

ORDINANCE NO. 06-11-28-B

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATE 231.35 ACRE TRACT IN THE C. WOLF SURVEY NO. 182, ABSTRACT 2525, THE T.C.R.R. CO. SURVEY NO. 181, ABSTRACT 2259, THE J. REYNOLDS SURVEY NO. 44, ABSTRACT 684, TRAVIS COUNTY, TEXAS AND BEING PART OF THAT 377.46 ACRE TRACT CONVEYED TO FALCONHEAD WEST BY DEEDS RECORDED AS DOCUMENTS NO. 2006025401 THROUGH 2006025415 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, 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 requested that the land be zoned Planned Development Mixed Use District; and

WHEREAS, said 231.35 acre tract of land is further described as the portion of said 377.46 acre tract recently annexed into the City of Bee Cave, Texas city limits on October 10, 2006; and

WHEREAS, property annexed into the City is automatically zoned "Agriculture" until a specific zoning request is made; and

WHEREAS, the Property is a part of the 492.314 acre tract of land described in the Development Agreement entered into by and between the Village of Bee Cave, Texas and Spillman Development Group, Ltd., effective August 22, 2000; and subsequently amended on May 9, 2003, by the First Amendment to the Development Agreement (collectively referred to as the "Development Agreement"); 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 protest made against the proposed change of Zoning Classification; and

WHEREAS, Section 14.156 of the City's 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 Planned Development Concept Plan ("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 amendment of the zoning from Agricultural District to Planned Development District, consisting of the Development Agreement, and associated amendments, and other documents provided by the property owners 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 is hereby declared to be zoned Planned Development Mixed Use District (the "PD District").

Section 2. Uses. The base zoning district upon which the PD District is based is mixed use. The permitted uses shall be those uses shown on the PD Concept Plan (hereinafter defined) all of which are allowed in a Mixed Use District, including those allowed as Conditional Uses, which shall be "additional uses." These uses shall be distributed throughout the PD District as shown on and in accordance with the PD Concept Plan.

Section 3. Minimum Standards. Standards for residential uses and for non-residential use, including those for structure height and drainage, shall be as stated in 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. Dimensional and area standards for uses shall be as set forth in the Development Agreement.

Section 6. PD Concept Plan. The PD Concept Plan is the concept plan that was approved in connection with the Development Agreement, as amended, which is currently on file with the official records of the City. The PD Concept Plan may be further amended pursuant to the terms of the Development Agreement.

Section 7. Site Plan. The site plan required by the City's Zoning Ordinance which was in effect on August 22, 2000, shall be submitted separately for each tract that is to be developed. These site plans shall be reviewed and approved pursuant to the Village's site plan ordinance that was in effect on August 22, 2000, and the Development Agreement. Site plans are not required for any tracts which are utilized for single family residential purposes.

Section 8. PD Development Standards. The PD District Development Standards shall be as set forth in the Development Agreement. In the event of any conflicts between the development standards applicable to a mixed use district as described in the City's Zoning Ordinance, including height regulations, area regulations, yard size, maximum lot coverage, building size and parking regulations and the development standards permitted by the Development Agreement, the terms of the Development Agreement shall control.

Section 9. Hours of Operation. All permitted uses within the PD District, with the exception of restaurants, healthcare facilities, lodging facilities such as motels and hotels, spas and fitness centers, golf course pro shops, model homes, emergency veterinary services and government and public uses, shall have hours of operation between 8:00 a.m. and 12:00 a.m. This provision supersedes and replaces all provisions and restrictions regarding hours of operation which would otherwise apply to the property within the PD District under the ordinances, rules

and/or regulations of the Village.

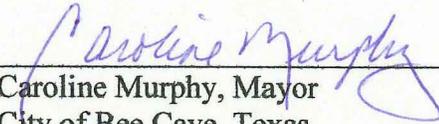
Section 10. This zoning is subject to the terms of the Development Agreement, including without limitation, those provisions which state that the Property will be governed by those ordinances, rules and regulation of the Village which were in effect on August 22, 2000, unless otherwise specifically provided in the Development Agreement.

Section 11. 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 12. 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 Zoning Ordinance or Map as a whole.

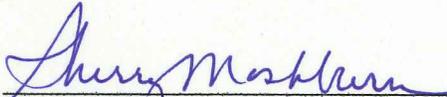
Section 13. That this Ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED this 28th 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, Texas

231.35 Acres
Falconhead West
Village of Bee Cave Annex.
Project No. 06538.10

C. Wolfe Survey No. 182, Abst. 2525
T.C.R.R. Co. Survey No. 181, Abst. 2259
J. Reynolds Survey No. 44, Abst. 684
August 2, 2006
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STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

FIELDNOTE DESCRIPTION, based on record information, of a 231.35 acre tract of land in the C. Wolfe Survey No. 182, Abstract 2525, the T.C.R.R. Co. Survey No. 181, Abstract 2259, the J. Reynolds Survey No. 44, Abstract 684, Travis County, Texas and being part of that 377.46 acre tract conveyed to Falconhead West by deeds recorded as Documents No. 2006025401 through 2006025415 of the Official Public Records of Travis County, Texas; said 231.35 acre tract of land is further described as that portion of said 377.46 acre tract within the Extra Terrestrial Jurisdiction (ETJ) of the Village of Bee Cave and not presently within the Village of Bee Cave Corporate Limits, and is more particularly described by metes and bounds as follows:

BEGINNING at the northwest corner of the original Village of Bee Cave Corporate City Limits, from which, a ½" iron rod found for an "ell" corner in the easterly line of said 377.46 acre tract, being the northwest corner of Lot 1, Charles Kullenberg Addition, a subdivision recorded in Volume 80, Page 218 of the Plat Records of Travis County, Texas, and also a point on the south line of Lot 11, Block "N", Spillman Ranch, Phase Three & Four, a subdivision recorded as Document No. 200400260 of the Official Public Records of Travis County, Texas bears S61°53'47"E, 261.10 feet;

THENCE, S28°08'13"W, leaving the common easterly line of said 377.46 acre tract and southerly line of said Spillman Ranch, Phase Three & Four subdivision, with the westerly line of the Village of Bee Cave Corporate City Limits, across the 377.46 acre tract, a distance of 306.06 feet to a point on the common southerly line of said 377.46 acre tract and northerly line of that 79.1 acre tract conveyed to William M. Grumbles by deed recorded in Volume 1972, Page 484 of the Deed Records of Travis County, Texas for the southeasterly corner of the herein described tract;

THENCE, leaving the westerly line of the Village of Bee Cave Corporate City Limits, with the common southerly line of said 377.46 acre tract and northerly and westerly lines of said 79.1 acre tract, the following thirteen (13) courses:

- 1) N46°05'45"W, a distance of 9.37 feet to an 8" cedar fence post found;
- 2) N42°54'36"W, a distance of 184.15 feet to an 8" cedar fence post found;
- 3) N44°53'00"W, a distance of 629.63 feet to an 8" cedar fence post found;
- 4) N52°03'00"W, a distance of 319.46 feet to an 8" cedar fence post found;
- 5) N63°58'13"W, a distance of 111.26 feet to an 8" cedar fence post found;

- 6) N69°27'30"W, a distance of 78.79 feet to an 8" cedar fence post found;
- 7) N73°25'50"W, a distance of 552.26 feet to an 8" cedar fence post found;
- 8) N76°02'19"W, a distance of 639.40 feet to an 8" cedar fence post found;
- 9) N72°12'33"W, a distance of 295.20 feet to an 8" cedar fence post found;
- 10) N75°51'44"W, a distance of 363.65 feet to an 8" cedar fence post found;
- 11) N84°56'33"W, a distance of 414.12 feet to an 8" cedar fence post found;
- 12) N82°38'07"W, a distance of 114.11 feet to an 8" cedar fence post found;
- 13) S27°59'05"W, a distance of 1,305.96 feet to an 8" cedar fence post found for the common southwest corner of said 79.1 acre tract and an "ell" corner in the southerly line of said 377.46 acre tract, being on the existing northerly right-of-way line of State Highway No. 71 (ROW width varies);

THENCE, leaving the westerly line of said 79.1 acre tract, with the common northerly right-of-way line of State Highway No. 71 and southerly line of said 377.46 acre tract, the following three (3) courses:

- 1) N83°07'03"W, a distance of 244.66 feet to a Texas Department of Transportation concrete monument found at the beginning of a curve to the left;
- 2) With said curve to the left, having a radius of 5790.00 feet and a central angle of 15°32'59" (chord bears S87°13'03"W, 1566.54 feet), for an arc distance of 1571.36 feet to a Texas Department of Transportation concrete monument found at the end of said curve;
- 3) S79°53'56"W, a distance of 165.77 feet to the point of intersection with the existing 1.0 mile ETJ line of the Village of Bee Cave;

THENCE, leaving the common northerly right-of-way line of State Highway No. 71 and southerly line of said 377.46 acre tract, across the 377.46 acre tract, with the existing ETJ line of the Village of Bee Cave, the following two (2) courses:

- 1) N28°08'13"E, a distance of 2946.78 feet to the point of a curvature of a curve to the right;

231.35 Acres
Falconhead West
Village of Bee Cave Annex.
Project No. 06538.10

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J. Reynolds Survey No. 44, Abst. 684
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- 2) Northeasterly with said curve to the right, having a radius of 5280.00 feet and a central angle of $04^{\circ}59'53''$ (chord bears $N30^{\circ}38'09''E$, 460.45 feet), for an arc distance of 460.60 feet to a point on the common northerly line of said 377.46 acre tract and southerly line of Henning Heights I, a subdivision recorded in Volume 85, Page 79D of the Plat Records of Travis County, Texas;

THENCE, $S65^{\circ}06'09''E$, continuing with the existing ETJ line of the Village of Bee Cave, and the common northerly line of said 377.46 acre tract and southerly line of said Henning Heights I subdivision, southerly line of that 10.09 acre tract conveyed to P.A. Stark III by deed recorded in Volume 6056, Page 1222, southerly line of that 16.28 acre tract conveyed to P.A. Stark III by deed recorded in Volume 4347, Page 1704, southerly line of that 12.14 acre tract conveyed to James Weems by deed recorded in Volume 8676, Page 416, all of the Deed Records of Travis County, Texas, southerly line of that 109.458 acre tract conveyed to Andrew and Mary Heller by deed recorded in Document No. 1999064473 of the Official Public Records of Travis County, Texas, a distance of 3459.13 feet to an 8" cedar fence post found for the southeast corner of said 109.458 acre tract and an "ell" corner in the northerly line of the 377.46 acre tract;

THENCE, $N25^{\circ}25'12''E$, continuing with the existing ETJ line of the Village of Bee Cave, and the common northerly line of said 377.46 acre tract and easterly line of said 109.458 acre tract, and easterly line of that 34.803 acre tract conveyed to David O. Faust by deed recorded in Volume 13237, Page 4377 of the Real Property Records of Travis County, Texas, a distance of 1628.53 feet to a $\frac{1}{2}$ " iron rod found for the southwest corner of that 9.96 acre tract conveyed to Alexander Tirado II by deed recorded in Volume 12288, Page 814 of the Real Property Records of Travis County, Texas and an "ell" corner in the northerly line of the 377.46 acre tract;

THENCE, $S66^{\circ}12'08''E$, continuing with the existing ETJ line of the Village of Bee Cave, and the common northerly line of said 377.46 acre tract and southerly line of said 9.96 acre tract, and southerly line of that 9.930 acre tract conveyed to Alexander Tirado II by deed recorded in Volume 12438, Page 1231 of the Real Property Records of Travis County, Texas, a distance of 333.39 feet to a $\frac{1}{2}$ " iron rod found;

THENCE, $S60^{\circ}45'31''E$, continuing with the existing ETJ line of the Village of Bee Cave, and the common northerly line of said 377.46 acre tract and southerly line of said 9.930 acre tract, a distance of 384.00 feet to a $\frac{1}{2}$ " iron rod found;

231.35 Acres
Falconhead West
Village of Bee Cave Annex.
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August 2, 2006
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THENCE, S62°05'49"E, continuing with the existing ETJ line of the Village of Bee Cave, and the common northerly line of said 377.46 acre tract and southerly line of said 9.930 acre tract, at a distance of 413.57 feet passing the southwest corner of Lot 5, Flint Rock Hill Subdivision, a subdivision recorded in Volume 87, Page 76A of the Plat Records of Travis County, Texas, for a total distance of 738.00 feet to a ½" iron rod found for the northeast corner of said 377.46 acre tract and the southeast corner of said Lot 5, being on the westerly line of Lot 14, Block "F", of the aforesaid Spillman Ranch, Phase Three & Four subdivision and also being the existing Village of Bee Cave Corporate Limits, as described in Village Ordinance No. 04-07-13-8;

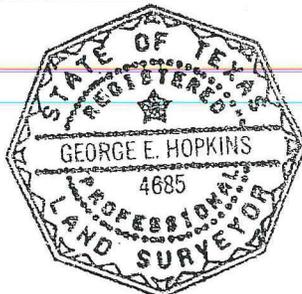
THENCE, with the common easterly line of said 377.46 acre tract and westerly line of said Spillman Ranch, Phase Three & Four subdivision, same being the existing Village of Bee Cave Corporate Limits, the following two (2) courses:

- 1) S28°12'40"W, a distance of 1204.11 feet to a ½" iron rod found;
- 2) S27°16'40"W, a distance of 1112.87 feet to a ½" iron rod found for the southwest corner of said Spillman Ranch, Phase Three & Four Final Plat and an interior corner of the said 377.46 acre tract;

THENCE, S61°53'42"E, with common easterly line of said 377.46 acre tract and southerly line of said Spillman Ranch, Phase Three & Four subdivision, same being the existing Village of Bee Cave Corporate Limits, a distance of 414.03 feet to the POINT OF BEGINNING, CONTAINING within these metes and bounds 231.35 acres of land area.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this the 2
day of AUGUST, 2006.




GEORGE E. HOPKINS
Registered Professional Land Surveyor
No. 4685 - State of Texas

**SKETCH TO ACCOMPANY
FIELDNOTES DESCRIPTION OF
231.35 ACRES**

456.63 AC.
JAMES P. HEARD
JR., ET AL
Doc. 2000133661

FLINT VALLEY
Doc. 199900389

HENNING HEIGHTS I
85/79D

10.09 AC.
P.A. STARK III
6056/1222

16.28 AC.
P.A. STARK III
4347/1704

12.14 AC.
JAMES WEEMS
8676/416

109.458 AC.
ANDREW & MARY HELLER
Doc. 1999064473

34.803 AC.
DAVID Q. FAUST
13237/4377

9.96 AC.
ALEXANDER TIRADO II
12288/814

9.930 AC.
ALEXANDER
TIRADO II
12438/1231

FLINT ROCK HILL
SUBDIVISION
87/76A

377.46 ACRES
FALCONHEAD WEST, LP
Docs. 2006025400-2006025415

**PROPOSED
231.35 ACRES
ANNEXATION TRACT**

79.1 AC.
WILLIAM M. GRUMBLES
1972/484

SPILLMAN RANCH
- PHASE 3 & 4
FINAL PLAT
- DOC. 200400260

**231.35 AC.
P.O.B.**

LOT 1
CHARLES
KULLENBERG
ADDN.
80/218

DEED LINE

N28°28'11"E 2846.78'
VILLAGE OF BEE CAVE 1.0 MILE ETJ

A=45°59'53"
R=3280.000
C=160.000
CB=330.000
S=515.3809 W

CITY OF LAKEWAY ETJ
VILLAGE OF BEE CAVE ETJ

(S65°06'09"E
3459.13'
3618.24')

CITY OF LAKEWAY ETJ
VILLAGE OF BEE CAVE ETJ

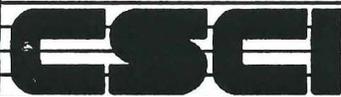
VILLAGE OF BEE CAVE LIMITS ORD
04-07-13-8
DEED LINE

(S79°53'56"W
547.47')

STATE HIGHWAY NO. 71 (ROW VARIES)

DEED LINE
ORIGINAL VILLAGE OF BEE CAVE
CORPORATE LIMITS

Dwg. # ETJ.dwg



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