

ORDINANCE NO. 07-10-09-A

AN ORDINANCE APPROVING THE APPLICATION FOR A CONDITIONAL USE PERMIT TO AUTHORIZE A RESTAURANT AND A BANK WITH DRIVE THROUGH LANES IN THE UPLANDS VILLAGE CENTER FOR LOTS 2 AND 3 AND BUILDINGS 3 AND 6 FOR THE PROPERTY LOCATED AT THE NORTHEAST CORNER OF FM 2244 AND TENNISON HILL DRIVE; WHICH PROPERTY IS ZONED PLANNED DEVELOPMENT DISTRICT WITH A BASE RETAIL DISTRICT ZONING; PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR CERTAIN CONDITIONS;

WHEREAS, an application for a Conditional Use Permit has been filed by Carr Development, Inc. as the General Partner of Upvillage, Ltd., for property owned by Upvillage, Ltd. and located at the corner of FM 2244 and Tennison Hill Drive described as Lots 2 and 3 and Buildings 3 and 6 of Uplands Village Center in the City of Bee Cave, Texas and requesting authorization for operation of a bank with drive through lanes and a drive through restaurant in an area currently zoned as a Planned Development District with a base Retail Zoning;

WHEREAS, a bank with drive through lanes and a drive through restaurant are authorized in this Planned Development District zoning district 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 October 2, 2007;

WHEREAS, Applicant has submitted an amended site plan and other necessary information as required by this Planned Development District zoning and has complied with the requirements of the City of Bee Cave Ordinances for issuance of a Conditional Use Permit;

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 and the Planning and Zoning Commission have each conducted a Public Hearing on the Application for issuance of a Conditional Use Permit wherein public comment was received and considered on the Application;

WHEREAS, the City Council finds that the use of Building 3 on Lot 2B of the subject property as a bank with drive through lanes and the use of Building 6 on Lot 2B as a restaurant, but without a drive through, with the conditions listed below, are appropriate uses for the property.

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, except as specified below, for the Property described in Exhibit A, which is attached hereto and incorporated herein.

Section 2. Uses. A Conditional Use Permit is hereby authorized, subject to the conditions listed in Section 4, for use of Building 3 on Lot 2B of the Property as a bank with drive through lanes and for use of Building 6 on Lot 2B as a restaurant.

Section 3. Site Plan. The amended site plan as required by Planned Development District Ordinance No. 01-03-13 and referenced as Exhibit B is hereby approved conditioned upon a revision of the site plan in accordance with the conditions described herein.

Section 4. Conditional Use Permit. The City Council hereby approves a Conditional Use Permit to the applicant upon the following terms and conditions:

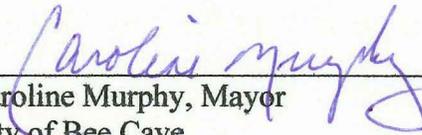
1. Permittee shall not commence development until it has secured all permits and approvals as required by the City of Bee Cave zoning regulations, ordinances or any permits required by regional, State and Federal agencies; including amending the applicant's proposed site plan to remove the drive through lane for the restaurant.
2. Permittee shall not utilize a drive through for the restaurant.
3. This Conditional Use Permit authorizes development of the subject property only as a bank with drive through lanes and as a restaurant.
4. The drive through lanes for the bank shall not open or operate before 7 am on weekdays. All other operation hours for the restaurant and the bank shall be in accordance with Ordinance No. 01-03-13.

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 City's Zoning Ordinance or Map as a whole.

Section 6. This Ordinance shall take effect immediately from and after its passage and publication as required by law.

PASSED AND APPROVED this 9th day of October, 2007.

APPROVED:



Caroline Murphy, Mayor
City of Bee Cave

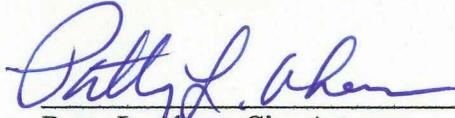
ATTEST:



Sherry Mashburn, City Secretary
City of Bee Cave, Texas

[SEAL]

APPROVED AS TO FORM:



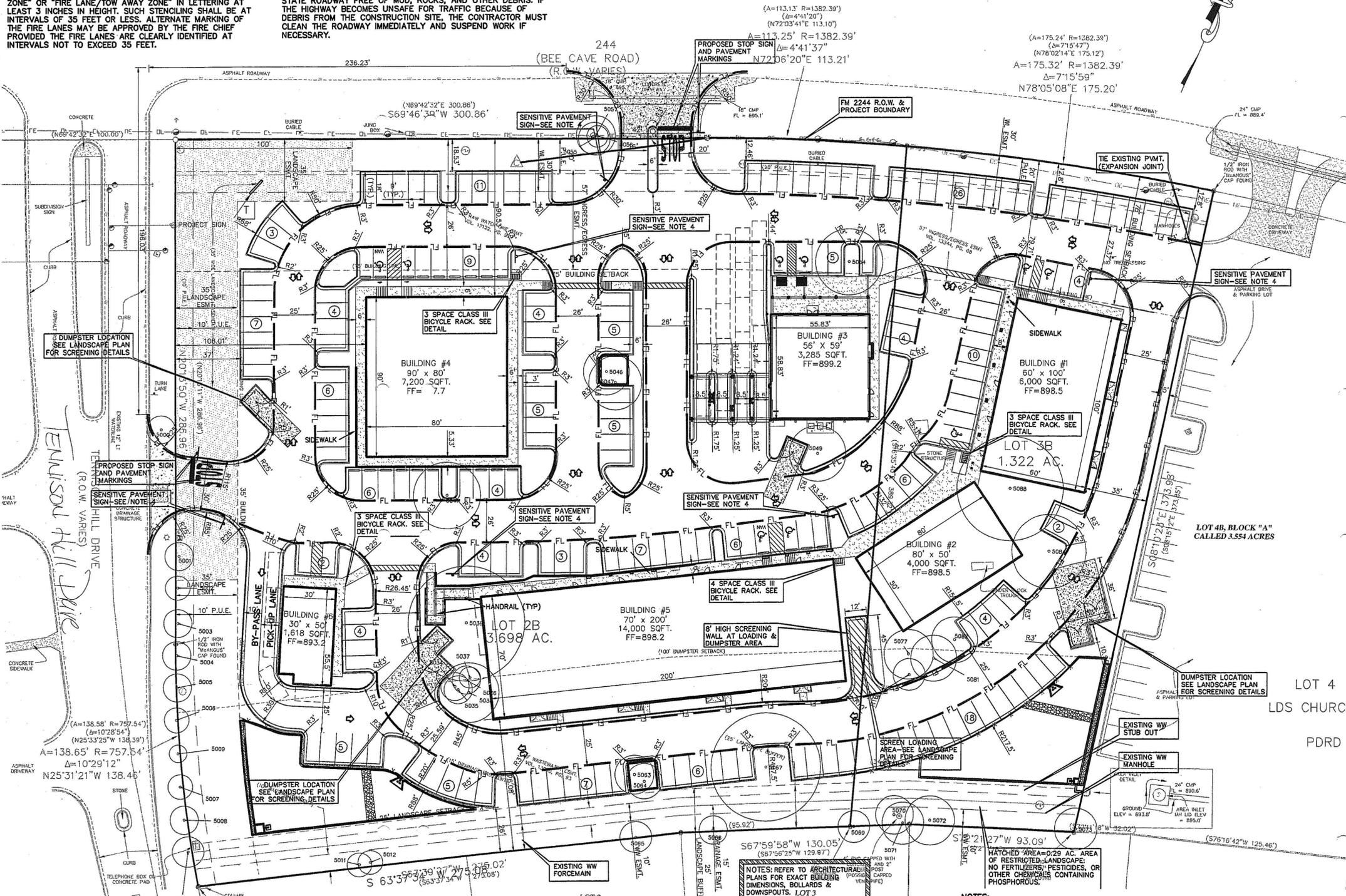
Patty L. Akers, City Attorney

NOTES:

1. STRIPE ALL PARKING SPACES AS SHOWN—2 COATS, 4" WIDE (YELLOW).
2. CONTRACTOR SHALL CALL THE "DIG TESS" CENTER (1-800-344-8377) FOR UTILITY LOCATIONS PRIOR TO ANY WORK IN CITY EASEMENTS OR STREET RIGHTS-OF-WAY.
3. PAINT THE CURB RED WITH WHITE STENCILING OR WHITE WITH RED STENCILING READING "FIRE ZONE/TOW AWAY ZONE" OR "FIRE LANE/TOW AWAY ZONE" IN LETTERING AT LEAST 3 INCHES IN HEIGHT. SUCH STENCILING SHALL BE AT INTERVALS OF 35 FEET OR LESS. ALTERNATE MARKING OF THE FIRE LANES MAY BE APPROVED BY THE FIRE CHIEF PROVIDED THE FIRE LANES ARE CLEARLY IDENTIFIED AT INTERVALS NOT TO EXCEED 35 FEET.

4. LANE CLOSURES ARE ONLY ALLOWED FROM 9 AM UNTIL 4 PM MONDAY THROUGH FRIDAY. LANE CLOSURES ARE NOT ALLOWED IF PAVEMENT IS WET OR ICY. CONSTRUCTION WORK WITHIN THE RIGHT OR WAY OF FM 2244 MUST BE SCHEDULED FOR MONDAY THROUGH FRIDAY DURING DAYLIGHT HOURS. CONTRACTOR SHALL CONTACT TxDOT AT 288-4761 AT LEAST 48-HOURS PRIOR TO WORKING IN THE RIGHT-OF-WAY.
5. THE PRIMARY CONTRACTOR IS RESPONSIBLE FOR KEEPING THE STATE ROADWAY FREE OF MUD, ROCKS, AND OTHER DEBRIS. IF THE HIGHWAY BECOMES UNSAFE FOR TRAFFIC BECAUSE OF DEBRIS FROM THE CONSTRUCTION SITE, THE CONTRACTOR MUST CLEAN THE ROADWAY IMMEDIATELY AND SUSPEND WORK IF NECESSARY.

BEE CAVE ROAD



STANDARD LEGEND

- SET 1/2 INCH IRON ROD w/ V/A PROPERTY CORNER CAP.
- FOUND IRON ROD w/ MBO CORNER CAP. (UNLESS OTHERWISE NOTED)
- ⊕ BENCHMARK
- GETCA GAS, ELECTRIC, TELEPHONE, CABLE
- CONCRETE PAVEMENT
- ⊥ SIGN
- ⊥ HANDICAP PARKING
- EX 8" SS— EXISTING SANITARY SEWER LINE
- ⊙ SANITARY SEWER MANHOLE
- FDC FIRE DEPARTMENT CONNECTION
- TRANSFORMER
- GENERATOR
- THRUST BLOCKS
- LIGHT POLE
- CURB WEEP HOLE
- AC PADS
- DRAIN BASIN
- CURB INLET
- ⊙ ELECTRIC POLE
- GUY WIRE
- OVERHEAD ELECTRIC
- EX 20" W— EXISTING 20" WATER LINE
- ⊕ EXISTING WATER VALVE
- ⊕ EXISTING FIRE HYDRANT
- ⊕ FIRE HYDRANT
- ⊕ CLEAN OUT
- ⊙ TREES TO REMAIN
- ⊙ TREES TO BE REMOVED
- IRON ROD FENCE
- WIRE FENCE
- CHAIN LINK FENCE
- ⊕ ELECTRICAL MANHOLE
- ⊕ PARKING COUNT

PROJECT SUMMARY

TOTAL SITE = 5,020 AC = 216,533 SF
EXISTING ZONING = PDRD

BUILDING 1 - 1 STORY RETAIL/OFFICE
6,800 SF RETAIL/OFFICE
MAX HEIGHT OF BUILDING = 28'-0"
FINISHED FLOOR ELEVATION = 899.50
FOUNDATION TYPE = SLAB ON GRADE

BUILDING 2 - 1 STORY RETAIL/OFFICE
4,800 SF RETAIL/OFFICE
MAX HEIGHT OF BUILDING = 24'-4"
FINISHED FLOOR ELEVATION = 899.50
FOUNDATION TYPE = SLAB ON GRADE

BUILDING 3 - 1 STORY RETAIL/OFFICE
3,200 SF RETAIL/OFFICE
MAX HEIGHT OF BUILDING = 20'-0"
FINISHED FLOOR ELEVATION = 899.20
FOUNDATION TYPE = SLAB ON GRADE

BUILDING 4 - 1 STORY RETAIL/OFFICE
7,200 SF RETAIL/OFFICE
MAX HEIGHT OF BUILDING = 17'-0"
FINISHED FLOOR ELEVATION = 897.20
FOUNDATION TYPE = SLAB ON GRADE

BUILDING 5 - 1 STORY RETAIL/OFFICE
14,000 SF RETAIL/OFFICE
MAX HEIGHT OF BUILDING = 26'-5"
FINISHED FLOOR ELEVATION = 899.20
FOUNDATION TYPE = SLAB ON GRADE

BUILDING 6 - 1 STORY RETAIL/OFFICE
1,618 SF RETAIL/OFFICE
MAX HEIGHT OF BUILDING = 24'-4"
FINISHED FLOOR ELEVATION = 893.20
FOUNDATION TYPE = SLAB ON GRADE

TOTAL BUILDING SF = 36,128
36,128 SF * 1 SPACE PER 200 SF = 181 SPACES
TOTAL SPACES REQUIRED = 181 SPACES
TOTAL SPACES PROVIDED = 182 SPACES
10 HC

OPTIONAL: CLASS III BICYCLE PARKING REQUIRED = 5% OF 186 SPACES = 10
CLASS III BICYCLE PARKING PROVIDED = 16

IMPERVIOUS COVER:
BUILDING = 36,128 SF
CONC. DUMPSTER PADS = 2,902 SF
SIDEWALKS = 9,506 SF
TOTAL IMPERVIOUS COVER = 48,536 SF / 22.21%
TOTAL EXISTING IMPERVIOUS COVER = 0 SF / 0%
TOTAL BUILDING COVERAGE = 36,128 SF / 17.16%
PERVIOUS PAVEMENT = 99,260 SF

NO.	DATE	DESCRIPTION	REVISIONS
4			
3			
2			
1			



VICKREY & ASSOCIATES, INC.
CONSULTING ENGINEERS
1209 West 5th Street, Suite 200
Austin, Texas 78703
Phone: (512) 494-8014 Fax: (512) 494-8054

PREPARED FOR:
UPLANDS VILLAGE, LTD.
5121 BEE CAVE ROAD,
SUITE 207
AUSTIN, TEXAS 78746
(512) 306-1771

SITE PLAN
LOTS 2 & 3 UPLANDS VILLAGE
BEE CAVE, TEXAS

DATE: AUGUST 2007

SCALE
Vertical: 1"=30'
Horizontal: 1"=30'

SHEET 7 OF 16

PROJ. NO. 2140-002

SEP 06, 2007 - 12:21pm
N:\2140-002\dwg\ph_site01.dwg - Layout1

Uplands Village Lots 2-3 Site Summary

Site Usage	Square Ft.	Acres	Comments
Buildings	35128	0.83	
Sidewalk	9506	0.22	Concrete sidewalks
Misc. Conc.	2802	0.07	Dumpster pads
Porous Pavmt.	99260	2.28	
Landscape (undisturbed)	47331	1.09	Does not flow to detention ponds
Restricted Landscape	11403	0.26	property
Landscape in Det. Ponds	12003	0.28	
Total	218533	5.02	

- NOTES:**
1. PHASE 1 CONSISTS OF THE ENTIRE PROJECT, EXCEPT FOR THE CONSTRUCTION OF BUILDINGS 3 & 4. ALL PARKING, DRIVES, AND CURB TO BE INSTALLED IN PHASE 1.
 2. PHASE 2 IS THE CONSTRUCTION OF BUILDING 3.
 3. PHASE 3 IS THE CONSTRUCTION OF BUILDING 4.
 4. SIGNS CONCERNING THE SENSITIVE NATURE OF THE POROUS PAVEMENT SHALL BE POSTED WITH THE FOLLOWING LANGUAGE:

ECOLOGICALLY SENSITIVE PAVEMENT
 The pavement on this site is an ecologically sensitive water quality feature.
 1. Do not pile dirt or allow the flow of sediment onto this pavement.
 2. All landscaping must be established to prevent the washing or floating of material onto the pavement.
 3. Report all fuel or chemical spills immediately to VOBC, (512)263-2151.
 4. Special maintenance is required for this pavement. Contact VOBC before performing any pavement maintenance.
 5. The maintenance plan for this project is available at the VOBC, (512) 263-2151.