

**ORDINANCE NO. 06-11-28-A**

**AN ORDINANCE AMENDING THE ZONING CLASSIFICATION FROM NEIGHBORHOOD SERVICE TO RETAIL OF A TRACT OF LAND BEING APPROXIMATELY 20.00 ACRES IN THE CITY OF BEE CAVE, TEXAS, MAKING PROVISION FOR COMPLIANCE WITH THE CITY'S ZONING ORDINANCE AND AUTHORIZING THE CITY ADMINISTRATOR TO ESTABLISH THE ZONING ON THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Owner of the land described in Exhibit "A" attached hereto (the "Property") has filed an application to amend the zoning of the Property from Neighborhood Service District to Retail District; 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; and

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

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

WHEREAS, Sec. 14.150 (a) of the City Zoning Ordinance provides that the purpose of Retail District zoning is to provide areas for local neighborhood shopping and service facilities for the retail sales of goods and services.

WHEREAS, a complete application for zoning and other documents provided by the property owner have been submitted to the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEE CAVE, TEXAS:

Section 1. Zoning Classification. The Property (20 acres) is hereby declared to be zoned Retail District.

Section 2. Uses. The permitted uses for Retail District shall be those uses authorized in Section 14.171 as "P", but not including the prohibited uses identified in Exhibit "B" attached hereto and incorporated herein. Conditional ("C") uses must be authorized utilizing the procedures found in Section 14.158.

Section 3. Minimum Standards. Standards for Retail District uses shall be those standards stated in Section 14.150.

Section 4. Site Plan. A site plan is required for Retail District uses. Site plan approval as provided in Section 14.126 shall be required. The total amount of acreage available for development shall be the 20 acres less the amount of acreage that is covered by the parkway. ("Development Property"). The amount of impervious cover that is allowed on the Property shall be calculated based upon the acreage of the Development Property.

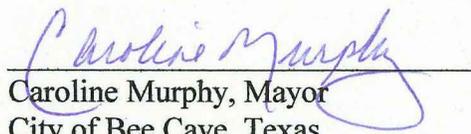
Section 5. Development Standards. Development standards shall be those standards found in Section 14.191. Non Point Source Pollution ("NPS") controls shall not be required for the parkway.

Section 6. The City Administrator is hereby authorized and directed to note the zoning change on the official Zoning Map of the City of Bee Cave, Texas.

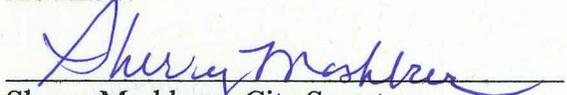
Section 7. Severability. Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance in whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of Zoning Ordinance or Map as a whole.

Section 8. That this Ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED this 28<sup>th</sup> day of November, 2006.

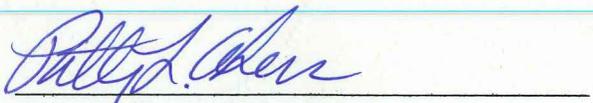
  
Caroline Murphy, Mayor  
City of Bee Cave, Texas

ATTEST:

  
Sherry Mashburn, City Secretary  
City of Bee Cave, Texas

(SEAL)

APPROVED AS TO FORM:

  
Patty L. Akers, City Attorney  
City of Bee Cave

## Exhibit "A"

BEING 20.00 ACRE TRACT OF LAND LOCATED IN THE H.T. & B RAILROAD COMPANY SURVEY NO. 2, IN TRAVIS COUNTY, TEXAS; AND MORE PARTICULARLY A PORTION OF THE REMAINDER OF THAT CERTAIN CALLED 787 ACRE TRACT OF LAND CONVEYED BY AFFIDAVIT OF SUCCESSION TO JOHN MCCARTHY AS BISHOP OF THE ROMAN CATHOLIC DIOCESE OF AUSTIN BY DEED RECORDED IN VOLUME 9601, PAGE 691 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 20.000 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ " iron rod found for the northwest corner of that certain 6.22 acre tract conveyed to James Tschirhart by deed recorded in Volume 11271, Page 842 of the Deed Records of Travis County, Texas, same being a point in the east line of Ranch Road No. 620 (ROW Varies);

THENCE, northerly along said east line of Ranch Road No. 620 the following three (3) courses:

1. N 16 degrees 56' 55" W a distance of 31.70 feet to a concrete Highway Department monument found for corner;
2. N 16 degrees 14' 27" W a distance of 328.30 feet to a concrete Highway Department monument found for the beginning of a curve to the left;
3. A distance of 240.45 feet along the arc of said curve to the left having a central angle of 10 degrees 13' 06", a radius of 1,348.24 feet and a chord which bears N 18 degrees 43' 12" W a distance of 240.14 feet to a ½-inch iron rod set for corner;

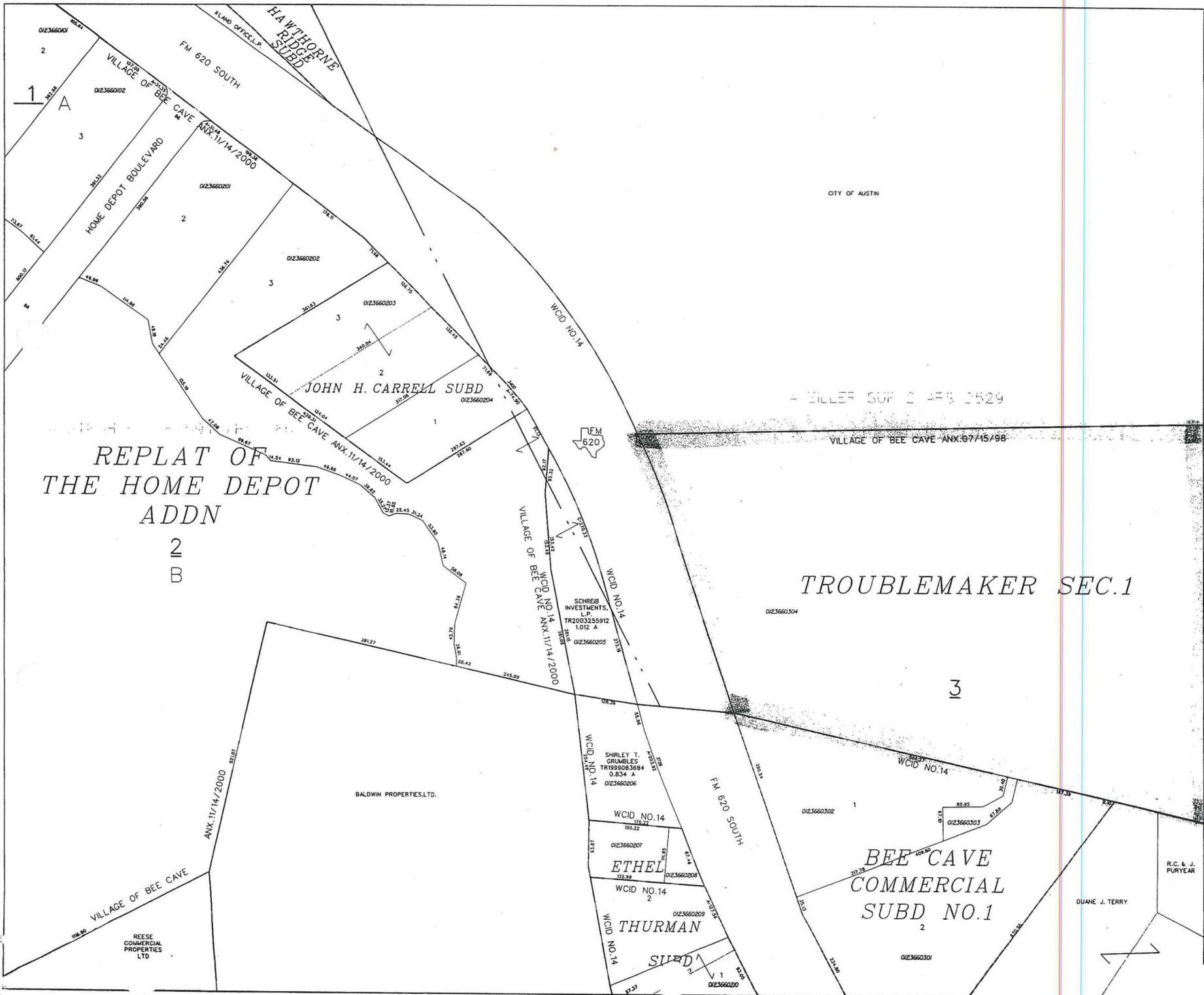
THENCE S 89 degrees 24' 24" E leaving said east line of Ranch Road No. 620 a distance of 1,135.60 feet to a ½-inch iron rod set for corner;

THENCE S 23 degrees 20' 55" E a distance of 1,000.00 feet to a ½-inch iron rod set for corner in the north line of that certain 3.92 acre tract of land conveyed to S. Puryear by deed recorded in Volume 2282, Page 42 of the Deed Records of Travis County, Texas;

THENCE N 75 degrees 12' 52" W along the common line between said 3.92 acre tract and the herein described tract a distance of 519.51 feet to a 1.2-inch iron pipe found for the northwest corner of said 3.92 acre tract, same being the northeast corner of that certain 6.939 acre tract conveyed to Baldwin Investments by deed recorded in Volume 10538, Page 162 of the Real Property Records of Travis County, Texas;

THENCE N 73 degrees 51' 23" W along the common line between said 6.939 acre tract and the herein described tract a distance of 99.31 feet to a 1.2-inch iron rod found for the northwest corner of said 6.939 acre tract, same being the northeast corner of that certain 6.22 acre tract conveyed to James Tschirhart by deed recorded in Volume 11271, Page 842 of the Real Property Records of Travis County, Texas;

THENCE N 75 degrees 24' 52" W along the common line between said 6.22 acre tract and the herein described tract a distance of 781.21 feet to the POINT OF BEGINNING of the herein described tract and containing 20.000 acres of land.



REPLAT OF  
THE HOME DEPOT  
ADDN

2  
B

TROUBLEMAKER SEC.1

BEE CAVE  
COMMERCIAL  
SUBD NO.1

REVISIONS

03/30/2004 GMR

JURISDICTIONS

LAKE TRAVIS ISD  
TCESD NO.8  
VILLAGE OF BEE CAVE  
WCD NO.14  
TRAVIS COUNTY

TRAVIS CENTRAL APPRAISAL DISTRICT

P.O. Box 145012  
Austin, Tx 78714  
Internet Address WWW.TRAVISCAD.ORG  
Main Telephone Number (512)834-9377  
Fax Number (512)836-3328  
Appraisal Information (512)834-9138  
TDD (512)836-3328



0' 100'  
SCALE

MAP NO.

12366

12568	
12366	

1" = 400' MAP REFERENCE  
1 1867

EXHIBIT "B"

**Uses within "R" Category Prohibited:**

Farms, General (Crops)  
Farms, General (Livestock/Ranch)  
Hay, Grain and/or Feed Sales  
Orchard/Crop Propagation  
Caretaker's/Guard Residence  
All Terrain Vehicle (go-carts) Dealer/Sales Only  
Auto Dealer (Primarily new/used)  
Auto Repair (General)  
Auto Repair as an Associated Use to Retail Sales  
Auto Tire Repair/Sales (Indoor)  
Quick Lube/Oil Change/Minor Inspection  
Cemetery and/or Mausoleum  
Electrical Generating Plant  
Electrical Substation  
Electrical Transmission Line  
Franchised Private Utility (not listed)  
Fraternal Organization  
Gas Transmission Line (Regulating Station)  
Hospice  
Sewerage Pumping Station  
Utility Distribution Line  
Wastewater Treatment Plant (Public)  
Water Supply Facility (Private)  
Water Supply Facility (Elevated Water Storage)  
Contractor's Temporary On-site Construction Office  
Outside Storage  
Recycling Kiosk  
Garage/Parking Structure  
Golf Course (Public/Private)