

ORDINANCE NO. 192

AN ORDINANCE AMENDING THE NEIGHBORHOOD SERVICES ZONING ASSOCIATED WITH LOT 3, SUMMIT 56 FINAL PLAT, CITY OF BEE CAVE, TRAVIS COUNTY, AS RECORDED IN DOCUMENT 2010000095, TRAVIS COUNTY DEED RECORDS AND WHICH PROPERTY IS LOCATED AT 15606 WEST HIGHWAY 71, BEE CAVE, TEXAS; TO AUTHORIZE “GOLF COURSE (MINIATURE)” USE AS A CONDITIONAL USE AND PROVIDING FOR CERTAIN CONDITIONS; APPROVING CONCEPT PLAN, AND ELEVATIONS; PROVIDING FINDINGS OF FACT; PROVIDING FOR PENALTIES.

WHEREAS, an application has been submitted to amend the Neighborhood Services zoning associated with Lot 3, Summit 56 Final Plat, as recorded in document 2010000095, Travis County Deed Records and which property is located at 15606 West Highway 71, Bee Cave, Texas (the “Property”) to add “Golf Course (Miniature)” use as a Conditional Use to the Neighborhood Services district zoning; and

WHEREAS, the property owner has submitted a Concept Plan depicting the proposed Golf Course (Miniature) use and has described operational parameters in its conditional use permit application, described in Exhibit “B”, attached hereto, and has otherwise complied with the requirements of the City of Bee Cave Ordinances for a Conditional Use Permit;

WHEREAS, the notice as required by the City’s Zoning Ordinance has been published in the official newspaper and given to adjacent property owners;

WHEREAS, the Planning and Zoning Commission and the City Council has each conducted Public Hearings on the Application for a Conditional Use Permit wherein public comment was received and considered;

WHEREAS, Golf Course (Miniature) use in conjunction with Neighborhood Services zoning is authorized in such zoning districts upon granting of a Conditional Use Permit;

WHEREAS, the City Council finds that the use of the Property for Golf Course (Miniature) use as depicted in the Concept Plan as described in Exhibit “B” in accordance with any terms or conditions set out in this Ordinance or other ordinances or approvals applicable to the Property is an appropriate use for the Property.

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

Section 1. The City Council finds that the information submitted in the Application for a Conditional Use Permit submitted by Applicant meets the requirements of the City of Bee Cave Zoning Ordinance for the Property as depicted on the Concept Plan attached hereto and incorporated herein as Exhibit “A”.

Section 2. Uses. A Conditional Use Permit is hereby granted, subject to the conditions listed in Section 4 and other limitations herein described, to authorize Golf Course (Miniature) use on the Property as depicted in Exhibit "A" and in conjunction any other permitted uses authorized in Neighborhood Services zoning districts.

Section 3. Concept Plan. The Concept Plan attached hereto as Exhibit "A" depicting the Golf Course (Miniature) use and architectural elevations for buildings and other structures associated with the use of the Property as a Golf Course (Miniature) use together with all other uses and amenities depicted in the Concept Plan are all hereby approved contingent upon the property owner meeting the conditions contained within Section 4 and in this Ordinance;

Section 4. Conditional Use Permit. The City Council hereby approves a Conditional Use Permit to the property owner (hereinafter "Permittee") upon the following terms and conditions:

1. Permittee shall not commence development until it has secured all building permits and has received any other approvals as required by the City of Bee Cave Ordinances. Provided however, that any structures under construction prior to the date that the Property was annexed into the city limits are not required to obtain a building permit;
2. The Conditional Use Permit authorizes additional development of the subject Property only as represented in the Permittee's application and only to the extent such development is depicted in the Concept Plan or described in Exhibit "B", attached hereto, and only to the extent authorized herein. If portions of the development of the subject Property requested in the application are not approved herein by the Council, or are not depicted in Exhibit "A", or described in Exhibit "B" then that portion of Permittee's application is specifically denied;
3. Outdoor music shall be allowed on the Property so long as such music is not amplified and so long as such music does not exceed 65 decibels at the Property boundaries.
4. Building and structure setbacks shall be provided as shown on the Concept Plan. Provided however, that the retaining wall is allowed within the eastern building set back line.
5. Lighting, landscaping, water quality and storm water detention ponds shall all be constructed as approved in the applicant's Site Plan which was approved by the City on August 14, 2012.
6. Amendments to development for this Property in the future shall comply with Neighborhood Services zoning except as may approved by this Conditional Use Permit.

7. The uses authorized in this Conditional Use Permit shall also comply with the development standards and operational standards described in Exhibit "B" attached hereto.
8. The parking areas depicted in the Concept Plan and as approved in the Site Plan approved August 14, 2012 are not approved herein as an exception to the City's zoning requirements. Permittee shall be required to seek a long term contract for joint parking with adjoining property owners or through acquisition of additional adjacent property. In the event that parking sufficient to meet the parking requirements of the City's zoning ordinances is not obtained as contemplated herein within one year from the date of this Ordinance, the City may impose additional conditions on the operation of the facility or require that additional parking be constructed as a condition of this Permit.
9. Permittee is authorized to utilize chain length fence at the rear area of the golf area as shown and depicted in the Concept Plan and Permittee shall install fencing that complies with the City's fencing ordinance at all other areas depicting fencing as shown on the Concept Plan.
10. A wooded buffer area is established and shall be preserved for the Property on the northern boundary of the lot (rear area of the lot) from the golf course area, across the creek to the northern property line to screen the miniature golf course and other activities occurring on the lot from the adjoining neighborhood. Trees and landscaping within the buffer area shall be maintained and shall not be removed without permission of the City.

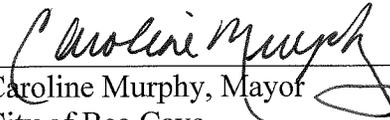
Section. 5. That any person, firm or corporation violating any of the provisions of this Ordinance or Chapter 32, Zoning, of the Code of Ordinances, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Bee Cave, Texas, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day of any such violation shall be deemed to constitute a separate offense, in accordance with Section 1.01.009 of the City's Code of Ordinances.

Section 6. Severability. 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 in 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 City's Zoning Ordinance or Map as a whole.

Section 7. This Ordinance shall take effect immediately from and after its passage and publication as required by law.

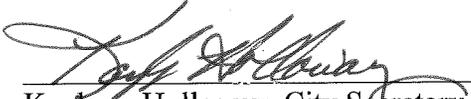
PASSED AND APPROVED this 11th day of March, 2014

APPROVED:



Caroline Murphy, Mayor
City of Bee Cave

ATTEST:



Kaylynn Holloway, City Secretary
City of Bee Cave, Texas

[SEAL]

APPROVED AS TO FORM:



Patty L. Akers, City Attorney

EXHIBIT "A"
CONCEPT PLAN

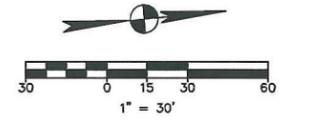
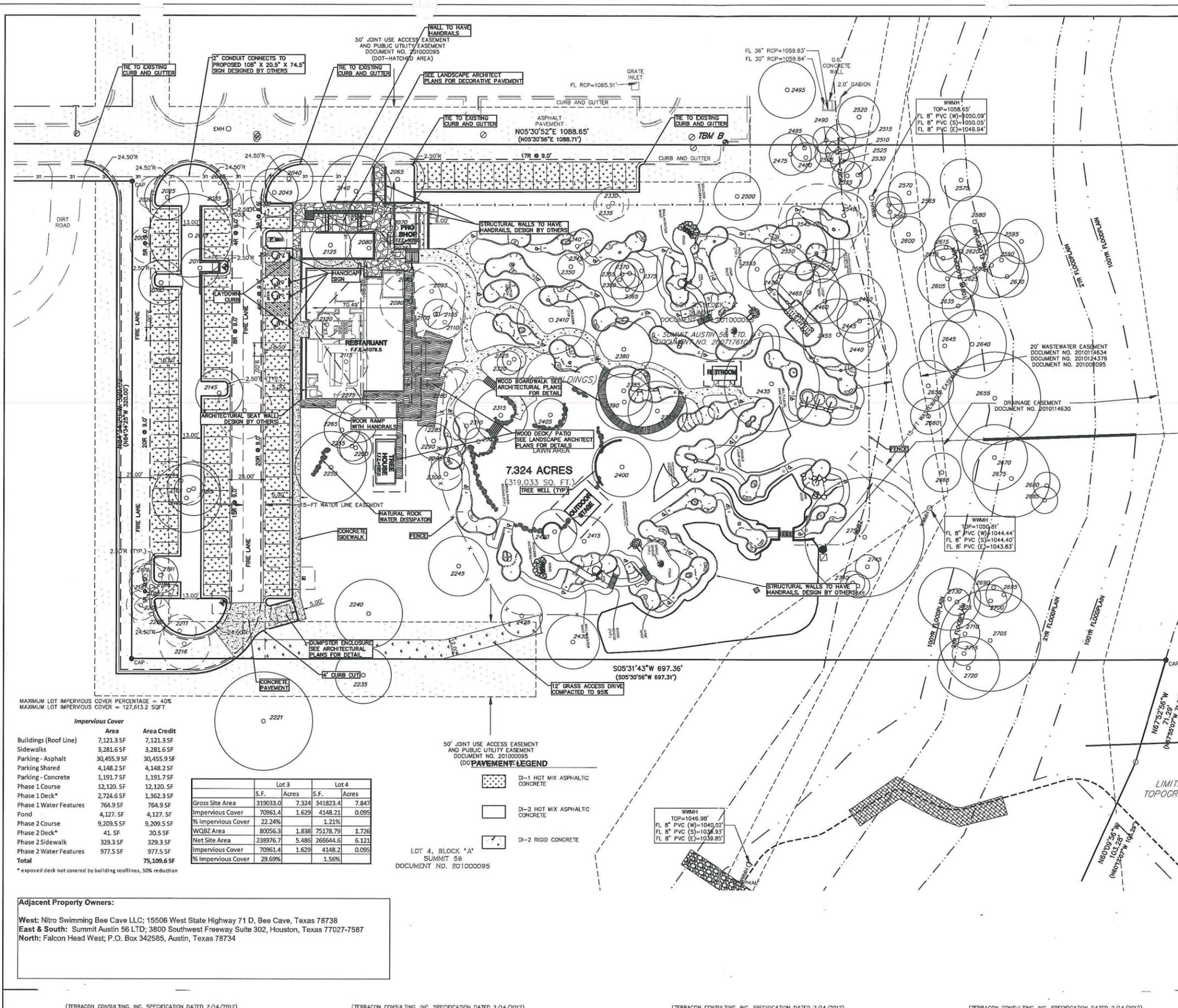


HILL COUNTRY GOLF AND GUITAR SCHEMATIC DESIGN

JANUARY 6, 2012

The information shown is based on the best information available and is subject to change without notice.

T B G



LEGEND

EXISTING	PROPOSED	PROPERTY (R.O.W.) LINE
○	○	RECORD INFORMATION
○	○	LIGHT POLE
○	○	POWER POLE
○	○	DOWN GUY
○	○	TRANSFORMER (SIZE VARIES)
○	○	FIRE HYDRANT
○	○	WATER VALVE
○	○	WATER METER
○	○	WATER METER VAULT
○	○	WATER MANHOLE
○	○	TELEPHONE RISER
○	○	CABLE TV RISER
○	○	ELECTRIC BOX
○	○	ELECTRIC METER
○	○	GAS METER
○	○	GAS VALVE
○	○	TRAFFIC CONTROL BOX
○	○	TRAFFIC SIGNAL POST
○	○	GRATE INLET
○	○	CURB INLET (SIZE VARIES)
○	○	GREASE TRAP (SIZE VARIES)
○	○	WIRE FENCE
○	○	WOOD FENCE
○	○	CHAIN LINK FENCE
○	○	OVERHEAD ELECTRIC
○	○	ELECTRIC MANHOLE (SIZE VARIES)
○	○	WASTEWATER MANHOLE (SIZE VARIES)
○	○	STORMSEWER MANHOLE (SIZE VARIES)
○	○	TELEPHONE MANHOLE (SIZE VARIES)
○	○	DUMPSTER
○	○	TRASH COMPACTOR
○	○	CURB & GUTTER
○	○	EDGE OF PAVEMENT
○	○	FIRE LANE DESIGNATION
○	○	HANDICAP ACCESS ROUTE
○	○	CONCRETE SIDEWALKS
○	○	WALL
○	○	SIGN
○	○	WHEELSTOP
○	○	BOLLARD
○	○	PARKING COUNT (REGULAR SPACES)
○	○	PARKING COUNT (HANDICAP SPACES)
○	○	HANDICAP SPACE
○	○	TREE TO BE REMOVED
○	○	TREE TO BE SAVED

- NOTES:**
1. ALL RADI PARKING DIMENSIONS ARE 2.5' TO THE BACK OF CURB UNLESS OTHERWISE NOTED.
 2. ALL DIMENSIONS TO CURBS ARE TO THE BACK OF CURB EDGE OF PAVEMENT UNLESS OTHERWISE NOTED.
 3. SEE SITE PLAN NOTES & DETAILS SHEET FOR FIRELANE STRIPING DETAILS.
 4. UPON COMPLETION OF THE PROPOSED SITE IMPROVEMENTS, AND PRIOR TO THE RELEASE OF THE CERTIFICATE OF OCCUPANCY BY THE WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT, THE DESIGN ENGINEER SHALL CERTIFY IN WRITING THAT THE PROPOSED FILTRATION FACILITY WAS CONSTRUCTED IN CONFORMANCE WITH THE APPROVED PLANS.
 5. CONTRACTOR SHALL CALL ONE CALL CENTER (472-2822) FOR UTILITY LOCATION PRIOR TO ANY WORK IN CITY EASEMENTS OR STREET R.O.W.
 6. SLOPES ON ACCESSIBLE ROUTES MAY NOT EXCEED 1:20 UNLESS DESIGNED AS A RAMP. [TAS 4.3.7]
 7. SLOPES ON ACCESSIBLE RAMPS GREATER THAN 1:20 SHALL REQUIRE HANDRAILS.
 8. THE MAXIMUM SLOPE OF A RAMP IN NEW CONSTRUCTION IS 1:12. THE MAXIMUM RISE FOR ANY RAMP RUN IS 30 IN. [TAS 4.8.2]
 9. ACCESSIBLE ROUTES MUST HAVE A CROSS-SLOPE NO GREATER THAN 1:50. [TAS 4.3.1]
 10. GROUND SURFACES ALONG ACCESSIBLE ROUTES MUST BE STABLE, FIRM, AND SLIP RESISTANT. [TAS 4.5.1]
 11. THE ENVIRONMENTAL INSPECTOR HAS THE AUTHORITY TO ADD AND/OR MODIFY EROSION/ SEDIMENTATION CONTROL ON SITE TO KEEP PROJECT IN COMPLIANCE WITH THE CITY OF BEE CAVE RULES AND REGULATIONS.
 12. NATIVE REVEGETATION (HILL COUNTRY WILD FLOWER MIX) REQUIRED FOR ALL DISTURBED AREAS INCLUDING ALL DISTURBED NATURAL AREAS AS SHOWN ON LANDSCAPE PLAN.
 13. THE DRIVEWAY AND PARKING SPACES WILL BE CONSTRUCTED IN ACCORDANCE WITH THE RECOMMENDATIONS IN THE GEOTECHNICAL REPORT PREPARED BY TERRACON ON FEBRUARY 14, 2012. PLEASE REFER TO THE REPORT FOR THE HOT MIX, COMPONENT AND MATERIAL THICKNESS.
 14. RETAINING WALL DESIGNED BY OTHERS; REFER TO STRUCTURAL PLANS FOR WALL AND FOOTING DETAILS.

MAXIMUM LOT IMPERVIOUS COVER PERCENTAGE = 40%
 MAXIMUM LOT IMPERVIOUS COVER = 127,813.2 SQFT

Impervious Cover	Area	Area Credit
Buildings (Roof Line)	7,121.3 SF	7,121.3 SF
Sidewalks	3,281.6 SF	3,281.6 SF
Parking - Asphalt	30,455.9 SF	30,455.9 SF
Parking Shared	4,148.2 SF	4,148.2 SF
Parking - Concrete	1,191.7 SF	1,191.7 SF
Phase 1 Course	12,120.5 SF	12,120.5 SF
Phase 1 Deck*	2,724.6 SF	1,362.3 SF
Phase 1 Water Features	764.9 SF	764.9 SF
Pond	4,127.5 SF	4,127.5 SF
Phase 2 Course	9,209.5 SF	9,209.5 SF
Phase 2 Deck*	41.5 SF	20.5 SF
Phase 2 Sidewalk	329.3 SF	329.3 SF
Phase 2 Water Features	977.5 SF	977.5 SF
Total	75,109.6 SF	75,109.6 SF

* exposed deck not covered by building rooflines, 50% reduction

	Lot 3	Lot 4
Gross Site Area	319033.0	7.324
Impervious Cover	70961.4	1.629
% Impervious Cover	22.24%	1.21%
WQAZ Area	80056.3	1.838
Net Site Area	238976.7	5.486
Impervious Cover	70961.4	1.629
% Impervious Cover	29.69%	1.56%

50' JOINT USE ACCESS EASEMENT AND PUBLIC UTILITY EASEMENT DOCUMENT NO. 201000095
PAVEMENT LEGEND

- DI-1 HOT MIX ASPHALTIC CONCRETE
- DI-2 HOT MIX ASPHALTIC CONCRETE
- DI-2 RIGID CONCRETE

LOT 4, BLOCK 'A'
 SUMMIT 56
 DOCUMENT NO. 201000095

Adjacent Property Owners:
 West: Nitro Swimming Bee Cave LLC; 15506 West State Highway 71 D, Bee Cave, Texas 78738
 East & South: Summit Austin 56 LTD; 3800 Southwest Freeway Suite 302, Houston, Texas 77027-7587
 North: Falcon Head West; P.O. Box 342585, Austin, Texas 78734



THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

Bury+Partners
 221 West Sixth Street, Suite 600
 Austin, Texas 78701
 Phone: (512) 392-4025
 TPRS Registration Number: P-1048
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SITE PLAN

HILL COUNTRY GOLF AND GUITAR
 15606 W. HWY 71

LAKE TRAVIS ENTERTAINMENT, LLC

APPROVAL: _____
 REVISION: _____
 DATE: _____

DRAWN BY: ML
 DESIGNED BY: ML/JAI
 REVIEWED BY: JAI
 PROJECT NO.: 108732-10002

SHEET **8** OF **23**

EXHIBIT "B"
CONDITIONAL USE PERMIT REQUIREMENTS

1. Live music performance space, size, orientation, and depiction of how it will be used.

The stage will not exceed 22 ft. x 15 ft. (330 sq. ft.) and shall be located at the center of the Property. The stage shall be oriented towards the South facing the restaurant and Highway 71, away from Falconhead West and homes. The restaurant shall be authorized to feature live music on Thursday evenings, Friday evenings and on the weekends. From time to time, the restaurant may feature live music during the week, especially during the summer months. Performers shall consist of be solo guitar artists playing country, blues, rock and jazz or small bands. On Sunday mornings, the restaurant may feature Christian Rock brunch. The restaurant shall also be authorized to feature young people (middle and high school students) who have auditioned and demonstrated their ability to perform. Hill Country Golf & Guitar will be a family-oriented place for young people to showcase their talent in the community. Hill Country Golf & Guitar will meet all requirements of the noise ordinance for decibel levels as designated and as otherwise described in the Conditional Use Permit.

2. Total square feet of all buildings.

- | | |
|----------------------|---------------|
| 1. Restaurant: | 5,627 sq. ft. |
| 2. Deck: | 720 sq. ft. |
| 3. Stage: | 330 sq. ft. |
| 4. Pro Shop: | 280 sq. ft. |
| 5. Restroom-Outdoor: | 144 sq. ft. |

3. Hours of operation.

Monday, Tuesday, Wednesday, Thursday	11:00 AM to 10:00 PM
Friday	11:00 AM to 11:00 PM
Saturday	10:00 AM to 11:00 PM
Sunday	10:00 AM to 9:00 PM

Summer hours may differ but will not exceed the window of 10:00 AM to 11:00 PM at any time.

4. Lighting standards.

Hill Country Golf & Guitars will comply with the City lighting standards and will support all codes as stipulated in Section 32.05.012 COBC Code of Ordinances. The current construction documents are consistent with the Code of Ordinances.

5. Parking spaces required.

Parking spaces shall be provided as depicted in the Concept Plan and additional parking spots shall be provided as required in the City's Code of Ordinances in order to support all uses authorized on the Property.