

ORDINANCE NO. 273

AN ORDINANCE OF THE CITY OF BEE CAVE, TEXAS ("CITY") AMENDING THE ZONING OF REAL PROPERTY, IN CONFORMANCE WITH THE CITY OF BEE CAVE COMPREHENSIVE PLAN, SECTION EIGHT, FUTURE LAND USE PLAN, FROM CURRENT ZONING AS A NEIGHBORHOOD SERVICE AND PUBLIC USE DISTRICT TO AN OFFICE DISTRICT FOR A 5.88 TRACT DESCRIBED IN EXHIBIT "A", ATTACHED HERETO WHICH PROPERTY IS LOCATED IN THE ROBERT MAYS SURVEY NO. 540, ABSTRACT NO. 583; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR FINDINGS OF FACT, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Bee Cave is lawfully incorporated as a Home-Rule municipality and the City Council is the governing body of the City; and,

WHEREAS, the City Council seeks to provide for the orderly development of land and use of property within its corporate limits; and,

WHEREAS, the City is empowered by Section 211.005 (Districts) of the Texas Local Government Code to divide the municipality into districts of a number, shape, and size the City Council considers best for carrying out the zoning purposes under state law; and within each district, the City Council may regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land; and,

WHEREAS, the zoning regulations must be uniform for each class or kind of building in a district, but the regulations may vary from district to district; and shall be adopted with reasonable consideration, among other things, for the character of each district and its peculiar suitability for particular uses, with a view of conserving the value of buildings and encouraging the most appropriate use of land in the municipality; and,

WHEREAS, section 32.03.008 of the Zoning Ordinance provides that the purpose of an Office District is to create a district for low intensity office and professional uses; and

WHEREAS, the City of Bee Cave Planning and Zoning Commission and the City Council, in compliance with the City of Bee Cave Code of Ordinances section 32.02.004, and Texas Local Government Code section 211.006(a), et seq., and all applicable laws of the State of Texas, have given the requisite notices by publication and otherwise, and have held two public 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 is of the opinion and finds that a zoning change as described herein should be granted and that the Comprehensive Zoning Ordinance and Map should be amended as set forth herein; and

WHEREAS, any protest made against the proposed changes of Zoning Classification has been duly considered by the City Council; and

WHEREAS, the Planning and Zoning Commission and the City Council find that re-designating the real property described herein is prudent and, in accordance with Texas Local Government Code section 211.004(a)(3), will promote the health and general welfare of the City of Bee Cave and its citizens;

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

SECTION 1. Findings of Fact. All of the above premises are hereby found to be true and correct legislative and factual findings of the City and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. Amendment.

That the City Zoning Ordinance and Map of the City of Bee Cave, Texas, be and the same are hereby, amended so as to grant a change of zoning from a Neighborhood Service and Public Use District to an Office District for the real property hereinafter described, and more specifically described in Exhibit "A," attached hereto:

a 5.88 acre tract out of the 17.022 acre tract in the Robert Mays Survey No. 540, Abstract No.583 which is located south of State Hwy 71 West, approximately 1/3rd of a mile west of the intersection of Hamilton Pool Road and State Hwy 71 West, Bee Cave, Texas.

SECTION 3. Severability. 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 Chapter 32, Zoning, of the City of Bee Cave Code of Ordinances and Map as a whole.

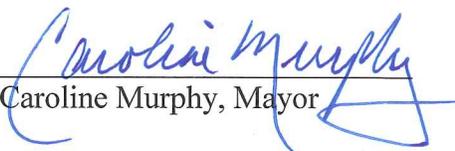
SECTION 4: Repealer. All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

SECTION 5. Notice and Meeting Clause. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 6. Effective Date. That this Ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED by the City Council of the City of Bee Cave, Texas, on the 12th day of January, 2016.

CITY OF BEE CAVE, TEXAS


Caroline Murphy, Mayor

ATTEST:


Kaylynn Holloway, City Secretary

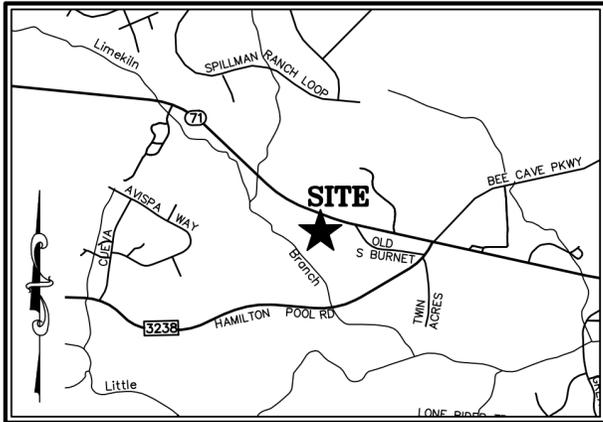
APPROVED AS TO FORM:


Patty Akers, City Attorney

Exhibit "A"
Property Description

VICINITY MAP

SCALE: 1" = 2000'



CALLED 25.174 ACRES
S. ADAM WOOLLEY
DOC. NO. 2010144843
O.P.R.T.C.T.

[A]
**JOHN HOBSON
SURVEY NO. 526
ABSTRACT NO. 386**

[B]
**I&GN RR CO
SURVEY NO. 56
ABSTRACT NO. 2109**

APPROXIMATE LOCATION
OF ZONE "A" AS SCALED
FROM FEMA FLOOD MAP

CALLED 18.77 ACRES
ROBERT B. BALDWIN
DOC. NO. 2005228806,
O.P.R.T.C.T.

**ROBERT MAYS
SURVEY NO. 540
ABSTRACT NO. 583**

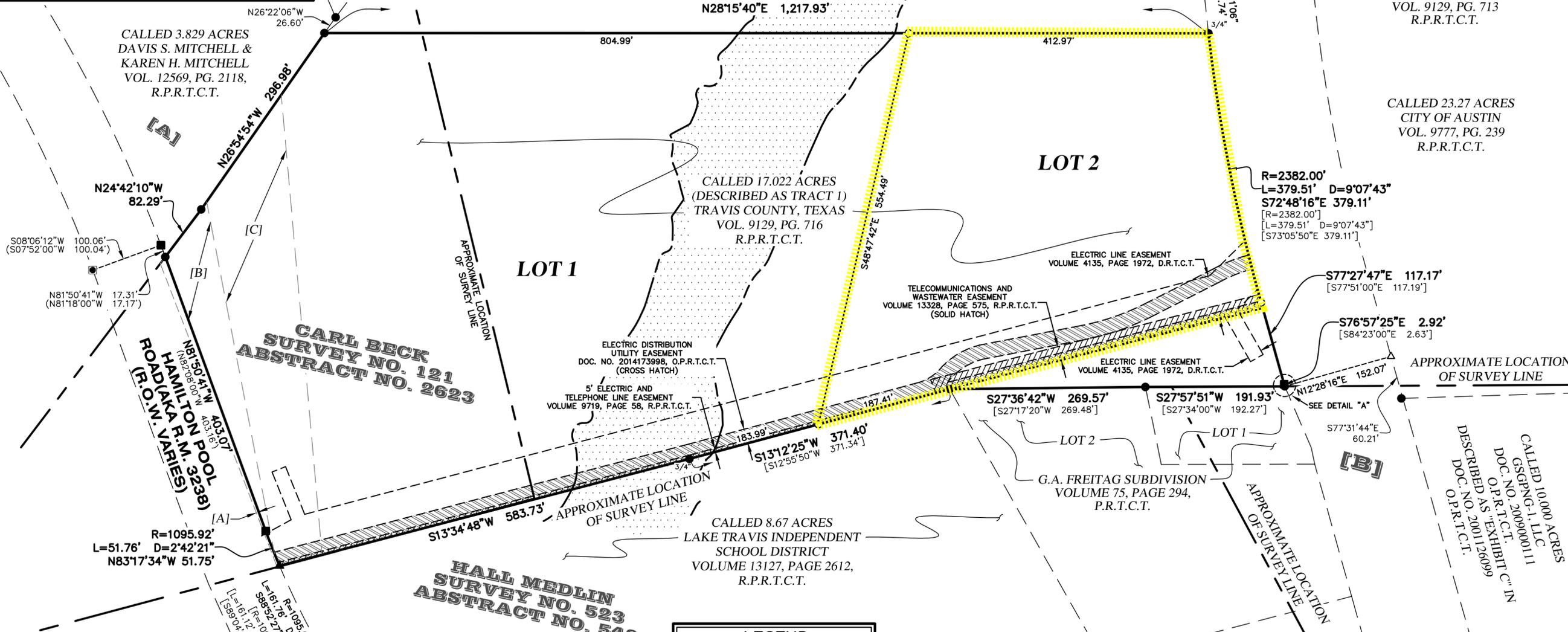
**STATE HIGHWAY 71
(R.O.W. VARIES)**

[A]
0.062 ACRE R.O.W. EASEMENT
STATE OF TEXAS
VOL. 5022, PG. 636
D.R.T.C.T.

[B]
REMAINDER OF CALLED 0.404 ACRE
(DESCRIBED AS TRACT 2)
TRAVIS COUNTY, TEXAS
VOL. 9129, PG. 716
R.P.R.T.C.T.

[C]
CALLED 1.221 ACRE
TRAVIS COUNTY, TEXAS
VOL. 9129, PG. 713
R.P.R.T.C.T.

CALLED 23.27 ACRES
CITY OF AUSTIN
VOL. 9777, PG. 239
R.P.R.T.C.T.

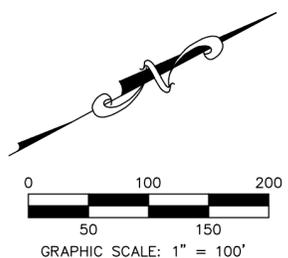


BEARING BASIS:
ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, CENTRAL ZONE, (4203), NAD83, ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.000118873271.

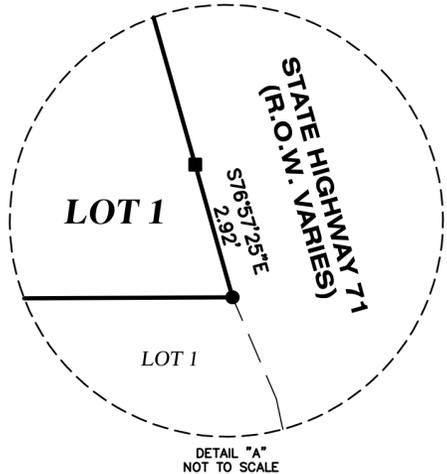
SURVEY CONTROL:
STATE PLANE GRID CONTROL FOR THIS SURVEY IS BASED ON A 1/2" IRON ROD WITH "4WARD CONTROL" CAP SET, GRID COORDINATES AND ELEVATIONS SHOWN HEREON WERE DERIVED FROM THE TEXAS COOPERATIVE NETWORK ON 4-28-15. 4WARD CONTROL POINT WAS CHECKED TO LCRA MON EUD177, HAVING A PUBLISHED GRID COORDINATE OF N 10,083,573.15, E 3,071,199.71, ELEV. 858.33'.

FLOODPLAIN NOTE:
THIS PROPERTY IS LOCATED WITHIN ZONE "X", AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON F.I.R.M. PANEL NO. 48453C 0415H, TRAVIS COUNTY, TEXAS DATED SEPTEMBER 26, 2008.

THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.



LEGEND	
—	ZONING TRACT LINE
—	EXISTING PROPERTY LINES
●	1/2" IRON ROD FOUND (UNLESS NOTED)
○	1/2" IRON ROD WITH "WARD-5811" CAP SET
⊙	IRON ROD WITH "MAPLES" CAP FOUND
▲	CALCULATED POINT
■	TXDOT TYPE I CONCRETE MONUMENT FOUND
▲	MAG NAIL FOUND
VOL./PG.	VOLUME, PAGE
R.O.W.	RIGHT-OF-WAY
P.R.T.C.T.	PLAT RECORDS, TRAVIS COUNTY, TEXAS
R.P.R.T.C.T.	REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
[.....]	RECORD INFORMATION PER DEED VOL. 9129 PG. 713-721
(.....)	RECORD INFORMATION PER TXDOT R.O.W. MAP



Subject Tract

**City of Bee Cave,
Travis County, Texas**

4WARD
Land Surveying
A Limited Liability Company
PO Box 90876, Austin Texas 78709
WWW.4WARDLS.COM (512) 537-2384
TBPLS FIRM #10174300

Date:	2/8/2016
Project:	00406
Scale:	1" = 100'
Reviewer:	JSW
Tech:	JLP
Field Crew:	AB
Survey Date:	OCT. 2015
Sheet:	1 OF 2

EXHIBIT “ ”

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 5.8824 ACRES (256,236 SQUARE FEET) OF LAND OUT OF THE ROBERT MAYS SURVEY NO. 540, ABSTRACT NO. 583, IN TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 17.022 ACRE TRACT (DESCRIBED AS TRACT 1), CONVEYED TO TRAVIS COUNTY, TEXAS, RECORDED IN VOLUME 9129, PAGE 716 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS (R.P.R.T.C.T.), SAID 5.8824 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, CENTRAL ZONE (4203), ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.000118873271):

BEGINNING, at a 3/4-inch iron rod found in the curving south right-of-way of State Highway 71 (right-of-way varies), and being the northeast corner of a called 18.77 acre tract conveyed to Robert B. Baldwin, and recorded in Document No. 2005228806 of the Official Public Records of Travis County, Texas (O.P.R.T.C.T.), and being the northwest corner of said 17.022 acre Travis County tract, for the northwest corner and **POINT OF BEGINNING** hereof, from which a TxDot Type I concrete monument found at a point of curvature in the south right-of-way line of said SH 71, and being the northwest corner of said Baldwin tract bears, 880.74 feet along the arc of a curve to the right, having a radius of 2382.00 feet, and whose chord bears N57°51'36"W, a distance of 875.74 feet;

THENCE, with the curving south right-of-way line of said SH 71 and the north line of said 17.022 acre Travis County tract, the following three (3) courses and distances:

- 1) **379.51** feet along the arc of a curve to the left, having a radius of **2382.00** feet, and whose chord bears **S72°48'16"E**, a distance of **379.11** feet to a calculated point for a point of tangency hereof,
- 2) **S77°27'47"E**, a distance of **117.17** feet to a TxDot Type I concrete monument found for a point of tangency hereof, and
- 3) **S76°57'25"E**, a distance of **2.92** feet to a 1/2-inch iron rod found for the northeast corner hereof, said point being at the northwest corner of Lot 1 of G.A. Freitag Subdivision, recorded in Volume 75, Page 294 of the Plat Records of Travis County, Texas (P.R.T.C.T.), and being the northeast corner of said 17.022 acre Travis County tract;

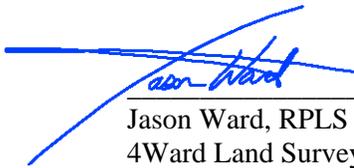
THENCE, leaving the south right-of-way line of said SH 71, with east line of said 17.022 acre Travis County tract, and in part with Lots 1 and 2 of said G.A. Freitag Subdivision, the following two (2) courses and distances:

- 1) **S27°57'51"W**, a distance of **191.93** feet to a 1/2-inch iron rod found for an angle point hereof, and
- 2) **S27°36'42"W**, a distance of **269.57** feet to a 1/2-inch iron rod found for an angle point hereof, said point being at the northwest corner of a called 8.67 acre tract conveyed to Lake Travis Independent School District, and recorded in Volume 13127, Page 2612 (R.P.R.T.C.T.), and being the southwest corner of said Lot 2, and being an angle point in the east line of said 17.022 acre Travis County tract;

THENCE, with the west line of said Lake Travis ISD tract and the east line of said 17.022 acre Travis County tract, **S13°12'25"W**, a distance of **187.41** feet to a 1/2-inch iron rod with "4Ward" cap set for the southeast corner hereof, from which a 3/4-inch iron rod found at an angle point in the west line of said Lake Travis ISD tract, and being angle point in the east line of said 17.022 acre Travis County Tract bears, S13°12'25"W, a distance of 183.99 feet;

THENCE, leaving the west line of said Lake Travis ISD tract and the east line of said 17.022 acre Travis County tract, over and across said 17.022 acre Travis County tract, **N48°47'42"W**, a distance of **554.49** feet to a 1/2-inch iron rod with "4Ward" cap set for the southwest corner hereof, said point being in the west line of said 17.022 acre Travis County tract, and being in the east line of said Baldwin tract, from which a 1/2-inch iron rod found at the southeast corner of said Baldwin tract, and being an angle point in the east line of a called 3.829 acre tract conveyed to Davis S. & Karen H. Mitchell, and recorded in Volume 12569, Page 2118 (R.P.R.T.C.T.), and being the southwest corner of said 17.022 acre Travis County tract bears, S28°15'40"W, a distance of 804.96 feet;

THENCE, with the common line of said Baldwin tract and said 17.022 acre Travis County tract, **N28°15'40"E**, a distance of **412.97** feet to the **POINT OF BEGINNING** and containing 5.8824 Acres (256,236 Square Feet) of land, more or less.



2/8/2016

Jason Ward, RPLS #5811
4Ward Land Surveying, LLC

