

ORDINANCE NO. 382

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 THREE-ONE FUTURE LAND USE, FROM CURRENT ZONING AS AN NEIGHBORHOOD SERVICES DISTRICT TO SINGLE-FAMILY ATTACHED (TOWN HOMES) DISTRICT FOR 5.115 ACRES WHICH PROPERTY IS GENERALLY LOCATED NORTH OF HIGHWAY 71 AND 700 FEET WEST OF THE INTERSECTION OF HAMILTON POOL ROAD/BEECAVE PARKWAY AND HIGHWAY 71; AND WHICH LAND IS MORE FULLY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO (“RE-ZONE PARCEL”); 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 and its Charter 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, the Re-Zone Parcel is intended to be developed as a residential townhome neighborhood in conjunction with an adjoining 10 acre property to the north which adjoining property has previously been zoned as Single-family Attached District by Ordinance No. 299 (“North Parcel”); and

WHEREAS, Ordinance No. 299 provides that the density of development of residential townhomes shall be reduced to be consistent with the density required for a Single-family Patio Home district it is therefore appropriate to extend the same reduction in density to the Re-Zone Parcel; and

WHEREAS, the North Parcel has an existing driveway on SH 71 which will also provide access to residential townhome neighborhood intended for development across that parcel and the Re-Zone Parcel; and

WHEREAS, the remaining 4.885 ac of the parcel which contains the Re-Zone Parcel will remain zoned Neighborhood Services and the portion of the parcel that adjoins SH 71 so that an access driveway to the Re-Zone Parcel must be traverse this portion of the parcel; and

WHEREAS, there is an existing access driveway to the parcel containing the Re-Zone Parcel located immediately to the west of the existing driveway providing access to the North Parcel and the proximity of these driveways poses a risk to traffic safety and it is therefore appropriate to relocate the existing driveway to the parcel containing the Re-Zone Parcel westward to increase driveway separation; and

WHEREAS, due to the proximity of the intersection at SH 71 and Hamilton Pool Road, and where additional driveways pose a risk to traffic safety, it is therefore appropriate to require the number of access driveways to the Re-Zone Parcel be limited to two. The two access driveways will be located at the approximate locations depicted in Exhibit B with both being joint access driveways shared among the Re-Zone Parcel, the North Parcel and the remainder of the parcel containing the Re-Zone Parcel which is zoned Neighborhood Services; and

WHEREAS, the City recognizes its responsibility and authority to impose ordinances and controls that are necessary for the government of the City, its interest, welfare, and good order of the City as a body politic.

WHEREAS, Section 32.03.006 of the Zoning Ordinance provides that the purpose of a Single-Family Attached Residential District is intended to promote stable, quality, attached-occupancy residential development on individual lots, or by condominium units.

WHEREAS, the City of Bee Cave Planning and Zoning Commission and the City of Bee Cave City Council ("City Council"), in compliance with the City of Bee Cave Code of Ordinances section 32.02.004, 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 change of Zoning Classification has been duly considered by the City Council; and

WHEREAS, re-designating the zoning classification of the Re-Zone Parcel, in conjunction with the reduced density requirement, will protect the integrity and continuity of the Comprehensive Plan and such proposed land uses are consistent with the Comprehensive Plan and current land uses associated with adjoining property and 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 Neighborhood Services District to Single-Family Attached Residential District for the real property hereinafter described in Exhibit "A," attached hereto:

SECTION 3. Additional Requirements. In addition to the development requirements associated with Single-Family Attached Residential set out in Section 32.03.006 of the City's Code of Ordinances, the Re-Zone Parcel shall be developed so that the minimum lot size is 4,500 square feet and no more than 10 residential units per acre shall be developed on the Re-Zone Parcel. Additionally, the number of access driveways to the Re-Zone Parcel from SH 71 shall be limited to two joint access driveways shared with the North Parcel and the neighborhood services zoned remainder of the parcel containing the subject Re-Zone Parcel.

SECTION 4. 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 5: 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 6. 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 7. Effective Date. That this Ordinance shall take effect immediately from and after its passage.

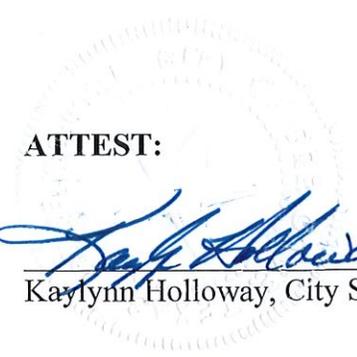
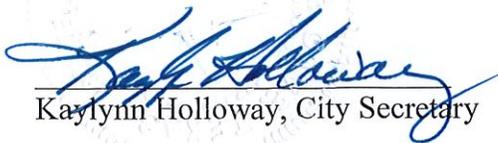
PASSED AND APPROVED by the City Council of the City of Bee Cave, Texas, on the 14th day of August, 2018.

CITY OF BEE CAVE, TEXAS



Monty Parker, Mayor

ATTEST:

Kaylynn Holloway, City Secretary

APPROVED AS TO FORM:

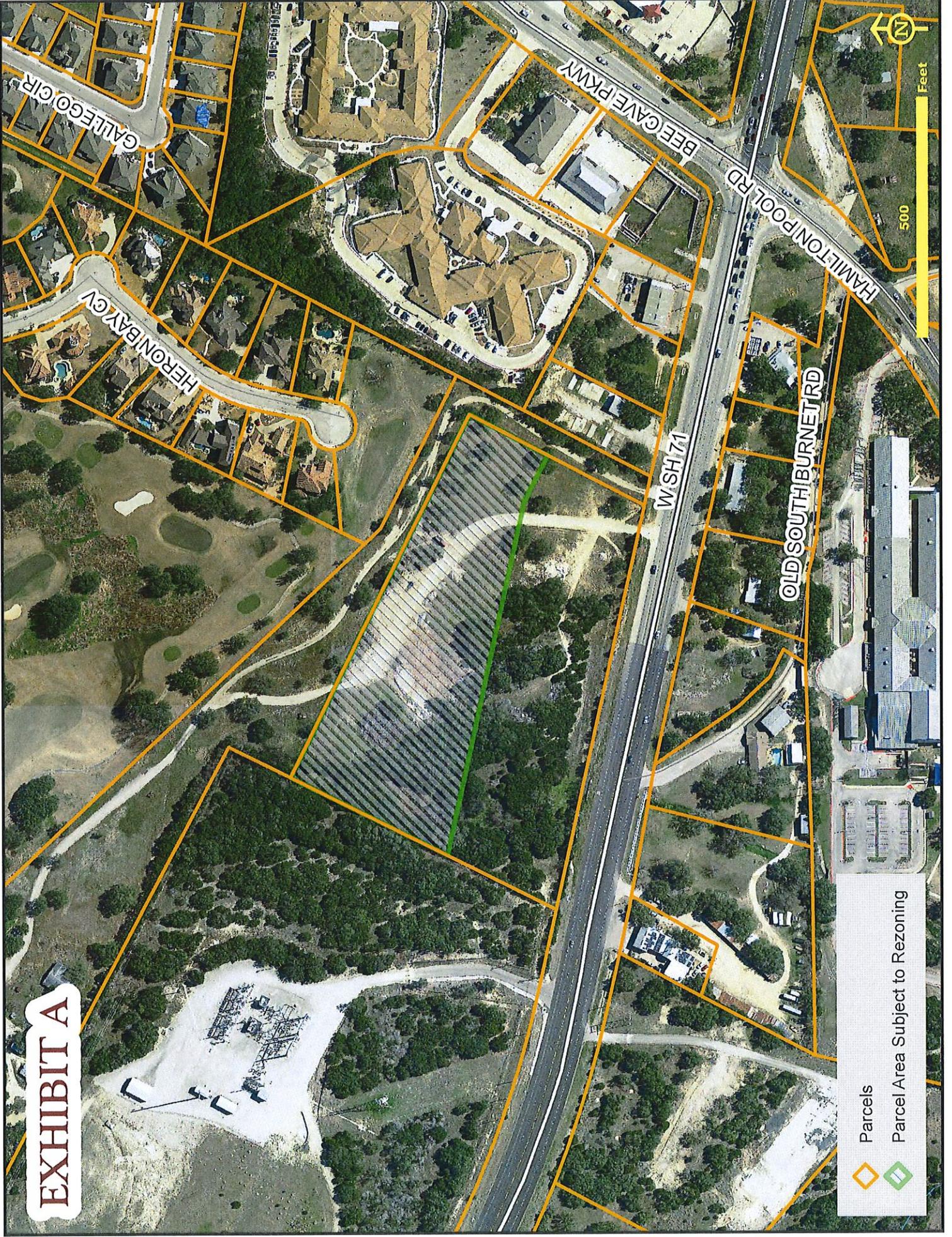


Patty L. Akers, City Attorney

Exhibit "A"

**Property Description
(Re-Zone Parcel)**

EXHIBIT A



Legend:

- Orange diamond: Parcels
- Green diamond: Parcel Area Subject to Rezoning



**Professional Land Surveying, Inc.
Surveying and Mapping**

Office: 512-443-1724
Fax: 512-389-0943

3500 McCall Lane
Austin, Texas 78744

**5.115 ACRES
TRAVIS COUNTY, TEXAS**

A DESCRIPTION OF 5.115 ACRES IN THE INTERNATIONAL & GREAT NORTHERN R.R. CO. SURVEY NO. 56, ABSTRACT NO. 2108, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT 10.000 ACRE TRACT CONVEYED IN THE GENERAL WARRANTY DEED TO GSGPNG-1, LLC, DATED DECEMBER, 17, 2008, OF RECORD IN INSTRUMENT NUMBER 2009000111, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS (OPRTCT), AND DESCRIBED IN EXHIBIT C IN THE PARTITION DEED TO JOHN FRANKLIN SPILLMAN, SR., ET AL, DATED JULY 27, 2001, OF RECORD IN INSTRUMENT NUMBER 2001126099 OPRTCT; SAID 5.115 ACRES, AS DEPICTED ON THE ACCOMPANYING SKECTH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod with cap marked "CAPITAL SURVEYING" found on the east line of that called 23.27 acre tract described in the Warranty Deed to The City of Austin, of record in Volume 9777, Page 239, OPRTCT, for a westerly salient corner of that certain 10.000 acre tract described in Exhibit B, said Instrument Number 2001126099, and for the northwest corner of said Exhibit C tract and herein; and from which point, a 1/2" iron rod with cap marked "CHAPARRAL BOUNDARY" reset for a northeast corner of said 23.27 acre tract, and a reentrant corner of said Exhibit B tract bears North 26° 26' 03" East, 144.58 feet;

THENCE with the common line of said Exhibit B tract and Exhibit C tract, the following two (2) courses and distances:

- 1) South 63° 34' 39" East, 846.33 feet to an iron rod with cap marked "CAPITAL SURVEYING" found for a southerly reentrant corner of said Exhibit B tract, for the northeast corner of said Exhibit C tract and herein, and
- 2) South 27° 31' 03" West, 186.24 feet to the calculated southeast corner herein; and from which point, an iron rod with cap marked "CAPITAL SURVEYING" found bears South 27° 31' 03" W, 227.63 feet to the common south corner of said Exhibit B tract and said Exhibit C tract, and North 30° 04' 18" East, 0.16 feet;

THENCE leaving said common line and crossing said Exhibit C tract, the following two (2) courses and distances:

- 1) North 62° 29' 25" West, 106.82 feet to a calculated angle point, and
- 2) North 77° 30' 09" West, 758.33 feet to the calculated southwest corner herein; and from which point, a 1/2" iron rod found for the southeast corner of said 23.27 acre tract, and the southwest corner of said Exhibit C tract bears South 26° 26' 03" West, 255.03 feet;

THENCE North 26° 26' 03" East, with the east line of said 23.27 acre tract and west line of said Exhibit C tract and herein, 366.68 feet to the **POINT OF BEGINNING** and containing 5.115 Acres of land, more or less.

Bearing Basis: Grid Bearings of The Texas Coordinate System of 1983 (NAD83), Central Zone (4203), based on GPS Solutions from The National Geodetic Survey (NGS) On-Line Positioning User Service (OPUS).

Attachments: Survey Drawing 562-065-Z1

Bryan D. Newsome
21 March 2018

Bryan D. Newsome
Registered Professional Land Surveyor
State of Texas No. 5657
T.B.P.L.S. Firm No. 10124500



SKETCH TO ACCOMPANY A DESCRIPTION OF 5.116 ACRES IN THE INTERNATIONAL & GREAT NORTHERN R.R. CO. SURVEY NO. 56, ABSTRACT NO. 2108, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT 10.000 ACRE TRACT CONVEYED IN THE GENERAL WARRANTY DEED TO GSGPNG-1, LLC, DATED DECEMBER, 17, 2008, OF RECORD IN INSTRUMENT NUMBER 2009000111, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS (OPRTCT), AND DESCRIBED IN EXHIBIT C IN THE PARTITION DEED TO JOHN FRANKLIN SPILLMAN, SR., ET AL, DATED JULY 27, 2001, OF RECORD IN INSTRUMENT NUMBER 2001126099 OPRTCT.

S63°34'39"E 846.33'
(S63°34'02"E 846.28')

5.115 ACRES
APPROX. 222,824 SQ. FT.

LINE TABLE		
LINE	BEARING	DISTANCE
L2	N30°04'18"E	0.16'



1" = 100'

HENRY J. SPILLMAN, JR.
EXHIBIT B: 10.000 ACRES
(2001126099)

CAP

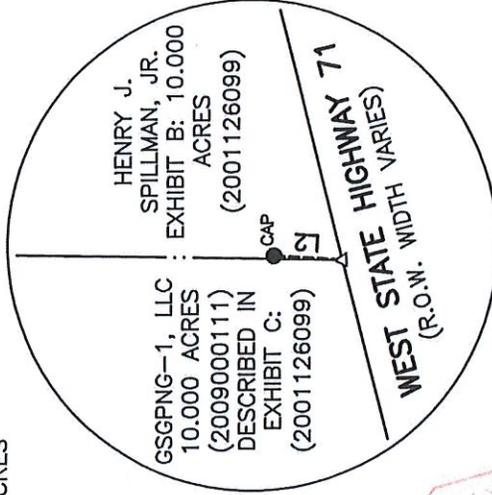
S27°31'03"W 186.24'

N62°29'25"W
106.82'

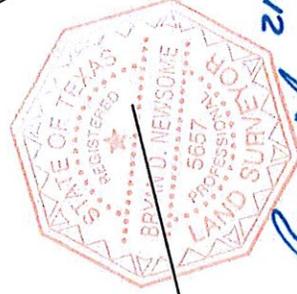
N77°30'09"W 758.33'

N27°31'03"E 413.87'
(N27°31'56"E 413.59')

GSGPNG-1, LLC
10.000 ACRES
(2009000111)
DESCRIBED IN
EXHIBIT C:
(2001126099)



DETAIL "B"
NOT TO SCALE



Bryan D. Newsome
21 March 2018

WEST STATE HIGHWAY 71
(R.O.W. WIDTH VARIES)

SEE
DETAIL "B"

DATE OF SURVEY: 03/07/18
PLOT DATE: 03/21/18
DRAWING NO.: 562-065-Z1
PROJECT NO.: 562-065
T.B.P.L.S. FIRM NO. 10124500
DRAWN BY: JDB
SHEET 1 OF 2

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS).

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 562-065-Z1

Chaparal

APPROXIMATE SURVEY LINE



1" = 100'

HENRY J.
SPILLMAN, JR.
EXHIBIT B: 10.000
ACRES
(2001126099)

S63°34'39"E 846.33'
(S63°34'02"E 846.28')

ROBERT MAYS
SURVEY No. 540
SURVEY No. 583
ABS.

1&GIN RR CO 56
SURVEY No. 2108
ABS.

5.115 ACRES
APPROX. 222,824 SQ. FT.

N26°26'03"E 766.28'

(N26°25'58"E)

621.70' (621.77')

N26°26'03"E 366.68'

(144.56')

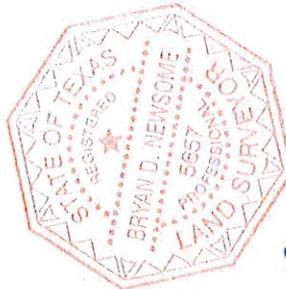
N26°26'03"E 144.58'

P.O.B.

CAP

APPROXIMATE
SURVEY LINE

S26°26'03"W
255.03'



Bryan Newsome
21 March 2018

23.27 ACRES
CITY OF AUSTIN
(9777/239)

DATE OF SURVEY: 03/07/18
PLOT DATE: 03/21/18
DRAWING NO.: 562-065-Z1
PROJECT NO.: 562-065
T.B.P.L.S. FIRM NO. 10124500
DRAWN BY: JDB
SHEET 2 OF 2

GSGPNG-1, LLC
10.000 ACRES
(2009000111)
DESCRIBED IN
EXHIBIT C:
(2001126099)

LEGEND

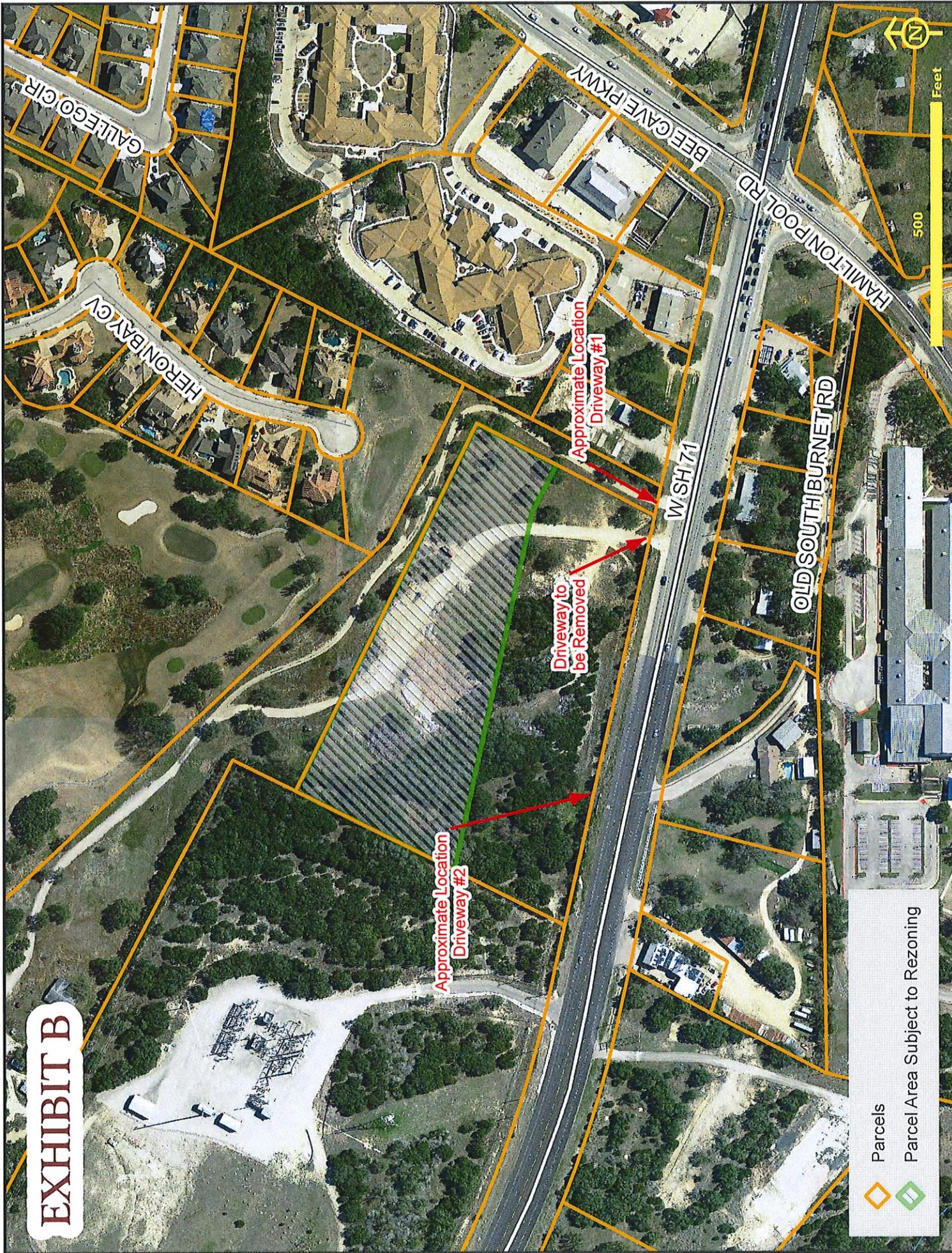
- 1/2" REBAR FOUND
- 1/2" REBAR WITH "CHAPARRAL" CAP SET
- ^{CAP} 1/2" REBAR WITH "CAPITAL" CAP FOUND
- △ CALCULATED POINT
- () RECORD INFORMATION

N77°30'09"W 758.33'

WEST STATE HIGHWAY 71
(R.O.W. WIDTH VARIES)

Chaparral

EXHIBIT B



- Parcels
- Parcel Area Subject to Rezoning