

ORDINANCE NO. 310

AN ORDINANCE OF THE CITY OF BEE CAVE, TEXAS (“CITY”) AMENDING ZONING ORDINANCE NO. 01-03-13-A FOR THE DEVELOPMENT KNOWN AS EAST VILLAGE CONDOMINIUMS AT SPANISH OAKS FROM AGRICULTURE (“AG”) AND PLANNED DEVELOPMENT MULTI-FAMILY RESIDENTIAL 1 (“PD-MF-R1”) TO PLANNED DEVELOPMENT MULTIFAMILY RESIDENTIAL 1 (“PD-MF-R1”) PURSUANT TO A DEVELOPMENT AGREEMENT DESCRIBED HEREIN BETWEEN THE CITY (FORMERLY “VILLAGE”) OF BEE CAVE AND CCNG DEVELOPMENT COMPANY, LP., FOR APPROXIMATELY 29.82 ACRES LOCATED AT 12651 STATE HIGHWAY 71 WEST AND WHICH PROPERTY IS DESCRIBED IN EXHIBIT “A” ATTACHED HERETO (THE “PROPERTY”); APPROVING A CONCEPT PLAN FOR THE PROJECT, ATTACHED HERETO AS EXHIBIT “B” (“CONCEPT PLAN”); APPROVING SPECIAL DEVELOPMENT STANDARDS AND CONDITIONS, ATTACHED HERETO AS EXHIBIT “C” (“PLANNED DEVELOPMENT STANDARDS”); PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR FINDINGS OF FACT, SEVERABILITY, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the Planning and Zoning Commission and the City Council of the City, in compliance with the 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 of the City is of the opinion and finds that said zoning change should be granted and that the Comprehensive Zoning Ordinance and Map should be amended as set forth herein; and

WHEREAS, the Property is a part of the lands described in the Development Agreement entered into by and between the City of Bee Cave (formerly “Village”), Texas and CCNG Development Company dated April 26, 2000 and a portion of the Property was previously zoned as PD-Multi-Family R1 District in Ordinance No. 01-03-13-A. The zoning applicant has requested that a zoning amendment be approved in accordance with the Development Agreement to include the portion of the property not previously zoned with certain modifications as described in Exhibit “C”, attached hereto and incorporated herein and as depicted in the PD Concept Plan, attached hereto and incorporated herein as Exhibit “B”; and

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

WHEREAS, Sec. 32.03.015 of 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 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 proposed Project supports many of the objectives of the City's Comprehensive Plan and the City finds that the Project meets the objectives of the Comprehensive Plan and that the proposed uses are compatible with adjoining land uses;

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 Ordinance No. 01-03-13-A is hereby amended as set out in this Ordinance and 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 for the portion of the Property zoned in Ordinance No. 01-03-13-A from Planned Development Multi-Family Residential-1 District ("PD-MF-R1") to Planned Development Multi-Family Residential-1 District ("PD-MF-R1") and a change of zoning for an approximate 9.24 acre portion of the Property from Agriculture ("AG") District to Planned Development Multi-Family-Residential-1 ("PD-MF-R1"), which Property is more fully described in Exhibit "A", attached hereto.

SECTION 3. Development of the Project. The PD District Development Standards shall be as set forth in the Development Agreement, except as specifically modified herein. In the event of any conflicts between the development standards applicable to a multi-family residential district as described in the City's Code of Ordinances or in the Development Agreement including height regulations, area regulations, yard size, maximum lot coverage, building size and parking regulations, and the terms of this Ordinance, the terms this Ordinance shall control.

SECTION 4. Concept Plan. That the Concept Plan for this Planned Development District which is attached as Exhibit "B" is made a part hereof for all purposes and is hereby approved for said Planned Development District as required by Chapter 32, of the Code of Ordinances of the City of Bee Cave, Texas. Any proposed use or development depicted on the Concept Plan shall not be deemed authorized or approved by the City of Bee Cave until a site plan ("Site Plan") is approved for such use and/or development in accordance with the terms and conditions of the Development Agreement; except as modified herein.

SECTION 5. Uses. The City Council for the City hereby expressly permits and approves the uses as depicted in Exhibit "B" and as listed and described in Exhibit "C", which is attached hereto and incorporated herein for all purposes. In addition, Contractors shall be allowed to have a Temporary On-site Construction Office at the locations depicted on the Concept Plan. Single-Family detached residential uses and the proposed amenity center are Permitted Uses of this "PDD-MF-R1" District at the locations depicted on the Concept Plan and so long as such uses are in compliance with the Development Agreement; except as modified by this Ordinance. The City Council would not necessarily authorize such change of zoning to allow such uses, authorize a waiver of the City's requirements or subdivision regulation or authorize any other waivers, absent the development of the Project in strict accordance with the

Project depicted in Exhibit "B" and according to the Development Standards described in the Development Agreement as modified by Exhibit "C". The authority granted by this Ordinance is therefore specific to this Project as it has been represented in the applicant's application, as depicted in the Concept Plan and as described in the Development Standards unless this Ordinance is subsequently amended or modified by approval of the City Council or unless such changes or modification are expressly authorized by the City's Code of Ordinances or Exhibit "C" to this Ordinance. Any other Permitted or Conditional uses allowed in a Multi-Family Residential-1 District other than the uses authorized by this Ordinance must be approved by a future zoning ordinance in accordance with the City's Code of Ordinances.

SECTION 6. Architectural Elevations. Architectural Elevations associated with the amenity center shall be considered for approval in conjunction with the applicable Site Plan and shall comply with the City's current Code of Ordinances.

SECTION 7. 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.

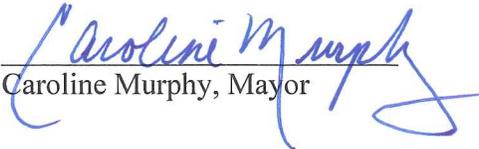
SECTION 8. Repealer. All ordinances or parts of ordinances in force regarding the zoning of this Property when the provisions of this Ordinance become effective are hereby repealed.

SECTION 9. Effective Date. That this Ordinance shall take effect immediately from and after its passage.

SECTION 10. 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.

PASSED AND APPROVED by the City Council of the City of Bee Cave, Texas, on the 13th day of September, 2016.

CITY OF BEE CAVE, TEXAS



Caroline Murphy, Mayor

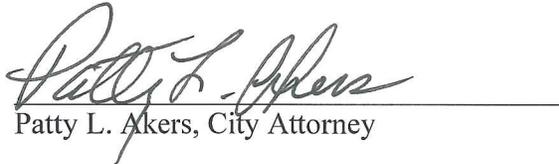
ATTEST:



City Secretary

[SEAL]

APPROVED AS TO FORM:



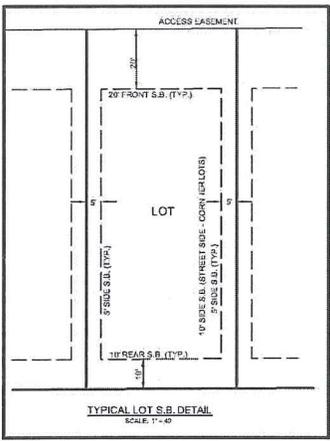
Patty L. Akers, City Attorney

Exhibit "A"

Property Description

Document Number 201600242 of the Official Public Records of Travis County Texas, a *Final Plat of Los Robles Addition, Block "A," Lot 2A Being a Replat of Block "A," Lot 2, Los Robles Addition Document Number 200100338, Official Public Records of Travis County, Texas.*

Exhibit "B"
Concept Plan



LEGEND

- PROPERTY BOUNDARY
- 100' CREEK BUFFER
- FEMA FLOODPLAIN
- FUTURE FENCE

LOT LEGEND

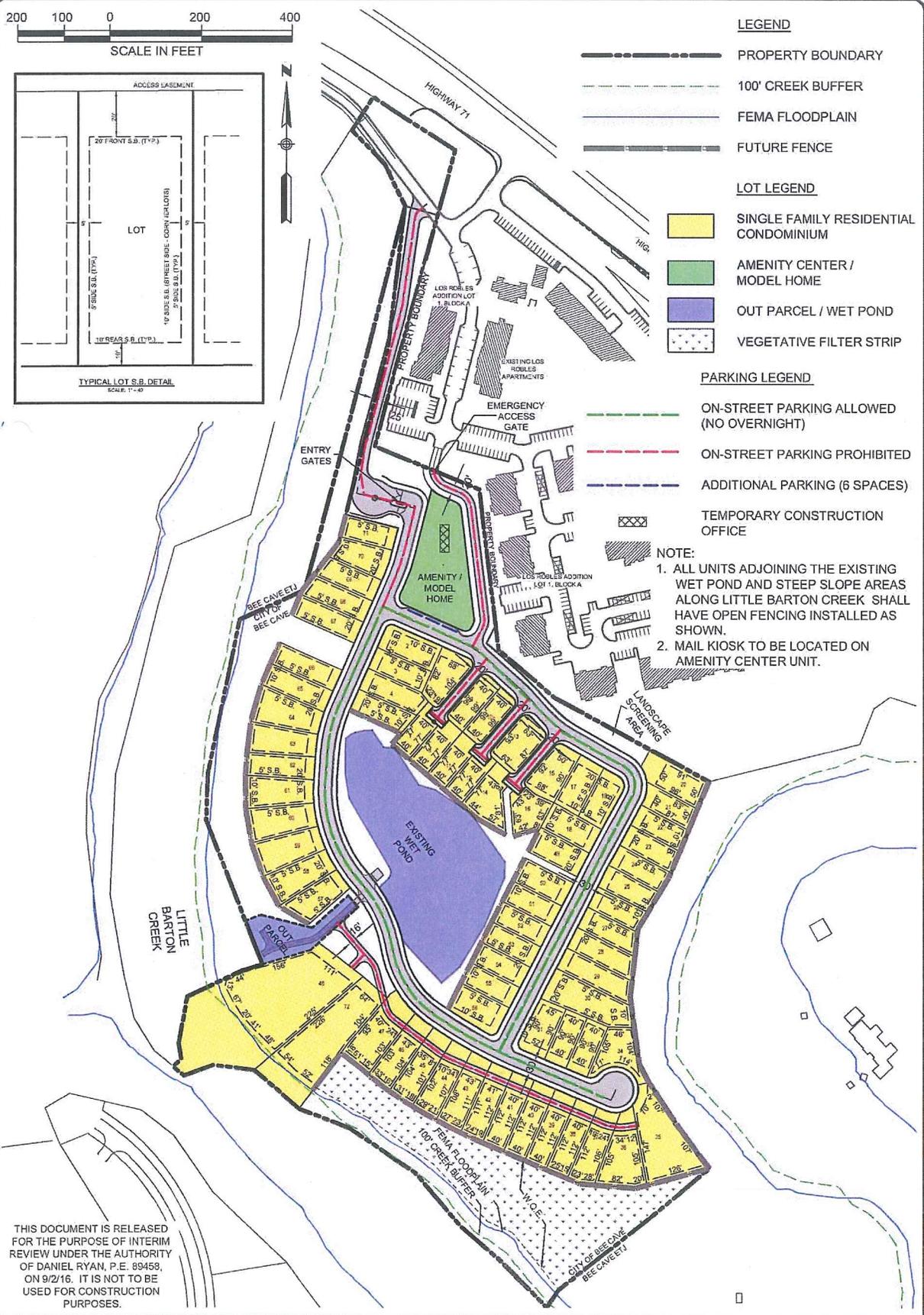
- SINGLE FAMILY RESIDENTIAL CONDOMINIUM
- AMENITY CENTER / MODEL HOME
- OUT PARCEL / WET POND
- VEGETATIVE FILTER STRIP

PARKING LEGEND

- ON-STREET PARKING ALLOWED (NO OVERNIGHT)
- ON-STREET PARKING PROHIBITED
- ADDITIONAL PARKING (6 SPACES)
- TEMPORARY CONSTRUCTION OFFICE

NOTE:

1. ALL UNITS ADJOINING THE EXISTING WET POND AND STEEP SLOPE AREAS ALONG LITTLE BARTON CREEK SHALL HAVE OPEN FENCING INSTALLED AS SHOWN.
2. MAIL KIOSK TO BE LOCATED ON AMENITY CENTER UNIT.



THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF DANIEL RYAN, P.E. 89453, ON 9/2/16. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.

LJA Engineering, Inc.
5316 Highway 290 West
Suite 150
Austin, Texas 78735

LJA
Phone 512.439.4700
Fax 512.439.4716
FRN - F-1383

**EAST VILLAGE CONDOMINIUMS
AT SPANISH OAKS**

DEVELOPMENT EXHIBIT

unit-use-exb.dwg

Exhibit "C"

PLANNED DEVELOPMENT STANDARDS- EAST VILLAGE CONDOMINIUMS AT SPANISH OAKS (East Village-Condos)

The following Planned Development Standards ("Development Standards") shall be applicable within this Planned Development District. To the extent that any of the Development Standards conflict with City Ordinances or the Development Agreement, these Development Standards shall control. All development activity undertaken on the Property, including but not limited to the single family detached residential uses and the amenity center (the "Project"), shall comply with the applicable requirements set out in the CCNG Development Agreement dated April 26, 2000, except as modified by this Ordinance. Capitalized terms shall be defined as indicated in these Planned Development Standards, as reflected on the Concept Plan or as defined in the Development Agreement, depending upon context.

I. General Project Design Requirements

The East Village PDD amendment consists of approximately 29.816 acres of land which includes Lot 2A, Block A (as Re-platted) of the Los Robles Subdivision. The Project is located on the south side of SH71, east of the intersection of Bee Cave Road and SH 71. The East Village PDD is planned as a gated detached condominium single family residential development. The Project takes access from State Highway 71 from the Shops Parkway and through the existing Los Robles Addition, Lot 1 Block A (Paseo Apartments) and fronts on SH 71. The Project consists of a maximum 71 single family one, two and three-story detached houses ranging in size from 1,800 square feet to 3,500 square feet; with the exception of two houses which have a maximum of 7000 square feet. The houses are not located on individual lots, but rather in a condo regime but which include an attached two-car garage and front, rear and side-yard setbacks consistent with a traditional lot subdivision. There is one private neighborhood amenity center for use by the residents of East Village Condominiums and their guests.

II. Single Family Residential

(1) The Project is authorized for a maximum of up to 71 one, two and three story single family detached residential units. No residential unit shall exceed 35 feet in height. Single-family detached dwellings units shall be located within the Project as generally depicted in the Concept Plan, attached hereto as Exhibit "B", and will not be required to be located on individual lots owned in fee simple. Residential unit square footage shall not exceed 3,500 square feet subject to available impervious cover and shall not be less than 1,800 square feet; except that lot areas 45 and 72 shall be authorized to construct a house up 7000 square feet.

(2) Street shall be constructed at the locations generally depicted on the Concept Plan and will have minimum widths as depicted in the Concept Plan. Streets shall be constructed and privately maintained by an HOA or condominium association. Developer is authorized to construct a gate at the location depicted in the Concept Plan and conditions and materials required for the gate shall be considered for approval at Site Plan. Any such gate system shall

meet all standards promulgated by the City of Bee Cave and Emergency Services District No. 6 including any requirements related to plan submittals and construction approvals.

(3) Setbacks, side yards, rear yards and front yards shall be as depicted in the Concept Plan. Except as otherwise depicted on the Concept Plan, residential units shall have a minimum twenty feet (20') for front yard setbacks, ten feet (10') for rear yard setbacks and a minimum of five feet (5') for side yard setbacks so that no single family residence is closer than ten feet (10') to an adjoining single family unit.

(4) Access to each dwelling unit shall be allowed from the private common drives throughout the site as depicted on the Concept Plan. If side entry garage access is provided for a dwelling unit, adequate maneuvering space shall be provided for that unit.

(5) Building Facades for the residential units shall consist of 75% masonry including natural stone, natural clay brick and stucco. All roofing material shall be masonry tile or metal. Synthetic tile and asphalt shingles are not authorized. HVAC equipment will be screened by walls or landscaping. If any portion of the foundation is visible from the exterior of a structure the foundation shall be concealed by extending the exterior building material to within 18 inches of the finished grade. Siding, wood or hardy plank shall be permitted only for fascia, soffits, corbels, columns, window headers, and accents. Building Facades for the pool and amenity center shall be considered for approval at Site Plan and shall comply with the current exterior construction standards of the City's Code of Ordinances.

(6) All residential units shall have an enclosed two-car garage. Because the width of the streets varies within the development on street parking will be authorized only as depicted on the Concept Plan. A bump out area sufficient to park 6 or more vehicles shall be required adjacent to the Amenity Center and at the location depicted in the Concept Plan. In addition, a parking lot shall be constructed within the lot area of the Amenity Center and the number of needed parking spaces shall be considered with the applicable Site Plan. Developer shall include any parking or no-parking requirements in the deed restrictions applicable to the Property. No sidewalks have been proposed within the Project.

III. Development Standards Applicable to the Project as a Whole

A. Impervious Cover and Non-Point Source Pollution Control Standards for Water Quality Controls

(1) Impervious Cover. The impervious cover authorized for this Project shall not exceed 35.6% calculated in accordance with the City Non-Point Source Pollution Abatement Ordinance No. 90-1. Impervious cover created by construction of the extension of the private roadway located on adjacent property on the northern boundary of the Project and which will be used as the Project's primary entrance shall count as impervious cover of this Project. Developer shall provide to the City as a condition of approval of any building permit for the Project a running

total of the amount of impervious cover used by prior site development and vertical construction and the amount of impervious cover remaining.

(2) Water Quality and Treatment. The water quality treatment standards set out in Ordinances 90-1, (70% pollutant removal of Total Suspended Solids (TSS), Total Phosphorus (TP), and Oil and Grease) shall apply to the Project. NPS approval and use of specific water quality BMPs shall be considered in conjunction with the first Site Plan application for the Project. Water quality is expected to be addressed by use of an existing wet pond which was previously approved in conjunction with the Los Robles apartments and was over-sized to accommodate development on this Property. In addition to the existing wet pond, Developer is authorized to construct Vegetated Filter Strips at the locations depicted in the Concept Plan and such area shall be dedicated within an easement.

(3) In the event that Vegetative Filter Strips are approved as part of the NPS approval, a maintenance plan shall also be required and considered at the time of Site Plan approval. The maintenance plan shall include a requirement that the Homeowner's Association or other entity be responsible for the maintenance and operation of all NPS BMPs including any offsite BMPs. The maintenance plan shall also include a Integrated Pest Management Plan and fertilizer control plan to prevent run off of these material into Little Barton Creek. The exact location of all BMPs shall be identified and established in conjunction with Site Plan approval.

(4) The Parking areas or number of parking spaces depicted on the Concept Plan is for illustrative purposes only and the exact location and number of spaces will be considered for approval at Site Plan. Parking areas shall be screened with landscaping, except for bump out area adjacent to the amenity center.

B. Additional Performance Standards

(1) Trash dumpsters and outdoor storage accessory buildings shall be screened from view as required in the CCNG Agreement.

(2) The PDD shall be allowed and is required to have two public access points as depicted in the Concept Plan. No additional construction related to the access driveways to Highway 71 will be required.

(3) The HOA, condominium association, or similar association or entity created in accordance with the development of this Project shall be responsible for the oversight, maintenance and other responsibilities set out therein and as described in the CCNG Development Agreement on an on-going basis and for being responsible for compliance with the development standards and other requirements associated with this Project. This entity will be the entity responsible for compliance of the Project and with any permits or agreements between the City and the Project. Documents necessary to establish the company or association shall be reviewed and approved by the City in conjunction with Site Plan approval to ensure that they conform to this Ordinance and other applicable development standards. The documents establishing the condominium regime shall include restrictions applicable to the Development

Standards set out herein and which standards will be identified in a separate and distinct section from the rest of the document and which will provide that such requirements shall not be amended without the express consent of the City. In particular, deed restrictions shall include prohibitions against on street parking.

(4) Cut and fill shall be minimized throughout the Project. Disturbances of the natural fall of the land shall be minimized. The construction plan shall conform to this site, rather than making the site conform to the plan.

(5) "Minor Modifications" of the Concept Plan and/or Site Plan as defined by the City's current Code of Ordinances for the Project may be approved administratively by the City Manager provided such modifications would not otherwise result in a violation of the City's Code of Ordinances, except as modified herein, a violation of specific Development Standards described in this Ordinance, cause an increase in the total amount of impervious cover allowed pursuant to III(A)(1) of these Development Standards or an increase in Annual Pollutant Load, or cause additional encroachments into the setbacks or other easements established for the Project. Modifications that are not Minor require approval in conjunction with a Site Plan amendment. Changes in use of the Property require an amendment to this Ordinance.

(6) Construction Traffic Controls shall be implemented in conjunction with construction and development of the site and shall be strictly adhered to. Developer shall employ commercially reasonable efforts to ensure that construction traffic controls are followed by employees, suppliers and subcontractors.

(7) Utilities located within the boundaries of the Project shall be buried.

(8) In the event that the location of streets, driveways, parking, trails, utilities, or water quality or detention ponds, BMPs, traffic construction plans, architectural elevations or drainage ways, amenity center or residential footprints are subsequently approved by the City Council in association with Site Plan approval, such changes shall be authorized herein without the need for an amendment to the Concept Plan or these development standards.

(9) For purposes of this Ordinance, the term "Developer" shall mean CCNG Development Company LP, a Texas Limited Partnership or its successors and assigns.

(10) Any air conditioning units or mechanical equipment that serves the amenity center shall be screened from view. Screening shall be considered for approval at Site Plan.

(11) The residential mailbox will be located as depicted in the Concept Plan.

(12) For purposes of determining compliance with this Ordinance and the CCNG Development Agreement, and except as specifically set out in these Development Standards, the entire Project shall be treated as a single lot.

(13) Notwithstanding anything herein to the contrary, Development shall be prohibited within the 100 foot buffer area of the Little Barton Creek as depicted on the Concept Plan. This prohibition shall be included in the CCRs applicable to Project.

(14) The parking areas or number of parking spaces depicted on the Concept Plan and associated with the amenity center is for illustrative purposes only and the exact location and number of spaces associated with construction of the amenity center will be considered for approval at Site Plan. The amenity center location shall be finalized in conjunction with Site Plan approval. The amenity center shall be authorized up to two stories and shall not exceed 35 feet in height.

(15) A minimum five foot high wrought iron style fence shall be required at the rear of the residential units as depicted on the Concept Plan.

(16) The Project is not prohibited from utilizing well water in order to keep water levels maintained in the wet pond.

(17) Landscape screening is required in the areas shown on the Concept Plan. A landscape plan is required prior to issuance of a Site Permit.

(18) Site Plan approvals shall have a term of two (2) years and expire as provided in the current Code of Ordinances.