

ORDINANCE NO. 00-11-14-C

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF A PARTICULAR AREA OF LAND IN THE VILLAGE OF BEE CAVE, TEXAS, MAKING PROVISION FOR COMPLIANCE WITH THE VILLAGE'S ZONING ORDINANCE AND AUTHORIZING THE VILLAGE ADMINISTRATOR TO ESTABLISH THE ZONING ON THE OFFICIAL ZONING MAP OF THE VILLAGE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, the Owner of the land described in Exhibit "A" attached hereto has filed a petition for annexation of that land and has requested that the land be zoned Planned Development Commercial District;; and

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

WHEREAS, public hearings have been held by both the Planning and Zoning Commission and the Governing Body as required by law; and

WHEREAS, there has not been any written protest submitted against the proposed change of Zoning Classification; and

WHEREAS, Sec. 12.127 of the Village 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 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, a complete application for the establishment of a PD District, consisting of the Development Agreement hereafter defined, and other documents provided by Home Depot U.S.A., Inc. have been submitted to the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF BEE CAVE, TEXAS:

Section 1. Zoning Classification. The land described in Exhibit "A" attached hereto is hereby declared to be a Planned Development Commercial District.

Section 2. Uses.

(A) The base zoning district upon which the PD is based is commercial district. The permitted uses shall be those allowed in a Commercial District, including those allowed as Conditional Uses which shall be "additional uses," except that the following land uses shall not be allowed:

1. Automotive Sales;
2. Convenience Store;
3. Cocktail Lounge;
4. Exterminating Service;
5. Funeral Service;
6. Hotel - Motel;
7. Monument Retail Sales;
8. Off-Site Accessory parking;
9. Research Services;
10. Service Station; and
11. Light Manufacturing.

(B) Drive-through restaurants are allowed, so long as they have no outside speakers.

(C) Up to 5 trailers and 5 flatbed trucks, owned by Home Depot and for rental to Home Depot customers, may be maintained on the premises. The trailers shall be

located adjacent to the Home/Garden Center in an area sufficiently landscaped to obscure the view from Home Depot Boulevard. The flatbed trucks shall be parked on the northeast side of the Home Depot main building. Home Depot may park two flatbed trucks in the front parking lot to allow for visibility of the rental flatbed trucks.

**Section 3. Minimum Standards.** Minimum standards for residential uses are not required because there will be no residential uses. Minimum standards for non-residential use, including those for structure height and drainage, shall be as stated in the Development Agreement dated September 13, 2000 entered into by and between the Village of Bee Cave, Texas and Home Depot U.S.A., Inc. (the "Development Agreement").

**Section 4. Open Space Standards.** The open space standards including public and private open space, preservation of natural features and open space allocation and preservation shall be as set forth in the Development Agreement.

**Section 5. Dimensional and Area Standards.** The dimensional and area standards for a commercial district shall not apply. Dimensional and area standards for uses shall be as set forth in the Development Agreement.

**Section 6. PD's Concept Plan.** The PD Concept Plan is attached to the Development Agreement as Exhibit "B,"

**Section 7. Site Plan.** The site plan required by Section 12.127C((2) of the Village's Zoning Ordinance has been submitted separately. It shall be reviewed and approved pursuant to the Village's site plan ordinance that was in effect on October 26, 1999.

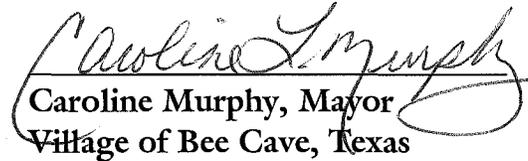
**Section 8. Proposed PD Development Standards.** The PD District Development Standards shall be as set forth in the Development Agreement.

**Section 9. Traffic Impact Analysis.** The Village hereby waives the requirement of a traffic impact analysis.

**Section 10.** This zoning is subject to the terms of the Development Agreement dated September 13, 2000 by and between the Village of Bee Cave and Home Depot U.S.A., Inc, including with out limitation, those provisions which state that the Property will be governed by those ordinances, rules and regulation of the Village which were in effect on October 26, 1999, unless otherwise specifically provided in the Development Agreement.

Section 11. The Village Administrator is hereby authorized and directed to promptly note the zoning change on the official Zoning Map of the Village of Bee Cave, Texas.

PASSED AND APPROVED this 14<sup>th</sup> day of November, 2000.

  
Caroline Murphy, Mayor  
Village of Bee Cave, Texas

ATTEST:

  
Sherry Mashburn, Village Secretary  
Village of Bee Cave, Texas

(SEAL)

106.558 ACRES  
A. STRAHLE SURVEY NO. 594  
HOME DEPOT-BEE CAVES

FN. NO. 99-298 (MJJ)  
OCTOBER 5, 1999  
BPI JOB NO. 948-04.92

#### DESCRIPTION

OF 106.558 ACRES OF LAND OUT OF THE ANDREW STRAHLE SURVEY NO. 594, ABSTRACT NO. 760, SITUATED IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 107.10 ACRE TRACT OF LAND CONVEYED TO LEE BLOCKER, ET AL. BY DEED OF RECORD IN VOLUME 2683, PAGE 11 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS AND ALSO BEING A PORTION OF THAT CERTAIN 35.5 ACRE TRACT OF LAND CONVEYED TO LEE BLOCKER ET. AL. BY DEED OF RECORD IN VOLUME 2682, PAGE 599 OF SAID DEED RECORDS; SAID 106.558 ACRES ALSO BEING THAT CERTAIN 108.512 ACRE TRACT OF LAND CALLED TRACT TWO IN A PARTITION DEED OF RECORD IN VOLUME 8514, PAGE 437 OF SAID DEED RECORDS, SAVE AND EXCEPT THAT CERTAIN 1.937 ACRE TRACT OF LAND AND THAT CERTAIN 0.012 ACRE TRACT OF LAND CONVEYED TO THE STATE OF TEXAS FOR RIGHT-OF-WAY PURPOSES OF RECORD IN VOLUME 9652, PAGE 556 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 106.558 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2 inch iron rod found in the curving westerly line of R.M. 620 (R.O.W. varies), same being the southeasterly corner of a 36.171 acre tract of land conveyed to Kenneth C. Margolis by deed of record in Volume 8730, Page 729 of said Deed Records, the northwesterly corner of said 1.937 acres and the northeasterly corner hereof;

**THENCE**, leaving the southerly line of said 36.171 acres, along the westerly line of said 1.937 acres, being the westerly line of R.M. 620 and the easterly line hereof, the following four (4) courses and distances:

- 1) Along a curve to the right having a radius of 1225.92 feet, a central angle of  $00^{\circ}30'30''$ , an arc length of 10.88 feet and a chord which bears  $S50^{\circ}04'29''E$ , a distance of 10.88 feet to a Texas Department of Transportation brass disc found in concrete for the end of said curve;
- 2)  $S51^{\circ}52'06''E$ , a distance of 673.99 feet to a Texas Department of Transportation brass disc found in concrete for an angle point;
- 3)  $S50^{\circ}09'32''E$ , a distance of 764.17 feet to a Texas Department of Transportation brass disc found in concrete for an angle point;
- 4)  $S42^{\circ}06'36''E$ , a distance of 71.68 feet to a 1/2 inch iron rod found at the northeasterly corner of that certain 2.997 acre tract of land conveyed to John H. Carrel by deed of record in Volume 13181, Page 165 of said Real Property Records for an angle point hereof;

**THENCE**, leaving the westerly line of R.M. 620, along the northerly, westerly and southerly lines of said 2.997 acres, being in part along the irregular easterly line hereof, the following three (3) courses and distances:

- 1) S60°13'48"W, a distance of 361.63 feet to a 1/2 inch iron rod found at the northwesterly corner of said 2.997 acres and an interior "ell" corner hereof;
- 2) S51°06'28"E, a distance of 429.31 feet to a 1/2 inch iron rod found at the southwestly corner of said 2.997 acres and an interior "ell" corner hereof;
- 3) N60°18'28"E, a distance of 287.60 feet to a 1/2 inch iron rod found in the westerly line of R.M. 620, same being the most northerly corner of said 0.012 acres, the southeasterly corner of said 2.997 acres and an angle point hereof;

**THENCE**, S26°07'11"E, leaving the southerly line of said 2.997 acres, along the westerly line of R.M. 620, same being the westerly line of said 0.012 acres, a distance of 91.13 feet to a 1/2 inch iron rod with cap set for the most northerly corner of a 1.015 acre tract of land conveyed to Jesse R. Blann and Richard W. Pearce by deed of record in Volume 12867, Page 732 of said Real Property Records, being the most southerly corner of said 1.937 acres and an angle point hereof, from which a Texas Department of Transportation brass disc found in concrete bears S40°45'57"E, a distance of 10.94 feet;

**THENCE**, leaving the westerly line of R.M. 620, along the westerly line of said 1.015 acres, being a portion of the easterly line hereof, the following three (3) courses and distances:

- 1) S06°48'01"W, a distance of 92.17 feet to a 10 inch cedar fence post found for an angle point;
- 2) S01°53'30"E, a distance of 153.48 feet to a 1/2 inch iron rod found for an angle point;
- 3) S08°28'33"E, a distance of 261.09 feet to a 1/2 inch iron rod found at the northwesterly corner of a 0.837 acre tract of land conveyed to T.G. Thurman by deed of record in Volume 686, Page 104 of said Deed Records, same being the southwestly corner of said 1.015 acres, the northeasterly corner of a 51.510 acre tract of land conveyed to Baldwin Investment Company by deed of record in Volume 10538, Page 145 of said Real Property Records, for the southeasterly corner hereof;

**THENCE**, along the northerly line of said 51.510 acres, being a portion of the southerly line hereof, the following two (2) courses and distances:

- 1) N74°17'25"W, a distance of 637.17 feet to a 1/2 inch iron rod found being the most northerly corner of said 51.510 acres and an angle point hereof;
- 2) S15°00'45"W, a distance of 521.07 feet to a 1/2 inch iron rod with cap set being an angle point in the westerly line of said 51.510 acres, being the northeasterly corner of a 56.628 acre tract of land conveyed to Pamela W. and Michael S. Reese by deed of record in Volume 12467, Page 1535 of said Real Property Records and an angle point hereof; from which a 2 inch axle found bears S85°02'44"E, a distance of 7.06 feet;

**THENCE**, along the northerly line of said 56.628 acres, being a portion of the southerly line hereof, the following three (3) courses and distances:

- 1) S63°58'31"W, a distance of 1116.80 feet to a 1/2 inch iron rod found for an angle point;
- 2) S65°37'30"W, a distance of 58.71 feet to a 1/2 inch iron rod with cap set for an angle point;
- 3) S65°19'20"W, a distance of 273.26 feet to a 1/2 inch iron rod found at the northeasterly corner of a 44.611 acre tract of land conveyed to Tim and Brenda Skaggs by deed of record in Volume 12007, Page 1764 of said Real Property Records, for an angle point hereof;

**THENCE**, S66°05'47"W, along a portion of the northerly line of said 44.611 acres, being a portion of the southerly line hereof, a distance of 281.99 feet to a 3/4 inch iron pipe found at the southeasterly corner of a 52.77 acre tract of land conveyed to Edward A. Morgan by deed of record in Volume 12361, Page 1004 of said Real Property Records, for the southwesterly corner hereof;

**THENCE**, leaving the northerly line of said 44.611 acres, along the easterly line of said 52.77 acres, being the westerly line hereof, the following five (5) courses and distances:

- 1) N23°15'07"W, a distance of 620.34 feet to a 1/2 inch iron pipe found for an angle point;
- 2) N24°45'53"W, a distance of 519.88 feet to a 1/2 inch iron rod found for an angle point;
- 3) N25°03'07"W, a distance of 358.83 feet to a 1/2 inch iron pipe found for an angle point;
- 4) N22°36'11"W, a distance of 181.05 feet to a 1/2 inch iron rod found for an angle point;

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- 5) N22°45'00"W, a distance of 177.83 feet to a 5/8 inch iron rod found at the southwesterly corner of said 36.171 acres, for the northwesterly corner hereof;

THENCE, leaving the easterly line of said 52.77 acres, along the irregular southerly line of said 36.171 acres, being the irregular northerly line hereof, the following three (3) courses and distances:

- 1) N66°09'45"E, a distance of 1426.45 feet to a 5/8 inch iron rod found for an angle point;
- 2) N23°50'23"W, a distance of 502.05 feet to a 1/2 inch iron rod found for an angle point;
- 3) N66°11'51"E, a distance of 487.96 feet to the POINT OF BEGINNING, containing an area of 106.558 acres (4,641,672 sq. ft.) of land, more or less, within these metes and bounds.

I, MARK J. JEZISEK, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION. A LAND TITLE SURVEY WAS PREPARED TO ACCOMPANY THIS DESCRIPTION.

BURY & PITTMAN, INC.  
ENGINEERS-SURVEYORS  
3345 BEE CAVE ROAD, SUITE 200  
AUSTIN, TEXAS 78746

*Mark J. Jezisek*  
MARK J. JEZISEK  
R.P.L.S. NO. 5267  
STATE OF TEXAS

*10/5/99*  
DATE

