



## ORDINANCE NO. 381

**AN ORDINANCE AMENDING ZONING ORDINANCES NO. 367 (ADOPTED ON JANUARY 9, 2018) AND NO. 262 (ADOPTED ON OCTOBER 13, 2015) FOR THE DEVELOPMENT KNOWN AS MOUNTAIN LAUREL WHICH PROPERTY IS CURRENTLY ZONED RETAIL PLANNED DEVELOPMENT DISTRICT (“R-PDD”) AND IS GENERALLY LOCATED ON BEE CAVE PARKWAY NORTH OF HIGHWAY 71 AND HAMILTON POOL ROAD, IN THE CITY OF BEE CAVE, TEXAS; WHICH PROPERTY IS MORE FULLY DESCRIBED IN EXHIBIT “A”, ATTACHED HERETO; AMENDING THE DEVELOPMENT STANDARDS APPLICABLE TO THE PROPERTY DESCRIBED HEREIN TO BE CONSISTENT WITH THE SUBDIVISION THAT CREATED LOT 3B AND AND TO RE-ALLOCATE THE IMPERVIOUS COVER BETWEEN LOT 3A AND LOT 3B TO COMPENSATE FOR THE JOINT USE DRIVE WAY’S LOCATION ON LOT 3B AND AMOUNT OF ACREAGE ASSOCIATED WITH THAT PORTION OF THE PROPERTY KNOWN AS LOT 3B; AMENDING THE DEVELOPMENT STANDARDS, ATTACHED HERETO AS EXHIBIT “C”, BUT ONLY INsofar AS THE AMENDED DEVELOPMENT STANDARDS ARE INCONSISTENT WITH THE DEVELOPMENT STANDARDS APPROVED IN ORDINANCE NOS. 367 AND 262; PROVIDING A SEVERABILITY CLAUSE, PROVIDING FOR FINDINGS OF FACT, SEVERABILITY, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING**

**WHEREAS**, the Planning and Zoning Commission of the City of Bee Cave and the City Council of the City of Bee Cave, in compliance with the laws of the State of Texas, with reference to the granting of zoning classifications and changes, 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 of Bee Cave is of the opinion and finds that this zoning change should be granted and that Ordinance Nos. 367 and 262 should be amended as set forth herein; and

**WHEREAS**, 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 Planned Development Concept Plan (“PD 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 Property was previously zoned in Ordinance 2008-11 as a portion of Tract 2 wherein Ordinance 2008-11 provided that Tracts 1 and 2 (as those terms were defined in said ordinance) shall not exceed 440,287 SF of impervious cover; and

**WHEREAS**, Tract 1 was developed in accordance with Ordinance No. 2008-11 with 288,968 SF of impervious cover and Tract 2 was subdivided into Lot 2 and Lot 3 (Doc #: 200900166 OPRTC); and

**WHEREAS**, Lot 2 was developed with 63,064 SF of impervious cover, thereby leaving 88,255 SF of impervious cover available for development of Lot 3; and

**WHEREAS**, Lot 3 was rezoned in Ordinance No. 262 for use as a Prep School and a medical office; and the Development Standards contained in Exhibit "C" of Ordinance No. 262 provided the Prep School use shall not exceed 65,405 SF of impervious cover and the Medical Office use shall not exceed 22,850 SF of impervious cover for a total of 88,255 SF, and the Concept Plan in Exhibit "B" of the same ordinance depicted a joint use driveway to be shared by each use; and

**WHEREAS**, subsequent to the adoption of Ordinance No. 262, Lot 3 was subdivided into Lot 3A and Lot 3B (Doc #: 2001600086 OPRTC) separating the Prep School use (Lot 3A) from the Medical Office use (Lot 3B) and the joint use driveway depicted in the Concept Plan approved by Ordinance 262 was primarily located on Lot 3B; and

**WHEREAS**, the owner of Lot 3 did not allocate the impervious cover of the joint driveway to Lot 3B upon the subdivision of Lot 3 into Lot 3A and Lot 3B to reflect that the driveway way was primarily located on Lot 3B;

**WHEREAS**, Lot 3B was subsequently rezoned by Ordinance 367, to be consistent with the impervious cover allocations described in Ordinance No. 262 and allowing Lot 3B to be used for general office purposes in addition to medical office uses, restating that Lot 3B shall not exceed 22,850 SF impervious cover and including a Concept Plan also depicting the joint use driveway shared by Lots 3A and 3B; and

**WHEREAS**, the Prep School developed on Lot 3A and used 59,722 SF of impervious cover within Lot 3A not counting the joint use access driveway consisting of 7113 SF of impervious cover located on Lot 3B per the subdivision of Lot 3; and

**WHEREAS**, the reallocation of impervious cover between Lot 3A and Lot 3B to account for the location of the joint driveway maintains the 88,255 SF of impervious cover authorized by Ordinance No. 262 and available to both Lot 3A and Lot 3B and is consistent with what has been developed on Lot 3A and is consistent with the proposed on Lot 3B; and

**WHEREAS**, Ordinance 367 Exhibit "A" erroneously lists the acreage of Lot 3B as 3.211 Acres, when it should be 1.5 Acres, and this error should be corrected; and

**WHEREAS**, the amendments proposed for the Property described in Exhibit "A" are consistent with the City's requirements applicable to planned development districts generally and are also consistent with the previous zoning ordinances affecting 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 of Bee Cave and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2.** That Ordinance Nos. 262 and 367 are hereby amended only as to the Property described in Exhibit "A", which is attached hereto and incorporated herein. The Amended Development Standards, attached hereto as Exhibit "C", are also only applicable to the Property described in Exhibit "A". Development Standards contained in Ordinance No. 367, including the Concept Plan attached to that Ordinance as Exhibit "B" and Ordinance No. 262 including the Concept Plan attached to that Ordinance as Exhibit "B" which are not inconsistent with the Development Standards attached hereto continue to be applicable to the Property described in Exhibit "A". The description of Lot 3B, included in Exhibit "A", attached hereto, is hereby substituted for Exhibit "A" attached to Ordinance 367 to correct the acreage amount.

**SECTION 3. Development.** That the Property shall be developed in compliance with this Ordinance and the terms and conditions of the City's Code of Ordinances, except as modified by the Planned Development Standards attached hereto as Exhibit "C" and as otherwise applicable in Ordinance 367, Ordinance No: 262 and Ordinance No. 2008-11.

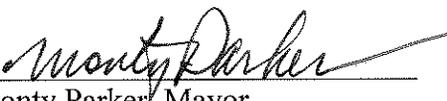
**SECTION 4. Severability.** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjusted or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole or any party or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Zoning regulations of the City of Bee Cave Code or Ordinances and the Zoning Map as a whole.

**SECTION 5. Effective Date.** That this ordinance shall take effect immediately from and after its passage and the publication as required by law.

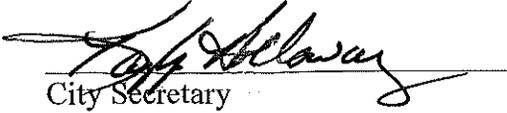
**SECTION 6. Notice and Meeting Clause.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**DULY PASSED** by the City Council of the City of Bee Cave, Texas, on the 24<sup>th</sup> day of July 2018.

**CITY OF BEE CAVE, TEXAS**

  
Monty Parkey, Mayor  
City of Bee Cave, Texas

**ATTEST:**



City Secretary  
City of Bee Cave, Texas  
[SEAL]

**APPROVED AS TO FORM:**



Patty L. Akers, City Attorney  
City of Bee Cave, Texas

**EXHIBIT "A"**

**Property Description**

Lot 3A, Block 'B'  
Mountain Laurel Subdivision  
Document No. 201600086 OPRTCT  
1.71 Acres

**and**

Lot 3B, Block 'B'  
Mountain Laurel Subdivision  
Document No. 201600086 OPRTCT  
1.5 Acres

## **EXHIBIT "C"**

### **Amended Development Standards**

#### **Lot 3A, Block B**

The following amended development standards shall only be applicable to the Property described in Exhibit A and are intended to amend the Development Standards contained in Ordinance No. 262. To the extent that any of the following standards conflict with other City Ordinances, the following shall control. Applicable Development Standards contained in Ordinance No. 2008-11, Ordinance No. 262 and Ordinance No. 367 shall continue to govern development of the Property to the extent not inconsistent herewith.

#### **A. Prep School**

(1) The impervious cover allowable for the Property described as Lot 3A in Exhibit "A" shall not exceed 59,722 SF of impervious cover.

#### **Lot 3B, Block B**

The following amended development standards shall only be applicable to the Property described as Lot 3B in Exhibit A and are intended to amend the Development Standards contained in Ordinance No. 367. To the extent that any of the following standards conflict with other City Ordinances, the following shall control. Applicable Development Standards contained in Ordinance No. 2008-11, Ordinance No. 262 and Ordinance No. 367 shall continue to govern development of the Property to the extent not inconsistent herewith.

#### **A. Medical or Professional Office Building**

(1) The impervious cover allowable for the Property described in Exhibit "A" shall not exceed 28,533 SF of impervious cover inclusive of the 7,113 SF joint use driveway already existing on the Property.