, but not including beauty culture, barbering or appliance repairing.	Accessory uses, which shall include the following where the primary use is residential: Customary home occupations, if done inside of building, such as dressmaking, babysitting, seamstress, tailoring, millinery, tutoring, when engaged in by members of the resident family and employing not more than one person, not a member of the resident family, but not including beauty culture, barbering or appliance repairing.

Below is a list of zoning standards for each zoning category, changes are highlighted in yellow between zoning categories:

	R-1 (exist. zoning)	PDD(proposed zoning)
Height	2.5 stories or 35 feet	2 stories or 35 feet (R); 50 feet (C)
Front Setback	25 feet; garage at 25 feet	15 feet with garage at 25 feet (R); 0 feet (C)
Side Setback	5 feet for 1 story; 7.5 feet for more than 1 story	5 feet (R); 10 feet if contiguous to residential otherwise 0 feet (C)
Rear Setback	10 feet	10 feet (R); 10 feet if contiguous to residential otherwise 0 feet (C)
Lot Width	75 feet	40 feet
Lot Area	9,000 sq. ft.	3,700 sq. ft.
Impervious Cover on Lot	45% interior; 50% corner	Building coverage is 55% on lot. No Impervious cover on lot.

- (R) – Residential; (C) – Commercial

Based on the information within the packet, staff has no issues or concerns regarding the proposal. The PDD itself allows for residential uses with smaller lots and linear commercial along U.S. Hwy 290, which is similar to the contiguous Brickston and Elm Creek North developments (see attachments 4 & 6). The present R-1 zoning already allows for residential single-family development. Also, commercial uses that are proposed as part of the PDD consist of C-1 and C-2 zoning related uses which are less intense than the present C-3 zoning uses for commercial further east on U.S. Hwy 290 (see attachment 4).

ATTACHMENTS

Additional information is provided through attached exhibits.

1. Application w/Owners Authorization
2. PDD Ordinance with Text and Map.
3. Staff Added Comprehensive Plan Exhibits.
4. Staff Added Zoning Map.
5. Staff Compliance Letter.
6. Applicant Added Basis for Non-Payment of Parkland Fees with New Arterial Upgrade.
7. State Added Approved and Extended Original Concept Plan.

Attachment 1
Application w/ Owners Authorization

PDD REZONING APPLICATION

Date: 12/14/2021New ☒ Modification ☐

Modification of _____

SITE INFORMATION

Project Address: _____

Parcel Identification Number (if no address): TCAD 237109

APPLICANT

Name: Amanda BrownPostal Address: 10814 Jollyville Road, Avallon IV, Suite 200 Austin, TX 78759E-Mail Address: amanda.brown@kimley-horn.com; Phone Number: 737-471-0333

The information given on this application is accurate to the best of my knowledge. All provisions of laws and ordinances governing this work will be complied with, whether specified on this application or not.

	<u>Amanda Brown</u>	<u>12/14/2021</u>
Signature	Printed Name	Date

Project Description:

This project consists of 18.29 acres of commercial property along US 290 and 18.61 acres
of single-family lots.



310 North Main Street

P.O. Box 591

Elgin, Texas, 78621



(512) 281-0119



www.elgintx.com

November 4, 2021

Amanda Brown
Kimley-Horn and Associates, Inc.
10814 Jollyville Road
Avallon IV, Suite 200
Austin, TX 78759

Re: Rezoning Application
SH 290, Elgin, TX (36 acres)
Owner's Authorization

Dear Ms. Brown:

This letter shall serve as authorization for Kimley-Horn and Associates, Inc. to represent and act on behalf of Gayle Marek (owner name) for the purpose of preparing and submitting all required City of Elgin applications associated with the Rezoning and Annexation applications.

Please contact _____(Name) at _____(phone) if additional information is required.

Sincerely,

DocuSigned by:
By: Gayle Marek
82B596AE1C3040A...
Name: Gayle Marek
Title: Property Owner

Attachment 2

PDD Ordinance with Text and Maps

ORDINANCE NO. 2022-04-05-??

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ELGIN, TEXAS ADOPTED IN CHAPTER 46, SECTION 46-3, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, 2013 AND MAKING THIS AMENDMENT A PART OF SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE LAND FROM “R-1” SINGLE FAMILY DISTRICT TO “PDD” PLANNED DEVELOPMENT DISTRICT LOCATED ON A PARCEL OF LAND KNOWN BY THE TRAVIS CO. APPRAISAL DIST. AS PARCEL 962928 (36.92 ACRE TRACT OF LAND IN THE WILLIAM HINES SURVEY NO. 53, TRAVIS CO., TX), BEING MORE DESCRIBED IN EXHIBIT “A”; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

WHEREAS, an application has been made to the City Council of Elgin, Texas to amend the Official Zoning Map to rezone the property described in Exhibit "A" attached hereto and incorporated here in, from R-1 Single Family Dwelling District, and

WHEREAS, the City Council has submitted the requested change in the Official Zoning Map to the Planning and Zoning Commission for its input, and

WHEREAS, the Planning and Zoning Commission held a workshop concerning the requested change on February 28, 2022, and

WHEREAS, the Planning and Zoning Commission has offered their input on the proposed change to the Official Zoning Map, and

WHEREAS, on April 5, 2022, after proper notification, the City Council held a public hearing on the requested zoning, and

WHEREAS, the City Council determines that the zoning provided for herein promote the health, safety, morals, and protects and preserves the general welfare of the community, and

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A, Texas Local Government Code, and Chapter 46, City of Elgin Ordinances, concerning public notices, hearings, and other procedural matters has been fully complied with, Now Therefore

IT ORDAINED BY THE COUNCIL OF THE CITY OF ELGIN, TEXAS, THAT:

I.

The Official Zoning Map adopted in Chapter 46, Section 46-3, City of Elgin, Texas is hereby amended so that the zoning classification of the property described in Exhibit "A" is classified as PDD Planned Development District.

II.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this Ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

READ, PASSED, and ADOPTED on first reading this the 5th day of April 2022.

RON M. RAMIREZ, Mayor

ATTEST:

JENNIFER STUBBS, City Secretary

AGREEMENT AND DEVELOPMENT PLAN

Poth Tract

PLANNED DEVELOPMENT DISTRICT (PDD)

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

THIS AGREEMENT AND DEVELOPMENT PLAN (this “Agreement”) is made and entered by and between the City of Elgin, Texas, a Texas municipal corporation, (hereinafter referred to as the "City"), and Lennar Homes of Texas Land and Construction, Ltd , its successors and assigns, (hereafter referred to as the "Owner"); provided, however, upon sale, transfer or conveyance of portions of the hereinafter described property, the duties and obligations of the Owner, as it relates to the respective property, shall be assumed by the new owner, and the Owner shall have no further liability relating to their respective property.

WHEREAS, the Owner is the owner of certain real property consisting of 36.92 acres, as more particularly described in **Exhibit A**, (herein after referred to as the “Property”) attached hereto and made a part hereof.

WHEREAS, the Owner has submitted a request to the City to zone the Property as a Planned Development District (the "PDD"), and those portions of the Property currently lie within City Limits.

WHEREAS, pursuant to Chapter 46, Article IV, Division 10, Code of Ordinances, City of Elgin, Texas, the Owner has submitted a Development Plan setting forth the development conditions and requirements within the PDD, which Development Plan is contained in Section II of this Agreement; and

WHEREAS, the City has held public hearings required by law to solicit input from all interested citizens and affected parties; and

WHEREAS, on February 28, 2022, the City's Planning and Zoning Commission held a workshop of the Owner's application for a PDD; and

WHEREAS, the City Council has reviewed the proposed Development Plan and determined that it promotes the health, safety, and general welfare of the citizens of Elgin and that it complies with the intent of the Planned Development District Ordinance of the City;

NOW THEREFORE BY THIS AGREEMENT WITNESSETH that, in consideration of the covenants and conditions set forth herein, the City and the Owner agree as follows:

I.
GENERAL PROVISIONS

1.CONFORMITY WITH DEVELOPMENT PLAN

All uses and development within the Property shall conform to the Development Plan included in Section II herein the "Plan."

2.ANNEXATION

The Property is annexed. The annexation was approved on the January 4, 2022 City Council meeting

3. CHANGES AND MODIFICATIONS

No changes or modifications will be made to this Development Plan unless all provisions pertaining to changes or modifications as stated herein are followed.

4.ZONING VIOLATION

The Owner, his successors and assigns understand that any person, firm, corporation or other entity violating any conditions or terms of the Development Plan shall be subject to any and all penalties for the violation of any zoning ordinance provisions as stated in the Code of Ordinances, City of Elgin, Texas, as amended. This Plan will be filed in the Official Records of Travis County, thereby placing future purchasers of the property on notice of all of the terms and conditions of this Plan.

5.MISCELLANEOUS PROVISIONS

5.1 Assignment.

Neither party may assign its rights and obligations under this Agreement without having first obtained the prior written consent of the other which consent shall not be unreasonably withheld. This section shall not prevent the Owner from selling the Property or portions of the Property, together with all development rights and obligations contained in this Development Plan, and no consent shall be required in connection with any sale provided the purchaser assumes Owner's obligations in writing as to such portions of the Property.

5.2 Necessary Documents and Actions.

Each party agrees to execute and deliver all such other and further instruments and undertake such actions as are or may become necessary or convenient to effectuate the purposes and intent of this Agreement.

5.3 Severability.

In case one or more provisions contained herein are deemed invalid, illegal or unenforceable in any respect such invalidity, illegality or unenforceability shall not affect any other provisions hereof and in such event, this agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

5.4 Entire Agreement.

This Agreement constitutes the entire agreement of the parties and supersedes any prior or contemporaneous oral or written understandings or representations of the parties respecting the subject matter hereof.

5.5 Applicable Law.

This Agreement shall be construed under and in accordance with the laws of the State of Texas.

5.6 Venue.

All obligations of the parties created hereunder are performable in Travis County, Texas and venue for any action arising hereunder shall be in Travis County.

5.7 No Third-Party Beneficiaries.

Nothing in this Agreement, express or implied, is intended to confer upon any person or entity, other than the parties hereto (and their respective successors and assigns), any rights, benefits, or remedies under or by reason of this Agreement.

5.8 Duplicate Originals.

This Agreement may be executed in duplicate original, each of equal dignity.

5.9 Notices.

Until changed by written notice thereof any notice required under this Agreement may be given to the respective parties, by certified mail, postage prepaid or by hand delivery to the address of the other party shown below:

Lennar Homes of Texas
12301 Research Blvd
Bldg. 4 Ste 100
Austin, Texas 78759

City of Elgin, Texas
P.O. Box 591
Elgin, Texas 78621
Attn: City Manager

5.10 Effective Date.

This Agreement shall be effective from and after the date of due execution hereof by all parties.

5.11 Appeal of Administrative Decisions.

Administrative decisions provided for in this Agreement may be appealed to the City Council in writing within 30 days following receipt by the Owner of the written confirmation of the decision.

5.12 Binding Effect.

This Agreement and the Development Plan binds and benefits the Owner and its successors and assigns.

5.13 Sunset Provision

In the event that this Planned Development Plan is not recorded within five (5) years from the date the Planned Development Plan is approved by the City Council, then the Planned Development Plan shall be automatically voided, and the zoning shall revert to R-1 Single Family Dwelling District.

II DEVELOPMENT PLAN (“Plan”)

1. **DEFINITIONS**

Words and terms used herein shall have their usual force and meaning, or as defined in the Code of Ordinances, as amended, City of Elgin, Texas, hereinafter referred to as "the Code"

2. **PROPERTY**

This Development Plan (hereinafter referred to as “Plan”) covers approximately 36.92 acres of land, all of which is located within the city limits of Elgin, Texas, and more particularly described by metes and bounds in **Exhibit "A"**, attached hereto.

3. **PURPOSE**

The purpose of this Plan is to insure a PDD that 1) is equal to or superior to development that would occur under the standard ordinance requirements, 2) does not have an undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting the public health, safety and welfare, 3) is adequately provisioned by essential public facilities and services, and 4) will be developed and maintained so as not to dominate, by scale or massing of structures, the immediate neighboring properties or interfere with their development or use in accordance with any existing zoning district.

4. **APPLICABILITY OF CITY ORDINANCES**

4.1 **Zoning and Subdivision Ordinances**

The Property shall be regulated for purposes of zoning and subdivision by this Plan. All aspects not specifically covered by this Plan shall be regulated by applicable sections of the Code. This PDD serves to augment and/or modify the standards for development outlined in the Code to implement the vision for the Property and ensure a quality development not otherwise achieved solely by the underlying base zoning district. Refer to Exhibit “C” Development Standards, for additional design standards set forth in the PDD agreement. If there is a conflict between this Agreement and Plan and the Code, this Agreement and Plan shall supersede the specific conflicting provisions of the Code. If there is a conflict between this Agreement and Exhibit “C”, the Agreement shall supersede the specific conflicting provisions of the Exhibit “C”.

4.1.1 Variances: The minimum lot area shall be 3700 sq. ft.

4.2 **Other Ordinances**

All other Ordinances within the Code shall apply to the Property, except as clearly modified by this Plan.

5. **PERMITTED USES**

The Property shall be used and developed as shown in **Exhibit B** attached hereto and incorporated herein. The Concept Plan depicts the Development Plan for the property, which reflects the physical layout and the uses allowed in the PDD. Minor alterations to the Concept Plan may be administratively as part of the Final Plat and/or Construction Plan application

processing. A property owner's association governing the residential and commercial properties will be developed before certificate of occupancy.

The permitted Residential uses:

- Detached single-family dwelling

The permitted Commercial uses:

- Amusement enterprises
- Antique shop
- Appliance shop
- Artists materials, supply studio
- Arts school, gallery or museum
- Baby shop
- Bakery
- Bakery goods store
- Barbershop
- Beauty shop
- Book or stationery store
- Cafe.
- Camera shop
- Candy store
- Catering establishment
- Clothing or apparel store
- Commercial school or hall
- Curio or gift shop
- Dairy products or ice cream store
- Delicatessen
- Department store.
- Dress shop
- Drug store or fountain
- Dry goods store
- Feed and fuel store
- Florist shop, greenhouse, nursery
- Frozen food locker
- Furniture store
- Grocery store or supermarket
- Hardware store
- Hospital for small animals
- Hotel
- Interior decorating store
- Jewelry or notion store
- Key shop
- Leather goods shop
- Lodge hall
- Medical facility
- Musical instrument sales
- Nursery or garden supply store
- Office business
- Optometrists sales and service
- Pet shop
- Pharmacy
- Photographer studio
- Radio and television sales and service
- Recreation center
- Restaurant
- Sign painting shop
- Sporting goods sales
- Sporting goods store
- Stocks and bonds broker
- Tailor shop
- Theater
- Toy store
- Travel store
- Variety store

A building used for any of the previously listed uses may not have more than 40 percent of its floor area devoted to purposes incidental to the primary use. No material or goods offered for sale or stored in connection with the uses previously listed shall be displayed or stored outside of a building.

The uses allowed in the PDD shall comply with what is permitted under City of Elgin Code.

6. **UNDERGROUND UTILITY SERVICE**

All utility lines must be underground to connection points provided by the utility service provider. All transformers must be visually screened.

7. **DRIVEWAY ACCESS TO US HIGHWAY 290**

All direct access from US Highway 290 shall be approved by Texas Department of Transportation (TxDOT) as required by State law. All necessary requirements of approval including but not limited to a Traffic Impact Analysis (TIA), infrastructure improvements, etc. shall be the responsibility of the Owner.

8. **PARKLAND DEDICATION**

The parkland dedication requirements for the Property shall be met in full by providing the following:

8.1 **Parkland Fee in Lieu of Required**

A Parkland Fee in Lieu of shall be requested during the Site Development and Subdivision process.

9. **SIGNS**

All signs in the PDD shall conform to Chapter 32 of the City of Elgin Code of Ordinances.

10. **WATER AND WASTEWATER**

The development shall connect to the existing Municipal Utility District. Aqua Water Supply Corporation will be the retail water provider and is not part of this Agreement between the City and Owner. The City of Elgin will not be responsible for providing any fire protection for the development or any specific properties within the development.

Existing water and wastewater infrastructure is at or adjacent to the property and no additional major extensions or improvements are necessary to provide service to the Property.

11. **WATER QUALITY, DETENTION, AND IMPERVIOUS COVER**

All requirements within the Code shall apply to the Property, except as clearly modified by this Plan.

12. **DESIGN OF INGRESS OR EGRESS FOR DRIVEWAYS**

This project will provide mutual access agreements on parking lots, driveways, and adjoining properties as encouraged on Section 36-514.8 of the Code of Ordinances.

13. **STREETS, BLOCKS, LOTS, SIDEWALKS, BUILDING LINES, AND SETBACKS, DRAINAGE AND STORM SEWERS AND OTHER MATTERS**

All matters under this subsection shall comply with the standards as shown in the **Exhibit B** and set forth in **Exhibit C**.

14. CHANGES TO AGREEMENT AND DEVELOPMENT PLAN

14.1 Minor Changes

Minor changes to this Agreement or Plan, which do not substantially and adversely change this Plan, may be approved administratively, if approved in writing, by the City Engineer, the Director of Planning, the Director of Public Works, and the City Attorney.

14.2 Major Changes

All changes not permitted under section 10.1 above, shall be resubmitted following the same procedure required by the original PDD application; provided, however, that nothing herein or otherwise shall require an owner of a portion of the Property (the "Rezoning Owner") to obtain the consent or approval of any other owner of a portion of the Property for a change in zoning (including amending this Agreement) as it applies to the land of the Rezoning Owner.

14.3 Deed Restrictions and Creation of a Homeowner's Association

The Owner shall create a Condominium Association responsible for, among other things, enforcement of deed restrictions required under this Agreement. The Association shall be created, and deed restrictions recorded before commencement of any development on all or any portion of the Property. The deed restrictions shall be submitted to the City for review to determine consistency with this Agreement before recording. The Association shall be duly authorized, under applicable laws, to enforce the deed restrictions against all owners and developers of land within the Property. Any deed restrictions, and amendments thereto, regulating development of the Property shall be recorded in the Official Public Records of Travis County, Texas. Any deed restrictions regulating development of the Property, and any amendments thereto, shall be subject to this Agreement. Such deed restrictions shall further include a statement that they are subject to this Agreement and that, in the event of a conflict between the deed restrictions and this Agreement, this Agreement shall govern. City shall review any proposed changes for consistency.

Manager:

[Development Company]

By: _____,
President

CITY OF ELGIN

By: _____
Ron M. Ramirez, Mayor

ATTEST:

By: _____ **Jennifer Stubbs, City Secretary**

STATE OF TEXAS _____ **COUNTY**

Sworn and subscribed before me this the ____ day of _____, 20____ by
_[developer]_____.

SEAL

Signature of Notary

STATE OF TEXAS _____ COUNTY

Sworn and subscribed before me this the ____ day of _____, 20____ by Ron M. Ramirez, Mayor, City of Elgin, Texas.

SEAL

Signature of Notary

STATE OF TEXAS _____ COUNTY

Sworn and subscribed before me this the ____ day of _____, 20____ by Jennifer Stubbs, City Secretary, City of Elgin, Texas.

SEAL

Signature of Notary

EXHIBIT A – “LEGAL DESCRIPTION OF THE PROPERTY”

EXHIBIT B – “CONCEPT PLAN”

EXHIBIT C– “DEVELOPMENT STANDARDS”

- The minimum setback shall be 15’ from the property line for residential uses
- For residential dwellings, there shall be a minimum lot width of 40 feet at the building line.
- For residential dwellings located on interior lots, there shall be a side yard on each side of the main building of not less than five feet for dwellings of one and two story.
- Main and accessory residential buildings shall not cover more than 55 percent of the lot area.
- The minimum lot area shall be 3700 sq. ft.
- All other items shall adhere to standards set forth in the respective zone of C-2 for the commercial designated area and R- 3 for the residential designated area as noted on **Exhibit C.**

Attachment 3

Staff Added Comprehensive Plan Exhibits



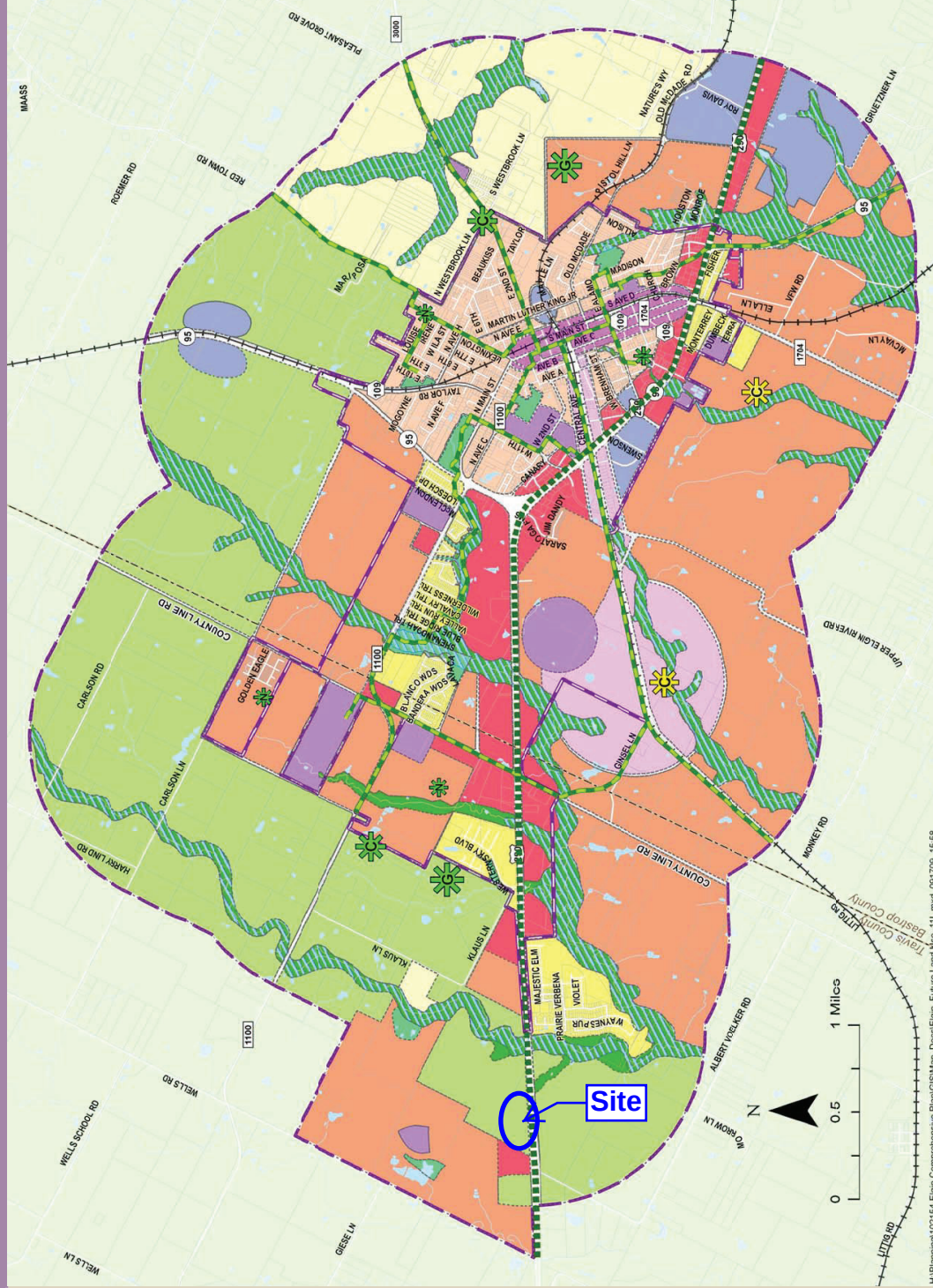
Exhibit 4.4: Future Land Use and Development Plan

- Parcel Boundary
- Elgin City Limits
- Elgin Planning Area

Future Land Use

- Natural Area
- Agriculture
- Low Density Residential
- Existing Single-Family Residential
- Traditional Neighborhood Residential
- Central Elgin Neighborhoods
- Mixed Use
- Main Street Elgin
- Commercial
- Light Industrial
- Institutional
- Parks and Recreation
- 100-Year Flood Plain
- Proposed Park from Parks Master Plan
- Proposed Park from WSA
- Proposed Trail from Parks Master Plan
- US 290 Corridor Greenscaping

Note: A Comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.



H:\Planning\102154-Elgin Comprehensive Plan\GIS\Map_Docs\Elgin_Future Land Use_11L.mxd 09/17/09 15:58
Source: Wilbur Smith Associates, Inc., 2009.

Agricultural

General Description: Areas dedicated to food production and raising livestock. Development in these areas is very minimal, and primarily associated with agricultural activity. Elgin desires to keep these areas as farmland or ranchland wherever possible in order to maintain and promote an agricultural economic base, as well as provide a local food source, and preserve the rural character of the community.

Transect Zone: Natural (T1)

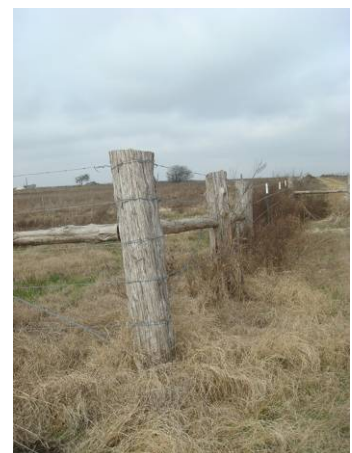
Primary Land Use: Agricultural

Supporting Land Uses: Rural residences (farm houses), equestrian facilities, agricultural storage, small-scale commercial, and industrial uses directly related to agricultural activity.

Residential Densities: 1 unit per 10 acres or more.

Form and Character: The area is defined by vast areas of open space and agricultural land with a rural or natural character. Built structures are very sparse and typically associated with farming operations such as barns, pens, sheds, and feed storage. Because it is a working landscape, agricultural areas are associated with some “nuisances” such as noise, dust, and fertilizer that are best mitigated by maintaining large parcel sizes and limiting urbanization where possible.

Parks and Open Space: The low-density of development and open spaces that are inherent in agricultural areas do not require that additional parks be provided. A regional park may be appropriate if it is focused on a natural or historic feature of local/regional significance.



Attachment 4
Staff Added Zoning Map

Zoning Map



3/9/2022, 7:50:04 PM

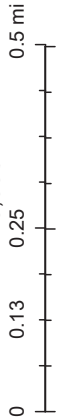
Zoning

- C3 - Highway Commercial District
- PDD - Planned Development District

R1 - Single Family

Travis Parcels July 2021

1:18,056



Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Attachment 5
Staff Compliance Letter



505 East Huntland Drive
Suite 250
Austin, Texas 78752

T 512.454.8716
TRCcompanies.com
T.B.P.E. #F-8632

March 28, 2022

Mr. David Harrell, Development Services Director
City of Elgin
310 N. Main St.
Elgin, Texas 78621

RE: Poth Tract PDD Review

Dear Mr. Harrell:

TRC has reviewed the following documents listed below submitted by Kimley-Horn:

1. Agreement and Development Plan for Poth Tract PDD - Revision dated March 25, 2022.

Our review finds that these documents have been prepared in general conformance with the City of Elgin's Code of Ordinances and any deviations from the Code have been negotiated with additional benefits included for the City.

As TRC did not provide the detailed design of the submitted documents, TRC and the City of Elgin must rely on the adequacy of the Registered Professional Land Surveyor and Registered Professional Engineer that prepared the documents and all responsibility for the surveying, engineering design and submitted documents shall remain with the Registered Professional Land Surveyor and Registered Professional Engineer. Note that prior to execution of the PDD, all applicable filing fees and invoices shall be paid. If you have any questions regarding this information, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Beau Perry".

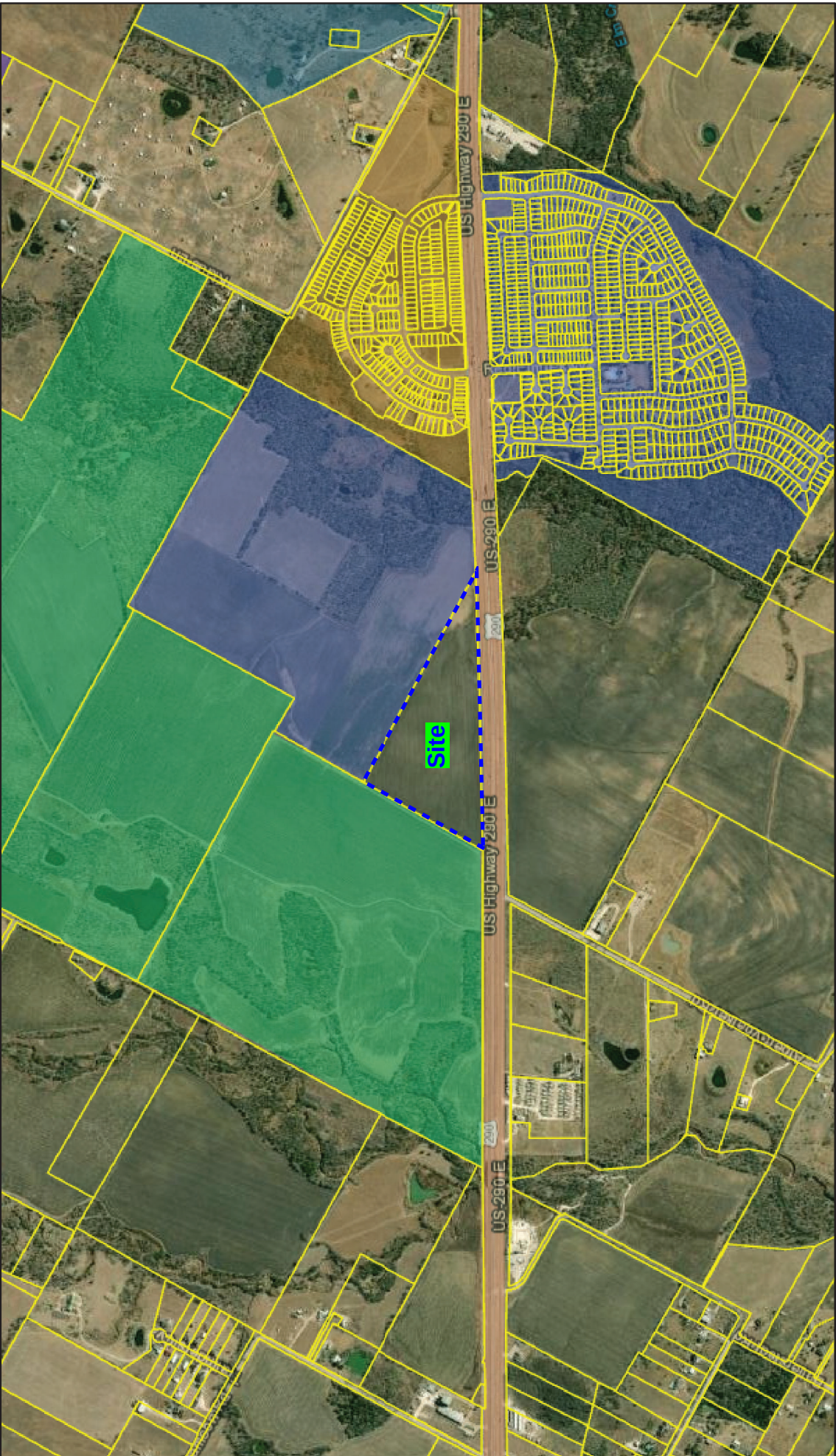
K. Beau Perry, P.E.
Vice President

cc: Jonathon Sosebee, Kimley-Horn

Attachment 6

Staff Added Neighboring Developments

Residential Development Map



3/9/2022, 7:52:00 PM

Subdivisions_Phases

BRICKSTON

CANO

CREEKS CROSSING

ELM CREEK

ELM CREEK NORTH

WESTWIND

Travis Parcels July 2021

1:18,056

0 0.13 0.25 0.5 mi

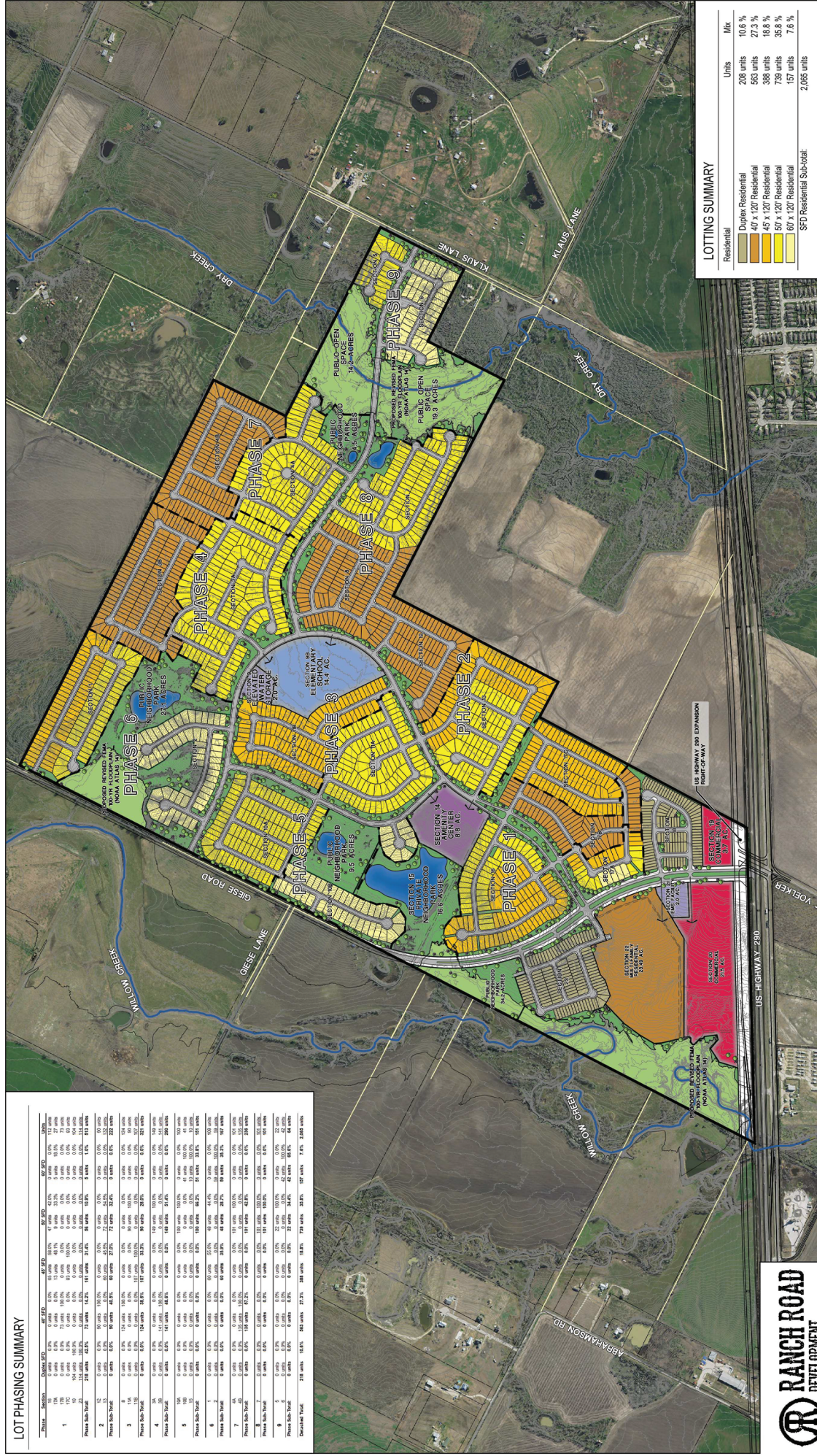
0 0.2 0.4 0.8 km

Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community | Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community | Esri, HERE, Garmin, (c) OpenStreetMap contributors | TRC GIS, City of Elgin | Web AppBuilder for ArcGIS

LOT PHASING SUMMARY

Phase	Section	Duplex	40' x 120'	45' x 120'	50' x 120'	60' x 120'	Mix	Total	
1	1A	0 units	0 units	0 units	0 units	0 units	0 units	0 units	
	1B	0 units	0 units	0 units	0 units	0 units	0 units	0 units	
	1C	0 units	0 units	0 units	0 units	0 units	0 units	0 units	
	1D	0 units	0 units	0 units	0 units	0 units	0 units	0 units	
2	2A	0 units	0 units	0 units	0 units	0 units	0 units	0 units	
	2B	0 units	0 units	0 units	0 units	0 units	0 units	0 units	
	2C	0 units	0 units	0 units	0 units	0 units	0 units	0 units	
	2D	0 units	0 units	0 units	0 units	0 units	0 units	0 units	
3	3A	0 units	0 units	0 units	0 units	0 units	0 units	0 units	
	3B	0 units	0 units	0 units	0 units	0 units	0 units	0 units	
	3C	0 units	0 units	0 units	0 units	0 units	0 units	0 units	
	3D	0 units	0 units	0 units	0 units	0 units	0 units	0 units	
4	4A	0 units	0 units	0 units	0 units	0 units	0 units	0 units	
	4B	0 units	0 units	0 units	0 units	0 units	0 units	0 units	
	4C	0 units	0 units	0 units	0 units	0 units	0 units	0 units	
	4D	0 units	0 units	0 units	0 units	0 units	0 units	0 units	
5	5A	0 units	0 units	0 units	0 units	0 units	0 units	0 units	
	5B	0 units	0 units	0 units	0 units	0 units	0 units	0 units	
	5C	0 units	0 units	0 units	0 units	0 units	0 units	0 units	
	5D	0 units	0 units	0 units	0 units	0 units	0 units	0 units	
6	6A	0 units	0 units	0 units	0 units	0 units	0 units	0 units	
	6B	0 units	0 units	0 units	0 units	0 units	0 units	0 units	
	6C	0 units	0 units	0 units	0 units	0 units	0 units	0 units	
	6D	0 units	0 units	0 units	0 units	0 units	0 units	0 units	
7	7A	0 units	0 units	0 units	0 units	0 units	0 units	0 units	
	7B	0 units	0 units	0 units	0 units	0 units	0 units	0 units	
	7C	0 units	0 units	0 units	0 units	0 units	0 units	0 units	
	7D	0 units	0 units	0 units	0 units	0 units	0 units	0 units	
8	8A	0 units	0 units	0 units	0 units	0 units	0 units	0 units	
	8B	0 units	0 units	0 units	0 units	0 units	0 units	0 units	
	8C	0 units	0 units	0 units	0 units	0 units	0 units	0 units	
	8D	0 units	0 units	0 units	0 units	0 units	0 units	0 units	
9	9A	0 units	0 units	0 units	0 units	0 units	0 units	0 units	
	9B	0 units	0 units	0 units	0 units	0 units	0 units	0 units	
	9C	0 units	0 units	0 units	0 units	0 units	0 units	0 units	
	9D	0 units	0 units	0 units	0 units	0 units	0 units	0 units	
Detailed Total:		218 units	15.0%	553 units	22.2%	288 units	18.8%	728 units	28.8%



LOTTING PLAN F



SEC Planning, LLC
 Land Planning + Landscape Architecture + Community Branding
 11025 Hwy. 280, S. 11025-246-7203
 www.secplanning.com • info@secplanning.com

Base mapping compiled from best available information. All map data should be considered as preliminary, in need of verification, and does not represent any regulatory approval. Plan is subject to change.

Scale: 1" = 900'
 North Date: August 5, 2019



EASEMENT KEY INDEX:
10. F) CHANNEL EASEMENTS GRANTED TO THE STATE OF TEXAS, AS RECORDED IN VOLUME 622, PAGE 489 AND VOLUME 623, PAGE 21, DEED RECORDS OF TRAVIS COUNTY, TEXAS (AFFECTS ALL THREE TRACTS, AS SHOWN) (WIDTH = 150')
11. G) CHANNEL EASEMENTS GRANTED TO THE STATE OF TEXAS, AS RECORDED IN DOCUMENT NUMBER 2002244770, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (AFFECTS TRACTS NO. 2 AND NO. 3, AS SHOWN) (WIDTH = 150')

ELM CREEK NORTHWEST PRELIMINARY PLAT



LAND USE TABLE			
1. TOTAL ACRES	179.84 AC	623	1
2. TOTAL LOTS	613	1	1
3. SINGLE FAMILY LOTS	613	1	1
4. AMINITY AREAS LOTS	0	0	0
5. TOTAL LOTS	613	1	1
6. LINEAR FEET OF STREETS (22.773 LF) SEE TABLE 1	1	1	1
7. ALL OTHERS (NOT SHOWN) SEE TABLE 1	0	0	0
8. FLOODPLAIN SHOWN ON THIS PLAN PER FEMA PANEL	0	0	0
9. NO. 44453050104 DATE SEPTEMBER 26, 2009	0	0	0
10. NO. 44453050104 DATE SEPTEMBER 26, 2009	0	0	0

PARKING TABLE			
1. TOTAL SPACES	179.84 AC	623	1
2. TOTAL LOTS	613	1	1
3. SINGLE FAMILY LOTS	613	1	1
4. AMINITY AREAS LOTS	0	0	0
5. TOTAL LOTS	613	1	1
6. LINEAR FEET OF STREETS (22.773 LF) SEE TABLE 1	1	1	1
7. ALL OTHERS (NOT SHOWN) SEE TABLE 1	0	0	0
8. FLOODPLAIN SHOWN ON THIS PLAN PER FEMA PANEL	0	0	0
9. NO. 44453050104 DATE SEPTEMBER 26, 2009	0	0	0
10. NO. 44453050104 DATE SEPTEMBER 26, 2009	0	0	0

STREET NAME	ROW WIDTH	STREET WIDTH	DESIGN SPEED	TYPE	CLASSIFICATION	STREET	STREET	STREET
STREET A	50'	30'	30 MPH	C&G	LOCAL STREET	STREET A	STREET A	STREET A
STREET B	50'	30'	30 MPH	C&G	LOCAL STREET	STREET B	STREET B	STREET B
STREET C	50'	30'	30 MPH	C&G	LOCAL STREET	STREET C	STREET C	STREET C
STREET D	50'	30'	30 MPH	C&G	LOCAL STREET	STREET D	STREET D	STREET D
STREET E	50'	30'	30 MPH	C&G	LOCAL STREET	STREET E	STREET E	STREET E
STREET F	50'	30'	30 MPH	C&G	LOCAL STREET	STREET F	STREET F	STREET F
STREET G	50'	30'	30 MPH	C&G	LOCAL STREET	STREET G	STREET G	STREET G
STREET H	50'	30'	30 MPH	C&G	LOCAL STREET	STREET H	STREET H	STREET H
STREET I	50'	30'	30 MPH	C&G	LOCAL STREET	STREET I	STREET I	STREET I
STREET J	50'	30'	30 MPH	C&G	LOCAL STREET	STREET J	STREET J	STREET J
STREET K	50'	30'	30 MPH	C&G	LOCAL STREET	STREET K	STREET K	STREET K
STREET L	50'	30'	30 MPH	C&G	LOCAL STREET	STREET L	STREET L	STREET L
STREET M	50'	30'	30 MPH	C&G	LOCAL STREET	STREET M	STREET M	STREET M
STREET N	50'	30'	30 MPH	C&G	LOCAL STREET	STREET N	STREET N	STREET N
STREET O	50'	30'	30 MPH	C&G	LOCAL STREET	STREET O	STREET O	STREET O
STREET P	50'	30'	30 MPH	C&G	LOCAL STREET	STREET P	STREET P	STREET P
STREET Q	50'	30'	30 MPH	C&G	LOCAL STREET	STREET Q	STREET Q	STREET Q
STREET R	50'	30'	30 MPH	C&G	LOCAL STREET	STREET R	STREET R	STREET R
STREET S	50'	30'	30 MPH	C&G	LOCAL STREET	STREET S	STREET S	STREET S
STREET T	50'	30'	30 MPH	C&G	LOCAL STREET	STREET T	STREET T	STREET T
STREET U	50'	30'	30 MPH	C&G	LOCAL STREET	STREET U	STREET U	STREET U
STREET V	50'	30'	30 MPH	C&G	LOCAL STREET	STREET V	STREET V	STREET V
STREET W	50'	30'	30 MPH	C&G	LOCAL STREET	STREET W	STREET W	STREET W

TOTAL LF: 22,773

NOTE: ALL THE STREET CROSS-SECTIONS WILL COMPLY WITH THE CITY OF AUSTIN STANDARD DETAILS. LOCAL STREET TO COMPLY WITH DETAIL "1000S-10" AND COLLECTOR STREETS TO COMPLY WITH DETAIL "1000S-11"



ELM CREEK NORTHWEST PRELIMINARY PLAT OVERALL

BCE, INC.
7000 NORTH MACARTHUR, SUITE 300
AUSTIN, TX 78751
TEL: 512-879-0800 • WWW.BCEINC.COM
TRM: Registration No. P-1048



DESIGNED BY:

REVIEWED BY:

DRAWN BY:

REV	DESCRIPTION	DATE	APP

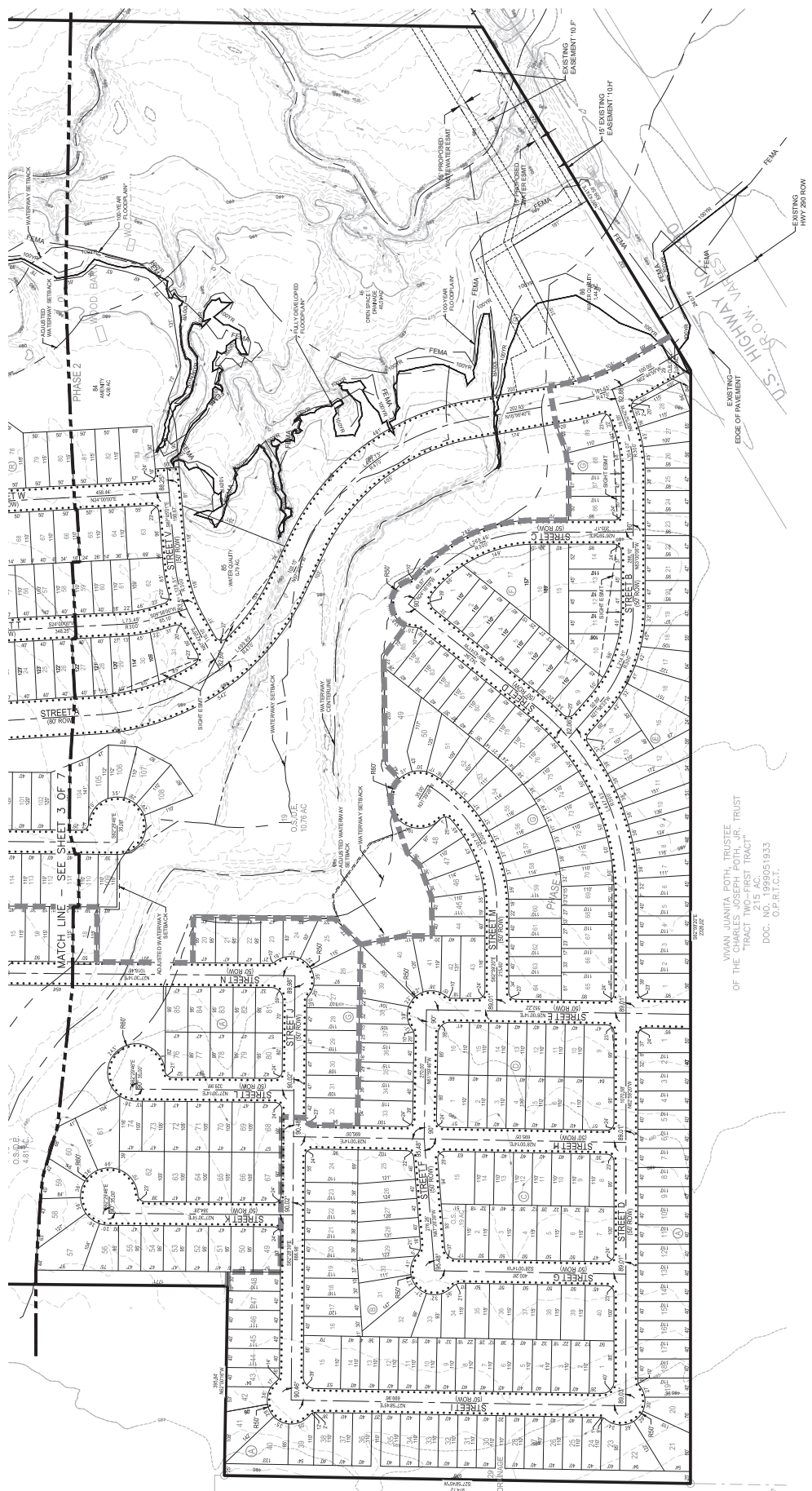
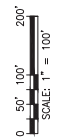
- LEGEND
- PROPERTY BOUNDARY
 - MAJOR ELEV. CONTOUR
 - MINOR ELEV. CONTOUR
 - PROPOSED ROAD CENTERLINE
 - PROPOSED SIDEWALK
 - 100-YEAR FLOODPLAIN*
 - FULLY DEVELOPED 100-YEAR FLOODPLAIN*
 - PHASE LINE
 - PROPOSED EASEMENT
 - EXISTING EASEMENT
 - ADJUSTED WATERWAY SETBACK
 - WATERWAY CENTERLINE
 - TREE TO BE REMOVED

NOTE: FINISHED FLOOR ELEVATIONS ON ALL LOTS ADJACENT TO FLOODPLAINS SHALL BE TWO(2) FEET ABOVE THE HIGHEST ADJACENT BASE FLOOD ELEVATION.

*FLOODPLAINS WERE CALCULATED USING THE NOAA ATLAS 14 VOLUME 11, VERSION 2 PRECIPITATION DEPTH OF 11.9 INCHES FOR 100 YR RETURN PERIOD. FULLY DEVELOPED FLOODPLAIN WERE 70% WETLANDS COVER IN THE CONTRIBUTING DRAINAGE AREA.

PROPERTY BOUNDARY
MAJOR ELEV. CONTOUR
MINOR ELEV. CONTOUR
PROPOSED LOT LINE
PROPOSED ROAD CENTERLINE
100-YEAR FLOODPLAIN*
FULLY DEVELOPED 100-YEAR
FLOODPLAIN**
PHASE LINE
PROPOSED EASEMENT
EXISTING EASEMENT
WATERWAY SETBACK
WATERWAY CENTERLINE
TREE TO BE REMOVED

NOTE: FINISHED FLOOR ELEVATIONS ON ALL LOTS ADJACENT TO FLOODPLAINS SHALL BE TWO(2) FEET ABOVE THE HIGHEST ADJACENT BASE FLOOD ELEVATION.



VIVIAN JUANITA POTH, TRUSTEE
OF THE CHARLES JOSEPH POTH, JR. TRUST
"TRACT TWO-FIRST TRACT"
215 AC.
DOC. NO. 1999051933
O.P.R.T.C.T.



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ELGIN, TEXAS ADOPTED IN CHAPTER 46, SECTION 46-3, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, 2013 AND MAKING THIS AMENDMENT A PART OF SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE LAND FROM “R-1” SINGLE FAMILY DISTRICT TO “PDD” PLANNED DEVELOPMENT DISTRICT LOCATED ON PARCELS OF LAND KNOWN BY THE BASTROP CO. APPRAISAL DISTRICT AS PARCELS 15312 & PARTS OF 62896, LOCATED BETWEEN FM 1100 & SH 95 (BEING A 188.70 ACRE TRACT OUT OF THE THOMAS CHRISTIAN SURVEY, BLK 26, ABSTRACT # 20, BASTROP CO., TX, SAID TRACT BEING ALL OF THE REMAINDER OF A CALLED 103 ACRE TRACT, AND ALL OF A CALLED 99.96 ACRE TRACT, CONVEYED TO NORMAL JEANNE LARSON, ET AL, IN DOCUMENT # 201401408 OF THE OFFICIAL PUBLIC RECORDS OF BASTROP CO., TX, SAID 103 ACRE REMAINDER TRACT BEING DESCRIBED IN DEED TO ALFRED CARLSON IN VOL 62, PG 240, AND SAID 99.96 ACRE TRACT, BEING DESCRIBED TO ALFRED CARLSON, IN VOL 74, PG 410, BOTH OF THE DEED RECORDS OF BASTROP CO., TX; BEING A 8.152 ACRE TRACT OUT OF THE THOMAS CHRISTIAN SURVEY, BLK 26, ABSTRACT # 20, BASTROP CO., TX, SAID TRACT BEING A PART OF A CALLED 66.936 ACRE TRACT, CONVEYED TO AMY MOGONYE DARSEY, A.K.A. AMY LEE DARSEY, AND PAUL DOUGLAS MOGONYE, AS CO-TRUSTEES OF THE JIM MOGOHYE BYPASS TRUST, IN DOCUMENT # 201510215 OF THE OFFICIAL PUBLIC RECORDS OF BASTROP CO., TX) SAID TRACT BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT “A”; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

DEPARTMENT: Development Services.

PROPOSED ACTION: Discussion, consideration, and action on an ordinance amending the official zoning map of the City of Elgin, TX adopted in Ch. 46, Sec. 46-3, revised Code of Ordinances, City of Elgin, TX, 2013 and making this amendment a part of said official zoning map (Larson Tract Rezoning from R-1 to PDD).

BACKGROUND: See attached staff report.

BUDGET/FINANCIAL IMPACT:

Funding for this item was ☐ included ☐ not included in the current-year budget ☒ N/A

Finance Approval:

Signature: _____ **Date:** _____

RECOMMENDATION: The Planning & Zoning Commission provided input of this item at their February 28, 2022, meeting. This has been included in the attached staff report.

ATTACHMENTS: Staff Report, Application w/ Owners Authorization, PDD Ordinance with Text and Maps, Staff added Comprehensive Plan Exhibits, Staff added Zoning Map, Staff Compliance Letter.

{} Staff will be making a detailed presentation on this agenda item at the meeting.

{X} Staff will provide brief comments and answer questions on this item at the meeting.

{} This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.



Development Service Department

STAFF REPORT

Rezoning from R-1 to PDD

Larson Tract

Date: March 27, 2022

Applicant: Primavista Land Company, LLC

Representative: Chris Reed c/o Doucet & Associates

Hearing Dates: City Council – April 5, 2022

Location: Bastrop Co. Appraisal District Parcel R15312

APPLICATION SUMMARY

Consideration of a rezoning of 197 acres of land located along the north side of FM 1100 (Ave. C) and SH 95 and adjacent to Shenandoah and Elgin Meadows Subdivisions (a change to the official zoning map). The proposal is to change the zoning from R-1 Single Family Residential District to PDD Planned Development District to develop 838 single family residential homes and provide 5.6 acres of commercial land.

DEPARTMENT COMMENTS

Since the parcel is being rezoned to a PDD it has separate development standards, these have been included in attachment 2. Except for certain deviations, any changes not listed in this exhibit will defer to the R-1 zoning standard for residential and C-1 zoning standards for commercial. The major deviations to City Code include the following:

1. Minimum lot area shall be 5,000 sq. ft. versus 9,000 sq. ft. for R-1 standard.
2. Minimum lot width shall be 45 ft. and 50 ft. versus 70 ft. for R-1 standard.
3. Use of the 100-year FEMA floodplain for floodplain standards versus City buffer standards.
4. No placement of sidewalks along FM 1100 and no payment of sidewalk in lieu fees in place of constructing pedestrian access to the Elgin Middle School and enlargement of one sidewalk to 10 feet for a mixed-use path.
5. Setback changes shall be the following:
 - A. Front & Garage – 25 ft. to 20 ft.
 - B. Side – 10 ft. for two story & 5 ft. for one story to 5 ft. for any story.

Residential development (single family homes) will consist of a mixture of 486 units lots measuring at 45-foot-wide lots (58%) and 50-foot-wide lots (42%) for a minimum of 5,000 sq. ft lots interspersed through the development. The contiguous Peppergrass Development to the west has lots that are 40- to 45-foot-wide lots that are interspersed through the development as well (see attachment 6). Commercial development will occur in an area near the extended collector at the intersection of SH 95 and will use current C-1 related uses in the zoning code.

Under the Comprehensive Plan a new east-west right of way (ROW) collector (60' ROW with 40' pavement) will be built in no less than 5 phases through the development and connect from FM 1100 (Ave. C) to SH 95 at the intersection of Ave. F. This will also have a 10-foot multiuse path along one side of the roadway along with the standard 5-foot sidewalk on the other side. Additional connections of local sized roadways (50' ROW with 30' pavement) will connect to FM 1100 (Ave. C) and to the Harvest Ridge Development to the north. Also, the developer will contribute 27 feet of reserved right-of-way along FM 1100 (Ave. C) for the future enlargement of the 80-foot-wide roadway. The owner will not be performing a TIA with the City since the main roadways impacted are TXDOT roadways.

Parkland will consist of dedication of 20.74 acres of open space and floodplain that will be accessible to the public with improvements consisting of 6-foot-wide mulch trail along Elm Creek. Under City Code up to 50% of the minimum parkland requirement can be non-upland related space. To meet the other 50% the developer will fund the building of public restrooms and eight (8) parking spaces dedicated for the public to use will be constructed on uplands and out of the floodplain and also fully fund the construction of the collector roadway from the edge of the residential development eastward to SH 95. Also, there will be 13.68 acres of upland open space that is spread through the development and will be accessible to the public.

The applicant has provided a signage plan that will allow for an entry monument sign at the entrance to the development at the arterial roadway, within the subdivision, and within the proposed park system. These sign standards will allow for more signage and some larger signage than presently in the City Code however this is a common requirement within a master planned community.

PLANNING AND ZONING COMMISSION INPUT

The Commission offered their input to the development plan in a workshop format at their August 30, 2021, meeting. Staff and Commission discussion what the neighboring developments of Peppergrass and Harvest Ridge are doing in relation to these proposed developments, benefits to the City for allowing smaller lots, greenbelt, trails, lots of different sizes in development, multifamily versus single-family development, school concessions, and neighboring community developments. Individual members expressed their concern for the small lots. If we are going to allow for them what is the tangible benefit to the loosening of the zoning requirements to allow for smaller lots. Some individual members desire to keep this development to R-3 sized lots.

STAFF ANALYSIS

In review of the Elgin Comprehensive Plan the parcel is located within the Traditional Neighborhood Development Land Use category. This category's primary land usage is single family residential and secondary land usage is neighborhood-scale retail and office, and parks (see attachment 3) according to the provided map and associated land use language. The current R-1 zoning category, as the parcel was zoned automatically when annexed, allows for single family homes as a use by right.

When seeking a rezoning, the Council should consider the uses that could occur on the land by rezoning to another zoning category. There is one additional use with multiple commercial uses and a subtraction of some uses in the permitted uses with the proposed rezoning request. Single family homes stay a permitted use in either zoning category.

R-1 District (existing)	PDD (proposed)
	All C-1 related uses.
Detached single-family dwelling.	Detached single-family dwelling.
Churches, but not including revival tents or arbors.	
Public school offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping.	
Public park and playground.	
Library.	
Growing of farm products.	
Municipal use	
Telephone exchanges.	
Home occupations.	Home occupations.
Transportation and utility easements, alleys and rights-of-way	Transportation and utility easements, alleys and rights-of-way
Accessory building which is not a part of a main building, including one private garage, or accessory building which is a part of a main building, including one private garage.	Accessory building which is not a part of a main building, including one private garage, or accessory building which is a part of a main building, including one private garage.
Accessory uses, which shall include the following where the primary use is residential: Customary home occupations, if done inside of building, such as dressmaking, babysitting, seamstress, tailoring, millinery, tutoring, when engaged in by members of the resident family and employing not more than one person, not a member of the resident family, but not including beauty culture, barbering or appliance repairing.	Accessory uses, which shall include the following where the primary use is residential: Customary home occupations, if done inside of building, such as dressmaking, babysitting, seamstress, tailoring, millinery, tutoring, when engaged in by members of the resident family and employing not more than one person, not a member of the resident family, but not including beauty culture, barbering or appliance repairing.

Below is a list of zoning standards for each zoning category, changes are highlighted in yellow between zoning categories:

	R-1 (exist. zoning)	PDD(proposed zoning)
Height	2.5 stories or 35 feet	2.5 stories or 35 feet (Res); 50 feet (Com)
Front Setback	25 feet; garage at 25 feet	15 feet, garage at 20 feet.
Side Setback	7.5 feet for 1 story; 10 feet for more than 1 story	5 feet (Res); 0 feet (Com)
Rear Setback	10 feet	10 feet
Lot Width	75 feet	45 & 50 feet
Lot Area	9,000 sq. ft.	5,000 sq. ft. (Res); 0 (C)
Impervious Cover on Lot	45% interior; 50% corner	45% interior; 50% corner (Res only)

Based on the information within the packet, staff has no issues or concerns regarding the proposal. The proposed PDD uses would be compatible with the underlying land use of Traditional Neighborhood Residential Land Use (see attachment 3). The PDD uses of single-family residential and C-1 related commercial uses would be like the residential zoning and commercial C-1 zoning on SH 95 (see attachment 4). Also, the smaller lots are like the Peppergrass Development to the immediate west which allows for 40- and 45-foot-wide lots, which is slightly smaller in lot width than this request (see attachment 6).

ATTACHMENTS

Additional information is provided through attached exhibits.

1. Application w/Owners Authorization
2. PDD Ordinance with Text and Map.
3. Staff Added Comprehensive Plan Exhibits.
4. Staff Added Zoning Map.
5. Staff Compliance Letter.
6. Staff Added Peppergrass Development.

Attachment 1
Application w/ Owners Authorization

PDD REZONING APPLICATION

Date: 8/5/2021New ☒ Modification ☐

Modification of _____

SITE INFORMATION

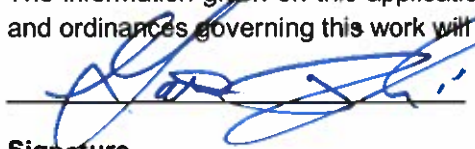
Project Address: 1500 North Avenue C, Elgin, Texas 78621

Parcel Identification Number (if no address): _____

APPLICANT

Name: Primavesta Land Company, LLC (Garrett Rajkovich, Managing Member)Postal Address: 6475 Camden Avenue, Suite 202
San Jose, CA 95120E-Mail Address: garrett@almaden.us; Phone Number: 408-591-4953

The information given on this application is accurate to the best of my knowledge. All provisions of laws and ordinances governing this work will be complied with, whether specified on this application or not.

 Garrett Rajkovich 8/5/2021

Signature Printed Name Date

Project Description:

Rezoning of 188.7 acres of R-1 to PDD for development of approximately 852 single-family
lots of 45' and 50' in width, and related open spaces and amenities.



310 North Main Street
P.O. Box 591
Elgin, Texas, 78621



(512) 281-0119



www.elgintx.com

PrimaVesta Land Company, LLC

6475 Camden Ave Suite# 202
San Jose, CA 95120

August 16, 2021

David Harrell, Planning and Development Director
City of Elgin
310 North Main Street
Elgin, Texas 78621

Re: Agent Authorization Letter
Larson Tract (188.7 acres)
Elgin, Texas

To Whom It May Concern:

As the owner of the above-referenced tract of land, more particularly described as 188.7 acres out of the Thomas Christian Survey, Block 26, Abstract No. 20, Bastrop County, Texas; is hereby granting Doucet & Associates, Inc. the right to act as Authorized Agents on development applications associated with this property. This includes, but is not limited to, Zoning, Subdivision Platting, Construction Documents, Site Development permits, and related applications as may be required.

Please contact me if you have any questions.

Sincerely,



Garrett Rajkovich
PrimaVesta Land Company, LLC

Attachment 2

PDD Ordinance with Text and Maps

ORDINANCE NO. 2022-04-05-??

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ELGIN, TEXAS ADOPTED IN CHAPTER 46, SECTION 46-3, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, 2013 AND MAKING THIS AMENDMENT A PART OF SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE LAND FROM “R-1” SINGLE FAMILY DISTRICT TO “PDD” PLANNED DEVELOPMENT DISTRICT LOCATED ON PARCELS OF LAND KNOWN BY THE BASTROP CO. APPRAISAL DISTRICT AS PARCELS 15312 & PARTS OF 62896, LOCATED BETWEEN FM 1100 & SH 95 (BEING A 188.70 ACRE TRACT OUT OF THE THOMAS CHRISTIAN SURVEY, BLK 26, ABSTRACT # 20, BASTROP CO., TX, SAID TRACT BEING ALL OF THE REMAINDER OF A CALLED 103 ACRE TRACT, AND ALL OF A CALLED 99.96 ACRE TRACT, CONVEYED TO NORMAL JEANNE LARSON, ET AL, IN DOCUMENT # 201401408 OF THE OFFICIAL PUBLIC RECORDS OF BASTROP CO., TX, SAID 103 ACRE REMAINDER TRACT BEING DESCRIBED IN DEED TO ALFRED CARLSON IN VOL 62, PG 240, AND SAID 99.96 ACRE TRACT, BEING DESCRIBED TO ALFRED CARLSON, IN VOL 74, PG 410, BOTH OF THE DEED RECORDS OF BASTROP CO., TX; BEING A 8.152 ACRE TRACT OUT OF THE THOMAS CHRISTIAN SURVEY, BLK 26, ABSTRACT # 20, BASTROP CO., TX, SAID TRACT BEING A PART OF A CALLED 66.936 ACRE TRACT, CONVEYED TO AMY MOGONYE DARSEY, A.K.A. AMY LEE DARSEY, AND PAUL DOUGLAS MOGONYE, AS CO-TRUSTEES OF THE JIM MOGOHYE BYPASS TRUST, IN DOCUMENT # 201510215 OF THE OFFICIAL PUBLIC RECORDS OF BASTROP CO., TX) SAID TRACT BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT “A”; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

WHEREAS, an application has been made to the City Council of Elgin, Texas to amend the Official Zoning Map to rezone the property described in Exhibit "A" attached hereto and incorporated here in, from R-1 Single Family Dwelling District, and

WHEREAS, the City Council has submitted the requested change in the Official Zoning Map to the Planning and Zoning Commission for its input, and

WHEREAS, the Planning and Zoning Commission held a workshop concerning the requested change on February 28, 2022, and

WHEREAS, the Planning and Zoning Commission has offered their input on the proposed change to the Official Zoning Map, and

WHEREAS, on April 5, 2022, after proper notification, the City Council held a public hearing on the requested zoning, and

WHEREAS, the City Council determines that the zoning provided for herein promote the health, safety, morals, and protects and preserves the general welfare of the community, and

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A, Texas Local Government Code, and Chapter 46, City of Elgin Ordinances, concerning public notices, hearings, and other procedural matters has been fully complied with, Now Therefore

IT ORDAINED BY THE COUNCIL OF THE CITY OF ELGIN, TEXAS, THAT:

I.

The Official Zoning Map adopted in Chapter 46, Section 46-3, City of Elgin, Texas is hereby amended so that the zoning classification of the property described in Exhibit "A" is classified as PDD Planned Development District.

II.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this Ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

READ, PASSED, and ADOPTED on first reading this the 5th day of April 2022.

RON M. RAMIREZ, Mayor

ATTEST:

JENNIFER STUBBS, City Secretary

AGREEMENT AND DEVELOPMENT PLAN

LARSON TRACT(S)

PLANNED DEVELOPMENT DISTRICT ("PDD")

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

THIS AGREEMENT AND DEVELOPMENT PLAN (this "Agreement") is made and entered by and between the CITY OF ELGIN, TEXAS, a Texas municipal corporation, (hereinafter referred to as the "City"), and PRIMA VESTA LAND COMPANY, LLC, a Texas Limited Liability Company and Amy Mogonye Darsey and Paul D. Mogonye, Co-Trustees of The Jim V & Katherine L Mogonye Revocable Living Trust and Jim Mogonye Bypass Trust, its successors and assigns, (hereafter referred to as the "Owner" or "Developer"); provided, however, upon sale, transfer or conveyance of portions of the hereinafter described property, the duties and obligations of the Owner, as it relates to the respective property, shall be assumed by the new owner, and the Owner shall have no further liability relating to their respective property.

WHEREAS, the Owner is the owner of certain real property consisting of approximately 197 acres, as more particularly described in **Exhibit "A"**, (herein after referred to as the "Property") attached hereto and made a part hereof.

WHEREAS, the Owner has submitted a request to the City to zone the Property as a Planned Development District (the "PDD"), and those portions of the Property currently lie within City Limits.

WHEREAS, pursuant to Chapter 46, Article IV, Division 10, Code of Ordinances, City of Elgin, Texas, the Owner has submitted a Development Plan setting forth the development conditions and requirements within the PDD, which Development Plan is contained in Section II of this Agreement; and

WHEREAS, the City has held public hearings required by law to solicit input from all interested citizens and affected parties; and

WHEREAS, on February 28, 2022, the City's Planning and Zoning Commission recommended approval of the Owner's application for a PDD; and

WHEREAS, the City Council has reviewed the proposed Development Plan and determined that it promotes the health, safety, and general welfare of the citizens of Elgin and that it complies with the intent of the Planned Development District Ordinance of the City;

NOW THEREFORE BY THIS AGREEMENT WITNESSETH that, in consideration of the covenants and conditions set forth herein, the City and the Owner agree as follows:

I.

GENERAL PROVISIONS

1. CONFORMITY WITH DEVELOPMENT PLAN

All uses and development within the Property shall conform to the Development Plan included in Section II herein the "Plan."

2. CHANGES AND MODIFICATIONS

No changes or modifications will be made to this Development Plan unless all provisions pertaining to changes or modifications as stated herein are followed.

3. ZONING VIOLATION

The Owner, his successors and assigns understand that any person, firm, corporation or other entity violating any conditions or terms of the Development Plan shall be subject to any and all penalties for the violation of any zoning ordinance provisions as stated in the Code of Ordinances, City of Elgin, Texas, as amended. This Plan will be filed in the Official Records of Bastrop County, thereby placing future purchasers of the property on notice of all of the terms and conditions of this Plan.

4. MISCELLANEOUS PROVISIONS

4.1 Assignment.

Neither party may assign its rights and obligations under this Agreement without having first obtained the prior written consent of the other which consent shall not be unreasonably withheld. This section shall not prevent the Owner from selling the Property or portions of the Property, together with all development rights and obligations contained in this Development Plan, and no consent shall be required in connection with any sale provided the purchaser assumes Owner's obligations in writing as to such portions of the Property.

4.2 Necessary Documents and Actions.

Each party agrees to execute and deliver all such other and further instruments and undertake such actions as are or may become necessary or convenient to effectuate the purposes and intent of this Agreement.

4.3 Severability.

In case one or more provisions contained herein are deemed invalid, illegal or unenforceable in any respect such invalidity, illegality or unenforceability shall not affect any other provisions hereof and in such event, this agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

4.4 Entire Agreement.

This Agreement constitutes the entire agreement of the parties and supersedes any prior or contemporaneous oral or written understandings or representations of the parties respecting the subject matter hereof.

4.5 Applicable Law.

This Agreement shall be construed under and in accordance with the laws of the State of Texas.

4.6 Venue.

All obligations of the parties created hereunder are performable in Bastrop County, Texas and venue for any action arising hereunder shall be in Bastrop County.

4.7 No Third-Party Beneficiaries.

Nothing in this Agreement, express or implied, is intended to confer upon any person or entity, other than the parties hereto (and their respective successors and assigns), any rights, benefits or remedies under or by reason of this Agreement.

4.8 Duplicate Originals.

This Agreement may be executed in duplicate original, each of equal dignity.

4.9 Notices.

Until changed by written notice thereof any notice required under this Agreement may be given to the respective parties, by certified mail, postage prepaid or by hand delivery to the address of the other party shown below:

OWNER

CITY OF ELGIN, TEXAS

Prima Vesta Land Company, LLC
6475 Camden Ave
San Jose, CA 95120
Attn: Garrett Rajkovich

City of Elgin, Texas
P.O. Box 591
Elgin, Texas 78621
Attn: City Manager

The Jim V & Katherine L Mogonye Revocable
Living Trust and Jim Mogonye Bypass Trust
139 Blisard Rd
Elgin, TX 78621
Attn: Paul Mogonye

5.10 Effective Date.

This Agreement shall be effective from and after the date of due execution hereof by all parties.

5.11 Appeal of Administrative Decisions.

Administrative decisions provided for in this Agreement may be appealed to the City Council in writing within 30 days following receipt by the Owner of the written confirmation of the decision.

5.12 Binding Effect.

This Agreement and the Development Plan binds and benefits the Owner and its successors and assigns.

5.13 Sunset Provision

In the event that this Planned Development Plan is not recorded within five (5) years from the date the Planned Development Plan is approved by the City Council, then the Planned Development Plan shall be automatically voided and the zoning shall revert to R-1 (the zoning ordinances in effect at the time of approval of this PDD).

II

DEVELOPMENT PLAN

1. **DEFINITIONS**

Words and terms used herein shall have their usual force and meaning, or as defined in the Code of Ordinances, as amended, City of Elgin, Texas, hereinafter referred to as "the Code"

2. **PROPERTY**

This Development Plan (hereinafter referred to as "Plan") covers approximately 197 acres of land, all of which is located within the city limits of Elgin, Texas, and more particularly described by metes and bounds in **Exhibit "A"**, attached hereto.

3. **PURPOSE**

The purpose of this Plan is to insure a PDD that 1) is equal to or superior to development that would occur under the standard ordinance requirements, 2) does not have an undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting the public health, safety and welfare, 3) is adequately provisioned by essential public facilities and services, and 4) will be developed and maintained so as not to dominate, by scale or massing of structures, the immediate neighboring properties or interfere with their development or use in accordance with any existing zoning district.

4. **APPLICABILITY OF CITY ORDINANCES**

4.1 **Zoning and Subdivision Ordinances**

The Property shall be regulated for purposes of zoning and subdivision by this Plan. All aspects not specifically covered by this Plan shall be regulated by applicable sections of the Code. This PDD serves to augment and/or modify the standards for development for R-1, Single Family, and C-1, Neighborhood Shopping zoning districts development outlined in the Code to implement the vision for the Property and ensure a quality development not otherwise achieved solely by the underlying base zoning district. Refer to **Exhibit "C", Development Standards**, for additional design standards set forth in the PDD document. If there is a conflict between this Agreement and Plan and the Code, this Agreement and Plan shall supersede the specific conflicting provisions of the Code. If there is a conflict between this Agreement and Exhibit "C", this Agreement shall supersede the specific conflicting provisions of the Exhibit "C".

4.2 **Other Ordinances**

All other Ordinances within the Code shall apply to the Property, except as clearly modified by this Plan.

5. **PERMITTED USES**

The Property shall be used and developed as single-family homes and mail kiosk, as shown in the Concept Plan, **Exhibit "B"** attached hereto and incorporated herein. The Concept Plan may be altered to accommodate the inclusion of certain out-parcel along FM 1100/Avenue C, noted on the Concept Plan, with written consent from the City Manager, which such consent shall not be unreasonably withheld, conditioned or delayed. The commercial site shown on Exhibit B shall be used and developed consistent with C-1 related uses as allowed by the City Zoning Code.

Exhibit "C", Development Standards, depicts the development standards for the Residential and Commercial parcels within the Property.

6. **UNDERGROUND UTILITY SERVICE**

All on-site utility lines must be underground to connection points provided by the utility service provider. All transformers must be visually screened.

7. **ROADWAY IMPACTS**

7.1 **City Participation**

City agrees the developer will not be responsible for costs associated and related to the design and construction of adjacent roadway improvements, including, but not limited to improvements to FM 1100 ("Adjacent Roadway Project" or "Adjacent Roadway Project Costs") in accordance with the design plans as provided by the City, which shall include curbed and guttered roadway and associated storm sewer and utility improvements.

7.2 **Developer Participation**

Developer agrees to pay for all costs related to the design and construction of all roadway improvements within the Project, which includes a new north and south Minor collector with a Right of Way dedication of sixty feet (60') (the "Boulevard Project") interior to the Project identified in the City's current Comprehensive Plan dated May 2016. Developer also agrees to pay for acquisition and improvements of the offsite Right of Way necessary to extend the Boulevard Project from the current project boundary to SH 95 pursuant to that certain Purchase and Sale Agreement dated effective February 22, 2022 by and between Amy Mogonye Darsey and Paul D. Mogonye, Co-Trustees of the Jim V & Katherine L Mogonye Revocable Living Trust and Jim Mogonye Bypass Trust and Developer, as evidenced by that certain Memorandum of Purchase and Sale Agreement attached hereto as **Exhibit "H"**. The Boulevard Extension Project shall be constructed in not less than 5 phases consistent with the development of the Project. Developer's contribution of the Boulevard Extension Project Costs shall be in lieu of, and Developer shall not be subject to an impact fee for the Adjacent Roadway Project or any other City roadway projects in mitigation of project generated traffic.

7.3 Developer Participation Schedule

As noted above, as consideration for the Boulevard Extension Project, Developer shall not be required to participate in the Adjacent Roadway Project or required to pay any impact fees for offsite roadway projects.

8. PARKLAND DEDICATION

The parkland dedication requirements for the Property shall be met in full by Developer providing the following:

8.1 Open Space, Trail and Related Improvements

The Project will provide approximately 20.74 acres of public space and floodplain (approximately 11% of the Project) as shown on **Exhibit “D”, Public Open Space Plan**. The open space lands and associated improvements shall be accessible to the public. Improvements to the public open space shall include approximately 2,600 linear feet of six foot (6’) wide, mulch nature trail along Elm Creek, from FM 1100 to the north Project boundary. (see Exhibit “B” for nature trail details). The location of the park improvements will be incorporated into the construction plans for each phase of the Property.

Ownership and maintenance of the public open space shall be the responsibility of the private Homeowner’s Association (“HOA”). The HOA will have the right to impose restrictions and enforce proper use of the public open space, including the right to add security measures (fences, cameras, or related), if necessary to prevent the misuse, abuse, vandalism, or any other nuisance activities on the open space lands. An access and conservation easement will be entered into with the City or shown on the final plat to retain use of the land as parkland and the parkland will be accessible to the public.

8.2 Parkland Fee in Lieu of Required

The Developer has agreed to donate the (Boulevard Extension Project, generally described as approximately 1,800 linear feet of street, sidewalk, drainage, signage, striping and lighting improvements) and fully fund the construction of a 2-lane minor collector with a Right of Way dedication of sixty (60) feet, from the east property boundary to SH 95, that is a greater contribution than just extending to the property limits. The Developer will also provide for eight (8) Public parking spaces (7 standard stalls and 1 van handicap space of appropriate width and depth to satisfy current City requirements) with direct access to the project’s public trail system. The design and location will be part of the construction plan application.

In addition, the Developer is providing public restrooms at the community trailhead, and enhanced pedestrian connectivity to Elgin Middle School with a 10-foot wide, concrete shared use path (SUP) along the south side of Boulevard and Boulevard

Extension projects. The City of Elgin shall waive impact and tap fees associated with providing water and sewer service to the public restrooms.

8.3 Tree Preservation Plan

Due to the project site having no trees onsite, no Tree Preservation Plan will be required. A registered Landscape Architect, Engineer, or Surveyor shall provide a sealed letter stating no trees are onsite that are 8" in diameter or greater that are considered native or protected per City of Elgin code.

8.4 Postal Station

Postal delivery standards are met in accordance with Section 36-60 of the City Subdivision Ordinance.

9. SIGNS

The Project shall incorporate the Development Standards for signage as depicted on **Exhibit "E"**.

10. WATER AND WASTEWATER

The City of Elgin will provide water and sewer service to the site based on location of existing infrastructure. The Developer will be responsible for extending any existing utilities to the site. The general utility plan is depicted on **Exhibit "G"**.

10.1 Sewer Service

The 24" wastewater line currently under construction, is located at the Project boundary and no additional off-site extensions are required by the City. The City represents that the 24" wastewater line is of sufficient capacity to serve the Project. Any costs associated with increasing the size of the existing infrastructure, as necessary to serve any expansion of the Project Concept Plan described in Exhibit B, shall be paid for by the Developer. The City will cost participate in the event it elects to upsize the required infrastructure.

10.2 Water Service

The existing 12" water line located within the FM 1100/Avenue C right of way is located at the Project boundary and the Developer confirms no additional off-site extensions are required by the City. The City represents that the 12" water line is of sufficient capacity to serve the Project. Any costs associated with increasing the size of the existing infrastructure, as necessary to serve any expansion of the Project Concept Plan described in Exhibit B, shall be paid for by the Developer. The City will cost participate in the event it elects to upsize the required infrastructure.

10.3 CCN Territory

The Project as shown in Exhibit B is wholly within the City of Elgin's sewer CCN territory as regulated by the Public Utility Commission (PUC). The Project as shown in Exhibit B is split between the City of Elgin's water CCN territory and Aqua Water Supply Corporation CCN territory as regulated by the Public Utility Commission (PUC). Developer agrees to pay for fees associated with transferring the water CCN from Aqua WSC to the City of Elgin. The area in question constitutes approximately 89.328 acres. The Developer at the time of final plat shall pay the City of Elgin \$3,900 per acre for the area within the final plat. Total costs shall not exceed \$348,379.20 for the entirety of the development as shown in Exhibit B.

11. WATER QUALITY AND DETENTION

11.1 Water Quality

The Project will not be required to provide water quality.

11.2 Detention

The Developer intends to provide no detention facilities and direct discharge runoff to Elm Creek. Developer shall be responsible for all studies and approvals as required by FEMA and the floodplain administrator for the City and Bastrop County. This may include but not be limited to a CLOMR and LOMR for the development. All mitigation costs required to show no rise of floodplain to upstream and downstream properties shall be borne by the Developer.

12. DESIGN OF INGRESS OR EGRESS FOR DRIVEWAYS

This Project will not provide mutual access agreements on parking lots, driveways and adjoining properties as encouraged on Section 36-514.8 of the Code of Ordinances.

13. STREETS, BLOCKS, LOTS, SIDEWALKS, BUILDING LINES, AND SETBACKS, DRAINAGE AND STORM SEWERS AND OTHER MATTERS

13.1 Development Standards

The Project shall incorporate the Development Standards as depicted on **Exhibit "C"**.

13.2 Buffer Zones

The City required buffer zones per Sec. 36-312(b)(2) are hereby removed where Single Family lots are located per the Concept Plan.

13.3 Sidewalk-In-Lieu Fees

The Project shall not be required to construct sidewalks, nor be required to pay Sidewalk-In-Lieu Fees for frontage along FM1100/Avenue C, as this portion of sidewalk is included in the scope of the FM1100 roadway improvements. The sidewalk requirements along FM 1100 shall be met in full by Developer, at the

Developer's expense, by providing and constructing pedestrian access to Elgin Middle School within the interior of the Project, and also widen the standard 5' wide sidewalk along the south side of the Boulevard Project and Boulevard Extension Project to a 10-foot wide Shared Use Path (SUP), as identified in **Exhibit "B"**.

13.4 Traffic Impact Analysis

The Owner shall not be required to perform a Traffic Impact Analysis (TIA) for the Project for the City of Elgin. The City of Elgin agrees to reasonably negotiate with TxDOT and the Developer to reduce or eliminate the need for a TIA for connection along FM 1100 and State Highway 95.

13.5 Right of Way Dedication

Developer will dedicate 27 feet (approximately 1.59 acres) of right of way along the north side of the existing 80 feet of right of way for the future widening of FM 1100 as shown on **Exhibits "B" and "D"**.

14. PERIMETER IMPROVEMENTS

As noted above, the Project will dedicate 27 feet (approximately 1.59 acres of Right of Way) for the future widening of FM 1100/Avenue C to TXDOT. The HOA will maintain these areas until the widening work commences. The perimeter fencing shall be six (6) foot stained enhanced wood fence with metal posts per City requirements for which the HOA will be responsible to maintain the exterior appearance.

15. CHANGES TO AGREEMENT AND DEVELOPMENT PLAN

15.1 Minor Changes

Minor changes to this Agreement or Plan, which do not substantially alter the proposed street circulation, increase the lot count above the limit set in Exhibit "C" or alter the Residential Development Standards in Exhibit "B", may be approved administratively, if approved in writing, by the City Engineer, the Director of Planning, the Director of Public Works, and the City Attorney.

15.2 Major Changes

All changes not permitted under section 15.1 above, shall be submitted following the same procedure required by the original PDD application; provided, however, that nothing herein or otherwise shall require an owner of a portion of the Property (the “Rezoning Owner”) to obtain the consent or approval of any other owner of a portion of the Property for a change in zoning (including amending this Agreement) if such change only applies to the land of the Rezoning Owner.

15.3 Deed Restrictions and Creation of a Homeowner’s Association

The Owner shall create a Homeowner’s Association responsible for, among other things, enforcement of deed restrictions required under this Agreement. The Association shall be created and deed restrictions recorded before the issuance of building permits for residential building construction on the Property. The Association shall be duly authorized, under applicable laws, to enforce the deed restrictions against all owners and developers of land within the Property. Any deed restrictions, and amendments thereto, regulating development of the Property shall be recorded in the Official Public Records of Bastrop County, Texas. Any deed restrictions regulating development of the Property, and any amendments thereto, shall be subject to this Agreement. Such deed restrictions shall further include a statement that they are expressly subject to this Agreement and that, in the event of a conflict between the deed restrictions and this Agreement, this Agreement shall govern.

[Signature Page Follows]

OWNER:

PRIMA VESTA LAND COMPANY, LLC

By: _____
Garrett Rajkovich, Managing Member

STATE OF _____

_____ COUNTY

Sworn and subscribed before me this the ____ day of _____, 2022 by Garrett Rajkovich, as Managing Member of Prima Vesta Land Company, LLC, a Texas limited liability company, on behalf of said limited liability company.

SEAL

Signature of Notary

OWNER:

**The Jim V & Katherine L Mogonye Revocable
Living Trust and Jim Mogonye Bypass Trust**

**By: _____
Amy Darsey, Co-Trustee**

**By: _____
Paul Mogonye, Co-Trustee**

STATE OF _____
_____ COUNTY

Sworn and subscribed before me this the ____ day of _____, 2022 by Amy Darsey,
Co-Trustee of the The Jim V & Katherine L Mogonye Revocable Living Trust and Jim Mogonye
Bypass Trust, on behalf of said trust.

SEAL

Signature of Notary

STATE OF _____
_____ COUNTY

Sworn and subscribed before me this the ____ day of _____, 2022 by Paul Mogonye,
Co-Trustee of the The Jim V & Katherine L Mogonye Revocable Living Trust and Jim Mogonye
Bypass Trust, on behalf of said trust.

SEAL

Signature of Notary

CITY OF ELGIN

By: _____
Ron Ramirez, Mayor

ATTEST:

By: _____
Jennifer Stubbs, City Secretary

STATE OF TEXAS

BASTROP COUNTY

Sworn and subscribed before me this the ____ day of _____, 2022 by Ron Ramirez, Mayor,
City of Elgin, Texas.

SEAL

Signature of Notary

STATE OF TEXAS

BASTROP COUNTY

Sworn and subscribed before me this the _____ day of _____, 2022 by Jennifer
Stubbs, City Secretary, City of Elgin, Texas.

SEAL

Signature of Notary

LIST OF EXHIBITS

EXHIBIT “A” – Metes & Bounds Descriptions of the Property

EXHIBIT “B” – Concept Plan

EXHIBIT “C” - Development Standards

EXHIBIT “D” – Public Open Space Plan

EXHIBIT “E” – Master Sign Plan

EXHIBIT “F” – Community Signage

EXHIBIT “G” – General Utility Plan

EXHIBIT “H” – Memorandum of Purchase and Sale Agreement

EXHIBIT "A"

METES AND BOUNDS DESCRIPTIONS OF THE PROPERTY

“Exhibit “A”

188 Acre Larson
Travis County, Texas

D&A Job No. 1028-006
November 25, 2020

METES & BOUNDS DESCRIPTION

BEING A 188.70 ACRE TRACT OUT OF THE THOMAS CHRISTIAN SURVEY, BLOCK 26, ABSTRACT NUMBER 20, BASTROP COUNTY, TEXAS, SAID TRACT BEING ALL OF THE REMAINDER OF A CALLED 103 ACRE TRACT, AND ALL OF A CALLED 99.96 ACRE TRACT, CONVEYED TO NORMAL JEANNE LARSON, ET AL, IN DOCUMENT NUMBER 201401408 OF THE OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, SAID 103 ACRE REMAINDER TRACT BEING DESCRIBED IN DEED TO ALFRED CARLSON IN VOLUME 62, PAGE 240, AND SAID 99.96 ACRE TRACT, BEING DESCRIBED TO ALFRED CARLSON, IN VOLUME 74, PAGE 410, BOTH OF THE DEED RECORDS OF BASTROP COUNTY, TEXAS [D.R.B.C.T.], SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod with cap stamped “DOUCET” found for the west corner of said remainder of a called 103 acre tract, same being the most south corner of the remainder of a called 65.643 acre tract, recorded in Document Number 201917952 of the Official Public Records of Bastrop County, Texas [O.P.R.B.C.T.], and also being in the northeast right-of-way line of Farm to Market Road (FM) 1100, 80 feet wide per document recorded in Volume 140, Page 488 of the Deed Records of Bastrop County, Texas [D.R.B.C.T.], and being the most southerly west corner of the herein described tract;

THENCE N27°01'24"E, with the northwest line of said remainder of a called 103 acre tract, same being the southeast line of said remainder of a called 65.643 acre tract, a distance of 1,428.72 feet to an iron rod found for the north corner of said remainder of a called 103 acre tract, same being the east corner of said remainder of a called 65.643 acre tract, also being on the southwest line of a said 99.96 acre tract;

THENCE N62°58'36"W, with the southwest line of said 99.96 acre tract, same being the northeast line of said remainder of a called 65.643 acre tract, a distance of 300.58 feet to a 1/2-inch iron rod with “DOUCET” cap set for the west corner of said 99.96 acre tract, same being the south corner of a called 48.827 acre tract, recorded in Document Number 201903261 [O.P.R.B.C.T.];

THENCE N27°10'31"E, with the northwest line of said 99.96 acre tract, same being the southeast line of said 48.827 acre tract, a distance of 1,055.50 feet to a 1/2-inch iron rod found for the north corner of said 99.96 acre tract, same being the east corner of said 48.827 acre tract, also being on the southwest line of a called 230.0280 acre tract, recorded in Document Number 201817590 [O.P.R.B.C.T.];

THENCE S63°11'39"E, with the northeast line of said 99.96 acre tract, same being the southwest line of said 230.0280 acre tract, a distance of 3,290.54 feet to a 1/2-inch iron rod found for the south corner of said 230.0280 acre tract, same being the most northerly west corner of a called 69.055 acre tract, recorded in Document Number 201410215 [O.P.R.B.C.T.];

THENCE S62°25'46"E, with the northeast line of said 99.96 acre tract, same being a southwest line of said 69.055 acre tract, a distance of 417.24 feet to a wooden fence post with wire, found for the east corner of said 99.96 acre tract, same being an interior ell corner of said 69.055 acre tract;

THENCE S28°05'59"W, with the southeast line of said 99.96 acre tract, same being a northwest line of said 69.055 acre tract, a distance of 1,055.29 feet to a 1/2-inch iron rod with cap stamped “DOUCET” set for the south corner of said 99.96 acre tract, same being the most southerly west corner of said 69.055 acre tract, and same being on the northeast line of a called 27.89 acre tract, recorded in Volume 1677, Page 883, or Document Number 200614873 [O.P.R.B.C.T.];

(CONTINUES ON NEXT PAGE)

“Exhibit “A”

THENCE N62°57'39"W, with the southwest line of said 99.96 acre tract, same being the northeast line of said 27.89 acre tract, a distance of 267.84 feet to a 1/2-inch iron rod found for the north corner of said 27.89 acre tract, same being the east corner of said remainder of a called 103 acre tract;

THENCE S26°26'50"W, with a southeast line of said remainder of a called 103 acre tract, same being the northwest line of said 27.89 acre tract, a distance of 970.88 feet to a 5/8-inch iron rod found for the west corner of said 27.89 acre tract, same being a north corner of a called 4.02 acre tract, known as Regency Subdivision, recorded in Volume 4, Page 196A of the Plat Records of Bastrop County, Texas [P.R.B.C.T.];

THENCE S26°30'58"W, with a northwest line of said Regency Subdivision, same being a southeast line of said remainder of a called 103 acre tract, a distance of 22.89 feet to a 1/2-inch iron rod with cap stamped “DOUCET” set for an exterior ell corner of said remainder of a called 103 acre tract, same being an interior ell corner of said Regency Subdivision;

THENCE N62°43'24"W, with a northeast line of said Regency Subdivision, same being a southwest line of said remainder of a called 103 acre tract, a distance of 344.89 feet to a 1/2-inch iron rod with cap found for the most westerly north corner of said Regency Subdivision, same being an interior ell corner of said remainder of a called 103 acre tract;

THENCE S26°30'58"W, with a northwest line of said Regency Subdivision, same being a southeast line of said remainder of a called 103 acre tract, a distance of 458.56 feet to a 5/8-inch iron rod found for the south corner of said remainder of a called 103 acre tract, same being on the northeast right-of-way line of said FM 1100;

THENCE N62°45'17"W, with a southwest line of said remainder of a called 103 acre tract, same being the northeast right-of-way line of said FM 1100, a distance of 270.08 feet to a 5/8-inch iron rod (bent) found for an exterior ell corner of said remainder of a called 103 acre tract, same being the east corner of a called 1.000 acre tract, recorded in Volume 2349, Page 663, or Document Number 201411350 [O.P.R.B.C.T.];

THENCE N27°23'51"E, with an interior northwest line of said remainder of a called 103 acre tract, same being the southeast line of said 1.000 acre tract, a distance of 149.98 feet to a 5/8-inch iron rod (bent) found for an interior ell corner of said remainder of a called 103 acre tract, same being the east corner of said 1.000 acre tract;

THENCE N62°42'55"W, with a southwest line of said remainder of a called 103 acre tract, same being the northeast line of said 1.000 acre tract, a distance of 291.02 feet to a 5/8-inch iron rod (bent) found for an interior ell corner of said remainder of a called 103 acre tract, same being the north corner of said 1.000 acre tract;

THENCE S27°17'38"W, with a southeast line of said remainder of a called 103 acre tract, same being the northwest line of said 1.000 acre tract, a distance of 150.06 feet to a 5/8-inch iron rod found for an exterior ell corner of said remainder of a called 103 acre tract, same being the west corner of said 1.000 acre tract, also being on the northeast right-of-way line of said FM 1100;

(CONTINUES ON NEXT PAGE)

“Exhibit “A”

THENCE N62°42'02"W, with a southwest line of said remainder of a called 103 acre tract, same being the northeast right-of-way line of said FM 1100, a distance of 2,230.63 feet to the **POINT OF BEGINNING** and containing 188.70 acres.

Basis of bearings is the Texas Coordinate System, Central Zone [4203], NAD83 (2011), Epoch 2010. All distances are surface values and may be converted to grid by using the surface adjustment factor of 0.9999230059285435.

Units: U.S. Survey Feet.

I, Garrett Cavauiolo, Registered Professional Land Surveyor, hereby certify that this property description and accompanying plat of even date represent an actual survey performed on the ground under my direct supervision.



11/25/2020

Date

Garrett Cavauiolo
Registered Professional Land Surveyor
Texas Registration No. 6714
Doucet & Associates
GCavauiolo@DoucetEngineers.com
TBPELS Firm Registration No. 10105800





DOUCET
& ASSOCIATES

188 Acre Larson
Travis County, Texas

“Exhibit A”

7401B Highway 71 West, Suite 160, Austin, TX 78735

Office: 512.583.2600

Fax: 512.583.2601

Doucetengineers.com

D&A Job No. 1028-006

February 18, 2022

METES & BOUNDS DESCRIPTION

BEING A 8.152 ACRE TRACT OUT OF THE THOMAS CHRISTIAN SURVEY, BLOCK 26, ABSTRACT NUMBER 20, BASTROP COUNTY, TEXAS, SAID TRACT BEING A PART OF A CALLED 66.936 ACRE TRACT, CONVEYED TO AMY MOGONYE DARSEY, A.K.A. AMY LEE DARSEY, AND PAUL DOUGLAS MOGONYE, AS CO-TRUSTEES OF THE JIM MOGOHYE BYPASS TRUST, IN DOCUMENT NUMBER 201510215 OF THE OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS [O.P.R.B.C.T.], SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod with cap stamped “DOUCET” set for a west corner of said 66.936 acre tract, same being an east corner of a called 188.70 acre tract, recorded in Document Number 202107414 of the Official Public Records of Bastrop County, Texas [O.P.R.B.C.T.], and also being in the north line of a called 27.89 acre tract recorded in Document Number 200614873 [O.P.R.B.C.T.];

THENCE N28°05'59"E, with the common line of said 66.936 acre tract and said 188.70 acre tract, a distance of 61.08 feet to an calculated point, from which a 1/2-inch iron rod with cap stamped “DOUCET” set for an interior corner of said 188.70 acre tract and the northwest corner of said 27.89 acre tract bears N75°45'10"W, a distance of 275.82 feet;

THENCE leaving the common line of said 188.70 acre tract and continuing over and across said 66.936 acre tract the following 5 courses and distances:

1. S63°10'23"E, a distance of 423.15 feet to a calculated point at the beginning of a curve to the left,
2. With said curve to the left, having a radius of 470.00 feet, a delta angle of 28°08'27", and a chord which bears S77°14'37"E, for a distance of 230.84 feet, to a calculated point,
3. N88°41'10", a distance of 440.22 feet to a calculated point and the beginning of a curve to the right,
4. With said curve to the right, having a radius of 530.00 feet, a delta angle of 45°46'51", and a chord which bears S68°25'25"E, for a distance of 423.48 feet, to a calculated point, and
5. S45°31'56"E, a distance of 264.33 feet to a calculated point on the northwest right-of-way of S.H. 95, a variable width right-of-way (no record information found);

THENCE S44°27'23"W, with the northwest right-of-way of said S.H. 95, a distance of 304.08 feet to a calculated point for the southeast corner of said 66.936 acre tract, same being the northeast corner of Lot 92 of the Elgin Meadows Subdivision, recorded in plat or map in Plat Cabinet 1, Page 120B of the Deed Records of Bastrop County, Texas [D.R.B.C.T.];

THENCE with the common line of said 66.936 acre tract and said Elgin Meadows Subdivision the following 2 courses and distances:

1. N62°42'45"W, a distance of 488.79 feet to calculated point on the north line of Lot 87 of said Elgin Meadows Subdivision, and
2. N62°58'45", a distance of 442.89 feet to a calculated point for the northwest corner of Lot 83 of said Elgin Meadows Subdivision, same being the northeast corner of said 27.89 acre tract.;

(CONTINUED ON NEXT PAGE)

“Exhibit A”

THENCE N62°57’39”W, with the common line of said 66.936 acre tract and said 27.89 acre tract, a distance of 673.09 feet to the **POINT OF BEGINNING** and containing approximately 8.152 acres.

Basis of bearings is the Texas Coordinate System, Central Zone [4203], NAD83 (2011), Epoch 2010. All distances are surface values and may be converted to grid by using the surface adjustment factor of 0.9999230059285435.

Units: U.S. Survey Feet.

I, J. Dillon Fugate, Registered Professional Land Surveyor, hereby certify that this property description and accompanying plat of even date represent an actual survey performed on the ground under my direct supervision.

J. Dillon Fugate
Registered Professional Land Surveyor
Texas Registration No. 6360
Doucet & Associates
DFugate@DoucetEngineers.com
TBPELS Firm Registration No. 10105800

Date

PRIMAVERA LAND COMPANY LLC
CALLED 188.70 ACRES
DOC. NO. 202107414
O.P.R.X.C.T.

AMY MOGONYE DARSEY, A.K.A.
AMY LEE DARSEY, AND PAUL
DOUGLAS MOGONYE, AS
CO-TRUSTEES OF THE JIM
MOGONYE BYPASS TRUST
CALLED 66.936 AC
VOL. 2343, PG. 362
O.P.R.B.C.T.

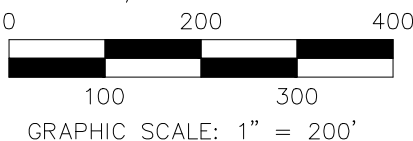
ELGIN INDEPENDENT SCHOOL
DISTRICT
CALLED 27.89 AC
DOC. NO. 200614873
O.P.R.B.C.T.

THOMAS CHRISTIAN SURVEY
BLOCK 26,
ABSTRACT NUMBER 20

ELGIN MEADOWS
PLAT BOOK 1, PG. 120B
P.R.B.C.T.

LEGEND

	PROPERTY LINE
	EXISTING PROPERTY LINE
	ADJOINER PROPERTY LINE
	1/2" IRON ROD WITH "DOUCET" CAP SET
	CALCULATED POINT
P.O.B.	POINT OF BEGINNING
DOC. NO.	DOCUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
R.O.W.	RIGHT-OF-WAY
P.R.B.C.T.	PLAT RECORDS, BASTROP COUNTY, TEXAS
O.P.R.B.C.T.	OFFICIAL PUBLIC RECORDS, BASTROP COUNTY, TEXAS
D.R.B.C.T.	DEED RECORDS, BASTROP COUNTY, TEXAS



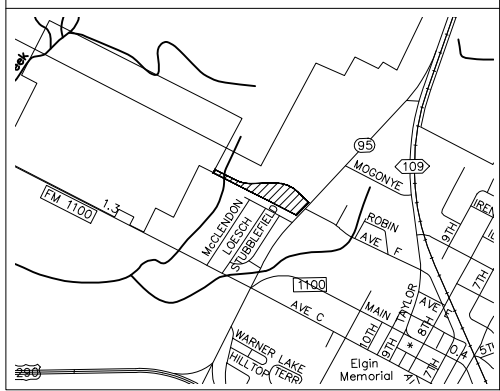
CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	230.84'	470.00'	28°08'27"	S77°14'37"E	228.53'
C2	423.48'	530.00'	45°46'51"	S68°25'25"E	412.31'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N28°05'59"E	61.08'
L2	N75°45'10"W	275.82'

8.152 ACRES

VICINITY MAP

NOT TO SCALE



8.152 ACRE

"EXHIBIT A"

CITY OF ELGIN, BASTROP
COUNTY, TEXAS



DOUCET

Civil Engineering // Entitlements // Geospatial
7401 B. Highway 71 W, Ste. 160
Austin, TX 78735, Tel: (512)-583-2600
www.doucetengineers.com
TBPE Firm Number: 3937
TBPELS Firm Number: 10105800

Date: 02/18/2022

Scale: 1" = 200'

Drawn by: SWP

Reviewer: DF

Project: 1028-006

Sheet: 3 OF 4

Field Book: N/A

Party Chief: ADM

Survey Date: 11/20/20

CONTROL NOTE:

BASIS OF BEARING IS THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE (4203), NORTH AMERICAN DATUM 1983 (NAD83), 2011 ADJUSTMENT (EPOCH 2010) AND A VERTICAL DATUM OF NAVD88, GEOID 12B. ALL COORDINATE VALUES AND DISTANCES SHOWN ARE SURFACE VALUES AND MAY BE CONVERTED TO GRID BY USING THE SURFACE ADJUSTMENT FACTOR OF 0.9999230059285435.

UNITS: US SURVEY FEET.

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. EASEMENTS OR OTHER MATTERS OF RECORD MAY EXIST WHERE NONE ARE SHOWN.

I, J. DILLON FUGATE, REGISTERED PROFESSIONAL LAND SURVEYOR,
HEREBY CERTIFY THAT THIS PLAT AND ACCOMPANYING LEGAL
DESCRIPTION OF EVEN DATE REPRESENT AN ACTUAL SURVEY
PERFORMED ON THE GROUND UNDER MY SUPERVISION.

J. DILLON FUGATE
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6360
DOUCET & ASSOCIATES
DFUGATE@DOUCETENGINEERS.COM

DATE

8.152 ACRE

"EXHIBIT A"

CITY OF ELGIN, BASTROP
COUNTY, TEXAS



DOUCET

Civil Engineering // Entitlements // Geospatial
7401 B. Highway 71 W, Ste. 160
Austin, TX 78735, Tel: (512)-583-2600
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TBPE Firm Number: 3937
TBPELS Firm Number: 10105800

Date: 02/18/2022

Scale: #####

Drawn by: SWP

Reviewer: DF

Project: 1028-006

Sheet: 4 OF 4

Field Book: N/A

Party Chief: ADM

Survey Date: 11/20/20

EXHIBIT “B”
CONCEPT PLAN



Scale: 1" = 400'

North Date: February 16, 2022

Base mapping compiled from best available information. All map data should be considered as preliminary, in need of verification, and subject to change. This land plan is conceptual in nature and does not represent any regulatory approval. Plan is subject to change.

CONCEPT PLAN
LARSON PROPERTY

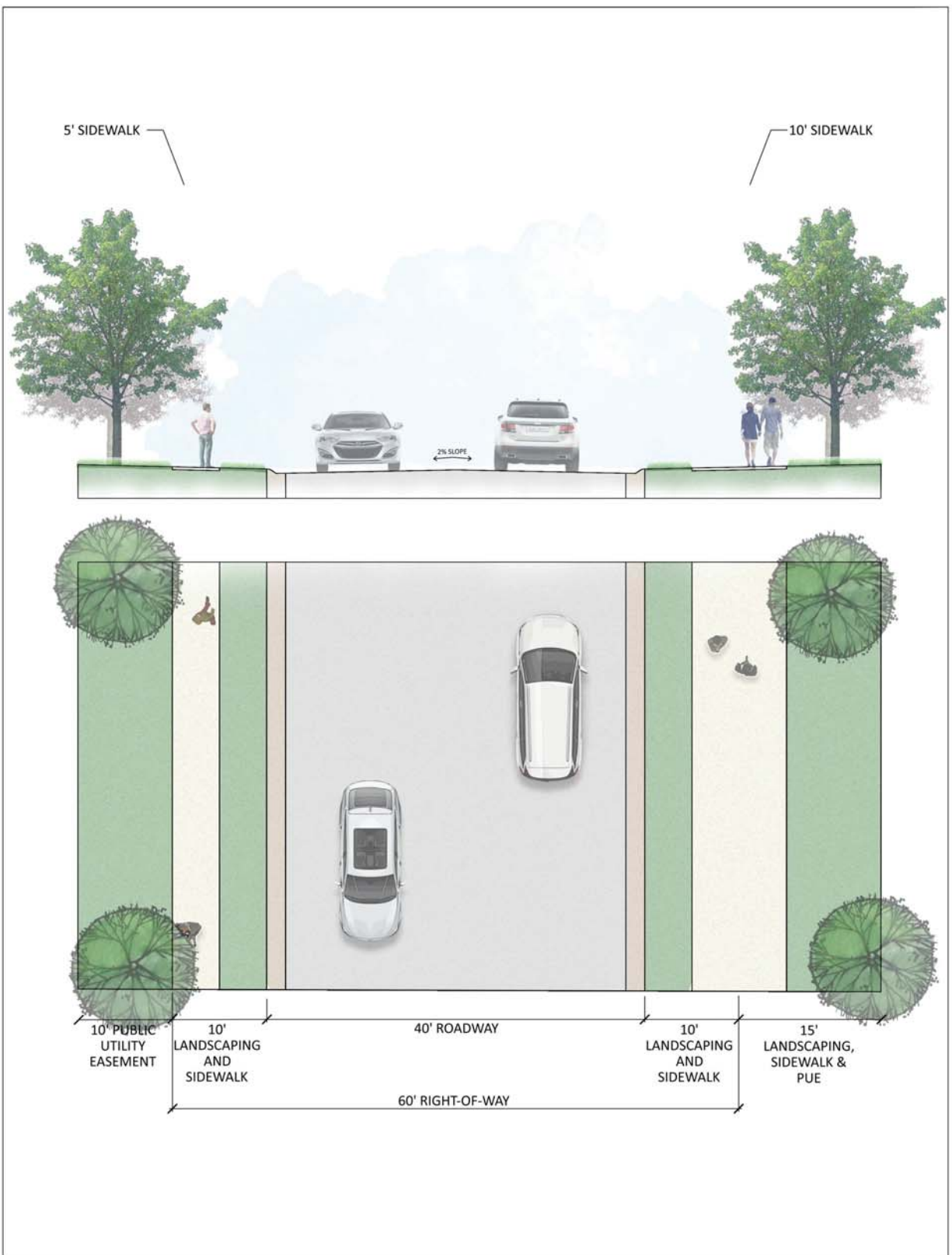
PRIMA VESTA LAND COMPANY LLC
ELGIN, TEXAS

SEC Planning, LLC

Land Planning + Landscape Architecture + Community Branding

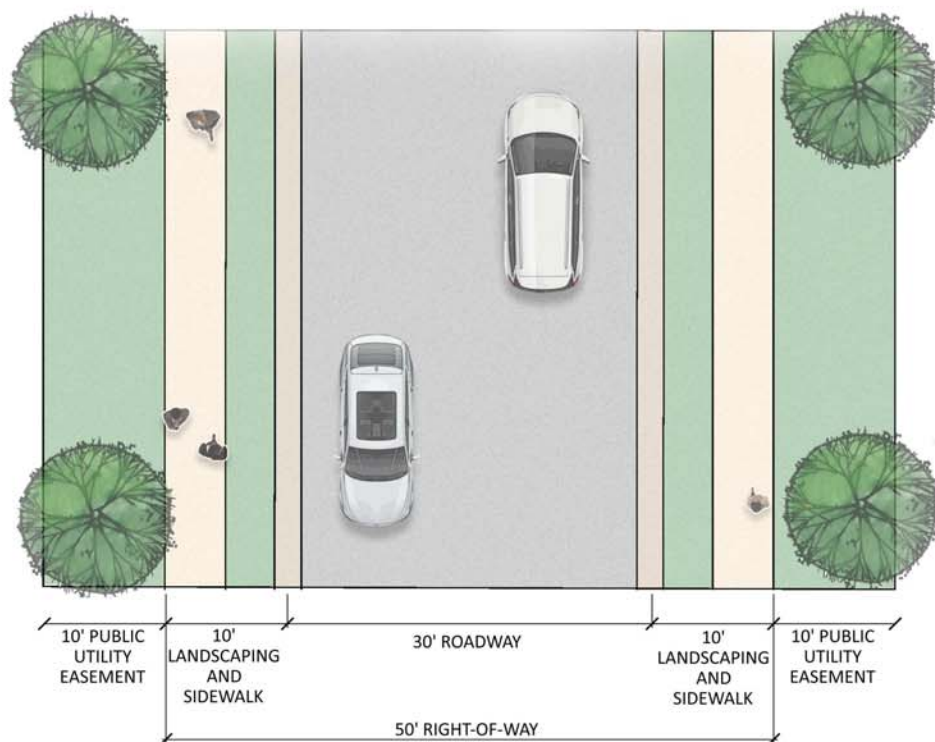
AUSTIN, TEXAS

[illegible]



BOULEVARD AND BOULEVARD EXTENSION (60' R.O.W.) MINOR COLLECTOR

Scale: 1" = 10'



STREET (50' R.O.W.) 2-LANE RESIDENTIAL LOCAL

Scale: 1" = 10'

EXHIBIT “C”
DEVELOPMENT STANDARDS

A. Applicability and Base Zoning

All aspects regarding the development of this Property shall comply with the City of Elgin Code of Ordinances in effect on (THE EFFECTIVE DATE) except as established in this exhibit, titled **Exhibit “C”**.

The residential portions of the Property depicted on Exhibit “B” shall be developed in accordance with the City’s R-1 zoning standards.

The commercial portions of the Property depicted on Exhibit “B” shall be developed in accordance with the City’s C-1 zoning standards.

All development within the Property will comply with the modified development standards of **Exhibit “C”**. In the case that this exhibit does not address a specific City requirements, the Elgin Code of Ordinances shall apply. In the event of a conflict between this exhibit and the identified base zoning district as defined in the Code of Ordinance on (THE EFFECTIVE DATE), this exhibit shall control.

B. Single Family Residential Lot Design Standards

The development of the Property will not exceed 838 single-family residential units. The potential product shall be developed in compliance with Table B.1

In addition to the design standards outlined in Table B.1, the following standards shall also apply:

1. Residential lot widths shall be measured from the front setback building line as established below.
2. Building height shall be measured as the vertical distance from the front door threshold to the highest point of the roof.

<u>Table B.1</u> Residential Development Standards	
	FRONT LOAD A
Lot Width Minimum	45 ft.

Lot Depth Minimum	110 ft
Setbacks	
Front (min.)	20 ft.
Rear (min.)	10 ft.
Garage Setback (min.)	20 ft.
Side (min.)	5 ft.
Corner (min.)	15 ft.
Building Height	35 ft.
Minimum Lot Area	5,000 sq. ft.

C. Roadway Standards

1. Collector streets shall have a minimum centerline radius of 300 feet (300').
2. Minor streets shall not have a maximum centerline radius.
3. Residential streets may be designed with a six-inch (6") rollover curb consistent with the Typical Cross Section exhibits within this Agreement.
4. Sidewalks in front of residential lots will be installed during the installation of the residential landscape on said residential lot.
5. Sidewalks and landscaping along roadways in which there is not a residential lot shall be installed during construction of associated roadway.

D. Drainage and Grading

1. Drainage collection facilities may be constructed with a mix of open channel and underground storm sewers.
2. All cut and fill land balancing shall be limited to a maximum of twelve feet (12'), except when filling of the existing stock tanks.

E. Signage

The control and placement of all signs is especially important to the aesthetic harmony of the

Project. A critical component of a cohesive community is the sense of place and identity.

A Master Sign Plan has been prepared as a component of the Development Agreement. **Exhibit “E”** identifies the sign types, quantities and approximate locations of signs that may be constructed within the Project. Approval of these development standards is intended to permit the number and locations for the community signs as indicated and allow a consistent signage package within the community.

Approval of the development standards shall permit signage at the indicated locations on **Exhibit “E”** but shall not be interpreted as approval of a sign permit. Each proposed sign within these development standards must be submitted to the Development Services Department for review and permit.

The Master Sign Plan shall include the following type of signs. The sign face area, sizes and quantities of signs shall be governed by the standards identified on **Exhibit “E”** and **Exhibit “F”**. The graphics included in **Exhibit “F”** do not depict actual sign form, but rather the scale and massing that may be constructed.

1. Primary Community Entry Signs

Primary community entry signs (total not to exceed two (2)) may be located at each entrance into the Project.

2. Special Signs

The Directional/Lifestyle Signs category includes a series of signs (total not to exceed six (6)) used to create a strong sense of place and guide people within the Project.

F. Sign Lighting

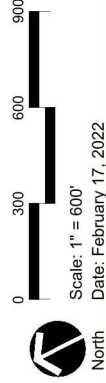
All signs constructed within the Project may be illuminated in order to increase visibility and/or enhance the aesthetics of the sign design. Sign lighting shall adhere to the following standards:

1. Illumination shall be shielded so there is no glare in the public right-of-way and adjacent properties.
2. Illumination may include lighted cabinet, halo lighting, wall wash up-lighting, landscape up-lighting, and under cap lighting.
3. Illumination may be white or colored.
4. Illumination must be steady. Flashing, moving, and intermittent lights are prohibited.

EXHIBIT “D”
PUBLIC OPEN SPACE PLAN



Exhibit "D" Public Open Space Plan

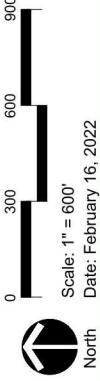


LARSON PROPERTY

EXHIBIT “E”
MASTER SIGN PLAN



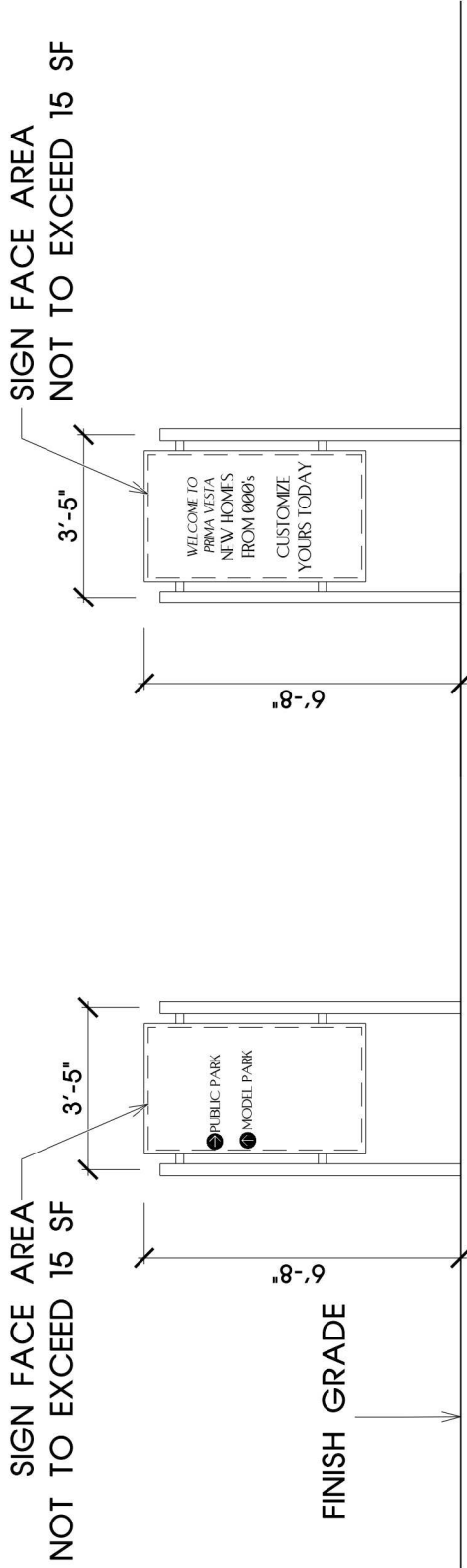
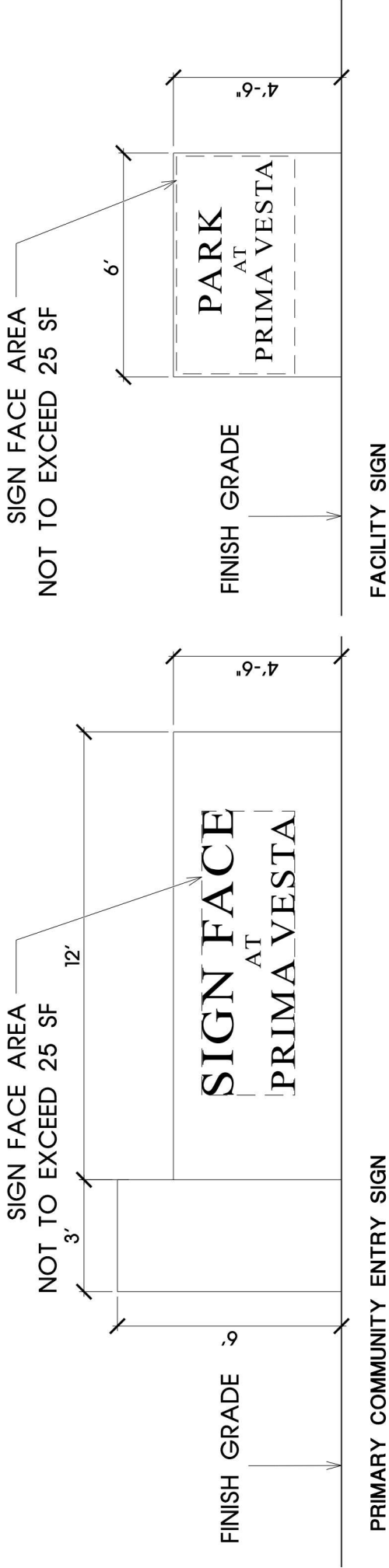
Exhibit "E" Master Sign Plan



LARSON PROPERTY

EXHIBIT “F”
COMMUNITY SIGNAGE

"EXHIBIT F"



DIRECTIONAL / LIFESTYLE SIGN

LARSON PROPERTY

Exhibit E
Community Signage
Scale: 1" = 4'
Date: February 16, 2022

EXHIBIT “G” – GENERAL UTILITY PLAN

EXHIBIT “H”

MEMORANDUM OF PURCHASE AND SALE AGREEMENT

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

MEMORANDUM OF PURCHASE AND SALE AGREEMENT

STATE OF TEXAS

§

§

COUNTY OF BASTROP

§

THIS MEMORANDUM OF PURCHASE AND SALE AGREEMENT (this "Memorandum") is made and executed to be effective as of February 22, 2022 (the "Effective Date") by and between Amy Mogonye Darsey and Paul D. Mogonye, Co-Trustees of the Jim V & Katherine L Mogonye Revocable Living Trust and Jim Mogonye Bypass Trust ("Seller") and Prima Vesta Land Company, LLC, a Texas limited liability company ("Purchaser"). Seller and Purchaser are referred to collectively herein as the "Parties" and individually as a "Party". Unless otherwise defined herein, terms with initial capitalization used herein shall have the meanings given to them in the Purchase and Sale Agreement (as defined below).

PRELIMINARY STATEMENTS:

A. Seller and Purchaser have entered into that certain Purchase and Sale Agreement dated as of the Effective Date (the "Purchase and Sale Agreement") for the purchase by Purchaser and sale by Seller of that certain construction easement for the purposes of a planned real estate development (the "Development").

B. The construction easement created by the Purchase and Sale Agreement, shall be a temporary 70' foot wide easement during construction of the Development, reduced to a 60' wide permanent easement thereafter and is more particularly shown on that survey attached to this Memorandum as Exhibit A, which is incorporated and made a part hereto (the "Construction Easement").

C. Seller and Purchaser have executed and acknowledged this Memorandum for the purpose of providing constructive notice of the Purchase and Sale Agreement and certain of Seller's and Purchaser's rights and obligations thereunder. Capitalized terms used and not defined herein have the meaning given the same in the Purchase and Sale Agreement.

AGREEMENTS

The Parties acknowledge that the Purchase and Sale Agreement contains provisions governing certain rights and obligations of Purchaser and Seller after the Closing with respect to the Temporary Construction Easement, and provide constructive notice of the following matters:

1. The Purchase and Sale Agreement provides for the payment of certain amounts by Purchaser to Seller upon the occurrence of the approvals for the Development.
2. In addition to the grant of the Construction Easement, Purchaser agreed to assist the rezoning of certain property in furtherance of the Development.
3. The terms, conditions and covenants of the Purchase and Sale Agreement are incorporated herein by reference as though fully set forth herein. This Memorandum does not supersede, modify, amend or otherwise change the terms, conditions or covenants of the Purchase and Sale Agreement, and this Memorandum shall not be used in interpreting the terms, conditions or covenants of the Purchase and Sale Agreement. This Memorandum shall not expand, contract, alter or amend the Parties' rights and obligations created in the Purchase and Sale Agreement as between each other but shall entitle any of them to use the fact of its recording in any proceeding with or against a third party. In the event of any conflict between this Memorandum and the Purchase and Sale Agreement, the Purchase and Sale Agreement shall control.

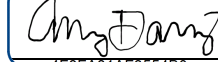
This Memorandum may be executed in counterparts, each of which shall be deemed an original and all of which when taken together shall constitute one and the same document.

[Signature Pages Follow This Page]

IN WITNESS WHEREOF, the Parties have executed this Memorandum as of the date of their respective acknowledgements below, to be effective as of the date first written above.

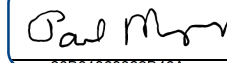
Seller:

DocuSigned by:

A handwritten signature in black ink, appearing to read "Amy Darsey", enclosed within a blue DocuSign signature box.

4F8FA81AF3554B0...
Amy Mogonye Darsey, Co-Trustee of the Jim V &
Katherine L Mogonye Revocable Living Trust and
Jim Mogonye Bypass Trust

DocuSigned by:

A handwritten signature in black ink, appearing to read "Paul Mogonye", enclosed within a blue DocuSign signature box.

26B81369322B46A...
Paul D. Mogonye, Co-Trustee of the Jim V &
Katherine L Mogonye Revocable Living Trust and
Jim Mogonye Bypass Trust

PURCHASER:

**PRIMA VESTA LAND COMPANY, LLC, a
Texas limited liability company**

By:  DocuSigned by:
AF26121B30564CB...
Garret Rajkovich, Manager

188 Acre Larson
Travis County, Texas

D&A Job No. 1028-006
March 14, 2022

METES & BOUNDS DESCRIPTION

BEING A 2.443 ACRE EASEMENT OUT OF THE THOMAS CHRISTIAN SURVEY, BLOCK 26, ABSTRACT NUMBER 20, BASTROP COUNTY, TEXAS, SAID EASEMENT BEING A PART OF A CALLED 66.936 ACRE TRACT, CONVEYED TO AMY MOGONYE DARSEY, A.K.A. AMY LEE DARSEY, AND PAUL DOUGLAS MOGONYE, AS CO-TRUSTEES OF THE JIM MOGOHYE BYPASS TRUST, IN DOCUMENT NUMBER 201510215 OF THE OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS [O.P.R.B.C.T.], SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2-inch iron rod with cap stamped “DOUCET” set for a west corner of said 66.936 acre tract, same being an east corner of a called 188.70 acre tract, recorded in Document Number 202107414 of the Official Public Records of Bastrop County, Texas [O.P.R.B.C.T.], and also being in the north line of a called 27.89 acre tract recorded in Document Number 200614873 [O.P.R.B.C.T.];

THENCE N28°05'59"E, with the common line of said 66.936 acre tract and said 188.70 acre tract, a distance of 1.08 feet to an calculated point for the **POINT OF BEGINNING** of the easement described herein;

THENCE N28°05'59"E, with the common line of said 66.936 acre tract and said 188.70 acre tract, a distance of 60.00 feet to an calculated point, from which a 1/2-inch iron rod with cap stamped “DOUCET” set for an interior corner of said 188.70 acre tract and the northwest corner of said 27.89 acre tract bears N75°45'10"W, a distance of 275.82 feet;

THENCE leaving the common line of said 188.70 acre tract and continuing over and across said 66.936 acre tract the following 5 courses and distances:

1. S63°10'23"E, a distance of 423.15 feet to a calculated point at the beginning of a curve to the left,
2. With said curve to the left, having a radius of 470.00 feet, a delta angle of 28°08'27", and a chord which bears S77°14'37"E, for a distance of 230.84 feet, to a calculated point,
3. N88°41'10", a distance of 440.22 feet to a calculated point and the beginning of a curve to the right,
4. With said curve to the right, having a radius of 530.00 feet, a delta angle of 45°46'51", and a chord which bears S68°25'25"E, for a distance of 423.48 feet, to a calculated point, and
5. S45°31'56"E, a distance of 264.33 feet to a calculated point on the northwest right-of-way of S.H. 95, a variable width right-of-way (no record information found);

THENCE S44°27'23"W, with the northwest right-of-way of said S.H. 95, a distance of 60.00 feet to a calculated point;

THENCE leaving the northwest right-of-way of said S.H. 95 and acre tract and continuing over and across said 66.936 acre tract the following 5 courses and distances:

1. N45°31'59"E, a distance of 264.34 feet to a calculated point at the beginning of a curve to the left,
2. With said curve to the left, having a radius of 470.00 feet, a delta angle of 45°46'51", and a chord which bears N68°25'25"W, for a distance of 365.63 feet, to a calculated point,
3. S88°41'10"W, a distance of 440.22 feet to a calculated point and the beginning of a curve to the right,
4. With said curve to the right, having a radius of 530.00 feet, a delta angle of 28°08'37", and a chord which bears N77°14'37"E, for a distance of 423.48 feet, to a calculated point, and

(CONTINUED ON NEXT PAGE)

“Exhibit “A”

5. N63°10'16"W, a distance of 424.49 feet to the **POINT OF BEGINNING** and containing approximately 2.443 acres

Basis of bearings is the Texas Coordinate System, Central Zone [4203], NAD83 (2011), Epoch 2010. All distances are surface values and may be converted to grid by using the surface adjustment factor of 0.9999230059285435.

Units: U.S. Survey Feet.

I, J. Dillon Fugate, Registered Professional Land Surveyor, hereby certify that this property description and accompanying plat of even date represent an actual survey performed on the ground under my direct supervision.

J. Dillon Fugate
Registered Professional Land Surveyor
Texas Registration No. 6360
Doucet & Associates
DFugate@DoucetEngineers.com
TBPELS Firm Registration No. 10105800

Date

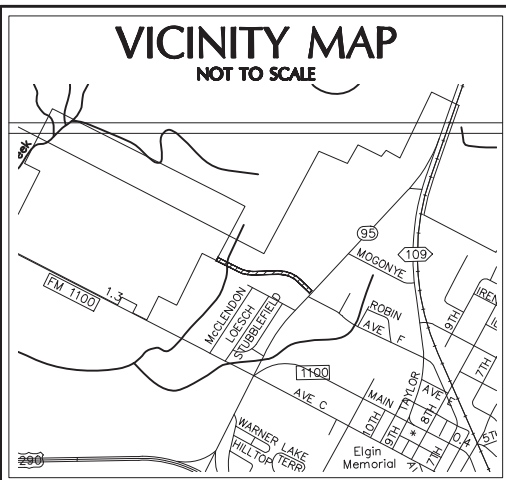
PRIMAVERA LAND COMPANY LLC
CALLED 188.70 ACRES
DOC. NO. 202107414
O.P.R.X.C.T.

AMY MOGONYE DARSEY, A.K.A.
AMY LEE DARSEY, AND PAUL
DOUGLAS MOGONYE, AS
CO-TRUSTEES OF THE JIM
MOGONYE BYPASS TRUST
CALLED 66.936 AC
VOL. 2343, PG. 362
O.P.R.B.C.T.

ELGIN INDEPENDENT SCHOOL
DISTRICT
CALLED 27.89 AC
DOC. NO. 200614873
O.P.R.B.C.T.

THOMAS CHRISTIAN SURVEY
BLOCK 26,
ABSTRACT NUMBER 20

ELGIN MEADOWS
PLAT BOOK 1, PG. 120B
P.R.B.C.T.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N28°05'59"E	1.08'
L2	N28°05'59"E	60.00'
L3	S75°45'10"E	275.82'
L4	S44°27'23"W	60.00'

2.443 ACRE
EASEMENT
EXHIBIT

CITY OF ELGIN, BASTROP
COUNTY, TEXAS



DOUCET

Civil Engineering // Entitlements // Geospatial
7401 B. Highway 71 W, Ste. 160
Austin, TX 78735, Tel: (512)-583-2600
www.doucetengineers.com
TBPE Firm Number: 3937
TBPELS Firm Number: 10105800

LEGEND

	PROPERTY LINE
	EXISTING PROPERTY LINE
	ADJOINER PROPERTY LINE
	1/2" IRON ROD WITH "DOUCET" CAP SET
	CALCULATED POINT
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
DOC. NO.	DOCUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
R.O.W.	RIGHT-OF-WAY
P.R.B.C.T.	PLAT RECORDS, BASTROP COUNTY, TEXAS
O.P.R.B.C.T.	OFFICIAL PUBLIC RECORDS, BASTROP COUNTY, TEXAS
D.R.B.C.T.	DEED RECORDS, BASTROP COUNTY, TEXAS

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	230.84'	470.00'	28°08'27"	S77°14'37"E	228.53'
C2	423.48'	530.00'	45°46'51"	S68°25'25"E	412.31'
C3	375.54'	470.00'	45°46'51"	N68°25'25"W	365.63'
C4	260.31'	530.00'	28°08'27"	N77°14'37"W	257.70'

2.443 ACRES
EASEMENT

S.H. 95
(VARIABLE WIDTH R.O.W.)

Date: 03/14/2022

Scale: 1" = 200'

Drawn by: SWP

Reviewer: DF

Project: 1028-006

Sheet: 3 OF 4

Field Book: N/A

Party Chief: ADM

Survey Date: 11/20/20

CONTROL NOTE:

BASIS OF BEARING IS THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE (4203), NORTH AMERICAN DATUM 1983 (NAD83), 2011 ADJUSTMENT (EPOCH 2010) AND A VERTICAL DATUM OF NAVD88, GEOID 12B. ALL COORDINATE VALUES AND DISTANCES SHOWN ARE SURFACE VALUES AND MAY BE CONVERTED TO GRID BY USING THE SURFACE ADJUSTMENT FACTOR OF 0.9999230059285435.
UNITS: US SURVEY FEET.

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. EASEMENTS OR OTHER MATTERS OF RECORD MAY EXIST WHERE NONE ARE SHOWN.

I, J. DILLON FUGATE, REGISTERED PROFESSIONAL LAND SURVEYOR,
HEREBY CERTIFY THAT THIS PLAT AND ACCOMPANYING LEGAL
DESCRIPTION OF EVEN DATE REPRESENT AN ACTUAL SURVEY
PERFORMED ON THE GROUND UNDER MY SUPERVISION.

J. DILLON FUGATE
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6360
DOUCET & ASSOCIATES
DFUGATE@DOUCETENGINEERS.COM

DATE

2.443 ACRE
EASEMENT
EXHIBIT

CITY OF ELGIN, BASTROP
COUNTY, TEXAS



DOUCET

Civil Engineering // Entitlements // Geospatial
7401 B. Highway 71 W, Ste. 160
Austin, TX 78735, Tel: (512)-583-2600
www.doucetengineers.com
TBPE Firm Number: 3937
TBPELS Firm Number: 10105800

Date: 03/14/2022
Scale: #####
Drawn by: SWP
Reviewer: DF
Project: 1028-006
Sheet: 4 OF 4
Field Book: N/A
Party Chief: ADM
Survey Date: 11/20/20

Attachment 3

Staff Added Comprehensive Plan Exhibits

Traditional Neighborhood Development

General Description: Traditional Neighborhood Development (TND) is intended to bring the character and form of Elgin's older neighborhoods (the Central Elgin Neighborhood category) to newly developing areas of the community. Key characteristics include a grid pattern of streets with pedestrian and bicycle amenities, homes that have front porches rather than front garages, a compatible mix of housing types and land uses, and high quality landscaping and building materials.

Transect Zone: General Urban (T4)

Primary Land Use: Single Family Residential

Supporting Land Uses: Attached residential (townhomes, rowhouses), small apartment buildings, neighborhood-scale retail and office, schools, parks, and community facilities. Accessory dwellings or "granny flats" are encouraged with appropriate regulations regarding lot coverage, height, and parking.

Residential Densities: Approximately 5 units per acre.

Form and Character: TND areas should be built according to a traditional grid or modified grid street pattern without the use of cul-de-sacs to promote connectivity and walkability. Homes should address the street directly with garages placed to the side or preferably the rear of the home with access from an alley or lane. Front porches should be incorporated into most homes to promote community and neighborly interaction. Buildings are typically two to three stories tall with shallow to medium setbacks that allow landscaping, while also maintaining a close connection to the street and sidewalk. Lot and home sizes vary to offer a wider range of housing choice and affordability than is typically provided in conventional subdivisions. High quality building materials and landscaping should be used to enhance the overall character of development.

Parks and Open Space: Neighborhood parks should be interspersed regularly to ensure all residents have access to park space. Smaller pocket parks, playgrounds, and greens may also be provided. Sidewalks and bike trails should provide connections to parks and playgrounds within or outside of the neighborhood. Floodplains and existing vegetated areas should be preserved and incorporated into neighborhoods as open space amenities and natural buffers from surrounding development. However, floodplains should not be used to meet the active recreation needs of the community because construction of park facilities is limited in these areas.





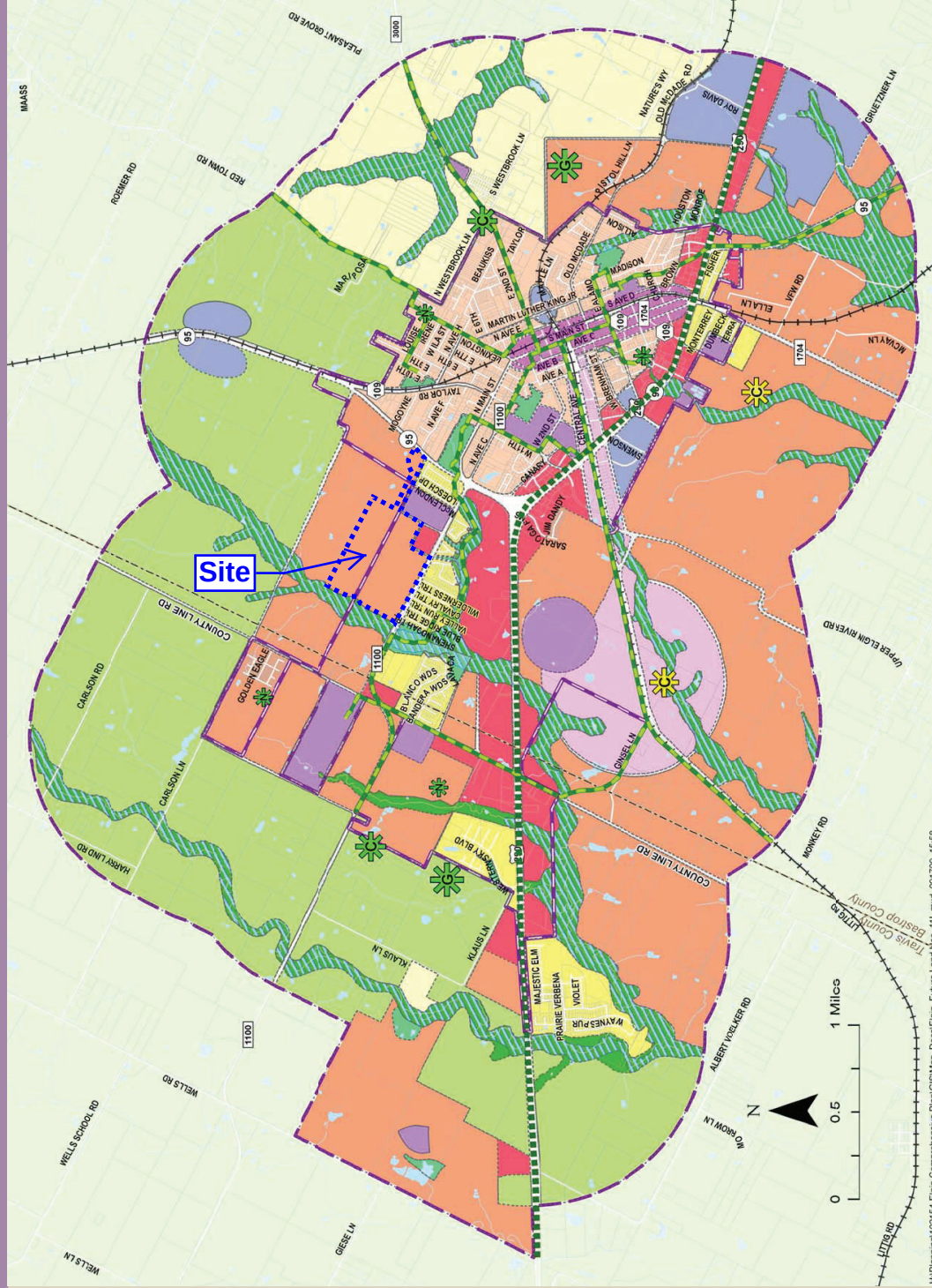
Exhibit 4.4: Future Land Use and Development Plan

- Parcel Boundary
- Elgin City Limits
- Elgin Planning Area

Future Land Use

- Natural Area
- Agriculture
- Low Density Residential
- Existing Single-Family Residential
- Traditional Neighborhood Residential
- Central Elgin Neighborhoods
- Mixed Use
- Main Street Elgin
- Commercial
- Light Industrial
- Institutional
- Parks and Recreation
- 100-Year Flood Plain
- Proposed Park from Parks Master Plan
- Proposed Park from WSA
- Proposed Trail from Parks Master Plan
- US 290 Corridor Greenscaping

Note: A Comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.

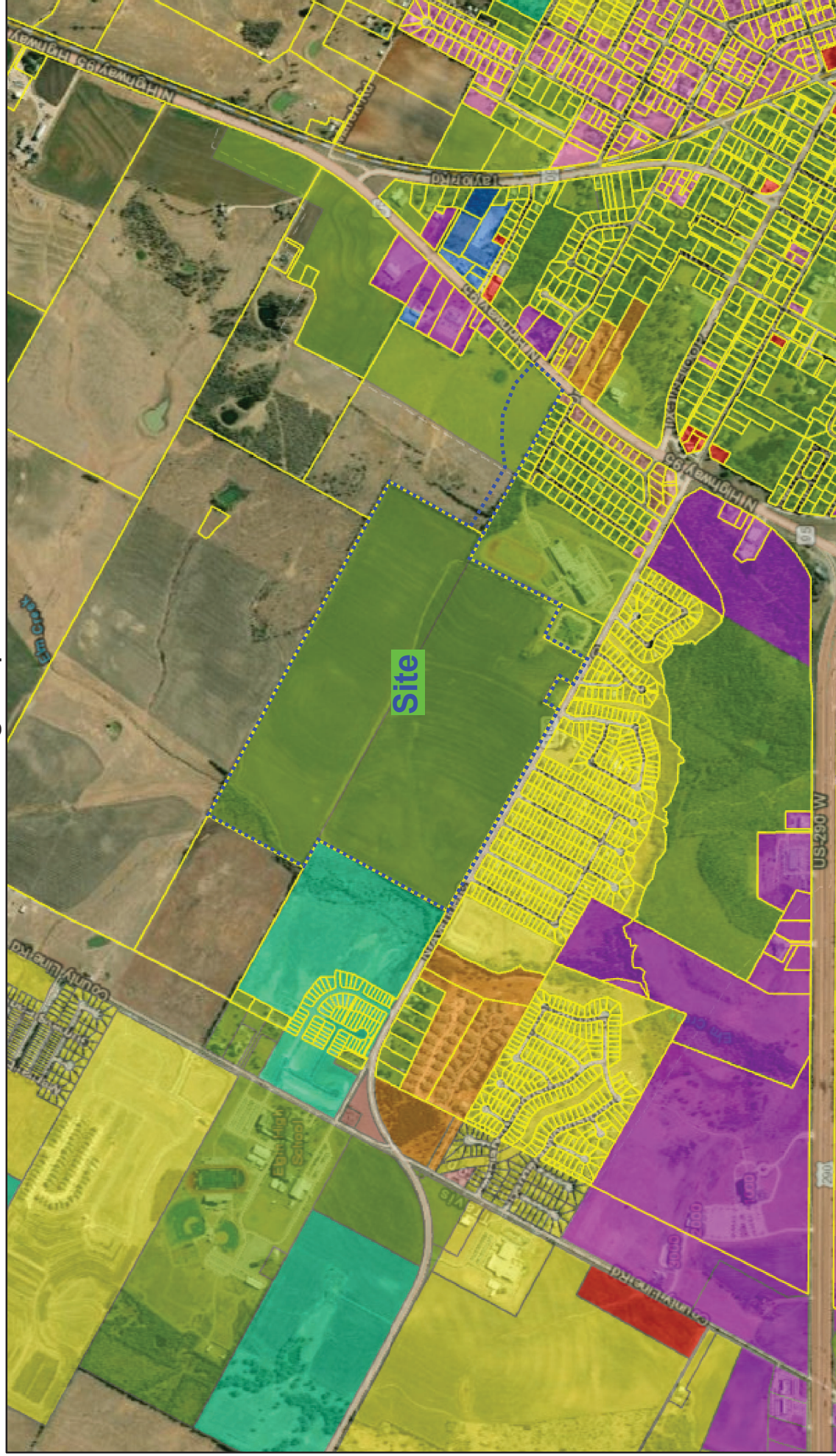


H:\Planning\102154-Elgin Comprehensive Plan\GIS\Map_Docs\Elgin_Future Land Use_11L.mxd 09/17/09 15:58

Source: Wilbur Smith Associates, Inc., 2009.

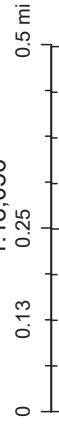
Attachment 4
Staff Added Zoning Map

Zoning Map



3/9/2022, 7:39:59 PM

1:18,056



Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Attachment 5
Staff Compliance Letter



505 East Huntland Drive
Suite 250
Austin, Texas 78752

T 512.454.8716
TRCcompanies.com
T.B.P.E. #F-8632

March 28, 2022

Mr. David Harrell, Development Services Director
City of Elgin
310 N. Main St.
Elgin, Texas 78621

RE: Larson Tract PDD Review

Dear Mr. Harrell:

TRC has reviewed the following documents listed below submitted by Doucet & Associates, Engineering:

1. Agreement and Development Plan for Larson Tract PDD dated March 21, 2022.
2. Other supporting documents submitted with the PDD: Comment response letter.

Our review finds that these documents have been prepared in general conformance with the City of Elgin's Code of Ordinances and any deviations from the Code have been negotiated with additional benefits included for the City.

As TRC did not provide the detailed design of the submitted documents, TRC and the City of Elgin must rely on the adequacy of the Registered Professional Land Surveyor and Registered Professional Engineer that prepared the documents and all responsibility for the surveying, engineering design and submitted documents shall remain with the Registered Professional Land Surveyor and Registered Professional Engineer. Note that prior to execution of the PDD, all applicable filing fees and invoices shall be paid. If you have any questions regarding this information, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Beau Perry".

K. Beau Perry, P.E.
Vice President

cc: Mr. Christopher A. Reid, P.E., Doucet & Associates

Attachment 6

Staff Added Peppergrass Development



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING AN AMENDMENT TO THE AQUA WSC MASTER AGREEMENT FOR TRANSFER OF THE LARSON TRACT DEVELOPMENT WATER CCN SERVICE AREA FROM AQUA WSC TO THE CITY OF ELGIN AND MAKING CERTAIN FINDINGS RELATED THERETO

DEPARTMENT: City Manager

PROPOSED ACTION:

Consideration and approval of a Resolution authorizing the transfer of the Larson Tract Development from the Aqua Water Supply Corporation (WSC) Certificate of Convenience and Necessity (CCN) to the City CCN.

BACKGROUND:

Discussed previously; The City and Aqua WSC have executed a Master Agreement for Transfer of Certain Retail Water CCN Service from Aqua WSC to the City of Elgin, detailing certain terms and conditions whereby Aqua may transfer portions of the Aqua CCN to the City to provide water service to certain tracts, land parcels, and/or developments.

The agreement stipulates certain conditions whereby the City would begin to acquire certain developing areas within Aqua's CCN that will otherwise be fully serviced by the City, the cost for which will be passed on to the affected developer.

The **Larson Tract Development** is a new residential subdivision being constructed under a Development Agreement with the City and is eligible for transfer of Aqua CCN to the city.

BUDGET/FINANCIAL IMPACT:

Funding for this item was { } included {X} not included in the current-year budget { } N/A

RECOMMENDATION:

Approval a Resolution authorizing the transfer of the Larson Tract Development from the Aqua WSC CCN (CCN) to the City as described; and routine direction to staff, if any.

ATTACHMENTS: (1) Resolution (2) Agreement Amendment

{ } Staff will be making a detailed presentation on this agenda item at the meeting.

{X} Staff will provide brief comments and answer questions on this item at the meeting.

{ } This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF ELGIN, TEXAS
AUTHORIZING AN AMENDMENT TO THE AQUA WSC
MASTER AGREEMENT FOR TRANSFER OF THE
LARSON TRACT PDD WATER CCN SERVICE AREA
FROM AQUA WSC TO THE CITY OF ELGIN AND
MAKING CERTAIN FINDINGS RELATED THERETO**

WHEREAS, the City of Elgin, Texas (the “City”) and Aqua Water Supply Corporation (“Aqua”) have executed a *Master Agreement for Transfer of Certain Retail Water CCN Service from Aqua WSC to the City of Elgin*, detailing certain terms and conditions whereby Aqua may transfer portions of the Aqua Certificate of Convenience and Necessity (“CCN”) to the City to provide water service to certain tracts or land parcels; and,

WHEREAS, the Larson Tract Planned Development District (PDD) is a new residential subdivision being constructed under a Development Agreement within the City; and,

WHEREAS, the Elgin City Council has previously authorized the City Manager to finalize negotiations on an *Amendment to Master Agreement* associated with the Larson Tract PDD; and,

WHEREAS, it is found to be in the best interests of both Aqua and the City to complete this transfer of the Aqua Water CCN to the City to provide water service to said property.

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

Section 1. Findings. The following recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Authorization. The City Manager is hereby authorized to execute the *Amendment to Aqua WSC Master Agreement* related to the Larson Tract PDD, a copy which being attached hereto and marked Exhibit A; and made part of this Resolution as if copied verbatim herein.

Section 3. Payment. Developer shall pay all fees associated with transferring the CCN from Aqua WSC to the City; and, at the time of platting, shall pay the City \$3,900 per acre for the area within the final plat, with total costs for the entire PDD not to exceed \$265,320.

Section 4. Future Budget Amendment. The City Council does hereby acknowledge that this item was not specifically included within the approved *FY21-22 City of Elgin Annual Operating Budget*; and that said budget may be amended at a future date to formally appropriate funds for this item.

Section 5. Open Meetings. The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered, and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Section 6. This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 15th day of March, 2022

RON M. RAMIREZ, Mayor
City of Elgin, Texas

ATTEST:

JENNIFER STUBBS, City Secretary

EXHIBIT “B-4”

Amendment to Master Agreement for Larson Tract PDD Development Subject to Transfer to Elgin from the Aqua Water CCN

Title of Development: LARSON TRACT PDD

Concept Plan ☒

Preliminary Plat ☐

Replat ☐

Short Form Plat ☐

Date of Approved Concept Plan or Plat: not yet approved

Name and Contact (Developer): Prima Vesta Land Company, LLC
Garrett Rajkovich

AMMENDMENT TO AGREEMENT FOR TRANSFER OF CERTAIN WATER CCN SERVICE AREA FROM AQUA WSC TO THE CITY OF ELGIN

A Master Agreement (“Master Agreement”) for establishing basic terms and conditions under which AQUA WATER SUPPLY CORPORATION may consent to transfer specific portions of its retail water CCN to the City of Elgin was made and entered into by and between Aqua Water Supply Corporation (hereinafter called “Aqua”) and the City of Elgin, Texas (hereinafter called “Elgin”), on ___ day of ____, 20__ (the “Effective Date”).

WITNESSETH:

WHEREAS, a Master Agreement dated _____ established the terms and conditions under which Aqua agreed to transfer specific portions of its retail water Certificate of Convenience and Necessity (“CCN”) No. 10294 (“Aqua Water CCN”) to Elgin; and

WHEREAS, the planned development of Larson Tract PDD, currently in the Aqua Water CCN has submitted a Concept Plan / Preliminary Plat consisting of 89.328 acres, which has been approved by the Planning and Zoning Commission for the City of Elgin; and

WHEREAS, the Larson Tract PDD development meets the requirements of the conditions stipulated in the Master Agreement to be considered for transfer from the Aqua Water CCN to Elgin; and

WHEREAS, the land under consideration, and subject to conveyance is shown in ATTACHMENT A, and which is located within the Aqua Water CCN and the Elgin Wastewater CCN; and

WHEREAS, Chapter 13 of the Texas Water Code and the rules of the Public Utility Commission of Texas (“PUC”) allow for the transfer or assignment of CCN service areas from a water supply corporation to a municipally owned utility; and

WHEREAS, Elgin has determined that it has sufficient water supplies available to provide water services to specific portion of the Aqua Water CCN proposed to be served by Elgin and agrees that such availability will be a condition precedent before any CCN may be transferred from the Aqua Water CCN to Elgin; and

WHEREAS, the transfer of the specific portion of the Aqua Water CCN to Elgin will further the public purpose of rationalizing the distribution of water services in the region taking into account existing and future needs for additional infrastructure to serve all of Elgin and its urbanizing areas.

NOW THEREFORE, in consideration of the foregoing and the mutual agreements hereinafter set forth, and for other good and valuable consideration, the receipt and adequacy of

which is hereby acknowledged, Aqua agrees to transfer specific portions of the Aqua Water CCN to Elgin on the terms and conditions and for the consideration set forth herein.

SECTION 1.0

SPECIFIC PORTION OF THE AQUA WATER CCN TO BE RELEASED TO ELGIN

Section 1.01 – Definition of Specific Portion of the Aqua Water CCN to be conveyed to Elgin

Attachment A to this Agreement shows a map of the Larson Tract PDD Development that is covered by this Amendment to the Master Agreement. The map shows the location of the development in relation to the City limits of Elgin, the current Water CCN of Elgin, the parcels included in the development as well as the number of acres that comprise the development.

Section 1.02 – Calculation of compensation

As stipulated in the Master Agreement and agreed to by both parties, calculation of the compensation to be paid to Aqua by Elgin for transfer of the specific portion of the Aqua Water CCN is as follows:

$$\text{Number of acres under development} \times \$3,900.00 = \text{Total Compensation}$$

For the subject development, the actual calculation is as follows:

$$89.328 \text{ acres} \times \$3900.00 = \$348,379.20$$

Section 1.03 – Additional Amounts Owed to Aqua (IF APPLICABLE)

As negotiated by Elgin and Aqua, Elgin shall pay Aqua the amount of \$ (for stranded assets, easement acquisition, existing customers, etc.)

Section 1.04 – Payment

Payment of the amounts calculated in Section 1.02 and 1.03 shall be paid in accordance with terms and conditions of the Master Agreement as specified in Section 3.4.

Section 1.05 -- Litigation

The terms and conditions of this Amendment shall be construed under and in accordance with the laws of the State of Texas. All obligations of the parties created under these terms and conditions shall be performable in Bastrop County, Texas. All payments required to be made to Aqua under this Amendment shall be made at Aqua's offices in Bastrop County, Texas. Bastrop County, Texas shall be the exclusive place of venue for any disputes arising under this Agreement.

IN WITNESS WHEREOF, the parties have executed this Amendment as indicated below.

AQUA

ELGIN

By: _____
_____,

By: _____
_____,

Date: _____

Date: _____

ATTEST:

ATTEST:

By: _____
Secretary, Board of Directors

By: _____
Secretary

Date: _____

Date: _____

ATTACHMENT A-4

Map Showing the area of Aqua Water CCN subject to the transfer for Larson Tract PDD

CITY OF ELGIN, TX
AQUA CCN TRANSFER
ATTACHMENT A-4
LARSON TRACT

LARSON TRACT
89.328 ACRES

AQUA CCN

ELGIN CCN

SUBDIVISIONS

TRANSFER AREA

CITY LIMITS

0

250

500

1000

SCALE : 1" = 500'

N

TRC

TRC ENGINEERS, INC.
505 E. HUNTLAND DRIVE, STE. 250 AUSTIN, TX 78752
T.B.P.E. FIRM REGISTRATION # F-8632
(512) 454 - 8716