

ORDINANCE NO. 01-09-11-A

AN ORDINANCE ESTABLISHING PERMANENT ZONING AND CHANGING THE ZONING MAP ACCOMPANYING AND ADOPTED BY ORDINANCE NO. 00-08-29-A OF THE VILLAGE OF BEE CAVE, AND OTHERWISE AMENDING CERTAIN DEVELOPMENT ORDINANCES OF THE VILLAGE, TO ESTABLISH A PLANNED DEVELOPMENT TOWN CENTER (PD) DISTRICT ON THE 16.8 ACRE TRACT OF LAND KNOWN AS THE ESTATES CENTER PLANNED UNIT DEVELOPMENT, SUCH PROPERTY BEING MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND INCLUDED HEREIN FOR ALL PURPOSES AS THOUGH SET FORTH FULLY HEREIN, AND SAID PROPERTY BEING LOCATED WITHIN THE CITY LIMITS OF THE VILLAGE OF BEE CAVE, TRAVIS COUNTY, TEXAS.

BE IT ORDAINED by the Board of Alderman of the Village of Bee Cave:

Section 1: Definitions:

A. "Applicant" shall mean an owner or authorized developer, tenant or party having an interest in any portion of the Property who shall make any application for approval or change affecting such portion of the Property. It may include the Owner/Developer.

B. "Owner/Developer" shall mean the initial Applicant for approval of the Conceptual Land Use Plan or such person to whom the initial Applicant expressly assigns the rights and powers of the Owner/Developer under this ordinance in a writing delivered to the Village Administrator.

C. "Property" as used herein shall mean the 16.8 acre tract of land described on Exhibit "A" attached hereto and designated as the Estates Center Planned Development.

D. "Village" shall mean the Village of Bee Cave, Texas.

Section 2: Zoning:

A. The zoning map established by the Village in conjunction with the comprehensive zoning ordinance of the Village which was adopted as Ordinance No. 00-08-29-A (as same existed on August 1, 2001 being herein called the "Ordinance") is amended to change the base zoning district of the Property from Town Center (TC) to Planned Development Town Center (PD) district and the regulatory provisions of the Village's ordinances are amended to impose the development standards and regulations set forth herein on the Property.

B. This ordinance, together with the attached Exhibits "A", "B", "C" and "D" constitute the land use plan for the Estates Center Planned Development Town Center (PD) district created by this ordinance. The construction of improvements on and the zoning, platting and replatting of the Property shall be governed by the provisions of this ordinance, except as set forth specifically herein.

C. The Exhibits attached hereto and included herein for all purposes are as follows:

Exhibit "A" -- Property Description

Exhibit "B" -- Conceptual Land Use Plan (Alternative 1)

Exhibit "C" -- Conceptual Land Use Plan (Alternative 2)

Exhibit "D" -- Standards for Split-Faced Block

Section 3: Conceptual Land Use Plan:

A. Exhibit "B" and Exhibit "C" are alternative conceptual land use and development plans for the Estates Center Planned Development, either of which may be referred to herein as the "Conceptual Land Use Plan". Each Conceptual Land Use Plan is conceptual in nature only and no building permits or other development permits shall be issued for, and no construction or development activity shall commence on, any portion of the Property until a Site Development Plan for such portion of the Property has been approved by the Village as hereinafter set forth.

B. The development of the Property may proceed in phases, which are delineated on the Conceptual Land Use Plans for informational purposes only. So long as the same complies with the provisions of this ordinance, the Owner/Developer of the Property shall have the right, at his option, to change the sequence, or size, of the various phases from time to time, solely at the option of the Owner/Developer and upon written notification to the Village Administrator of such change or changes in phasing. The Owner/Developer of the Property shall have the right to change the use of any portion of the Property from that shown on the Conceptual Land Use Plan provided the new use is permitted by this ordinance.

C. The Village Board of Alderman hereby confirms the approval of each Conceptual Land Use Plan as establishing an approved general layout of the improvements to be developed and constructed on the Property, subject to compliance by any development occurring on the Property with the provisions of this ordinance. Development may proceed under either of the approved Conceptual Land Use Plans. Should any Applicant submit a Site Development Plan for approval that is consistent with one of the approved Conceptual Land Use Plans but inconsistent with the other, such submission shall be deemed an election as to which Conceptual Land Use Plan shall govern development of the Property. However, at any time prior to such a Site Development Plan being submitted for approval, the Owner/Developer may notify the Village in writing of its election of the Conceptual Land Use Plan under which development shall proceed on the Property. From and after such election, or deemed election, the elected Conceptual Land Use Plan shall be the operative Conceptual Land Use Plan for all purposes hereunder and the Conceptual Land Use Plan not so elected shall have no further effect. Once a Conceptual Land Use Plan has been elected, same may only be amended or modified in compliance with this ordinance.

D. Notwithstanding Paragraph 3.C hereof, the Owner/Developer shall have the right to make minor modifications to an approved Conceptual Land Use Plan which the Owner/Developer may determine to be reasonably necessary or desirable, upon written notification to the Village Administrator, which notice must designate an address within Travis County, Texas, which shall be deemed to be the Owner/Developer's address for purposes of this Section. Minor modifications shall mean any adjustments, regardless of magnitude, to any of the following items which would not result in the Property or any portion thereof being in violation of the terms of this ordinance: building locations, use of the Property, street alignments, utility service locations, driveway locations (subject to the approval of the Texas Department of Transportation), parking areas, the location of drainage, detention, or water quality facilities, and building size and number. No minor modification shall be effective until the earlier of (i) the expiration of five (5) business days following written notification from the Owner/Developer to the Village Administrator of such minor modification, or (ii) the date the Village Administrator notifies the Owner/Developer in writing of its determination that the proposed modification is a minor modification. If the Village Administrator, or its designee, does not, deliver written notice to the Owner/Developer at its designated address prior to the expiration of such five (5) business

days setting forth one or more specific provisions of this ordinance that the Village Administrator, or its designee, believes would be violated by the modification, the proposed modification shall be deemed effective. If the Village Administrator, or its designee, delivers written notice to the Owner/Developer at its designated address, prior to the expiration of such five (5) business days setting forth one or more specific provisions of this ordinance that the Village Administrator or its designee believes would be violated by the modification, then the proposed modification shall be submitted to the Village's Board of Alderman for review pursuant to the procedure outlined in Sections 6.E through 6.H hereof and the effectiveness of such modification shall be stayed pending the outcome of such review. Any other modification to a Conceptual Land Use Plan shall be submitted to the Board of Alderman for review and action in accordance with the standards set forth in Section 12.111 of the Ordinance with the understanding that this ordinance will constitute the zoning regulations with which such Conceptual Land Use Plan, and the development contemplated thereby, must substantively comply.

Section 4: Development Standards:

A. Subject to compliance with the remainder of this ordinance, including, without limitation, the impervious cover limitations set forth herein, the Property is entitled for development and construction of improvements which may collectively include up to one hundred fifty thousand (150,000) square feet of building area on the Property, together with related parking, drives, signage, utilities, landscaping, drainage, detention and water quality facilities, and other reasonably related accessory facilities. Such development and improvements must occur through a minimum of six (6) buildings on the Property. Any single building may have more than 50,000 square feet of building area provided no single building on the Property shall have a building footprint area in excess of 50,000 square feet. The buildings to be located on the Property shall be dispersed so that the Property is not developed with the appearance of being one large contiguous building. The facades of any buildings that are not stand-alone buildings are to be offset in plan and elevation so as to reduce overall scale and provide architectural differentiation and enhancement.

B. Except as otherwise set forth herein, the development of the Property shall comply with Section 12.122 of the Ordinance.

C. Sec. 12.134 of the Ordinance concerning "Exterior Construction and Design Requirements" shall not apply to the Property, but rather the exterior construction and design requirements applicable to the Property shall be governed by the following:

(1) Construction materials to be used on the exterior facades of improvements to be located on the Property shall consist substantially of indigenous stone, brick or stucco. In lieu of the above, split-faced block may be used as an exterior construction material provided same meets the standards set forth in Exhibit "D" attached hereto. No reflective glass shall be used. Typical building appearances will be as illustrated by renderings provided to the Village by the Owner/Developer. Copies of such renderings shall be maintained in the files of the Village for future reference. Prior to the issuance of any building permit for construction of improvements on the Property, the Applicant for such building permit shall submit to the Village Administrator a complete set of construction plans for the proposed improvements and such other information as is otherwise required under the ordinances of the Village applicable to the issuance of building permits, as well as architectural renderings sufficient to generally show and detail the materials and methods of construction that are to be utilized in the construction of the improvements proposed, and such building permit shall be issued only upon the concurrence of the Village's Administrator that such plans, renderings, and other information, for the proposed construction are in general conformity with the illustrative

renderings then provided by the Owner/Developer to the Village Administrator and otherwise comply with all of the ordinances of the Village which are applicable to the issuance of building permits. Any decision of the Village Administrator shall be appealable by the Applicant to the Board of Alderman pursuant to the provisions of Section 6.G hereof.

(2) Any and all structures constructed on the Property shall comply with (i) all Uniform Building, Fire, Electrical, Plumbing, and Mechanical Codes adopted by a recognized national code organization and adopted by the Village from time to time for application to construction on property in the Village on a uniform basis; and (ii) with such local amendments to such codes as may be enacted by the Village for application throughout the Village on a uniform basis from time to time solely to address imminent threats of destruction of property or injury to persons. The Village shall provide timely inspections and shall provide adequate staff and resources so as not to unreasonably delay any construction activities on the Property.

D. Any project constructed on the Property shall comply with Sections 12.132 of the Ordinance; provided that:

(1) the internal drives shown on the Conceptual Land Use Plan shall not be deemed to be "streets" for purposes of Sections 12.132(f)(11)(12) and (14) of the Ordinance.

(2) the Property shall not be required to comply with Sections 12.132(f)(3)(4)(5)(6) and (15) of the Ordinance provided the Property is landscaped in accordance with the Conceptual Land Use Plan, or is otherwise landscaped to the satisfaction of the Village;

(3) The location of those certain drainage, detention and/or water quality facilities shown on the Conceptual Land Use Plan and which are otherwise within a buffer area described in Subsection 12.132(f)(2) of the Ordinance are approved and expressly allowed on the Property as shown in the Conceptual Land Use Plan;

(4) Development on the Property shall not be required to comply with Section 12.132(f)(13) of the Ordinance as it relates to adjacent properties but shall comply with the terms thereof to the extent such Section applies to the "street view", as referenced therein;

(5) The Village Administrator may grant a variance to the requirement that the Property comply with the terms of Section 12.132(f)(13) of the Ordinance along the boundary between the Property and State Highway 71 to the extent the Village Administrator determines in its reasonable discretion that a suitable natural buffer exists along said boundary and provided the existing grade of the Property has not changed along said boundary of the Property during the development process so that the currently existing natural buffer remains in place and unaffected; and

(6) Compliance with the terms of the last two (2) sentences of Section 12.132(f)(14) of the Ordinance shall be determined for the Property on an aggregate basis so that no permits for development shall be denied on the grounds that development proposed by the permit does not, by itself, comply with the requirements of said sentences if (i) the entirety of the Property then developed (assuming the completion of proposed development for which the permit is sought) would comply with such requirements at the time the permit is sought; or (ii) the Applicant posts the fiscal security

required under, and complies with, Section 12.132(j)(4) of the Ordinance to the extent the landscaping incorporated in the development for which the permit is sought is not sufficient to meet the requirements of the Ordinance for such development notwithstanding the terms of this Section 4.D.

E. All development on the Property shall comply with Section 12.137 of the Ordinance provided that high pressure sodium and/or metal halide fixtures are expressly allowed on the Property and provided further that exterior lighting may be operative (i) during business hours, and (ii) during non-business hours as may be needed for security purposes and business support activities, including, without limitation, deliveries, construction, repair and remodeling.

F. Signage on the Property shall comply with the provisions of Ordinance No. 01-04-10-C as it existed on August 1, 2001 (said ordinance as it existed on August 1, 2001 being herein called the "Sign Ordinance") provided that: (a) the exceptions allowed by Section 9.128(7) of the Sign Ordinance shall be granted with respect to the primary sign for the multi-use complex to be constructed on the Property and the additional monument sign contemplated by Section 9.128(2)(d) of the Sign Ordinance for such multi-use complex shall be allowed and shall have a maximum area of sixty-four (64) square feet; and (b) two (2) temporary project development signs shall be allowed on the Property after the effective date of this ordinance until the project contemplated by the Conceptual Land Use Plan is completed on the Property, and thereafter at any time space is available for lease in said project two (2) temporary project leasing signs shall be allowed on the Property, provided that in either instance any such sign(s) shall be a maximum of sixty-four (64) square feet and not greater than twelve (12) feet in height.

G. All development on the Property shall comply with the provisions of Ordinance 90-1; provided, however, that the total impervious cover on all of the Property shall not exceed 75% of the gross square footage of the Property. Detention, filtration, and water quality ponds shall be deemed to be pervious. All development on the Property shall be sized, located and designed to comply with the provisions of Ordinance 90-1; provided that individual tracts or lots shall not be required to meet such standards so long as the Property as a whole complies through the use of common facilities. Each Site Development Plan submitted for any portion of the Property must evidence that the portion of the Property covered thereby, and the Property as a whole, shall comply with Ordinance 90-1 following construction of the development contemplated by the Site Development Plan. All detention, filtration and water quality pond facilities serving the Property must be located on the Property. To the extent any tracts or lots within the Property are designed to utilize facilities which are located on other portions of the Property, such lots must be granted such irrevocable easements as the Village deems reasonably necessary or appropriate to insure the legal access to, and use of, such facilities. The Village shall be entitled to inspect the drainage, detention, filtration and water quality facilities constructed on the Property on an annual basis or such other time frame as may be established by a future ordinance of the Village providing for inspection of said facilities. The Village may impose and collect a fee for such inspection upon the owner(s) of the Property so long as such fee is uniform and charged to the owners of other similarly situated property within the confines of the Village.

H. The permitted use or uses of the Property shall be those specific uses permitted in the Town Center (TC) district pursuant to the Ordinance, as it exists as of the date hereof, together with the following specific additional uses:

- (1) Amusement services (indoor)
- (2) Retail store (misc.)
- (3) Temporary outdoor retail sales/commercial promotion
- (4) Cafeteria
- (5) Drapery shop/blind shop

- (6) Florist
- (7) Handicraft shop
- (8) Pharmacy with pick-up window
- (9) Bank with drive-thru
- (10) Restaurant with pick-up window
- (11) Used merchandise, furniture, antique shop
- (12) Bike sales and/or repair
- (13) Department store
- (14) Food or grocery store
- (15) Home improvement center
- (16) Plant nursery
- (17) Kiosk (providing a service); provided same can be accessed by pedestrians only and does not have vehicular access, drive-thrus or pick-up windows.

I. All development on the Property shall comply with the terms and conditions of Section 12.133 (fencing, walls, and screening requirements) of the Ordinance, with the exception of Section 12.133(b)(1) which shall not apply to the Property.

J. All development on the Property shall comply with the terms and conditions of Section 12.135 of the Ordinance; provided that:

(i) the location of those certain drainage, detention and/or water quality facilities shown on the Conceptual Land Use Plan as being within seventy-five feet (75') of State Highway 71 or FM 620 is approved;

(ii) paving shall be permitted no closer than ten (10) feet from the boundary of the Property and any adjacent cemetery so long as, and provided, a landscaped buffer strip is constructed and maintained along the entirety of the common boundary line between the Property and said cemetery. The required buffer strip must consist of a solid and continuous landscaped screen consisting of (i) massed evergreen and/or deciduous trees, and/or (ii) shrubs of species and sex, as to produce a predominantly opaque screen at least six (6) feet in height which continuously restricts a clear view beyond such buffer strip within, and at all times after, two (2) years, or two (2) growing seasons, following the initial planting thereof; and

(iii) development on the Property shall not be required to comply with Section 12.135(a)(3) of the Ordinance.

K. No building permit shall be issued nor shall any certificate of occupancy be granted until such time as the Owner/Developer has provided proof to the Village of a commitment for off-site wastewater treatment in sufficient capacity to meet the needs of the development contemplated hereby.

L. Each Applicant shall, as part of its submittal of a Site Development Plan, submit for approval all points of ingress and egress to the Texas Department of Transportation and shall, as part of the approval process for the Site Development Plan, obtain the approval of the Texas Department of Transportation for points of ingress and egress and provide to the Village evidence of the approval of the Texas Department of Transportation for all points of ingress and egress to the Property prior, and as a condition precedent, to the approval of any Site Development Plan by the Village. The decision of the Texas Department of Transportation shall control access to the Property. The Owner/Developer will cooperate with the developer/owner of adjacent property to utilize joint access so that safer access to the adjacent property will be provided.

M. All development on the Property shall comply with Section 12.131 (off street parking and loading requirements) of the Ordinance, except for Subsections 12.131(d)(3) and 12.131(d)(4) thereof which shall not apply to the Property; and, provided, however, shared or reciprocal parking among the various lots which may be created within the Property as shown on the Conceptual Land Use Plans, and approved as part of the Site Development Plan process established by this ordinance, shall be allowed so long as (i) the total number of parking spaces on the Property equals or exceeds the number of spaces required for the Property and all uses thereon as a whole and (ii) any such shared or reciprocal parking arrangements are memorialized by written parking leases or other appropriate parking agreements with copies thereof provided to the Village.

Section 5: Site Development Plans:

A. Every Site Development Plan, and its requirements and standards for approval, shall be governed by the provisions of this ordinance and not by the provisions of the Ordinance.

B. Except as set forth herein, the terms and provisions of Section 12.127 of the Ordinance shall apply to all Site Development Plans; provided, however, the following subsections thereof shall not apply: Subsection 12.127(b)(2), Subsections 12.127(e)(4) and (5), Subsection 12.127(f), Subsection 12.127(g), Subsections 12.127(h)(1) and (h)(2), and Subsections 12.127(i), 12.127(j), 12.127(k), 12.127(l), and the last two sentences of Section 12.127(e)(2). All Site Development Plans shall be reviewed in accordance with the provisions of this ordinance and not Section 12.111 of the Ordinance. Site Development Plans may be amended in accordance with terms of this ordinance as opposed to the terms of Section 12.111 of the Ordinance.

C. Every Site Development Plan submitted to the Village shall contain sufficient information delineating the characteristics of the site, changes in those characteristics as may be proposed by the Applicant, how the development will relate to public services and facilities, and what protective features are included to insure that the development will be compatible with existing and allowable development on property adjacent to the Property. Each Site Development Plan shall be complete as to engineering and survey detail, and shall bear the seal of the engineer preparing same. Each Site Development Plan shall be sufficiently detailed to enable the Village to ascertain whether the development proposed thereby complies with the requirements of this ordinance and shall show at least the following items of information:

- (1) The land area included within the site, the land area of all abutting sites and the zoning classification thereof, all public and private rights-of-way and easements bounding and intersecting the site and the abutting sites which are proposed to be continued, created, relocated and/or abandoned.
- (2) The proposed finished grade of the site and its relation to elevations of adjacent sites.
- (3) A description of the proposed site and the boundaries thereof.
- (4) The location of each existing and each proposed structure on the site, the number of stories, gross floor area, type of exterior construction material, the location of entrances and exits to buildings, maximum height of each building, distance between each building and any residential zoning district boundary and the location and screening of any service/loading areas.

- (5) The location and width of all curb cuts and driving lanes.
- (6) The dimensions and capacities of parking areas and loading areas, and the character and location of illumination facilities for same.
- (7) All pedestrian walks, malls and open areas for use by tenants or the public.
- (8) The location and height of all walls, fences and screen planting and landscaping.
- (9) The location, size, height, foot candle level and orientation of all lighting and signs provided that specific request for sign approval shall be made pursuant to the Sign Ordinance and approval shall be governed thereby.
- (10) The types of surfacing such as paving, turfing or gravel to be used at the various locations.
- (11) The location of fire hydrants and the location, width and paving surface to be used for fire lanes.
- (12) Location and screening of garbage/recycling containers and/or compactors, and outside storage or display areas.
- (13) A schedule of the phasing, if any, of all improvements shown in the Site Development Plan.
- (14) The location, size and design of all detention, filtration and water quality ponds serving the portion of the Property which is the subject of such Site Development Plan as well as such other information as the Village may reasonably require to confirm that the development contemplated by the Site Development Plan complies with Ordinance 90-1.

Section 6: Approval Process:

A. All applications and plans for development and construction on the Property shall be processed in accordance with this Section 6.

B. All notices, applications, requests for approval or modifications to the Village as may be required or permitted by this ordinance shall be submitted to the Village and shall be promptly reviewed and written substantive comments returned to the Applicant. Provided complete submissions for same are received, any requests for approval of plats, Site Development Plans, sign permits, building permits or other construction or development approvals, or modifications thereof, shall be acted on within the shorter time frame of forty-five (45) days after the date of submittal to the Village or any other time frames established by any statute or governmental authority. If the Village shall fail to respond to any such complete application within said forty-five (45) day time period, it shall be deemed to have been approved as submitted. Notwithstanding any of the foregoing to the contrary, said forty-five (45) day period shall be extended by one day for each day of Applicant Delay (as defined herein). For purposes hereof "Applicant Delay" shall mean any day beyond one business day that an Applicant fails to respond to any substantive questions or comments of the Village relevant to this ordinance or other ordinances applicable to the Property to the submission in question.

C. The Village's Board of Alderman shall approve a Site Development Plan which conforms to the requirements of this ordinance and which evidences that (i) all development

shown thereon will comply with the terms and conditions of this ordinance; and (ii) the Property as a whole shall comply with this ordinance following completion of the development shown on the Site Development Plan. In formatting a Site Development Plan, an Applicant shall have the right to make modifications to building locations, street alignments, utility service locations, driveway locations, parking locations, signage, and drainage, detention or water quality facility locations, and in building size and number as well as modifications to other site development criteria, as the Applicant may determine to be reasonably necessary or desirable; provided that all such modifications shall still be (i) in substantial compliance with an approved Conceptual Land Use Plan and (ii) in compliance with this ordinance. All Site Development Plans submitted under this ordinance shall be submitted to, reviewed by, and acted upon by the Village's Board of Alderman, without the necessity of any review or approval by any other board or commission of the Village. The majority vote of the quorum of the Board of Alderman present at the meeting at which a Site Development Plan is acted upon shall be sufficient for approval or disapproval of a Site Development Plan.

D. An Applicant shall have the right to make minor modifications to an approved Site Development Plan which the Applicant may determine to be reasonably necessary or desirable, upon written notification to the Village Administrator, which notice must designate an address within Travis County, Texas, which shall be deemed to be the Applicant's address for purposes of this Section. Minor modifications shall mean any adjustments, regardless of magnitude, to any of the following which would not result in a violation of the terms of this ordinance and which substantially comply with an approved Conceptual Land Use Plan for the Property: building locations, street alignments, utility service locations, driveway locations (subject to the approval of the Texas Department of Transportation), parking areas, the location of drainage, detention or water quality facilities, and building size and number. The Applicant shall not implement any such modification prior to the earlier of (i) the expiration of five (5) business days following its written notification to the Village Administrator or (ii) the date the Applicant receives written notice from the Village Administrator of its determination that the proposed modification is a minor modification. Unless the Village Administrator, or its designee, delivers written notice to the Applicant at its designated address prior to the expiration of such five (5) business days setting forth one or more specific provisions of this ordinance that the Village Administrator or its designee believes would be violated by the modification, the Applicant may implement and rely upon the modification. If the Village Administrator or its designee delivers written notice to the Applicant at its designated address prior to the expiration of such five (5) business days setting forth one or more specific provisions of this ordinance that the Village Administrator or its designee believes would be violated by the modification, then the proposed modification shall be submitted to the Village's Board of Alderman for review pursuant to the procedure outlined in Sections 6.E through 6.H hereof and the Applicant agrees not to implement the modification during the pendency of such review. To the extent the Village Administrator determines that a modification is not a minor modification, such matter shall be referred to the Village's Board of Alderman for review pursuant to the procedure set forth in Sections 6.E through 6.H hereof.

E. If any matter is referred by the Village Administrator to the Board of Alderman under the provisions of this ordinance, the matter shall be placed on the next regularly scheduled meeting of the Board of Alderman, subject to any legal notice requirements of the Open Meetings Act which would require that such matter be heard at a later meeting. The Board of Alderman shall promptly decide the matter by the vote of a majority of a quorum of the Board of Alderman present at such meeting.

F. In reviewing any applications or requests for construction or development approvals under this ordinance, or modifications thereof, the Village shall approve any such application, request or modification if it, and the development contemplated thereby, is in

substantial conformity with an approved Conceptual Land Use Plan and in conformity with this ordinance. Any applications and/or requests for approval, or modification of a Conceptual Land Use Plan shall be approved if it, and the development contemplated thereby, is in conformity with this ordinance.

G. Moreover, and without limiting the foregoing, at any time that an Applicant shall believe that an impasse has arisen between the Applicant and the Village Administrator on any development issue affecting the Property, the Applicant may immediately appeal to the Board of Alderman for resolution of the issue, and the Board of Alderman shall consider the same at its next regularly scheduled meeting, subject to any legal notice requirements of the Open Meetings Act which would require that such matter be heard at a later meeting, and promptly make a decision thereon.

H. Failure to act on a matter within fifteen (15) days after the date of the meeting at which such matter is to be heard pursuant to Sections 6.E or 6.G hereof shall constitute and be deemed approval of the Applicant's requested action by the Board of Alderman.

Section 7: Subdivision:

The Property may be replatted or resubdivided in accordance with the subdivision regulations of the Village in effect on May 25, 1999, and the provisions hereof. Minimum lot sizes, lot widths, lot depths, lot configurations and setback lines as shown on the Conceptual Land Use Plan shall control over any provisions of the subdivision regulations which are in conflict therewith. Lots shall be approved without public street frontage, if requested, so long as perpetual access is otherwise provided by an easement or easements running with the land. Amending plats as provided by Texas Local Government Code Section 212.016 shall be approved by the Village for the limited purposes set forth in said Section. No replat, resubdivision or amending plat of the Property made in accordance with the Conceptual Land Use Plan shall affect the validity or applicability of the other provisions of this ordinance, including without limitation the provisions of Section 4.G above, or be construed to have created a new project on the Property. Furthermore, in no event shall the Village impose any conditions on the approval of any replat, resubdivision or amending plat of the Property made in accordance with the approved Conceptual Land Use Plan if such conditions would diminish any development rights provided by this ordinance.

Section 8: Review Fees:

Nothing herein shall be deemed to limit the fees which the Village may charge in connection with prospective development activity on the Property (including, without limitation, any and all application, submission and/or review fees). Subject to the terms of any specific agreement between the Village and any Applicant to the contrary, such fees shall be charged by the Village from time to time as the Village sees fit provided that the fees charged with respect to the Property are assessed on the same basis that such fees are assessed generally within the Village.

Section 9: Controlling Ordinance:

To the extent not otherwise expressly addressed in this ordinance, all development activities on or relating to the Property including the zoning of, platting and replatting of, construction of improvements on, and use of, the Property shall be governed by the ordinances of the Village which were in effect on May 25, 1999; provided, however, to the extent of any conflict between the terms of such ordinances and the terms hereof, the terms hereof shall control.

Section 10: Police Powers:

Nothing in this ordinance limits or prohibits the exercise by the Village of its police powers or authority under the ordinances of the Village and other applicable law, consistent with the provisions hereof, or limits or prohibits the right of the owner of any portion of the Property to seek an amendment to any provision of this ordinance or a Conceptual Land Use Plan or any variance or waiver from any other Village ordinance, regulation or policies applicable to the Property.

Section 11: Severability:

If any provision of this ordinance is held to be illegal, invalid or unenforceable, under present or future laws, the remainder of the ordinance not so affected shall remain in full force and effect.

Section 12: Effective Date:

This ordinance shall take effect on the 11th day of September, 2001.

PASSED AND APPROVED the 11th day of September, 2001.


Mayor Caroline Murphy

APPROVED:


Mike Willatt, Village Attorney

ATTEST:


Sherry Mashburn, City Secretary

[SEAL]

EXHIBIT A

Property Description

Lot 1, Exhibit "A", THE ESTATES CENTER II, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Document No. 200100013 of the Official Public Records of Travis County, Texas.

EXHIBIT B

Conceptual Land Use Plan (Alternative 1)

EXHIBIT C

Conceptual Land Use Plan (Alternative 2)

EXHIBIT D

Standards for Split-Faced Block

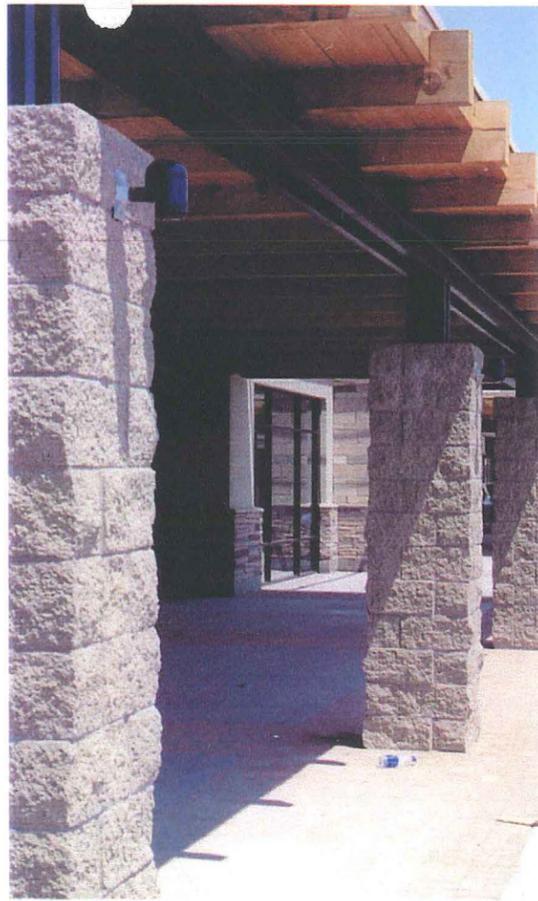
Exhibit D

Page 1 of 2

EXTERIOR MATERIALS

The exterior material palette will be developed around the use of quality Concrete Masonry Units (CMU). The commitment to masonry will ensure a sense of permanence to the buildings, anchoring them to adjacent landscape and the site terrain. The durability of the material ensures a long term quality appearance. CMU will be used as a "field" material as well as a bold building base (minimum 36") and column material. Detailing with attention to color, texture and mortar color will play an important role in breaking down the buildings to a human scale.

Sensitivity to the quality and selection of appropriate CMU finishes is critical to the overall masonry appearance. The palette will include: integral color - Split Face, Burnished (ground face) and Sand Blasted block only. Standard "gray block" is not acceptable. Final CMU color, texture and design application will be reviewed and approved by the developer's architectural review committee.



Split face block used for load bearing columns

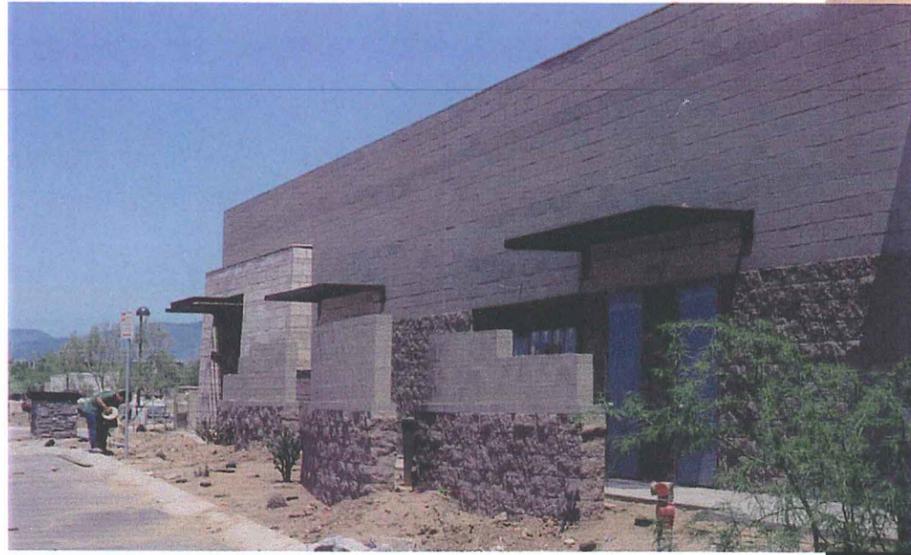


Split face block

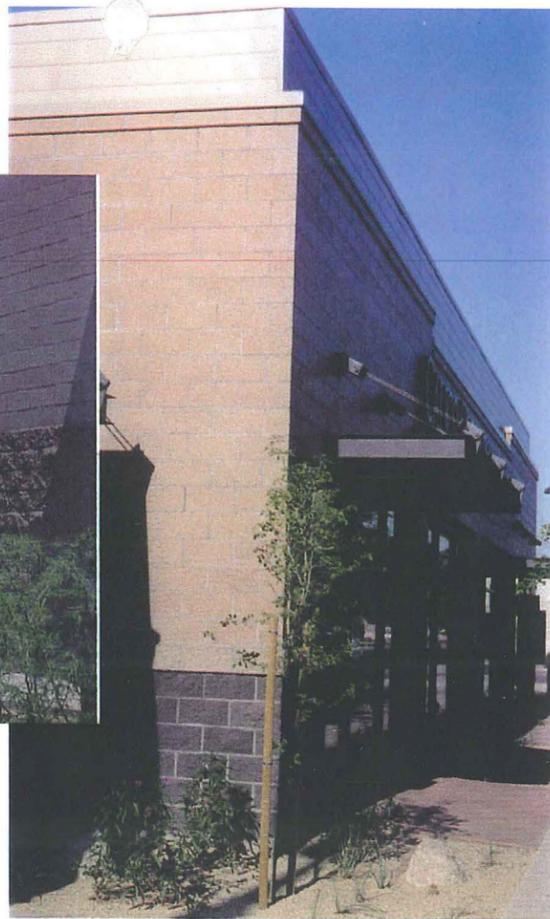
Sandblasted banding

Sandblasted Coping

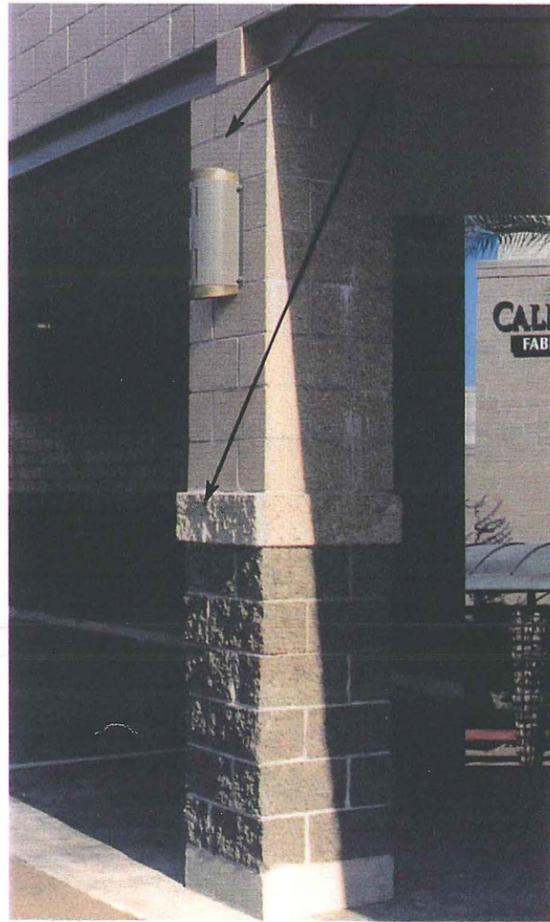
Combination of textures to create scale and detail in site wall and building



Split face and sandblasted CMU field and screen walls



Split face base and trim with burnished field



Burnished Block
Split Face base

CMU column detailing



Split face base and trim with burnished field