

**ORDINANCE NO. 322**

**AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT IN THE NEIGHBORHOOD SERVICES ZONING DISTRICT FOR THE PROPERTY LOCATED AT 11412 BEE CAVE ROAD, SUITE 200, BEE CAVE, TEXAS; DESCRIBED AS LOTS 2 & 4, BLOCK B, STRAWN SUBDIVISION; PROVIDING FOR CERTAIN CONDITIONS; PROVIDING FOR PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FINDINGS OF FACT; SEVERABILITY; REPEALER;; AND PROPER NOTICE AND MEETING.**

**WHEREAS**, an application has been submitted to add a Research and Development Laboratory as a Conditional Use to the Neighborhood Services zoning district for the property located at 11412 Bee Cave Road, Suite 200, Highway 71, Bee Cave, Texas, described as Lots 2 & 4, Block B, Strawn Subdivision (the "Property"); and

**WHEREAS**, the Property is currently zoned as Neighborhood Services and, pursuant to the chart of uses provided under Section 32.04.001, Chapter 32 of the Code of Ordinances of the City of Bee Cave, use of the Property as a Research and Development Laboratory is conditional in that zoning district;

**WHEREAS**, the property owner has submitted a Concept Plan depicting the proposed uses of the Property as a Research and Development Laboratory, as the term is defined under Section 32.05.014, Chapter 32 of the Code of Ordinances of the City of Bee Cave, and the terms and conditions of this Ordinance are sufficient to make this proposed use compatible with other Neighborhood Services uses on adjacent property;

**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 on the Application;

**WHEREAS**, the City Council finds that the use of the Property as depicted in the Concept Plan and in accordance with this Ordinance as a Research and Development Laboratory 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. 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. Findings.** 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 3. Uses.** A Conditional Use Permit is hereby granted, subject to the conditions listed in Section 5 herein described, to authorize a Research and Development Laboratory use on the Property as depicted in Exhibit "A" and in conjunction with any other permitted uses authorized in Neighborhood Services zoning districts.

**SECTION 4. Concept Plan.** The Concept Plan attached hereto as Exhibit "A" depicting the building in which the Research and Development Laboratory will be located is hereby approved contingent upon the property owner(s) and operator(s) meeting the conditions contained within Section 5.

**SECTION 5. Conditional Use Permit.** The City Council hereby approves a Conditional Use Permit ("CUP") to the property owner (hereinafter "Permittee") upon the following terms and conditions:

1. Permittee shall schedule a walk-through with the City's building official within 30 days of permit issuance for the permit to be considered valid. The City's building official may require evidence that adequate controls, measures, or devices have been provided to ensure and protect the public interest, health, safety, and general welfare and that the conditions of this CUP have been met. This includes, but is not limited to approval from the Fire Department. In the case of a new lab tenant, permittee shall not commence the Research and Development Laboratory use until permittee has obtained a Certificate of Occupancy from the City.
2. 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", then that portion of Permittee's application is specifically denied.
3. Amendments to development for this Property in the future shall comply with Neighborhood Services zoning except as may be approved by this Conditional Use Permit or as same may be amended.
4. No laboratory activities of any kind may take place outside of the building/facility (including open or outdoor storage).

5. Permittee shall meet the safety requirements for Risk Group 1 or Bio Safety Level 1 classifications as defined by the National Institute of Health (NIH) or the Center for Disease Control (CDC).
6. Permittee is not authorized under this CUP and shall not conduct laboratory operations that include work with pathogenic or infectious organisms. Because Permittee's current operations do not fall within the Risk Group 2 / Bio Safety Level 2 Classifications, Permittee is not required to meet Risk Group 2/Bio Safety Level 2 Classification safety requirements. However, if in the future Permittee seeks to use the Laboratory for Level 2 category activities, Permittee shall be required to obtain an amendment to this CUP prior to commencing any Level 2 category activities.
7. No animals may be housed in the building/facility or on the property.
8. Any related administrative uses such as finance, legal, human resources, management, marketing, sales, accounting, purchasing, or corporate offices and are primarily supportive of the primary use of "research and development" are hereby approved as part of this CUP.
9. Any noise/vibrations, fumes/odors, and/or increased risk to pathogens shall remain code compliant, minimized, and/or non-existent. The research and development laboratory facilities authorized in this CUP shall not exceed the light, dust, vibration or noise levels ordinarily created by any other General Business Office use. The laboratory shall utilize fume hoods that are vented to the roof.
10. Permittee may not obtain a more frequent pick-up or drop-off schedule for refuse than any other General Business Office use.
11. Permittee shall inform the City any time there is a new lab tenant to ensure compliance with the requirements of this CUP. If Permittee fails to do so, the City may revoke this CUP and require Permittee to reapply for a new CUP.
12. This CUP shall apply only to the space occupied by the labs on the ground floor of the building, located at 11412 Bee Cave Road, Suite 200, as such space is configured on the date of this permit.

**SECTION 6. Penalties.** 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 7. Ordinance not invalidated.** If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsection, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

**SECTION 8. Prior Ordinances Repealed.** 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 9. Proper Meeting.** It is hereby officially found and determined that the meeting at which this Ordinance was adopted 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.

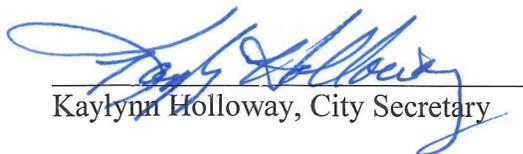
**SECTION 10. Effective Date.** This Ordinance shall take effect immediately from and after its passage and publication as required by law.

**PASSED, APPROVED and ADOPTED** this 22<sup>nd</sup> day of December, 2016.

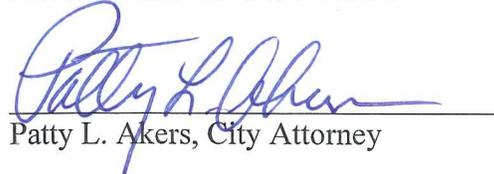
**CITY OF BEE CAVE:**

  
\_\_\_\_\_  
Caroline Murphy, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Kaylynn Holloway, City Secretary

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Patty L. Akers, City Attorney

**EXHIBIT "A"**

Exhibit A

Approved For Construction By Tenant  
 By: *[Signature]*  
 Date: 12/10/02

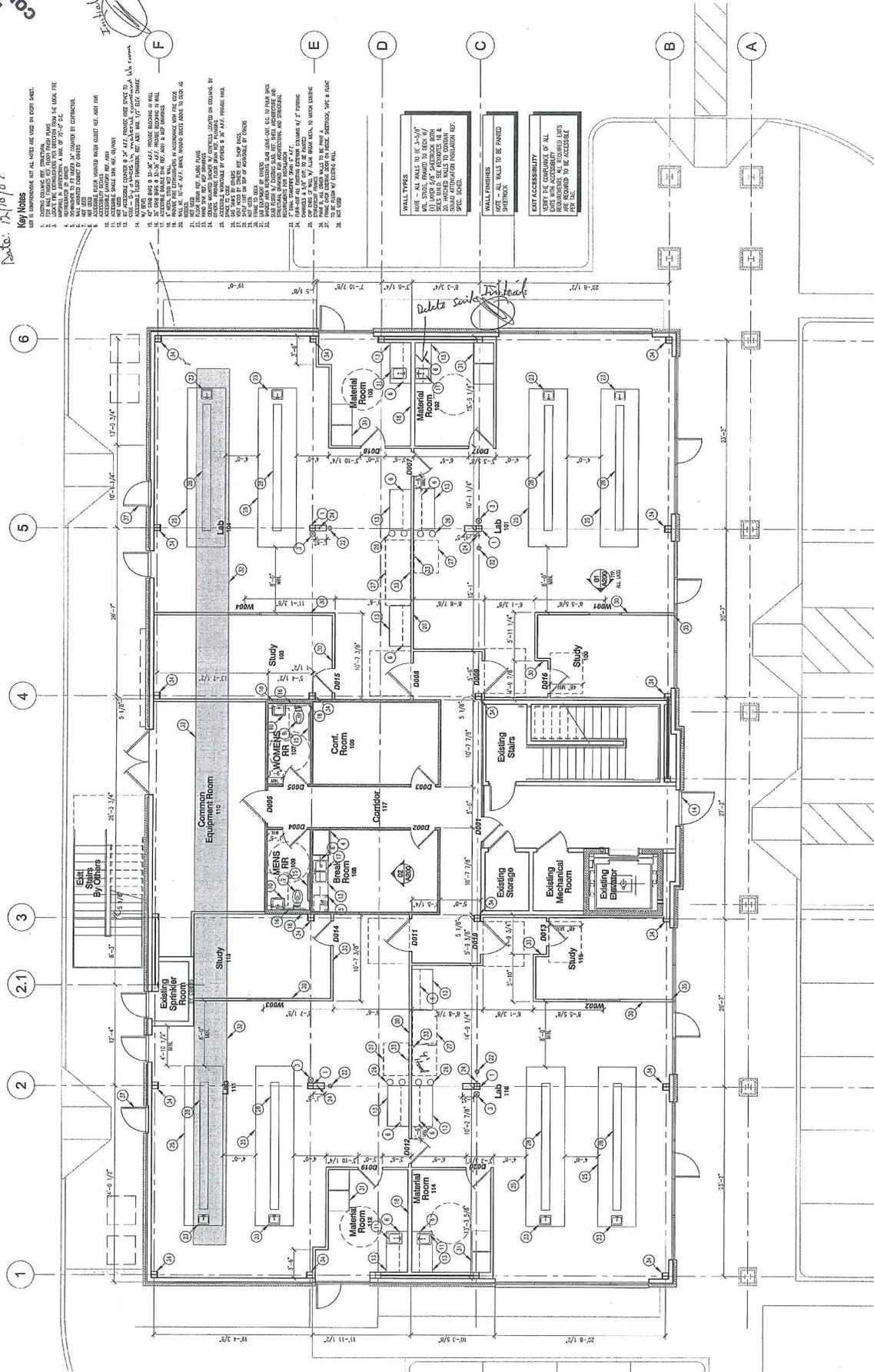
**NOT FOR CONSTRUCTION**

**Emergent Technologies Lab**  
 1412 Bee Cave Road  
 Austin, TX

**N-VIZION**  
 FORMS & ENVIRONMENTS & IMAGES

**Overall Floor Plan**

**A101**



- Key Notes**
1. VERIFY ALL WORK IS DONE ON EXISTING FLOOR.
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**WALL TYPES**  
 W001 - ALL WALLS TO BE 5/8" GYP BOARD ON 2" X 4" STUDS WITH ACCESSIBILITY BARRIERS TO BE ACCESSIBLE FOR USE.  
 W002 - ALL WALLS TO BE 5/8" GYP BOARD ON 2" X 4" STUDS WITH ACCESSIBILITY BARRIERS TO BE ACCESSIBLE FOR USE.  
 W003 - ALL WALLS TO BE 5/8" GYP BOARD ON 2" X 4" STUDS WITH ACCESSIBILITY BARRIERS TO BE ACCESSIBLE FOR USE.

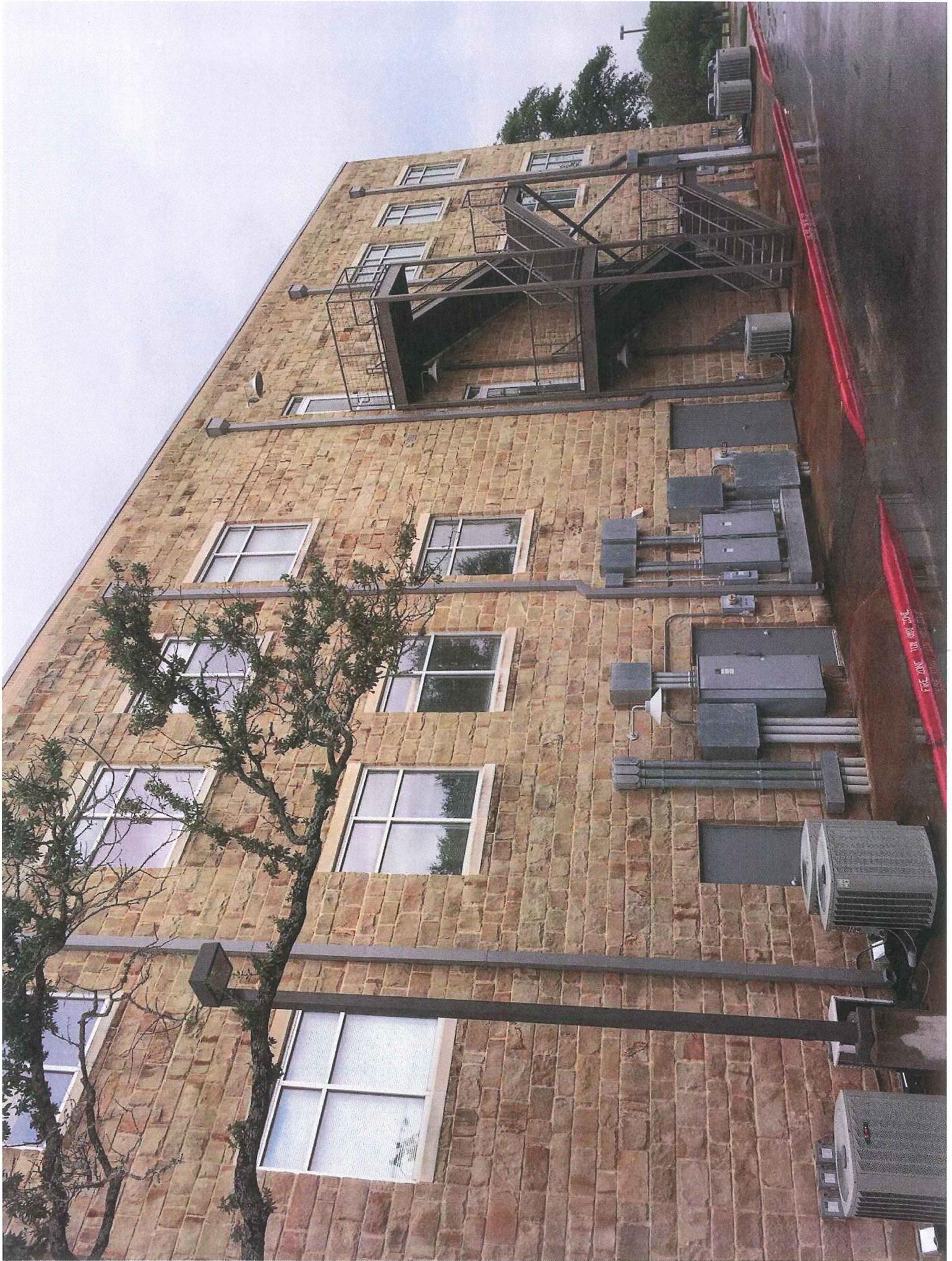
**WALL FINISHES**  
 W001 - ALL WALLS TO BE PAINTED SHEETROCK.  
 W002 - ALL WALLS TO BE PAINTED SHEETROCK.  
 W003 - ALL WALLS TO BE PAINTED SHEETROCK.

**ENTRY ACCESSIBILITY**  
 VERIFY THE COMPLIANCE OF ALL ENTRIES WITH ACCESSIBILITY BARRIERS TO BE ACCESSIBLE FOR USE.









**City of Bee Cave  
Notice of Conditional Use Permit  
And Public Hearing**

**Applicant:** Sneed, Vine, and Perry PC

**Request for Conditional Use Permit:**

Applicant is requesting a Conditional Use Permit for "Research and Development Laboratory" in NS (Neighborhood Service) District for Lots 2 & 4, Block B, Strawn Subdivision, City of Bee Cave, Travis County, Texas, as recorded in Document No. 199900291, located at 11412 Bee Cave Road, Bee Cave, Texas. "Research and Development Laboratory" is a Conditional Use within the NS Zoning District (Code reference 32.04.001 Charts, Use Charts, City of Bee Cave Code of Ordinances).

**Date and Time of Hearings for the Above Referenced Matters:**

City Council will conduct a public hearing and consider the application at their regular meeting at 6:00 p.m., November 22, 2016. The meeting will take place in the City Hall Council Chambers, located at 4000 Galleria Parkway, Bee Cave, Texas 78738.

The application, current Zoning Map, current Zoning Ordinances and amendments thereto are available for public review at City Hall.

All persons interested in the changes may attend and will be given an opportunity to be heard.

Reggie Brooks  
Administrative Coordinator  
11-5/2016 #671032

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SWORN AND SUBSCRIBED TO BEFORE ME, on  
11/09/2016

\_\_\_\_\_  
Notary Public

STATE OF TEXAS  
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis, State of Texas, on this day personally appeared Alejandro Cado. Advertising Agent of the Austin American-Statesman, a daily newspaper published in said County and State that is generally circulated in Bastrop, Bell, Blanco, Brazos, Burleson, Burnet, Caldwell, Colorado, Comal, Coryell, Fayette, Gillespie, Gonzales, Guadalupe, Hays, Kerr, Lampasas, Lee, Llano, Milam, Nueces, San Saba, Travis, Washington and Williamson Counties, who being duly sworn by me, states that the attached advertisement was published at the lowest published rate for Classified advertising in said newspaper on the following date(s), to wit: BEE CAVE CITY OF, SNEED, VINE AND PERRY PC, First date of Publication 11/05/2016, Last date of Publication 11/05/2016, Web and print times Published 2, Legal Notices, 1 X 43, and that the attached is a true copy of said advertisement.

SNEED, VINE AND PERRY PC

Ad ID: 1312006

Ad Cost: 553.84

