

ORDINANCE NO. 07-08-28-D

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR USE OF THE PROPERTY LOCATED AT 3930 FM 620 SOUTH AS A SCHOOL; PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR CERTAIN CONDITIONS;

WHEREAS, an application for a Conditional Use Permit has been filed by the Owners of the property described in Exhibit A, for operation of a school; and

WHEREAS, a school is an authorized use in areas zoned for Town Center upon the granting of a Conditional Use Permit;

WHEREAS, approval of the Conditional Use Permit has been recommended by the Planning and Zoning Commission at its meeting held on August 21, 2007;

WHEREAS, Applicant has submitted a proposed Concept Plan and other necessary information and has complied with the requirements of the City 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 City's Zoning Ordinance has been published in the official newspaper and given to adjacent property owners; and

WHEREAS, the City Council has conducted a Public Hearing on the Application for issuance of a Conditional Use Permit wherein public comment was received and considered;

WHEREAS, The City Council find that the use of the subject property as a school is an appropriate use for the Property and is a compatible use with the surrounding properties and neighborhoods.

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

Section 1. The City Council finds that the information submitted in the Application for a Conditional Use Permit submitted by Applicant meets the requirements of the City of Bee Cave Zoning Ordinance for the Property described in Exhibit A, which is attached hereto and incorporated herein.

Section 2. Uses. A Conditional Use Permit is hereby authorized for use of the Property as a school as shown on the proposed Concept Plan, which is attached hereto as Exhibit B and incorporated herein.

Section 3. Site Plan. A site plan required by the City's Zoning and Non-Point Source Ordinance shall be submitted and approved before issuance of a building permit or site development permit for any structures or facilities identified in the Concept Plan that are not already constructed on the Property. The site plan shall be reviewed and approved pursuant to the City's site plan ordinance.

Section 4. Conditions. The Conditional Use Permit is subject to the following terms and conditions:

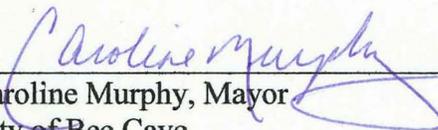
1. Permittee shall not commence use of any existing structure for a school until the City issues a Certificate of Occupancy ("CO") for such building, which CO will be issued when the building complies with the City's current building code requirements. In addition as a condition to issuance of the CO, Permittee shall provide proof to the City that Permittee has received all of the authorizations required by the State of Texas for operation of a school.
2. Permittee shall not commence any new development on the Property until it has secured all permits and approvals as required by the City of Bee Cave zoning regulations, ordinances or any permits required by regional, State and Federal agencies.
3. This Conditional Use Permit authorizes development of the subject property only as a school.

Section 5. 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 6. This Ordinance shall take effect immediately from and after its passage.

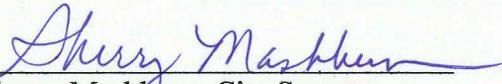
PASSED AND APPROVED this 28th day of August, 2007.

APPROVED:



Caroline Murphy, Mayor
City of Bee Cave

ATTEST:



Sherry Mashburn, City Secretary
City of Bee Cave, Texas

[SEAL]

APPROVED AS TO FORM:



Patty L. Akers, City Attorney

