

ORDINANCE NO. 07-11-13-A

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION FROM SINGLE FAMILY-RURAL RESIDENTIAL DISTRICT TO MIXED USE DISTRICT FOR A TRACT OF LAND BEING APPROXIMATELY 37.458 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 change the zoning from Single Family Rural Residential to Mixed Use 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 the City Council has considered any comments received by citizens at such public hearings;

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

Section 1. Findings of Fact. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

Section 2. Zoning Classification. The Property, being an approximate 37.458-acre tract, which is more fully described in Exhibit A, attached hereto and incorporated herein, is hereby declared to be zoned as a Mixed Use District.

Section 3. Uses. The permitted uses for Mixed Use District shall be those uses authorized in Section 14.171 as "P". Conditional ("C") uses must be authorized utilizing the procedures found in Section 14.158.

Section 4. Minimum Standards. Standards for Mixed Use District uses shall be those standards stated in Section 14.153. Site plan approval as provided in Section 14.126 shall be required.

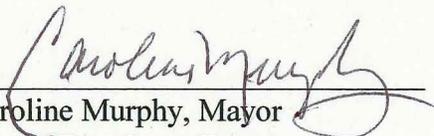
Section 5. Development Standards. Development standards shall be those standards found in Section 14.153. The applicant shall survey the subject property before approval of a site plan which survey shall be substituted for the property description attached hereto.

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.

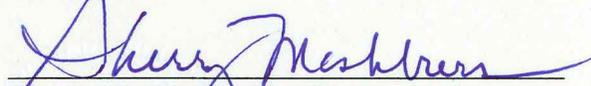
Section 8. That this Ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED this 13th day of November, 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

**JAMES E. GARON
& ASSOCIATES, INC.**
PROFESSIONAL LAND SURVEYORS

924 Main Street
Bastrop, Texas 78602
512-303-4185
Fax 512-321-2107
jgaron@austin.rr.com

November 14, 2007

LEGAL DESCRIPTION: BEING A 37.453 ACRE TRACT OF LAND LYING IN AND BEING SITUATED OUT OF THE I. & G.N. R.R. CO. SURVEY, ABSTRACT NO. 2108 IN TRAVIS COUNTY, TEXAS AND BEING A PORTION OF THAT CERTAIN 56.628 ACRE TRACT OF LAND CONVEYED TO REESE COMMERCIAL PROPERTIES LTD. BY DEED RECORDED IN DOCUMENT NO. 2001091446 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 37.453 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND AS SURVEYED UNDER THE SUPERVISION OF JAMES E. GARON & ASSOCIATES IN JUNE, 1995:

BEGINNING at a bolt found for the northeasterly corner hereof and said 56.628 acre tract and the northwesterly corner of that certain 51.50 acre tract of land conveyed to Baldwin Properties Ltd by deed recorded in Document 2002105444 of said deed;

THENCE along the east line hereof and said 56.628 acre tract and west line of said Baldwin Properties tract, S 02°03'33" E a distance of 1379.42 feet to an iron rod found in concrete for angle point and S 14°02'42" W a distance of 253.75 feet to an iron rod found for the southeast corner hereof;

THENCE crossing said 56.628-acre tract the following five (5) calls:

1. N 77°01'05" W a distance of 540.27 feet to a point for corner;
2. a length of 55.07 feet along the arc of a curve to the right having a radius of 1030.00 feet and a chord bearing S 21°12'38" W a distance of 55.06 feet to a point of tangency,
3. S 22°44'32" W a distance of 95.99 feet to a point for corner;
4. N 67°15'28" W a distance of 60.00 feet to an angle point;
5. S 78°21'02" W a distance of 465.38 feet to an iron rod set for the southwest corner hereof and an angle point in the west line of said 56.628 acre tract and west line of that certain 40.24 acre tract of land conveyed to Tim and Brenda Skaggs by deed recorded in Volume 12007, Page 1764 of said deed records;

THENCE N 10°14'06" W a distance of 1094.54 feet along said line to an iron rod found for the northwest corner hereof and said 56.628 acre tract;

Exhibit "A"

THENCE along the north line hereof and said 56.628 acre tract and south line of Lot 1, Block "B", Replat of the Home Depot Addition as recorded in Document 200200218 of said deed records the following three (3) calls:

1. N 64°47'32" E a distance of 122.65 feet to an iron rod set for angle point;
 2. N 65°06'59" E a distance of 209.26 feet to an iron rod found for angle point;
 3. N 63°36'02" E a distance of 1116.77 feet
- to the **POINT OF BEGINNING**, containing 37.453 acres of land, more or less.

Surveyed by:



James E. Garon
Registered Professional Land Surveyor
Server: Co\Travis\Surveys\I & G.N. RR. CO.\ B70207.doc