

ORDINANCE NO. 07-03-13-C

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION FOR LADERA RANCH TO CHANGE THE BASE ZONING FROM AGRICULTURE TO PLANNED DEVELOPMENT DISTRICT, SINGLE FAMILY ATTACHED (“SFA”). THE PROPOSED CHANGE IN ZONING COVERS AN 82.818-ACRE TRACT OF LAND OUT OF THE H&GNRR SURVEY NO. 56, ABSTRACT NO. 2108, SITUATED IN TRAVIS COUNTY, TEXAS; BEING ALL THAT CERTAIN CALLED 52.75 ACRE “TRACT 1” AND CALLED 30.00 ACRE “Tract 2” DESCRIBED IN THE DEED TO EDWARD A. MORGAN, OF RECORD IN VOLUME 12361, PAGE 1004 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, 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 District, Single Family Attached (“SFA”); and

WHEREAS, said 82.818 acre tract of land is further described as that tract of land out of the H&GNRR Survey No. 56, Abstract No. 2108, situated in Travis County, Texas; being all of that certain called 52.75 acre “Tract 1” and called 30.00 acre “Tract 2” described in the Deed to Edward A. Morgan, of record in Volume 12361, Page 1004 of the Real Property Records of Travis County, Texas, and being the same 82.818 acre tract recently annexed into the City of Bee Cave, Texas, city limits on March 13, 2007; and

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

WHEREAS, the Property is the land described in the Development Agreement entered into by and between the City of Bee Cave, Texas and Pacific Summit Partners, L.L.C., a Delaware limited liability company, General Partner of PCG Summit-Ladera Ranch, L.P., a Texas limited partnership, (“PCG”) effective March 7, 2007 (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, 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, Single Family Attached ("SFA") consisting of the Development Agreement, Concept Plan, 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 District, Single Family Attached ("SFA") (the "PD District").

Section 2. Uses. The base zoning district upon which the PD District is based is Single Family Attached. The permitted uses shall be those uses shown on the PD Concept Plan (hereinafter defined) all of which are allowed in a Single Family Attached District. These uses shall be distributed throughout the PD District as shown on and in accordance with the PD Concept Plan, attached hereto as Exhibit "B".

Section 3. Minimum Standards. Standards for residential uses shall be those standards as set forth in the City of Bee Cave Ordinances except as they may modified by 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 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 Development Agreement and the City's Ordinances shall be submitted for the Project as a whole. This site plans shall be reviewed and approved pursuant to the City's site plan ordinance that was in effect on March 7, 2007 and the Development Agreement.

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 Single Family Attached 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 regarding hours of operation shall be in accordance with the City's Zoning Regulations for Single Family Attached District.

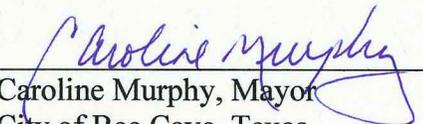
Section 10. This zoning is subject to the terms of the Development Agreement, including without limitation, those provisions which state that the Property will be governed by those ordinances, rules and regulation of the City which were in effect on March 7, 2007.

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.

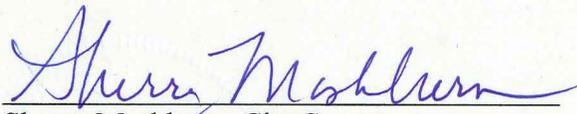
Section 13. That this Ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED this 13th day of March, 2007.



Caroline Murphy, Mayor
City of Bee Cave, Texas

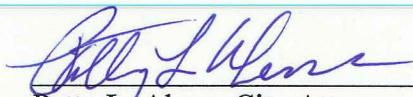
ATTEST:



Sherry Mashburn, City Secretary
City of Bee Cave, Texas

(SEAL)

APPROVED AS TO FORM:



Patty L. Akers, City Attorney
City of Bee Cave, Texas

EXHIBIT "A"

82.818 ACRES
MORGAN TRACT
VILLAGE OF BEE CAVE, TEXAS

FN NO. 06-659(MAZ)
NOVEMBER 09, 2006
BPI JOB NO. 1655-03.99

DESCRIPTION

OF 82.818 ACRES OF LAND OUT OF THE H. & G. N. R. R. SURVEY NO. 56, ABSTRACT NO. 2108, SITUATED IN TRAVIS COUNTY, TEXAS; BEING ALL OF THAT CERTAIN CALLED 52.75 ACRE "TRACT 1" AND CALLED 30.00 ACRE "TRACT 2", DESCRIBED IN THE DEED TO EDWARD A. MORGAN, OF RECORD IN VOLUME 12361, PAGE 1004 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 82.818 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2 inch iron pipe found for the southwesterly corner of said 52.75 acre tract, the southeasterly corner of said 30.00 acre tract, the northwesterly corner of that certain 1.36 acre "Tract 3" described in said Volume 12361, Page 1004, the northerly corner of that certain 3.763 acre tract described in the deed to Helen Hampton, of record in Volume 12899, page 174 of said Real Property Records, and the northeasterly corner of Tuscany Subdivision, a subdivision of record in Document No. 200000069, of the Official Public Records of Travis County, Texas, for an angle point and the southerly most corner hereof;

THENCE, along the southerly line of said 30.00 acre tract, being the northerly line of said Tuscany Subdivision, for a portion of the southerly line hereof, the following five (5) courses and distances:

- 1) N79°42'23"W, a distance of 658.08 feet to a 1/2 inch iron rod with cap set for an angle point;
- 2) N79°30'40"W, a distance of 227.22 feet to a 1/2 inch iron rod with cap set for an angle point;
- 3) N84°52'09"W, a distance of 44.99 feet to a 1/2 inch iron rod with cap set for an angle point;
- 4) N83°51'28"W, a distance of 77.84 feet to a 1/2 inch iron rod with cap set for an angle point;
- 5) N79°05'36"W, a distance of 237.52 feet to a 1/2 inch iron rod with cap found for the common westerly corner of said 30.00 acre tract and said Tuscany Subdivision, being in the easterly line of the Amended Plat of Lots 33 & 34 Block "C" and Lots 1, 2, & 3, Block "E" Spillman Ranch Phase One Section Two Final Plat, a subdivision of record in Document No. 200300174, of said Official Public Records, for the southwesterly corner hereof;

THENCE, along the northwesterly line of said 30.00 acre tract and said 52.75 acre tract, being in part the easterly line of said Amended Plat of Lots 33 & 34 Block "C" and Lots 1, 2, & 3, Block "E" Spillman Ranch Phase One Section Two Final Plat, in part a southeasterly line of the remainder of that certain 464.975 acre tract described in the Executors Distribution Deed, of record in Document No. 2001016510, of said Official Public Records, in part the southeasterly line of that certain 5.876 acre tract described in the deed to Spillman Development Group, of record in Document No. 2001126100, of said Official Public Records, and in part a portion of the southerly line of Spillman Ranch Phase One Section One Final Plat, a subdivision of record in Document No. 200200274, of said Official Public Records, for the northwesterly line hereof, the following eight (8) courses and distances:

- 1) N27°14'39"E, passing at a distance of 329.89 feet a 1/2 inch iron rod with cap found for the northeasterly corner of said Amended Plat of Lots 33 & 34 Block "C" and Lots 1, 2, & 3, Block "E" Spillman Ranch Phase One Section Two Final Plat, continuing for a total distance of 571.15 feet to a 1/2 inch iron rod with cap set for an angle point;
- 2) N26°56'52"E, a distance of 1117.71 feet to a 1/2 inch iron rod with cap set for the common northerly corner of said 30.00 acre tract and said 52.75 acre tract, for an angle point hereof;
- 3) N27°38'09"E, a distance of 177.82 feet to a 1/2 inch iron pipe found for the southeasterly corner of said 5.876 acre tract;
- 4) N27°43'12"E, a distance of 240.24 feet to a 1/2 inch iron pipe found for an angle point;
- 5) N26°07'00"E, a distance of 583.94 feet to a 1/2 inch iron pipe found for an angle point;
- 6) N27°19'35"E, a distance of 172.45 feet to a 1/2 inch iron rod with cap found for an angle point;
- 7) N27°28'08"E, a distance of 12.07 feet to a 1/2 inch iron rod with cap set for an angle point;
- 8) N34°09'20"E, a distance of 38.08 feet to a 1/2 inch iron pipe found for the northeasterly corner of said 52.75 acre tract and the northwesterly corner of that certain 36.171 acre tract described in the deed to Kenneth C. Margolis, of record in Volume 8730, Page 729, of said Real Property Records, also being in the southerly line of said Spillman Ranch Phase One Section One Final Plat, for the northerly corner hereof;

THENCE, along the northeasterly line of said 52.75 acre tract, being in part the southwesterly line of said 36.171 acre tract and in part the southwesterly line of the Replat of the Home Depot Addition, a subdivision of record in Document No. 200200218, of said Official Public Records, for the northeasterly line hereof, the following seven (7) courses and distances:

- 1) S26°27'37"E, a distance of 852.04 feet to a 1/2 inch iron rod with cap set;
- 2) S25°06'28"E, a distance of 100.10 feet to a 1/2 inch iron rod found for the westerly common corner of said 36.171 acre tract and said Replat of the Home Depot Addition;
- 3) S25°03'50"E, a distance of 177.86 feet to a 1/2 inch iron rod with cap set for an angle point;
- 4) S24°59'18"E, a distance of 181.03 feet to a 1/2 inch iron pipe found for an angle point;
- 5) S27°23'49"E, a distance of 358.85 feet to a 1/2 inch iron rod with cap set for an angle point;
- 6) S27°07'24"E, a distance of 519.88 feet to a 1/2 inch iron rod with cap set for an angle point;
- 7) S25°36'57"E, a distance of 620.30 feet to a 1/2 inch iron pipe found for the common southerly corner of said Replat of the Home Depot Addition and said 52.75 acre tract, being in the northerly line of that certain 44.611 acre tract described in the deed to Tim Skaggs and wife, Brenda Skaggs, of record in Volume 12007, Page 1764, of said Real Property Records, for the southwesterly corner hereof;

FN 06-659MAZ)
NOVEMBER 9, 2006
PAGE 4 OF 5

THENCE, S77°46'29"W, along the southerly line of said 52.75 acre tract, being in part a portion of the northerly line of said 44.611 acre tract and in part the northerly line of said 1.36 acre tract, for a portion of the southerly line hereof, a distance of 1374.46 feet to the **POINT OF BEGINNING**, containing an area of 82.818 acres (3,607,566 sq. ft.) of land, more or less, within these metes and bounds.

BEARING BASIS NOTE: THE BASIS OF BEARING IS REFERENCED TO THE TEXAS COORDINATE SYSTEM, NAD83(93), CENTRAL ZONE UTILIZING MONUMENTS OF THE LCRA HARN CONTROL NETWORK.

I, MARK A. ZIENTEK, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE THAT THIS DESCRIPTION IS BASED UPON A SURVEY ON THE GROUND, COMPLETED DURING THE MONTHS OF JULY-SEPTEMBER, 2006 UNDER MY DIRECTION AND SUPERVISION. A SURVEY SKETCH PLAT WAS PREPARED TO ACCOMPANY THIS DESCRIPTION.

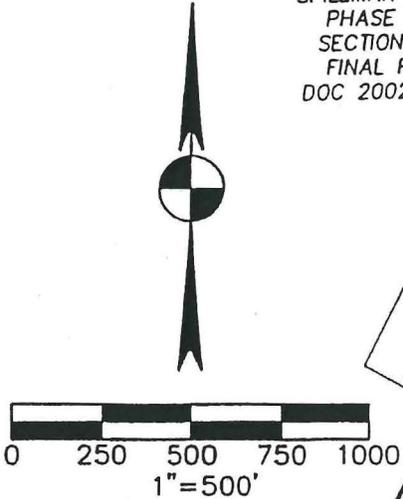
BURY + PARTNERS, INC.
ENGINEERING SOLUTIONS
3345 BEE CAVES ROAD, SUITE 200
AUSTIN, TEXAS 78746
(512) 328-0011

Mark A. Zientek 11-9-06
MARK A. ZIENTEK, R.P.L.S.
NO. 5683
STATE OF TEXAS



SPILLMAN RANCH
PHASE ONE
SECTION ONE
FINAL PLAT
DOC 200200274

KENNETH C. MARGOLIS
(36.171 ACRES)
VOL 8730, PG 729



REMAINDER OF
464.975 ACRES
EXECUTORS
DISTRIBUTION DEED
DOC 2001016510

82.818 ACRES
(3,607,566 SQ. FT.)

EDWARD A. MORGAN
(82.75 ACRES)
VOL 12361, PG 1004

LOT 1, BLOCK A

REPLAT OF THE HOME
DEPOT ADDITION
DOC 200200218

LOT 1, BLOCK B

TRACT 2
(30.00 ACRES)

TRACT 1
(52.75 ACRES)

P.O.B.

S77°46'29"W 1374.46'
BEARING BASIS--(GRID)TXSPCS

LINE TABLE

No.	BEARING	DISTANCE
L1	N79°42'23"W	658.08'
L2	N79°30'40"W	227.22'
L3	N84°52'09"W	44.99'
L4	N83°51'28"W	77.84'
L5	N79°05'36"W	237.52'
L6	N27°14'39"E	571.15'
L7	N27°38'09"E	177.82'
L8	N27°43'12"E	240.24'
L9	N26°07'00"E	583.94'
L10	N27°19'35"E	172.45'
L11	N27°28'08"E	12.07'
L12	N34°09'20"E	38.08'
L13	S25°06'28"E	100.10'
L14	S25°03'50"E	177.86'
L15	S24°59'18"E	181.03'
L16	S27°23'49"E	358.85'
L17	S27°07'24"E	519.88'
L18	S25°36'57"E	620.30'

AMENDED PLAT OF LOTS
33 & 34 BLOCK "C" AND
SPILLMAN RANCH PHASE
ONE SECTION TWO FINAL
PLAT DOC 200300174
329.89'

LOT 3
TUSCANY SUBDIVISION
DOC 200000069

W.A. HUDSON
(2.84 ACRES)
VOL 8609,
PG 1826

HELEN HAMPTON
(3.763 ACRES)
VOL 12899,
PG 174

TIM SKAGGS AND WIFE,
BRENDA SKAGGS
(44.611 ACRES)
VOL 12007, PG 1764

TRACT 3
(1.36 ACRES)



LEGEND

- 1/2" IRON ROD FOUND
- ⊙ IRON PIPE FOUND
- 1/2" IRON ROD WITH CAP SET
- (XXX) RECORD INFORMATION
- P.O.B. POINT OF BEGINNING

Mark A. Zientek
11-9-06

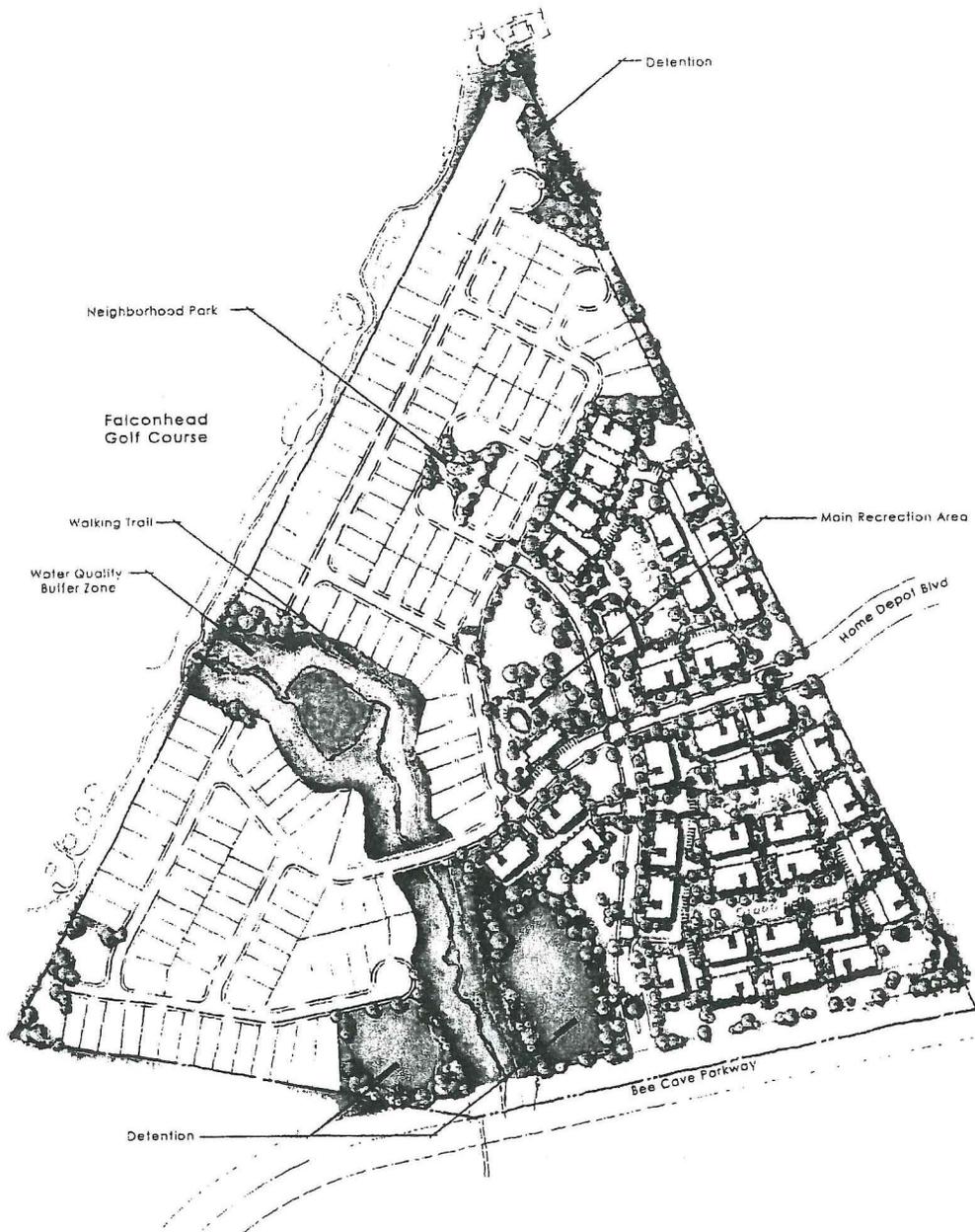
Bury+Partners
ENGINEERING SOLUTIONS
3345 Bee Caves Road, Suite 200
Austin, Texas 78746
Tel. (512)328-0011 Fax (512)328-0325
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SKETCH TO ACCOMPANY DESCRIPTION

OF 82.818 ACRES OF LAND, BEING ALL OF THAT CERTAIN 52.75 ACRE TRACT 1 AND ALL OF THAT CERTAIN 30.00 ACRE TRACT 2 DESCRIBED IN THE DEED TO EDWARD A. MORGAN, OF RECORD IN VOLUME 12361, PAGE 1004, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

LADERA RANCH

**PACIFIC
SUMMIT PARTNERS**



Site Summary

	Single Family Lots	156
	Attached Product	180

Total Units: 336



Scale: 1" = 150'

EXHIBIT "B"

Concept Plan
Ladera Ranch
 City of Bee Cave, Texas

Pacific Summit Partners
 111 Congress Avenue Suite 1950
 Austin Texas 78701
 P: 512.479.2700 FAX: 512.479.4701

KTGY GROUP, INC.
 ARCHITECTURE PLANNING
 12302 RICHMOND ROAD
 FORT WORTH, TEXAS 76135
 (817) 881-2100 FAX (817) 881-1514
 March 5, 2007