

## ORDINANCE NO. 398

**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, FUTURE LAND USE PLAN, FROM CURRENT ZONING AS AN AGRICULTURAL DISTRICT TO SINGLE- FAMILY RURAL RESIDENTIAL FOR A TRACT OF LAND BEING 4.004 ACRES OUT OF THE WILLIAM CONRADI SURVEY, ABSTRACT NO. 211 IN THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS AND GENERALLY LOCATED EAST OF HAMILTON POOL ROAD AND APPROXIMATELY 2 MILES SOUTH OF HIGHWAY 71; AND WHICH LAND IS DESCRIBED AND DEPICTED IN EXHIBIT “A” ATTACHED HERETO; 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 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 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**, pursuant to the City of Bee Cave Code of Ordinances, Chapter 32, “Zoning,” section 32.03.002, territory that has been newly annexed into the City is initially zoned as Agriculture, and it is anticipated that agriculture zoned land will eventually be rezoned to another more permanent, urban zoning classification in the future;

**WHEREAS**, the City of Bee Cave Comprehensive Plan (“Comprehensive Plan”), Future Land Use Plan provides that it shall serve as a guide for future land use patterns and all aspects of the Comprehensive Plan “are implemented primarily through development regulations (zoning and subdivision ordinances).” The Future Land Use Plan identifies this area as Rural Corridor,

which is described as generally low density, rural neighborhood, and open space areas. The Comprehensive Plan also notes the Hamilton Pool Road corridor is one of the remaining areas of the City that "epitomizes rural Hill County character." In addition to the Rural Corridor classification, the Future Land Use Plan also identifies this area in the "Hamilton Pool Corridor Character Overlay Area" and describes a Rural Neighborhood Development pattern for the area. Rural Neighborhood Development is described in the Comprehensive Plan as a minimum of one acre, residential lots; and

**WHEREAS**, Single-Family Rural Residential is the most consistent zoning district with Rural Neighborhood; Section 32.03.003 of the Zoning Ordinance provides that the purpose of a Single-Family Rural Residential District is to provide for development of primarily very low density detached, single-family residences on lots of not less than one acre; and

**WHEREAS**, this area is located across the roadway from and in close proximity to low density residential development; conservation land, and agricultural property; and

**WHEREAS**, re-designating the zoning classification of the subject property described herein 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 the subject property; and

**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**, the Planning and Zoning Commission and the City Council finds that re-designating the real property described herein is prudent and, in accordance with Texas Local Government Code section 211.004(a)(3), 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 Agricultural District to Single-Family Rural Residential District for the real property hereinafter described, and more specifically described in Exhibit "A," attached hereto.

**SECTION 3.** 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 4:** 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 5.** 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 6.** 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 22<sup>nd</sup> day of January, 2019.

**CITY OF BEE CAVE, TEXAS**

  
Monty Parker, Mayor

**ATTEST:**

  
Kaylynn Holloway, City Secretary

**APPROVED AS TO FORM:**

  
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Patty L. Akers, City Attorney

Exhibit "A"

**Property Description**

**HOLT CARSON, INC.  
PROFESSIONAL LAND SURVEYORS**

1904 FORTVIEW ROAD  
AUSTIN, TEXAS 78704  
TELEPHONE: (512) 442-0990  
www.hciaustin.com

**FIELD NOTE DESCRIPTION OF 4.004 ACRES OF LAND OUT OF THE WILLIAM CONRADI SURVEY ABSTRACT No. 211 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN (36.667 ACRE) TRACT OF LAND AS CONVEYED TO WAYNE DAVID MEISSNER AND CAROL-LYNNE GAIL MEISSNER BY SPECIAL WARRANTY DEED RECORDED IN DOCUMENT No. 2017040006 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a ½" iron rod found in the East right-of-way line of R.M. Highway No. 3238, locally known as Hamilton Pool Road, for the Southwest corner of that certain (36.667 acre) tract of land as conveyed to Wayne David Meissner and Carol-Lynne Gail Meissner by Special Warranty Deed recorded in Document No. 2017040006 of the Official Public Records of Travis County, Texas, and for an angle corner of that certain (920.41 acre) tract of land as conveyed to the City of Austin by Warranty Deed recorded in Document No. 1999067970 of the Official Public Records of Travis County, Texas, and being the Southwest corner and **PLACE OF BEGINNING** of the herein described tract of land, and from which a concrete monument found in the East right-of-way line of R.M. Highway No. 3238 (at centerline HWY Station 1004+86.42) bears S 22 deg. 28' 00" W 241.72 ft., and also from which a capped iron rod found in the East right-of-way line of R.M. Highway No. 3238 for an angle corner of said City of Austin (920.41 acre) tract bears S 22 deg. 28' 00" W 149.96 ft.;

**THENCE** with the East right-of-way line of R.M. Highway No. 3238 and the West line of said Meissner (36.667 acre) tract, N 22 deg. 28' 00" E at 290.00 ft. passing a ½" iron rod set with a plastic cap imprinted with "Holt Carson, Inc." and continuing with the same bearing for a total distance of 559.71 ft. to a concrete monument found for an angle corner in the East right-of-way line of R.M. Highway No. 3238 (at centerline HWY Station 1012+88.06) for the North corner of this tract, and from which a concrete monument found in the West right-of-way line of R.M. Highway No. 3238 bears N 67 deg. 32' 30" W 99.98 ft., and also from which a concrete monument found for an angle corner in the East right-of-way line of R.M. Highway No. 3238 and in the West line of said Meissner (36.667 acre) tract bears N 33 deg. 12' 20" E 107.36 ft.;

end of Page 1

Page 2 of 2  
4.004 ACRES

THENCE leaving the East right-of-way line of R.M. Highway No. 3238 and crossing the interior of said Meissner (36.667 acre) tract with the Northeast line of this tract, S 50 deg. 33' 24" E 380.26 ft. to a 1/2" iron rod set with a plastic cap imprinted with "Holt Carson, Inc." on or near the common line of the William Conradi Survey Abstract No. 211 and the F.P. Heffington Survey Abstract No. 415 and in the common line of said Meissner (36.667 acre) tract and said City of Austin (920.41 acre) tract for the most Easterly corner of this tract, and from which a 1/2" iron rod found at the base of an old fence corner post at or near an angle corner in the common line of said Conradi Survey and Heffington Survey and for an angle corner in the common line of said Meissner (36.667 acre) tract and said City of Austin (920.41 acre) tract bears N 31 deg. 05' 27" E 380.66 ft., and from said 1/2" iron rod found at the base of an old fence corner post, a 13" Live Oak tree found for an original witness tree of said Heffington survey bears N 10 deg. 22" E 215.0 ft.;

THENCE with the common line of said Meissner (36.667 acre) tract and said City of Austin (920.41 acre) tract, S 31 deg. 05' 27" W at 227.75 ft. passing a 1/2" iron rod set with a plastic cap imprinted with "Holt Carson, Inc." and continuing with the same bearing for a total distance of 497.06 ft. to a 1/2" iron rod found for the most Southerly corner of said Meissner (36.667 acre) tract and for an angle corner of said City of Austin (920.41 acre) tract, and being the most Southerly corner of this tract;

THENCE with the common line of said Meissner (36.667 acre) tract and said City of Austin (920.41 acre) tract, N 59 deg. 07' 19" W 292.30 ft. to the **PLACE OF BEGINNING**, containing 4.004 acres of land.

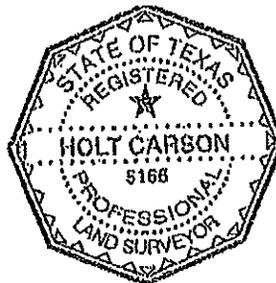
**SURVEYED:** March 23, 2018



Holt Carson

Registered Professional Land Surveyor No. 5166

see accompanying map: A 1014144



SCALE: 1" = 50'



Legend

- ⊙ 1/2" Iron Rod Found
- Concrete Monument Found
- ◇ 1/2" Iron Rod Set with plastic cap Imprinted with "Holt Carson, Inc."
- Wire Fence
- Overhead Utility Line (Record Bearing and Distance) per Volume 5935 Page 1990

NOTE:  
The Easement granted to the City of Austin as described and recorded in Volume 5000 Page 2129, Travis County Dead Records, does not apply to this tract of land.

13" Live Oak  
original witness tree  
for F.P. Heffington Survey

formerly  
Cecil Douglas Perkins, et ux  
(36.92 Acres)  
Volume 5935 Page 1990

Wayne David Meissner  
and  
Carol-Lynne Gail Meissner  
(36.667 Acres)  
Special Warranty Deed  
Document No. 2017040006

WILLIAM CONRADI SURVEY  
ABSTRACT No. 211

F.P. HEFFINGTON SURVEY ABSTRACT No. 415

4.004 ACRES  
SURVEYED

R.M. HIGHWAY No. 3238

HAMILTON POOL ROAD

SURVEY MAP OF

4.004 ACRES OF LAND OUT OF THE WILLIAM CONRADI SURVEY ABSTRACT No. 211 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN (36.667 ACRE) TRACT OF LAND AS CONVEYED TO WAYNE DAVID MEISSNER AND CAROL-LYNNE GAIL MEISSNER BY SPECIAL WARRANTY DEED RECORDED IN DOCUMENT No. 2017040006 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.  
LOCATED ON R.M. HIGHWAY No. 3238.

see accompanying Field Note Description

GF No. 1811488JH

TO: PATSU Capital LP  
Prominent Title, LLC  
MFG National Title Insurance Company

THE STATE OF TEXAS  
THE COUNTY OF TRAVIS

The undersigned does hereby certify that a survey was this day made on the ground of the property legally described hereon and is accurate to the best of my abilities and that there are no boundary line conflicts, encroachments, shortages in area, overlapping of improvements, visible utility lines, or roads in place, except as shown hereon, and said property abuts a dedicated roadway. This property is within Zone X (areas determined to be outside of the 100 Year Flood Plain) according to the Federal Emergency Management Agency Flood Insurance Rate Map Panel No. 48453C 0415 H, dated September 28, 2008.  
THIS the 23rd day of MARCH, A.D., 2018.

BY:

Holt Carson  
Registered Professional Land Surveyor No. 61855  
HOLT CARSON, INC.  
1904 Fortview Road Austin, Texas 78704  
(512)-442-0990  
Firm Registration Number 10050700



A 1014144