

ORDINANCE NO. 400

AN ORDINANCE AMENDING HILL COUNTRY INDOOR ZONING ORDINANCE NO. 345 (ADOPTED ON JUNE 27, 2017) FOR THE PROPERTY DESCRIBED IN EXHIBIT "A", A TRACT OF LAND BEING APPROXIMATELY 8.60 ACRES, WHICH LAND IS LOCATED GENERALLY NORTH OF HIGHWAY 71 AND WEST OF HIGHWAY 620 AND SOUTH OF BEE CAVE PARKWAY IN THE CITY OF BEE CAVE AND WHICH PROPERTY IS ZONED PLANNED DEVELOPMENT DISTRICT, WITH RETAIL AS THE BASE ZONING DISTRICT; AMENDING THE DEVELOPMENT STANDARDS CONTAINED IN ORDINANCES NO. 345 AS DESCRIBED IN EXHIBIT "C" ATTACHED HERETO; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR FINDINGS OF FACT; PROVIDING AN 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 amendments should be granted and that Zoning Ordinance No. 345 should be amended as set forth herein; and

WHEREAS, the development proposed by the zoning applicant complies with the current City Ordinances except as modified by this Ordinance, Ordinance No. 345, Ordinance No. 113, and Ordinance No. 201; and

WHEREAS, any protest made against the proposed Zoning amendment 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, one of the purposes of Planned Development District zoning is to provide for amenities or features that would be of special benefit to the property users or community and increased recreation opportunities provided by this Project will further this objective within the City; and

WHEREAS, Ordinance No. 345 specifies a Splash Pad is required to be constructed within the Planned Development District within two years of issuance of the

first Temporary or Permanent Certificate of Occupancy for the Property; and

WHEREAS, the Property was developed in accordance with Ordinance No. 345 and received an initial Temporary Certificate of Certificate of Occupancy on or around September 19, 2017, which would necessitate construction of the required Splash Pad by September 19, 2019; and

WHEREAS, the Splash Pad will be a private amenity; and

WHEREAS, removing the requirement to build the Splash Pad within two years of issuance of the first Certificate of Occupancy will allow the owner greater flexibility in determining when to construct the amenity; and

WHEREAS, the amendment proposed for the Property described in Exhibit "A" are consistent with the City's requirements applicable to planned development district generally;

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 all remaining terms, provisions and requirements of Ordinance No. 345, Ordinance No. 113 and Ordinance No. 201, except as inconsistent with the terms set out herein, shall remain in full force and effect as to the Property described in Exhibit "A". This Ordinance shall not be interpreted to amend previous Development Standards by implication, but shall only amend such previous Development Standards if such standards are expressly stated herein and in Exhibit "C", attached hereto.

SECTION 3. Development. That the Property shall be developed and operated in compliance with this Ordinance, Ordinance No. 345, Ordinance No. 113, Ordinance No. 201 and the terms and conditions of the City's Code of Ordinances, except as modified by this Ordinance.

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

SECTION 6. Notice and Meeting Clause. It is hereby officially found and

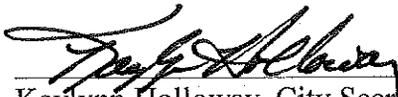
determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED by the City Council of the City of Bee Cave, Texas, on the 26th day of February, 2019.

CITY OF BEE CAVE, TEXAS


Monty Parker, Mayor

ATTEST:


Kaylynn Holloway, City Secretary

[SEAL]

APPROVED AS TO FORM:


Patty Akers, City Attorney

Exhibit "A"

Property Description

Final Plat of Lot 1, Block A, HCI Subdivision, City of Bee Cave, Travis County, Texas, as recorded in document number 201300022 of the official public records of Travis County, Texas.

Exhibit "C"

Amended Development Standards

The following amended development standard shall only be applicable to the Property described in Exhibit A and is intended to amend the Development Standards contained in Ordinance No. 345. To the extent that the following standards conflict with other City Ordinances, the following shall control. Applicable Development Standards contained in Ordinance No. 345 shall continue to govern development of the Property to the extent not inconsistent herewith.

1. Uses

A. Outdoor uses are as follows:

Outdoor play scape and seating area. A Site Plan Amendment with an updated layout is to be submitted and approved prior to a Certificate of Occupancy being issued for the primary building. A Splash pad may be constructed within the outdoor play scape and seating area via an approved Site Plan Amendment.



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PROOF OF PUBLICATION STATE OF TEXAS

PUBLIC NOTICE

Before the undersigned authority personally appeared Jalen Rocha, who on oath says that he/she is a Legal Advertising Agent of the Austin American-Statesman, a daily published newspaper 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, and State of Texas, and that the attached advertisement was published in said newspaper, to wit: BEE CAVE, CITY OF, first date of publication 02/07/2019, last date of publication 02/07/2019, published 1 time(s), and that the attached is a true copy of said advertisement.

BEE CAVE, CITY OF
4000 GALLERIA PKWY
AUSTIN, TX 78738-6370

Invoice/Order Number:	0000454071
Ad Cost:	\$525.23
Paid:	\$0.00
Balance Due:	\$525.23

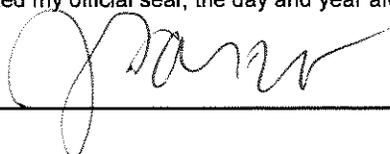
Signed



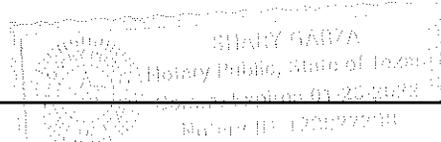
(Legal Advertising Agent)

Sworn or affirmed to, and subscribed before me, this 12th day of February, 2019 in Testimony whereof, I have hereunto set my hand and affixed my official seal, the day and year aforesaid.

Signed



(Notary)



Please see Ad on following page(s).

BEE CAVE, CITY OF
4000 GALLERIA PKWY
AUSTIN, TX 78738-6370

Invoice/Order Number: 0000454071
Ad Cost: \$525.23
Paid: \$0.00
Balance Due: \$525.23

**City of Bee Cave
Notice of Public Hearing
And Zoning Change**

Amendment to the Planned Development District:

Amendment proposed to development standards pertaining to the construction of a "splash pad" within the zoning district Planned Development Retail (PD-R) which encompasses Lot 1, Block A, HCI Subdivision, as recorded in Document Number 201300022 of the Official Public Records of Travis County, Texas. The proposed changes to the Planned Development District will amend Ordinance No. 345 to remove the requirement that a "splash pad" be constructed within two years of receipt of a temporary certificate of occupancy for the building. The subject property is located at 4317 Skaggs Drive, Bee Cave, Texas.

Date and Time of Hearings for the Above Referenced Matters:

The Planning and Zoning Commission will conduct a public hearing and consider recommendation to Council regarding the above referenced zoning amendments at 6:00 p.m., February 19, 2019. Date of the City Council meeting at which the application will be considered and Public Hearing will be held: 6:00 p.m., February 26, 2019. Both meetings will take place in the City Hall Council Chambers, located at 4000 Galleria Parkway, Bee Cave, Texas 78738.

The current Future Land Use Map, current Zoning Map, current Zoning Ordinances and amendments thereto are available for public review at City Hall and at www.beecavetexas.gov.

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

/s/ E. Megan Will
City Planner

2/7/2019
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