

ORDINANCE NO. 08-06-10-A

AN ORDINANCE APPROVING THE APPLICATION FOR A CONDITIONAL USE PERMIT TO AUTHORIZE A HEALTH AND FITNESS CENTER FOR LOT 8, BLOCK A IN THE UPLANDS VILLAGE CENTER LOCATED AT 11805 BEE CAVES ROAD; 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 Vincent Parrilla, Owner of Lot 8, Block A of Uplands Village Center located at 11805, Bee Caves Road in the City of Bee Cave, Texas and requesting authorization for operation of a health and fitness center;

WHEREAS, a health and fitness center is an authorized use 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 June 3, 2008;

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 Lot 8, Block A within the Uplands Village Center as a health and fitness center, with the conditions listed below, is an appropriate use 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 for Lot 8, Block A of the Uplands Village Center;

Section 2. Uses. A Conditional Use Permit is hereby authorized for a health and fitness center, subject to the conditions listed in Section 4, for use of a portion of the building, as depicted in the amended site plan which is attached hereto as Exhibit "A".

Section 3. Site Plan. The amended site plan as required by Planned Development District Ordinance No. 01-03-13 and attached hereto as Exhibit "A" is hereby approved.

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

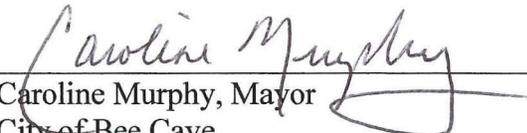
1. Permittee shall not commence development until it has secured all permits and approvals as required by the City of Bee Cave zoning regulations, ordinances or any permits required by regional, State and Federal agencies;
2. The health and fitness center shall operate only during the hours of 6am to 10pm. All other condition for the health and fitness center 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.

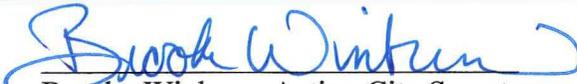
PASSED AND APPROVED this 10th day of June, 2008.

APPROVED:



Caroline Murphy, Mayor
City of Bee Cave

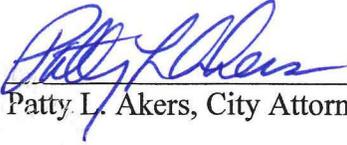
ATTEST:



Brooke Winburn, Acting City Secretary
City of Bee Cave, Texas

[SEAL]

APPROVED AS TO FORM:



Patty L. Akers, City Attorney