

ORDINANCE NO. 385

AN ORDINANCE AMENDING ORDINANCE NO. 365 WHICH ADDED CHILD DAYCARE AS A CONDITIONAL USE IN THE NEIGHBORHOOD SERVICES ZONING DISTRICT FOR LOT 1, BLOCK AA, BELLA COLINAS COMMERCIAL SUBDIVISION, AS RECORDED IN DOCUMENT NO. 201600051, OPRTC AND WHICH IS LOCATED AT 16003 WEST STATE HIGHWAY 71, BEE CAVE, TEXAS; PROVIDING FOR AMENDMENT TO THE CONCEPT PLAN APPROVED IN ORDINANCE NO. 365, ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR AMENDMENTS TO CERTAIN CONDITIONS CONTAINED IN ORDINANCE NO. 365 WHICH CONDITIONS ARE HEREBY REPLACED AND REPEALED WITH THE CONDITIONS ATTACHED HERETO AS EXHIBIT "B"; PROVIDING FOR APPROVAL OF ELEVATIONS, ATTACHED HERETO AS EXHIBIT "C"; PROVIDING FOR PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, an application for a Conditional Use Permit ("CUP") to add child daycare as a use for the property herein described (the "Property") was approved in Ordinance No. 365; and

WHEREAS, the Property is located in the City of Bee Cave's Extraterritorial Jurisdiction (ETJ) and is subject to the provisions set out in the Masonwood Amended and Restated Development Agreement (the "Development Agreement") approved by the Bee Cave City Council on November 13, 2012; and

WHEREAS, the Property is located within the 'Neighborhood Services Tract' as designated within the Development Agreement concept plan; and

WHEREAS, upon review and consideration of the applicant's site plan it was discovered that the site plan application included minor changes to the Project from what was approved by the City in Ordinance No. 365 but such changes could be considered as deficiencies with one or more of the express conditions of Ordinance No. 365 and applicant has chosen to request an amendment to Ordinance No. 365 prior to consideration of the site plan; and

WHEREAS, the notice as required by the City's Zoning Ordinance has been published in the official newspaper and given to adjacent property owners;

WHEREAS, the Planning and Zoning Commission and the City Council has each conducted Public Hearings on the Application for an amendment to Conditional Use Permit approved in Ordinance No. 365 wherein public comment was received and considered on the

Application;

WHEREAS, the City Council finds that the use of the Property as depicted in the amended Concept Plan and in accordance with the conditions set out in this Ordinance as a Child Daycare is an appropriate use for 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 and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. Findings/Property. The City Council finds that the information submitted in the Application for an amendment to the Conditional Use Permit approved in Ordinance No. 365 submitted by Applicant meets the requirements of the City of Bee Cave Zoning Ordinance as depicted on the amended Concept Plan, attached hereto and incorporated herein as Exhibit "A", for the Property described as Lot 1, Block AA, Bella Colinas Commercial Subdivision, as recorded in document No. 201600051, Official Public Records Travis County.

SECTION 3. Uses. The Conditional Use Permit is hereby amended and granted, subject to the conditions listed in Section 5 herein described and subject to the Conditions described in Exhibit "B", attached hereto and incorporated herein, to authorize a Child Daycare use on the Property as depicted in Exhibit "A" and in conjunction with any other permitted uses authorized in Neighborhood Services zoning districts.

SECTION 4. Concept Plan. The amended Concept Plan attached hereto as Exhibit "A" depicting the Child Daycare use and architectural elevations as Exhibit "C" for buildings and other structures associated with the use of the Property as a Child Daycare together with all other uses and amenities depicted in the Concept Plan are all hereby approved contingent upon the property owner meeting the conditions contained within Section 5 and Exhibit "B".

SECTION 5. Conditional Use Permit. The City Council hereby approves a Conditional Use Permit to the property owner (hereinafter "Permittee") and the Property described herein upon the following terms and conditions:

1. Permittee shall not commence development until it has secured all permits and approvals as required by the City of Bee Cave Ordinances and the Development Agreement.
2. The Conditional Use Permit authorizes additional development of the subject Property only as represented in the Permittee's application and only to the extent such development is depicted in the Concept Plan described in Exhibit "A," attached hereto, and only to the extent authorized herein. If portions of the development of the subject Property requested in the application are not approved herein by the Council, or are not depicted in Exhibit "A", then that portion of Permittee's application is specifically

denied.

3. Amendments to development for this Property in the future shall comply with Neighborhood Services zoning except as may be approved by this Conditional Use Permit or as same may be amended.
4. The uses authorized in this Conditional Use Permit shall also comply with the development standards and operational standards described in the Development Agreement.

SECTION 6. Penalties. That any person, firm or corporation violating any of the provisions of this Ordinance or Chapter 32, Zoning, of the Code of Ordinances, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Bee Cave, Texas, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day of any such violation shall be deemed to constitute a separate offense, in accordance with Section 1.01.009 of the City's Code of Ordinances.

SECTION 7. Severability. 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 in 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 the City's Zoning Ordinance or Map as a whole.

SECTION 8. Repealer. The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinance or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

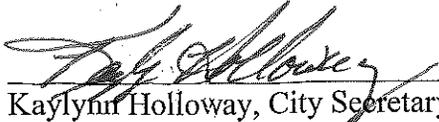
SECTION 9. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication as required by law.

Passed and Approved this the 11th day of September, 2018.



Monty Parker, Mayor
City of Bee Cave

ATTEST:



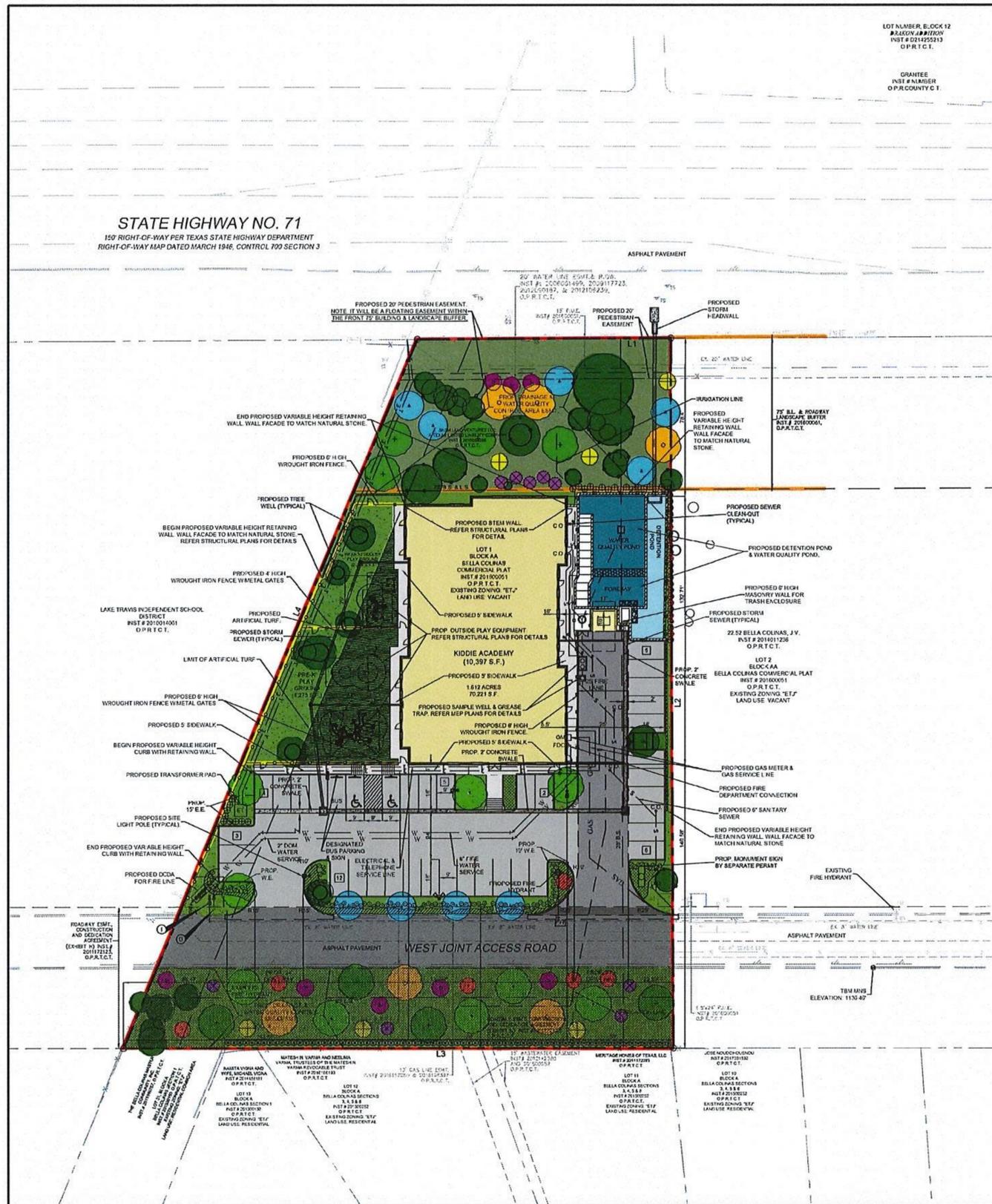
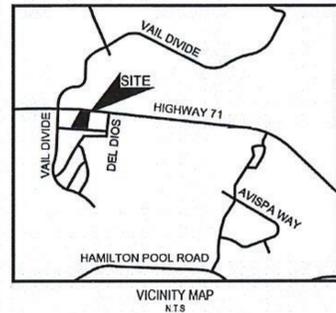
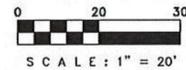
Kaylyn Holloway, City Secretary
City of Bee Cave

Approved as to Form:



Patty L. Akers, City Attorney
City of Bee Cave

EXHIBIT "A"
CONCEPT PLAN



BOUNDARY LINE DATA		
LINE	BEARING	DISTANCE
L1	S 84°34'03" E	126.10'
L2	S 05°28'31" W	351.69'
L3	N 84°18'08" W	273.69'
L4	N 28°16'48" E	380.26'

WATER METER & SANITARY SEWER SCHEDULE				
ID	TYPE	SIZE	NO.	SAN. SEW.
(D)	DOM.	2"	1	6"
(I)	IRR.	1"	1	N/A

SITE DATA SUMMARY	
TOTAL SITE AREA:	1.612 ACRES (70,221 S.F.)
EXISTING ZONING:	ETJ
PROPOSED ZONING:	ETJ
PROPOSED USE:	PRE-SCHOOL
PROPOSED BLDG. AREAS:	10,397 S.F.
PROPOSED BLDG. HEIGHT:	39'-3"
PERCENTAGE OF SITE COVERAGE:	14.81%
PARKING REQUIREMENT:	1 SPACE PER 10 STUDENTS (190 STUDENTS) & 1 SPACE PER TEACHER (20 TEACHERS) PLUS 1 SPACE FOR BUS/VAN PARKING
TOTAL REQUIRED PARKING:	38 PARKING SPACES, INCLUSIVE OF 1 BUS/VAN RESERVED SPACE
TOTAL PROVIDED PARKING:	38 SPACES (2 ADA SPACES) WITH 1 BUS/VAN RESERVED SPACE
IMPERVIOUS COVERAGE:	0.888 ACRE (38,686.08 S.F.) OR 55 %
OPEN SPACE/LANDSCAPE AREA:	0.724 ACRE (31,534.92 S.F.) OR 45 %

<p>DEVELOPER SKSI LAND VENTURES LLC 11900 JOLLYVILLE ROAD, #202105 AUSTIN, TX 78759 CONTACT: SRINI GOPALSAMY EMAIL: SRINI.GOPALSAMY@KIDDIEACADEMY.NET TEL: (512) 663-0926</p>	<p>ENGINEER TRIANGLE ENGINEERING LLC TX PE FIRM #11525 1333 McDERMOTT DRIVE, SUITE 200 ALLEN, TEXAS 75013 CONTACT: KEVIN PATEL P.E. EMAIL: KPATEL@TRIANGLE-ENGR.COM TEL: (214) 609-9271</p>	<p>ARCHITECT T.L.S. ARCHITECTS LLC 1615 BARCLAY DRIVE CARROLLTON, TX 75007 CONTACT: JO ABAYA EMAIL: JOABAYA@TSLA.COM TEL: (214) 682-0307</p>
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NO.	DATE	DESCRIPTION	BY
1	09/18/17	1ST CUP CITY SUBMITTAL	KP
2	10/26/17	2ND CUP CITY SUBMITTAL	KP
3	11/14/17	3RD CUP CITY SUBMITTAL	KP
4	12/20/17	4TH CUP CITY SUBMITTAL	KP
5	08/29/18	5TH CUP CITY SUBMITTAL	KP



TRIANGLE ENGINEERING LLC

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W: triangle-engr.com | O: 1333 McDermott Drive, Suite 200, Allen, TX 75013

Planning | Civil Engineering | Construction Management

DESIGN/DRAWN	DATE	SCALE	PROJECT NO.	SHEET NO.
KP	12/20/17	1"=60'	052-17	

TX PE FIRM #11525

EXHIBIT "B"

AMENDED CONDITIONAL USE PERMIT REQUIREMENTS

1. A Child Daycare is authorized for development at the location identified in the amended Concept Plan attached as Exhibit "A" to this Ordinance and the Property described herein. In addition to the conditions set out in this Ordinance, development of the daycare facility ("Kiddie Academy") shall be consistent with development standards previously approved in the Masonwood Amended and Restated Development Agreement adopted by the Bee Cave City Council on November 13, 2012.
2. The maximum footprint and gross floor area of the daycare facility building shall not exceed 10,400 square feet. The maximum height of the building shall be one story and shall not exceed 39'-3" from finished grade to the peak of the roof.
3. The maximum occupancy is 190 students and 20 teachers. The occupancy limit shall not be exceeded without an amendment to this Ordinance. In addition, operation and activities or events at the facility shall be conducted so that attendance at the facility by guests, parents or visitors does not exceed the 19 allocated parking spaces for visitors.
4. The Elevations depicted in Exhibit "C" of this Ordinance are approved. In the event that the Permittee amends the Elevations such alternative Elevations may be considered in conjunction with Site Plan approval and shall meet or exceed the City's Exterior Building Design Standards of the City's Code of Ordinances.
5. Operation of the daycare facility will be between the hours of 6:00 am to 10:00 pm.
6. The daycare facility shall not be required to comply with Section 32.05.001(d)(5) of the Bee Cave Code of Ordinances, which requires child daycares and similar child training and care establishments to provide one (1) paved off-street pedestrian loading and unloading space for an automobile on a through, circular drive for each ten (10) students cared for, excluding child care in a residence. However, in lieu of the pass through or a loading/unloading traffic lane, the daycare facility shall require its employees and users to park in the designated parking areas as depicted in the Concept Plan and to sign their children into and out of the facility. Additionally, the daycare facility shall provide signage/striping prohibiting pedestrian loading/unloading except in marked parking spaces and restricting parking in the spaces dedicated for use by staff in the southeast portion of the lot. Kiddie Academy is permitted one (1) bus or van and it shall only be parked in the designated parking space, as depicted in Exhibit "A".

a. Permittee shall be required to construct 38 parking spaces, inclusive of the van/bus reserved space.

7. Per "Exhibit B" of the Declaration of Restrictions (OPRTC Doc. No. 2016031163), the Property is allocated 1.16 acres of impervious cover. However, the Concept Plan approved as part of this Ordinance authorizes construction of only 0.892 acres of impervious cover as part of a site plan approval.

EXHIBIT "C"

EXTERIOR ELEVATIONS OF THE BUILDING

