

ORDINANCE NO. 183

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 2008-11 (ADOPTED ON OCTOBER 14, 2008) AND ORDINANCE NO. 124 (ADOPTED SEPTEMBER 25, 2012) FOR THE DEVELOPMENT KNOWN AS MOUNTAIN LAUREL WHICH LAND IS LOCATED AT HIGHWAY 71 AND BEE CAVE PARKWAY, IN THE CITY OF BEE CAVE, TEXAS FOR A PORTION OF THE PROPERTY DESCRIBED IN THIS ORDINANCE AND WHICH PORTION IS DESCRIBED IN EXHIBIT "A", ATTACHED HERETO; WHICH PROPERTY IS CURRENTLY ZONED NEIGHBORHOOD SERVICES PLANNED DEVELOPMENT DISTRICT; AMENDING THE CONCEPT PLAN AND THE DEVELOPMENT STANDARDS APPLICABLE TO THE PROPERTY DESCRIBED IN EXHIBIT "A" AND ONLY INsofar AS THE AMENDED CONCEPT PLAN, ATTACHED HERETO AS EXHIBIT "B" AND THE AMENDED DEVELOPMENT STANDARDS ATTACHED HERETO AS EXHIBIT "C", ARE INCONSISTENT WITH THE CONCEPT PLAN AND DEVELOPMENT STANDARDS APPROVED IN ORDINANCE NO. 2008-11; AND ORDINANCE NO. 124; APPROVING ELEVATIONS DEPICTED IN EXHIBIT "D", ATTACHED HERETO; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Bee Cave and the City Council of the City of Bee Cave, in compliance with the laws of the State of Texas, with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have held two hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and the City Council of the City of Bee Cave is of the opinion and finds that this zoning change should be granted and that Ordinance No. 2008-11 and Ordinance No. 124 should be amended as set forth herein; and

WHEREAS, the City Zoning Ordinance provides that the purpose of a Planned Development District is to provide for the development of land as an integral unit for single or mixed use in accordance with a Planned Development Concept Plan ("PD Concept Plan") that may include uses, regulations and other requirements that vary from the provisions of other zoning districts, and to encourage flexible and creative planning to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community; and

WHEREAS, the amendments requested by Applicant for the portion of the Property described in Exhibit "A" are consistent with the City's requirements applicable to planned development districts and are also consistent with the development standards and uses applicable to the portion of the property that is not being amended by this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEE CAVE, TEXAS:

SECTION 1. That Ordinance No. 2008-11 and No. 124 are hereby amended only as to the Property described in Exhibit A, which is attached hereto and incorporated herein. The Amended Concept Plan which is attached hereto as Exhibit "B" and the Amended Development Standards, which is attached hereto as Exhibit "C", are also only applicable to the Property described in Exhibit "A". Development Standards contained in Ordinance 2008-11 and Ordinance No. 124 which are not inconsistent with the Development Standards attached hereto continue to provide Development Standards applicable to the Property described in Exhibit "A". The elevations attached hereto as Exhibit "D" are hereby approved for the Property described in Exhibit "A".

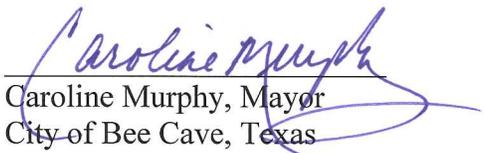
SECTION 2. Any lots that may be shown on the Amended Concept Plan are not approved as part of this Ordinance. The location of lots will be considered as part of future City approvals associated with site plan approval, development plat approval or subdivision plat approval as applicable. The configuration and location of the lots or building areas as shown on the Concept Plan is for illustrative purposes and the Amended Concept Plan shall not control or mandate the location, configuration, or concentration of lots within the Project. The City's Subdivision Ordinance, except as expressly modified herein, shall control the configuration, location and concentration of lots within the Project and approval of the configuration, location and concentration of the lots will occur within the City's ordinary process for subdivision and plat approval.

SECTION 3. That all remaining terms, provisions and requirements of Ordinance 2008-11 and Ordinance No. 124 shall remain in full force and effect as to the Property described in Exhibit "A" except as same may be amended by this Ordinance.

SECTION 4. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjusted or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Zoning regulations of the City of Bee Cave Code of Ordinances and the Zoning Map as a whole.

SECTION 4. That this ordinance shall take effect immediately from and after its passage and the publication as required by law.

DULY PASSED by the City Council of the City of Bee Cave, Texas, on the 14th day of January 2014.


Caroline Murphy, Mayor
City of Bee Cave, Texas

ATTEST:



Kaylynn Holloway, City Secretary
City of Bee Cave, Texas

(SEAL)

APPROVED AS TO FORM:



Patty L. Akers, City Attorney
City of Bee Cave

EXHIBIT "A"
Description of Property

Lot 1C, Block A, being a lot created by a replat of Lot 1, Block A, Mountain Laurel Subdivision, City of Bee Cave as recorded in Document No. 201300057 of the Official Public Records of Travis, County, Texas.

Note: Lot 1C, Block A, is proposed for replat in a subdivision application of even date with Ordinance No. 183 and upon approval by the city of the replat application, Lot 1C, Block A, shall be renamed Lot 1F, Block A and Lot 1G, Block A.

EXHIBIT "B"
Amended Concept Plan

EXHIBIT "C"
AMENDED DEVELOPMENT STANDARDS

The Development Standards contained in Ordinance No. 2008-11 and Ordinance No. 124 are amended as stated below as to the Property described in Exhibit "A". The following amended development standards shall only be applicable to the Property described in Exhibit A and are intended to supplement the Development Standards contained in Ordinance No. 2008-11 and Ordinance No. 124. To the extent that any of the following standards conflict with other City Ordinances, the following shall control. Except as otherwise described herein, all development activity undertaken on the Property, shall comply with the development standards for Neighborhood Service, except as modified herein and as same may have been modified in previous Planned Development District Ordinances and amendments. Capitalized terms contained herein shall be defined as indicated in these Planned Development Standards, as reflected on the Concept Plan or as defined in the City of Bee Cave Code of Ordinances, depending upon context.

A. Day Care Project

(1) A children's day care project is authorized for development at the location identified in the Amended Concept Plan attached as Exhibit "B" to Ordinance 183. Development of the day care will be consistent with development standards previously approved for the Project as a whole, except as expressly stated herein.

(2) Unless otherwise approved by the City at site plan approval, the day care center will be constructed and operated as follows:

a) The maximum square footage of the day care center building foot print shall be 7500 square feet and the maximum square footage of the building shall be 15,000 square feet. The maximum height of the building shall be two stories and 43 feet and 3 inches from finished grade to the peak of the roof.

b) The Elevations described in Exhibit "D" of Ordinance No. 183 are approved for construction of the Day Care project and construction of the outdoor play area.

c) Operation of the Day Care facility will be between the hours of 6:30 am and 6:30 pm Monday through Saturday. Parents shall be required to park in the designated parking areas as approved in the Site Plan for the Project and sign their children into and out of the facility.

d) The Day Care facility shall not be required to comply with Section 32.05.001(d)(5) of the Bee Cave Code of Ordinances. However, in lieu of the pass through or a loading/unloading traffic lane, the Day Care facility shall comply with the following conditions in order to avoid traffic blocking fire lanes or impeding the circulation and flow of traffic throughout the Project.

i. Day Care facility shall provide signage/stripping prohibiting loading/unloading in the drive lane. Vehicles and/or Day Care buses or vans shall be prohibited from loading or unloading children within this restricted zone. Buses and vans shall be parked in designated areas only.

ii. Day Care facility owner and operator shall permit and support the Bee Cave police department with enforcement of parking and fire lane violations within the parking area and driveway shared by the Office building located on the Property.

iii. Two pedestrian crossings shall be provided as depicted in the Amended Concept Plan.

iv. If the day care center ownership changes, no certificate of occupancy will be issued for new ownership unless and until the new day care center demonstrates that it will also operate in accordance with the restriction herein described.

e) The Day Care Center is authorized to enclose the outdoor play area with 6 foot wrought iron fencing. A 6 foot black galvanized fence shall be constructed facing along Bee Cave Parkway as depicted in Exhibit "D".

(3) Subject to site plan approval, the impervious cover allowable for the Day Care Center not to exceed 30,567 square feet and storm water detention and water quality treatment shall be provided by the detention and treatment facilities approved in Ordinance 2008-11 and Ordinance No. 124.

(4) The Day Care project and site construction shall comply with the 25 foot set back from Bee Cave Parkway.

B. Office/Retail Project. A single one story office or retail building is authorized for development at the location and configuration identified in the Amended Concept Plan attached as Exhibit "B" to Ordinance 183. Development of the office/retail project shall be consistent with development standards previously approved for the Project as a whole in Ordinance No. 2008-11 and Ordinance No. 124, except as expressly stated herein. The uses allowed within the Office/Retail project shall be office uses and/or those retail uses authorized in Neighborhood Service zoning districts as permitted uses.

(1) Unless otherwise approved by the City at site plan approval, the Office/Retail Project shall be constructed and operated as follows:

a) The maximum square footage of the Office/Retail Building foot print shall be 6925 square feet. The maximum height of the building shall be one story and 30 feet from finished grade to the peak of the roof.

b) The Elevations described in Exhibit "D" of Ordinance No. 183 are approved for construction of the Office/Retail Building.

(2) Subject to site plan approval, the impervious cover allowable for the Office/Retail Building Project is 26,271 square feet and storm water detention and water quality treatment shall be provided by the detention and treatment facilities approved in Ordinance 2008-11 and Ordinance No. 124.

(3) The Office Building Project and site construction shall comply with the 25 foot set back from Bee Cave Parkway.

C. Project Requirements applicable to both the Day Care and Office Building Projects.

(1) Total impervious cover for this Property shall not exceed 69.63% and a transfer of impervious cover from the unused impervious cover authorized in Ordinance No. 124 is authorized and approved for this Property. The exact amount of impervious cover to be transferred shall be depicted in the Site Plan and approved as part of Site Plan approval.

(2) Applicant shall be required to submit a Concept Plan amendment application for approval if any uses are proposed on the Property other than the uses specified herein.

(3) The Day Care Project and the Office Building Project shall be authorized to satisfy the City's parking and traffic circulation ordinance requirements through the use of a shared parking and driveway access agreement. Such agreement shall be considered for approval at Site Plan approval. In the event that the driveway and parking depicted on the Amended Concept Plan or the shared parking and joint access agreement is not approved as part of Site Plan approval, the parking and traffic circulation plan that is ultimately approved by the City shall act as an automatic amendment to the Amended Concept Plan attached to Ordinance No. 183 with regard to parking and traffic circulation driveways.

(4) In the event that the Property is subsequently subdivided, the plat shall provide for construction, repair and maintenance of any shared parking, driveways or other facilities that will be utilized jointly by each lot within the subdivision.

(5) 8328 square feet of unused impervious cover remains available for use by the Project described in Ordinance 12-124 with approval of the City Council.

EXHIBIT "D"

**ELEVATIONS PROPOSED LOT 1C, BLOCK A, MOUNTAIN LAUREL SUBDIVISION
(PROPOSED LOTS 1F AND 1G)**

