

ORDINANCE NO. 06-09-12-B

AN ORDINANCE APPROVING THE APPLICATION FOR A CHANGE IN ZONING FROM NEIGHBORHOOD SERVICES (NS) TO RETAIL DISTRICT AND GRANTING A CONDITIONAL USE PERMIT FOR USE OF THE PROPERTY AS A DISCOUNT TIRE COMPANY AND AUTO REPAIR STORE/INDOOR FOR 2.0 ACRES BEING A PORTION OF A .364 ACRE TRACT AND A 2.908 ACRE TRACT OF LAND LOCATED IN THE JOHN HOBSON SURVEY NO. 527, ABSTRACT NO. 387, SITUATED IN TRAVIS COUNTY, TEXAS; PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR CERTAIN CONDITIONS;

WHEREAS, an application for rezoning and for a Conditional Use Permit has been filed by Discount Tire Company (Applicant) on behalf Native Texas Stone and Supply Company (Owner) requesting rezoning from Neighborhood Services (NS) to Retail District zoning and for authorization for operation of a discount tire and automotive repair store in an area currently zoned for Neighborhood Services for a .364 acre tract and a 2.908 acre tract of land located in the John Hobson Survey No. 527, Abstract No. 387, situated in Travis County, Village of Bee Cave, Texas.

WHEREAS, a discount tire and automotive repair store is an authorized use in areas zoned for Retail upon the granting of a Conditional Use Permit;

WHEREAS, approval of the change in zoning and approval of the Conditional Use Permit has been recommended by the Planning and Zoning Commission at its meeting held on September 5, 2006;

WHEREAS, Applicant has submitted a proposed Concept Plan and other necessary information and has complied with the requirements of the Village of Bee Cave Ordinances Section 14.158 for issuance of a Conditional Use Permit; except as otherwise noted in this Ordinance;

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, the Board of Alderman have conducted a Public Hearing on the Application for a change in zoning from Neighborhood Services to Retail zoning and for issuance of a Conditional Use Permit wherein public comment was received and considered on the Application;

WHEREAS, The Board of Alderman find that the use of the subject property as a discount tire and automotive repair store/indoor is an appropriate use for a portion of the property, but not for the entirety of the described tracts of land, and is a compatible use for a portion of the Property with the surrounding properties and neighborhoods.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE VILLAGE OF BEE CAVE, TEXAS:

Section 1. The Board of Alderman find that the information submitted in the Application for a rezoning from Neighborhood Services to Retail District zoning and for a Conditional Use Permit submitted by Applicant on behalf of Owner meets the requirements of the Village of Bee Cave Zoning Ordinance for 2.0 acres (the Property) out of the property described as .364 acre and 2.908 acre tracts being a portion of the John Hobson Survey No. 527, Abstract No. 387, situated in Travis County, the Village of Bee Cave, Texas.

Section 2. Zoning Classification. The Property is hereby declared to be zoned as a Conditional Use Retail District (the "Retail District").

Section 3. Uses. The permitted use shall be a Discount Tire and Automotive Repair Store/Indoor as shown on the proposed Concept Plan, which is incorporated herein by reference.

Section 4. Site Plan. The site plan required by the Village's Zoning Ordinance shall be submitted for the Property to be developed. The site plan shall be reviewed and approved pursuant to the Village's site plan ordinance in effect on the date of the application for zoning.

Section 5. Conditional Use Permit. The Board of Alderman hereby grant the Application for a Conditional Use Permit to Discount Tire Company on behalf of Native Texas Stone and Supply Company upon the following terms and conditions:

1. Permittee shall not commence development until it has secured all permits and approvals as required by the Village of Bee Cave zoning regulations, ordinances or any permits required by regional, State and Federal agencies. Permittee shall replat the Property and amend the proposed Concept Plan so that only a 2 acre tract is shown on the proposed Concept Plan as the Property authorized for use as a discount tire and automotive repair store/indoor. The 2 acres is the tract of land depicted on the proposed Concept Plan as the north east tract of land that adjoins the proposed public road and RR 620.
2. Permittee shall dedicate an additional ten feet of right of way to the Village for construction of a public access road adjacent to the property.
3. This Conditional Use Permit authorizes development of the subject property only as a discount tire and automotive repair store. All sales of tires shall be indoor sales. No outdoor displays of tires or outside sales are authorized.

Section 6. The proposed Concept Plan shall be replaced with the revised concept Plan as required herein and such revised Concept Plan is incorporated herein upon its substitution. The elevations and drawings presented to the Board of Alderman and depicting the architecture of the discount tire and automotive store are also a part of the Concept Plan.

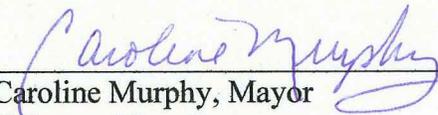
Section 7. The Village Administrator is hereby authorized and directed to note the zoning change on the official Zoning Map of the Village of Bee Cave, Texas.

Section 8. 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 Comprehensive Zoning Ordinance or Map as a whole.

Section 9. That this Ordinance shall take effect immediately from and after its passage.

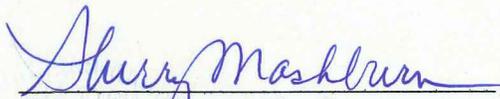
PASSED AND APPROVED this 12th day of September, 2006.

APPROVED:



Caroline Murphy, Mayor
Village of Bee Cave

ATTEST:



Sherry Mashburn, City Secretary
Village of Bee Cave, Texas

[SEAL]

APPROVED AS TO FORM:



Patty L. Akers, Village Attorney

FIELD NOTES
FOR

0.364 ACRE TRACT - TRACT 2

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE JOHN HOBSON SURVEY NO. 527 IN THE VILLAGE OF BEE CAVE, TRAVIS COUNTY, TEXAS, BEING THAT SAME 0.364 ACRE TRACT OF LAND CONVEYED TO NATIVE TEXAS STONE, ET.AL. BY INSTRUMENT RECORDED IN VOLUME 13279, PAGE 1985 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a concrete monument found at the Southwest corner of said 0.364 acre tract, being at the Southeast corner of that certain 2.908 acre tract of land conveyed to Native Texas Stone, et.al. by instrument recorded in Volume 13279, Page 1985 of the Real Property Records of Travis County, Texas, for the Southwest corner and PLACE OF BEGINNING hereof;

THENCE along the West line of said 0.364 acre tract, being along the East line of said 2.908 acre tract, N 29°31' W for a distance of 264.02 feet to a nail set in a fence post at the Northwest corner of said 0.364 acre tract, being the Northeast corner of said 2.908 acre tract, for the Northwest corner hereof;

THENCE along the North line of said 0.364 acre tract, N 61°41' E for a distance of 23.87 feet to a ½ inch iron pin found at the Northeast corner of said tract, being in the West r.o.w. line of F.M. Highway No. 620, a public right-of-way varying in width, for the Northeast corner hereof;

THENCE along the East line of said 0.364 acre tract, being along the West r.o.w. line of F.M. Highway No. 620 for the following courses:

Along a curve to the left whose radius is 1091.74 feet, whose arc is 243.70 feet and whose chord bears S 44°55'10" E for a distance of 243.19 feet to a ½ inch iron pin found

S 51°18'52" E for a distance of 54.17 feet to a ½ inch iron pin found at the Southeast corner of said tract, for the Southeast corner hereof;

THENCE along the South line of said 0.364 acre tract, S 71°33' W for a distance of 110.63 feet to the PLACE OF BEGINNING and containing 0.364 acre of land, more or less.

SURVEYED BY:

Roy D. Smith Surveyors, P.C.


ROY D. SMITH

REGISTERED PROFESSIONAL SURVEYOR

December 5, 2003

Updated: April 7, 2005

Tracts 1 & 2 - Vill. of Bee Cave

Updated: September 8, 2005

June 8, 2006



FIELD NOTES
FOR

2.908 ACRES - TRACT 1

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE JOHN HOBSON SURVEY NO. 529 IN THE VILLAGE OF BEE CAVE, TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN 2.908 ACRE TRACT OF LAND CONVEYED TO NATIVE TEXAS STONE, ET.AL. BY INSTRUMENT RECORDED IN VOLUME 13279, PAGE 1985 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a nail set in a fence post at the Northeast corner of said 2.908 acre tract, being at the Northwest corner of that certain 0.364 acre tract of land conveyed to Native Texas Stone, et.al, by instrument recorded in Volume 13279, Page 1985 of the Real Property Records of Travis County, Texas, for the Northeast corner and PLACE OF BEGINNING hereof;

THENCE along the East line of said 2.908 acre tract, being the West line of said 0.364 acre tract, S 29°31' E for a distance of 264.02 feet to a concrete monument found at the Southeast corner of said 2.908 acre tract, being the Southwest corner of said 0.364 acre tract, for the Southeast corner hereof;

THENCE along the South line of said 2.908 acre tract, being along the North line of the Public Ingress and Egress Easement dedicated by Volume 5647, Page 869 of the Deed Records of Travis County, Texas, S 71°33' W for a distance of 502.73 feet to a nail set in a fence post at the Southwest corner of said 2.908 acre tract for the Southwest corner hereof;

THENCE along the West line of said 2.908 acre tract, N 59°07' W for a distance of 48.34 feet to a nail set in a fence post and N 10°59' W for a distance of 262.38 feet to a concrete monument found at the Northwest corner of said tract for the Northwest corner hereof;

THENCE along the North line of said 2.908 acre tract for the following courses:

N 64°38' E for a distance of 128.19 feet to a concrete monument found

S 36°00' E for a distance of 108.48 feet to a concrete monument found

N 61°41' E for a distance of 293.79 feet to the PLACE OF BEGINNING and containing 2.908 acres of land, more or less.

SURVEYED BY:

Roy D. Smith Surveyors, P.C.


ROY D. SMITH
REGISTERED PROFESSIONAL
December 5, 2003
Updated: April 7, 2005
Tracts 1 & 2 - Vill. of Bee Cave
Updated: September 8, 2005
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