

**ORDINANCE NO. 01**

**AN ORDINANCE OF THE CITY OF BEE CAVE, TEXAS (“CITY”) AMENDING THE ZONING OF REAL PROPERTY FROM CURRENT ZONING AS A MIXED USE DISTRICT TO A PLANNED DEVELOPMENT RETAIL DISTRICT FOR A TRACT OF LAND BEING APPROXIMATELY 44.073 ACRES, WHICH LAND IS LOCATED GENERALLY NORTH OF HIGHWAY 71 AND WEST OF HIGHWAY 620 AND SOUTH OF THE PROPOSED BEE CAVE PARKWAY EXTENSION IN THE CITY AND WHICH LAND IS MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” ATTACHED (“PROPERTY”); APPROVING A CONCEPT PLAN, ATTACHED AS EXHIBIT “B” (“CONCEPT PLAN”); PROVIDING SPECIAL DEVELOPMENT STANDARDS AND CONDITIONS, ATTACHED AS EXHIBIT “C” (“PLANNED DEVELOPMENT STANDARDS”), BUILDING ELEVATIONS, ATTACHED AS EXHIBIT “D”, SIGNAGE, ATTACHED AS EXHIBIT “E”, TRAFFIC CONTRAL AND EVENT SECURITY PLAN, EXHIBIT “F”; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR FINDINGS OF FACT, SEVERABILITY, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.**

**WHEREAS**, the Planning and Zoning Commission and the City Council of the City, in compliance with the laws of the State of Texas, have given the requisite notices by publication and otherwise, and have held two public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and the City Council of the City is of the opinion and finds that said zoning change should be granted and that the Comprehensive Zoning Ordinance and Map should be amended as set forth herein; and

**WHEREAS**, the development proposed by the zoning applicant complies with the current City Ordinances except as modified by the Planned Development Standards contained in this Ordinance; and

**WHEREAS**, any protest made against the proposed change of Zoning Classification has been duly considered by the City Council; and

**WHEREAS**, Sec. 32.03.015 of the City 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 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**, the development proposed by the zoning applicant is of a very low density impact and is intended to blend harmoniously with the natural terrain and vegetation which will require an ongoing, flexible design process for buildings, parking, lighting and related elements; and

**WHEREAS**, this development is intended to serve as the new location for the outdoor music venue named "The Backyard" which business in 2008 celebrated its 16th year in Bee Cave, it's 400th Show and it's 1 millionth customer; and

**WHEREAS**, the Backyard has been named by Glide Magazine as one of the Top 10 outdoor music venues in the United States, the Best Place to Hear Live Music in Austin by Austin Citysearch, by Austin360.com and by the American Statesmen; and

**WHEREAS**, the Backyard is a well respected and valued corporate citizen to the City of Bee Cave and has demonstrated its commitment to develop this Project in an environmentally sensitive and proactive manner;

**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 and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2.** Amendment. That the City Zoning Ordinance and Map of the City of Bee Cave, Texas, be and the same are hereby, amended so as to grant a change of zoning from Mixed Use District to Planned Development District with base zoning of Retail for the Property as described in Exhibit "A".

**SECTION 3.** Development. That the Property shall be developed in compliance with this Ordinance, the Concept Plan, attached as Exhibit "B", and the terms and conditions of the City's Code of Ordinances, except as modified by the Planned Development Standards attached hereto as Exhibit "C."

**SECTION 4.** Concept Plan. That the Concept Plan for this Planned Development District which is attached as Exhibit "B" and made a part hereof for all purposes is hereby approved for said Planned Development District as required by Chapter 32, of the Code of Ordinances of the City of Bee Cave, Texas. Any proposed use or development depicted on the Concept Plan shall not be deemed authorized or approved by the City of Bee Cave until a final site plan ("Site Plan") is approved for such use and/or development in accordance with the terms and conditions of Chapter 32 of the Code of Ordinances. Amendments to the Concept Plan may occur in accordance with the requirements of Chapter 32, of the Code of Ordinances, or as provided in Exhibit "C".

**SECTION 5.** Uses. All of the uses depicted in the Concept Plan, and all of the permitted uses for the Retail base zoning district upon which the PD District is based shall be authorized uses in accordance with the Concept Plan. The City Council for the City hereby expressly permits and approves the uses listed in Section 9 of Exhibit "C", which is attached hereto and incorporated herein for all purposes. Conditional Uses associated with the applicable base zoning district are not authorized by this Ordinance unless listed in Section 9 of Exhibit

“C”. The City Council considers the uses listed in Section 9 of Exhibit “C” and any other Retail District uses to be supporting uses and would not necessarily authorize such change of zoning or such uses, or authorize a waiver of the City’s set back requirements, absent the construction and operation of the Outdoor Music Venue as it is generally depicted on the Concept Plan. The authority granted by this Ordinance is therefore specific to the Project that has been represented in the applicant’s application and as depicted in the Concept Plan unless same is subsequently amended or modified by approval of the City Council or unless such changes are authorized by Exhibit “C” to this Ordinance. The Outdoor Music Venue is authorized to accommodate up to a maximum of 7,500 patrons.

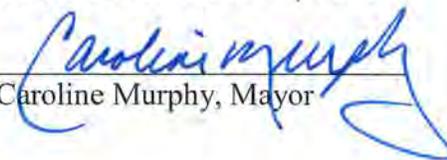
**SECTION 6. Severability.** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjusted or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of Chapter 32, Zoning, of the City of Bee Cave Code of Ordinances and Map as a whole.

**SECTION 7. Effective Date.** That this Ordinance shall take effect immediately from and after its passage.

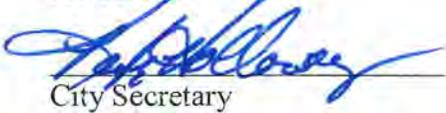
**SECTION 8. Notice and Meeting Clause.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**PASSED AND APPROVED** by the City Council of the City of Bee Cave, Texas, on the 13th day of January, 2009.

**CITY OF BEE CAVE, TEXAS**

  
Caroline Murphy, Mayor

**ATTEST**

  
City Secretary

[SEAL]

**APPROVED AS TO FORM:**

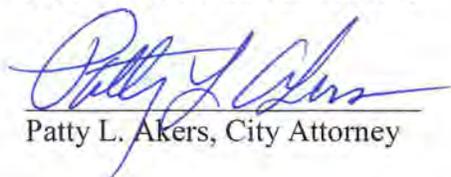
  
Patty L. Akers, City Attorney

Exhibit "A"

**Property Description**

**FIELD NOTES FOR 4.516 ACRES  
IN THE I. & G.N. R.R. CO. SURVEY A-2108, TRAVIS COUNTY, TEXAS**

FIELD NOTES DESCRIBING 4.516 acres of land in the I. & G.N. R.R. Co. Survey, A-2108, situated in Travis County, Texas, being a portion of that certain 56.682 acre tract of land conveyed to Reese Commercial Properties Ltd., by Deed recorded in Document No. 2001091446 of the Official Records of Travis County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point on the West line of said 56.682 acre tract, from which the Northwest corner of said 56.682 acre tract bears  $N10^{\circ}14'06''W$ , 73.71 feet, for the Northwest corner and POINT OF BEGINNING of this tract.

THENCE with the North line hereof,  $N64^{\circ}04'49''E$ , 518.90 feet to the to the Point of Curvature of a curve to the right having a radius of 464.61 feet and a central angle of  $105^{\circ}41'29''$ .

THENCE with the arc of said curve 857.06 feet, the chord of which bears  $S32^{\circ}11'04''W$ , 740.61 feet to a point on the West line of said 56.682 acre tract for the Point of Tangency and the South corner of this tract.

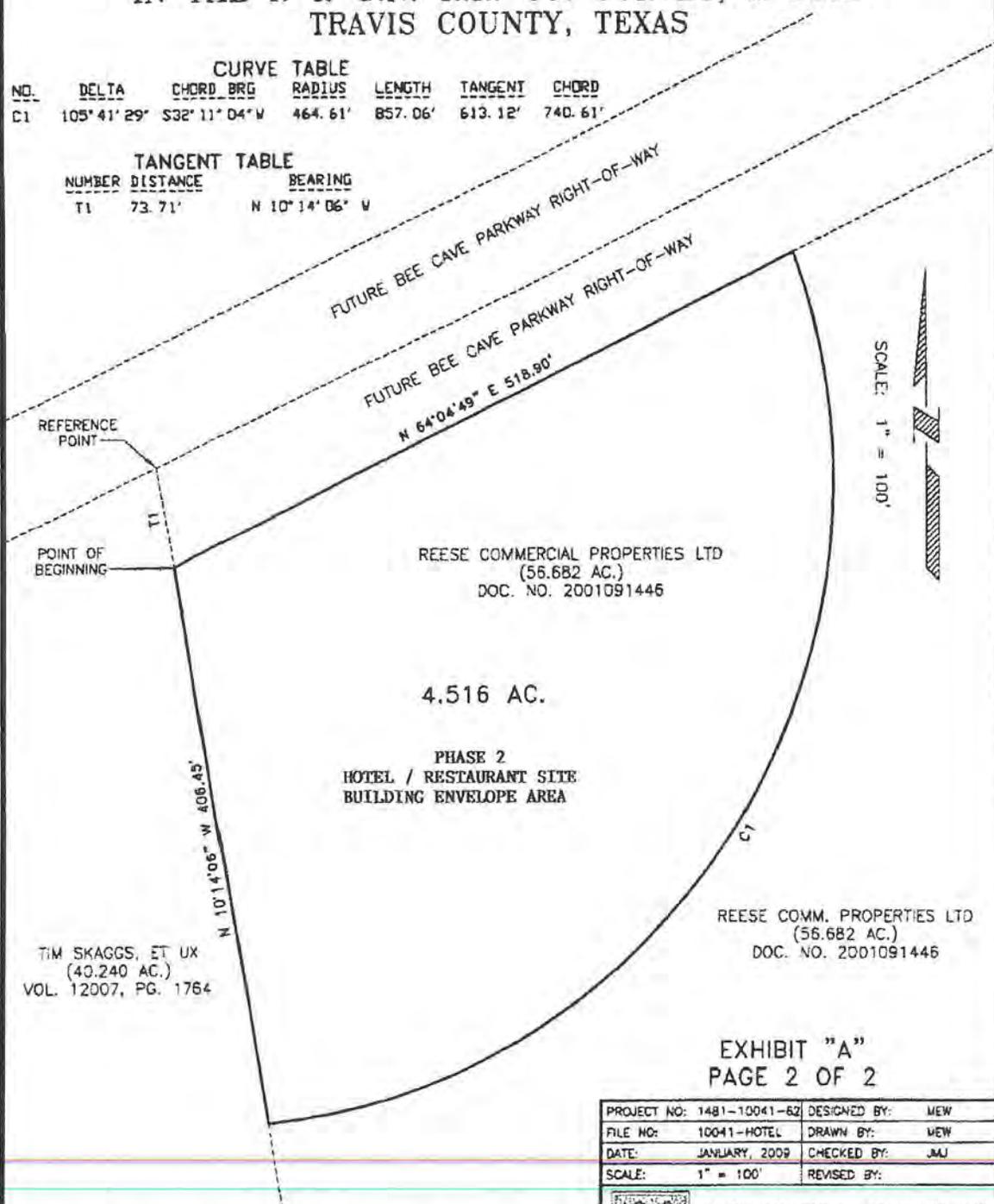
THENCE with the West line of said 56.682 acre tract, for the West line hereof,  $N10^{\circ}14'06''W$ , 406.45 feet to the POINT OF BEGINNING of this tract, containing 4.516 acres of land, more or less.

THESE FIELD NOTES WERE PREPARED FROM PUBLIC INFORMATION AVAILABLE THROUGH THE OFFICE OF THE TRAVIS COUNTY CLERK AND OTHER PUBLIC MAPS AND RECORDS. THESE FIELD NOTES DO NOT PURPORT TO BE AN ON-THE-GROUND SURVEY, AND DO NOT REPRESENT THE RESULTS OF AN ON-THE-GROUND SURVEY.

**SKETCH TO ACCOMPANY FIELD NOTES FOR 4.516 ACRES  
IN THE I. & G.N. R.R. CO. SURVEY, A-2108  
TRAVIS COUNTY, TEXAS**

CURVE TABLE						
NO.	DELTA	CHORD BRG	RADIUS	LENGTH	TANGENT	CHORD
C1	105° 41' 29"	S32° 11' 04" W	464.61'	857.06'	613.12'	740.61'

TANGENT TABLE		
NUMBER	DISTANCE	BEARING
T1	73.71'	N 10° 14' 06" W



**EXHIBIT "A"  
PAGE 2 OF 2**

PROJECT NO: 1481-10041-62	DESIGNED BY: MEW
FILE NO: 10041-HOTEL	DRAWN BY: MEW
DATE: JANUARY, 2009	CHECKED BY: JMJ
SCALE: 1" = 100'	REVISED BY:



**GRAY · JANSING & ASSOCIATES, INC.**  
Consulting Engineers  
0217 Shoal Creek Blvd., Suite 200  
Austin, Texas 78757-7592  
(512)452-0371 FAX(512)454-9933

THIS MAP WAS PREPARED FROM PUBLIC INFORMATION AVAILABLE THROUGH THE OFFICE OF THE TRAVIS COUNTY CLERK AND OTHER PUBLIC MAPS AND RECORDS. THIS MAP DOES NOT PURPORT TO BE AN ON-THE-GROUND SURVEY, AND DOES NOT REPRESENT THE RESULTS OF AN ON-THE-GROUND SURVEY.

**FIELD NOTES FOR 0.499 ACRES IN THE NANCY GIBSON SURVEY A-521  
TRAVIS COUNTY, TEXAS**

FIELD NOTES DESCRIBING a 0.499 acre tract of land in the Nancy Gibson Survey, A-521, situated in Travis County, Texas, being a portion of that certain 56.682 acre tract of land conveyed to Reese Commercial Properties Ltd., by Deed recorded in Document No. 2001091446 of the Official Records of Travis County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point on the North right-of-way line of State Highway No. 71, being the Southeast corner of said 56.682 acre tract, for the Southeast corner and POINT OF BEGINNING of this tract.

THENCE with the North right-of-way line of State Highway No. 71, for the South line hereof, the following two (2) courses:

1. S86°53'42"W, 152.09 feet to the Point of Curvature of a curve to the right having a radius of 2801.45 feet and a central angle of 2°25'44".
2. with the arc of said curve 118.76 feet, the chord of which bears S87°52'45"W, 118.75 feet to the Point of Compound Curvature of a curve to the right having a radius of 25.00 feet and a central angle of 91°21'07".

THENCE with the West line hereof, the following two (2) courses:

1. with the arc of said curve 39.86 feet, the chord of which bears N45°14'08"W, 35.77 feet to the Point of Tangency of said curve.
2. N00°26'07"E, 49.53 feet to the Point of Curvature of a curve to the left having a radius of 2726.45 feet and a central angle of 2°55'47", for the Northwest corner of this tract.

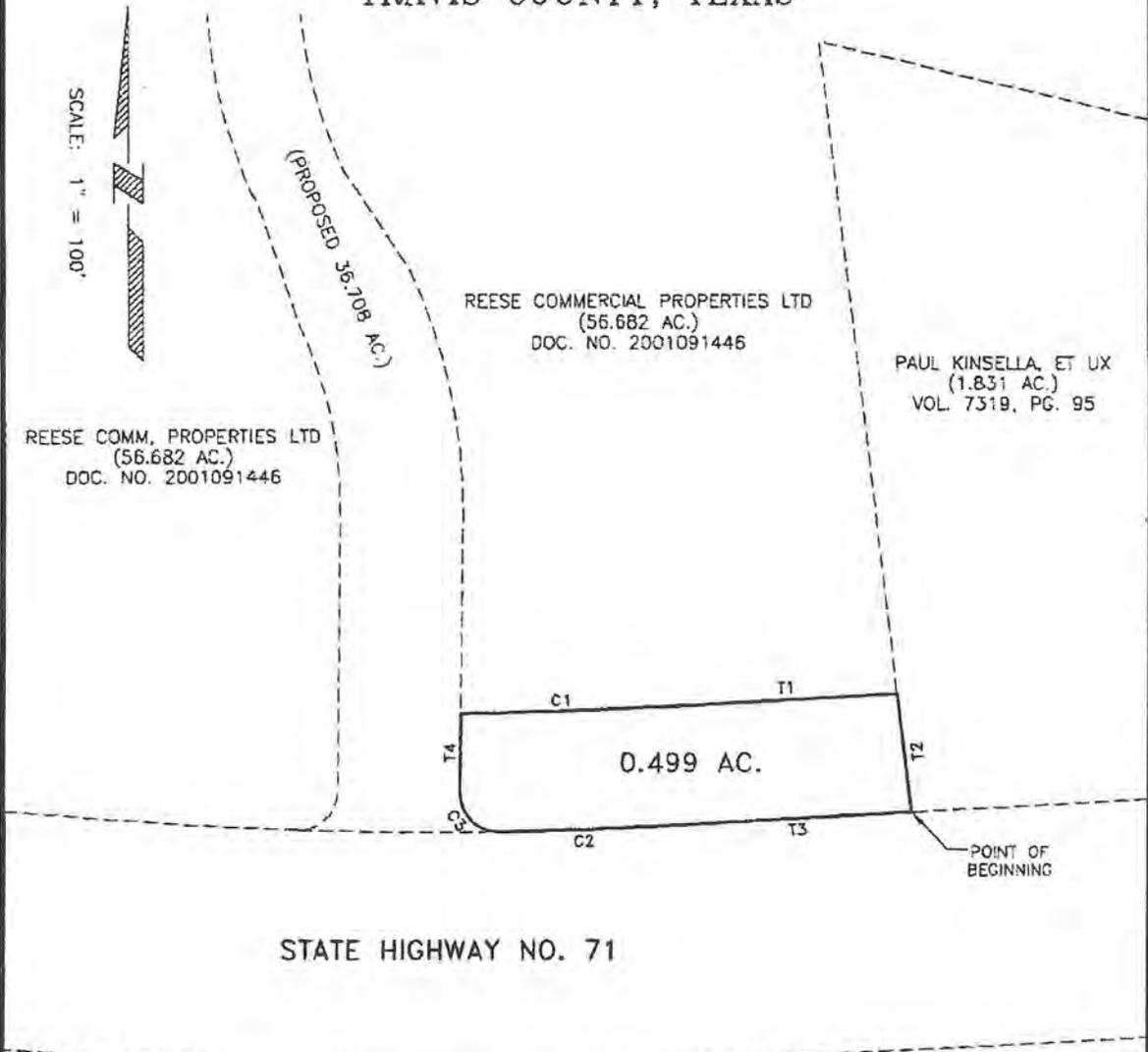
THENCE with the North line hereof, the following two (2) courses:

1. with the arc of said curve 139.42 feet, the chord of which bears N88°07'47"E, 139.40 feet to the Point of Tangency of said curve.
2. N86°53'42"E, 147.09 feet to a point on the East line of said 56.682 acre tract, for the Northeast corner of this tract.

THENCE with the East line of said 56.682 acre tract, for the East line hereof, S07°08'53"E, 75.19 feet to the POINT OF BEGINNING of this tract, containing 0.499 acres of land, more or less.

THESE FIELD NOTES WERE PREPARED FROM PUBLIC INFORMATION AVAILABLE THROUGH THE OFFICE OF THE TRAVIS COUNTY CLERK AND OTHER PUBLIC MAPS AND RECORDS. THESE FIELD NOTES DO NOT PURPORT TO BE AN ON-THE-GROUND SURVEY, AND DO NOT REPRESENT THE RESULTS OF AN ON-THE-GROUND SURVEY.

SKETCH TO ACCOMPANY FIELD NOTES FOR 0.499 ACRES  
IN THE NANCY GIBSON SURVEY, A-521  
TRAVIS COUNTY, TEXAS



REESE COMM, PROPERTIES LTD  
(56.682 AC.)  
DOC. NO. 2001091446

REESE COMMERCIAL PROPERTIES LTD  
(56.682 AC.)  
DOC. NO. 2001091446

PAUL KINSELLA, ET UX  
(1.831 AC.)  
VOL. 7319, PG. 95

0.499 AC.

POINT OF BEGINNING

STATE HIGHWAY NO. 71

CURVE TABLE

NO.	DELTA	CHORD BRG	RADIUS	LENGTH	TANGENT	CHORD
C1	2° 55' 47"	N88° 07' 47" E	2726.45'	139.42'	69.72'	139.40'
C2	2° 25' 44"	S87° 52' 45" W	2801.45'	118.76'	59.39'	118.75'
C3	91° 21' 07"	N45° 14' 08" W	25.00'	39.86'	25.60'	35.77'

TANGENT TABLE

NUMBER	DISTANCE	BEARING
T1	147.09'	N 86° 53' 42" E
T2	75.19'	S 07° 08' 53" E
T3	152.09'	S 86° 53' 42" W
T4	49.53'	N 00° 26' 07" E

EXHIBIT "A"  
PAGE 2 OF 2

PROJECT NO:	1481-10041-62	DESIGNED BY:	MEW
FILE NO:	10041-POND	DRAWN BY:	MEW
DATE:	JANUARY, 2009	CHECKED BY:	JAU
SCALE:	1" = 100'	REVISED BY:	



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**FIELD NOTES FOR 1502 SQUARE FEET  
IN THE NANCY GIBSON SURVEY A-521, TRAVIS COUNTY, TEXAS**

FIELD NOTES DESCRIBING 1502 square feet of land in the Nancy Gibson Survey, A-521, situated in Travis County, Texas, being a portion of that certain 56.682 acre tract of land conveyed to Reese Commercial Properties Ltd., by Deed recorded in Document No. 2001091446 of the Official Records of Travis County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point on the curving North right-of-way line of State Highway No. 71, from which the Southwest corner of said 56.682 acre tract bears N85°22'50"W, 248.61 feet, for the Southwest corner and POINT OF BEGINNING of this tract.

THENCE with the West line hereof, N02°05'43"E, 40.00 feet to the Northwest corner of this tract.

THENCE with the North line hereof, S89°33'53"E, 40.00 feet to the Northeast corner of this tract.

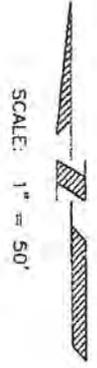
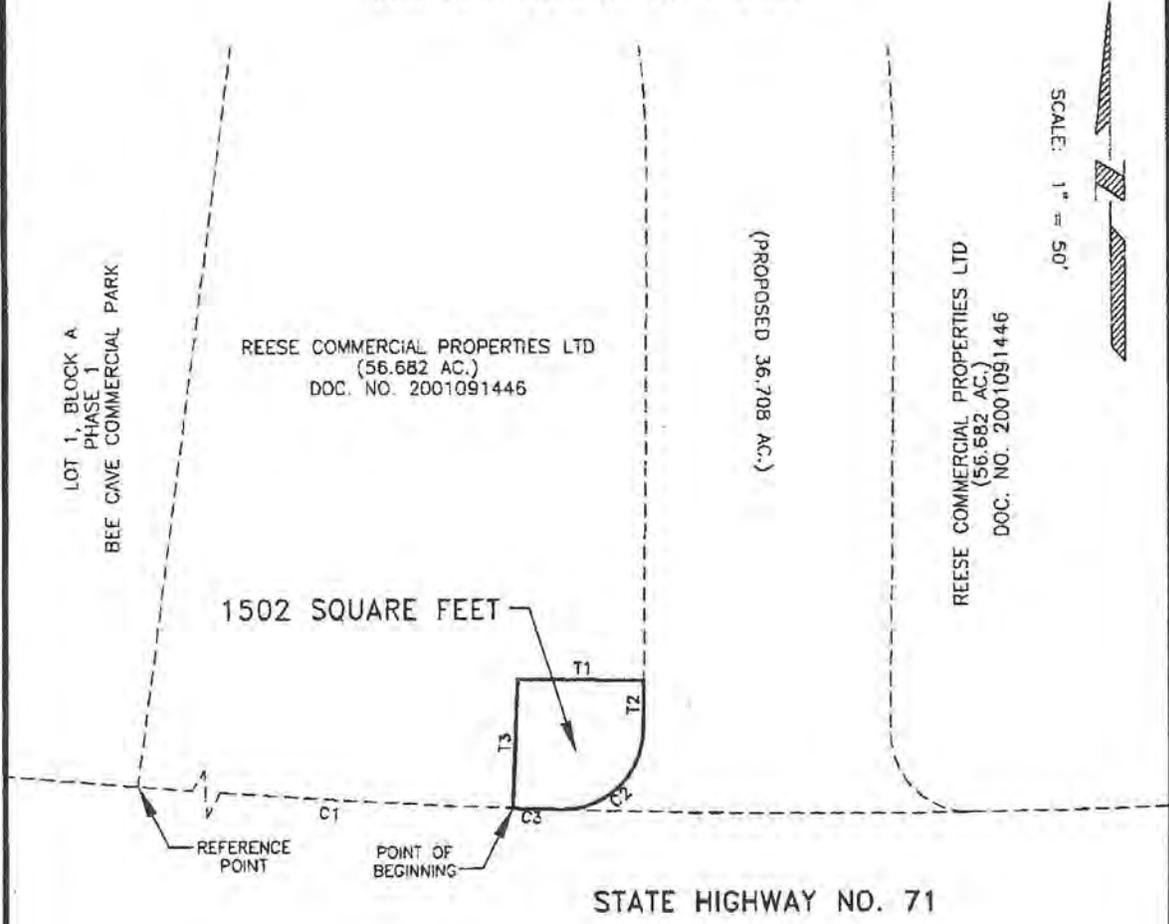
THENCE with the East line hereof, the following two (2) courses:

1. S00°26'07"W, 15.40 feet to the Point of Curvature of a curve to the right having a radius of 25.00 feet and a central angle of 91°21'07".
2. with the arc of said curve 39.86 feet, the chord of which bears S46°06'21"W, 35.77 feet to a point on the curving North right-of-way line of State Highway No. 71, being the Point of Compound Curvature of a curve to the right having a radius of 2801.45 feet and a central angle of 00°19'07".

THENCE with the curving North right-of-way line of State Highway No. 71, for the South line hereof, with the arc of said curve 15.58 feet, the chord of which bears N88°03'50"W, 15.58 feet to the POINT OF BEGINNING of this tract, containing 1502 square feet of land, more or less.

THESE FIELD NOTES WERE PREPARED FROM PUBLIC INFORMATION AVAILABLE THROUGH THE OFFICE OF THE TRAVIS COUNTY CLERK AND OTHER PUBLIC MAPS AND RECORDS. THESE FIELD NOTES DO NOT PURPORT TO BE AN ON-THE-GROUND SURVEY, AND DO NOT REPRESENT THE RESULTS OF AN ON-THE-GROUND SURVEY.

SKETCH TO ACCOMPANY FIELD NOTES FOR  
1502 SQUARE FEET IN THE NANCY GIBSON SURVEY, A-521  
TRAVIS COUNTY, TEXAS



**CURVE TABLE**

NO.	DELTA	CHORD BRG	RADIUS	LENGTH	TANGENT	CHORD
C1	5° 05' 10"	N85° 22' 50" W	2801.45'	248.69'	124.43'	248.61'
C2	91° 21' 07"	S46° 06' 21" W	25.00'	39.86'	25.60'	35.77'
C3	0° 19' 07"	N88° 03' 50" W	2801.45'	15.58'	7.79'	15.58'

**TANGENT TABLE**

NUMBER	DISTANCE	BEARING
T1	40.00'	S 89° 33' 53" E
T2	15.40'	S 00° 26' 07" W
T3	40.00'	N 02° 05' 43" E

EXHIBIT "A"  
PAGE 2 OF 2

PROJECT NO:	1481-10041-62	DESIGNED BY:	MEW
FILE NO:	10041-SIGN	DRAWN BY:	MEW
DATE:	JANUARY, 2009	CHECKED BY:	JMJ
SCALE:	1" = 50'	REVISED BY:	



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**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

January 8, 2009

**LEGAL DESCRIPTION:** BEING A 1.571 ACRE TRACT OF LAND LYING IN AND BEING SITUATED OUT OF THE NANCY GIBSON SURVEY, ABSTRACT NO. 521, 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 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1.571 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND AS SURVEYED BY JAMES E. GARON & ASSOCIATES IN JUNE, 1995 AND AUGUST, 2008:

**BEGINNING** at a ½" iron rod set in the curving northerly right-of-way line of State Highway No. 71 and the southerly line of said 56.628 acre tract for the most southerly southeast corner hereof from which a ½" iron rod found at the southeast corner of said 56.628 acre tract bears N 87°52'45" E a chord distance of 118.75 feet and N 86°53'42" E a distance of 152.09 feet;

THENCE an arc distance of 131.18 feet with the curving northerly right-of-way line to the right of State Highway No. 71, having a radius of 2801.45 feet and whose chord bears N 89°33'53" W a distance of 131.17 feet to a ½" iron rod set at a point of reverse curvature for the most southerly southwest corner hereof;

THENCE crossing said 56.628-acre tract the following six (6) calls:

- 1) an arc distance of 39.86 feet with a curve to the left having a radius of 25.00 feet and whose chord bears N 46°06'21" E a distance of 35.77 feet to a ½" iron rod set for endpoint,
- 2) N 00°26'07" E a distance of 176.82 feet to a ½" iron rod set at a point of curvature of a curve to the left,
- 3) an arc distance of 124.88 feet with said curve to the left having a radius of 265.00 feet and whose chord bears N 13°03'53" W a distance of 123.73 feet to a ½" iron rod set for endpoint,
- 4) N 18°48'24" W a distance of 74.08 feet to a ½" iron rod set at a point of curvature of a curve to the right,
- 5) an arc distance of 288.29 feet with said curve to the right having a radius of 335.00 feet and whose chord bears N 01°54'41" W a distance of 279.48 feet to a ½" iron rod set for endpoint,
- 6) N 22°44'32" E a distance of 325.84 feet to a ½" iron rod set for the northwesterly corner hereof, from which said corner a ½" iron rod found for an ell corner hereof, an angle point in the west line of said 56.628 acre tract, the southeast corner 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 Official Public Records and the northeast corner of that certain 4.641 acre tract of land conveyed to Tim and Brenda Skaggs by deed recorded in Volume 12007, Page 1764 of said Official Public Records bears S 78°21'02" W a distance of 465.38 feet;

THENCE S 67°15'28" E a distance of 60.00 feet to a ½" iron rod set for the northeasterly corner hereof;

THENCE for the easterly line hereof the following six (6) calls:

- 1) S 22°44'32" W a distance of 325.84 feet to a ½" iron rod set at a point of curvature of a curve to the left,
- 2) an arc distance of 236.66 feet with said curve to the left having a radius of 275.00 feet and whose chord bears S 01°54'41" E a distance of 229.42 feet to a ½" iron rod set for endpoint,
- 3) S 34°19'23" E a distance of 74.08 feet to a ½" iron rod set at a point of curvature of a curve to the right,
- 4) an arc distance of 162.58 feet with said curve to the right having a radius of 345.00 feet and whose chord bears S 13°03'53" E a distance of 161.08 feet to a ½" iron rod set for endpoint,
- 5) S 00°26'07" W a distance of 176.82 feet to a ½" iron rod set at a point of curvature of a curve to the left,
- 6) an arc distance of 39.86 feet with said curve to the left having a radius of 25.00 feet and whose chord bears S 45°14'08" E a distance of 35.77 feet to the **POINT OF BEGINNING**, containing 1.571 acres of land, more or less.

Surveyed By:



James E. Garon  
Registered Professional Land Surveyor  
Server: Co\Travis\Surveys\I. & G.N. RR. CO.\B57808b.doc

**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"

EXHIBIT A

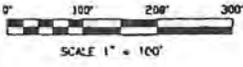
THENCE along the north line hereof and said 56.628 acre tract and south line of Lot 1, Block "B", Replat of the Home Depot Addition as recorded in Document 200200218 of said deed records the following three (3) calls:

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



**LEGEND**

- ⊙ SURVEY POINT
- 1/2\"/>

LOT 1, BLOCK B  
REPLAT  
HOME DEPOT ADDITION  
200200218

N 63°56'02" E 1116.77'

S 64°47'32" W 122.65'  
S 65°06'59" W 209.26'

BOLT FND.

S 02°03'33" E 1379.42'

37.453 ACRES  
REESE COMMERCIAL PROPERTIES LTD  
56.628 AC  
2001091446

BALDWIN PROPERTIES LTD  
51,310 AC  
2002105444

S 10°14'06" E 1094.54'

TIM & BRENDA SKAGGS  
40.240 AC  
12007/1764

L=55.07'  
R=1030.00'  
Δ=03°03'47"  
C LEN=55.06'  
BRG=N 21°12'38" E

N 22°44'32" E 95.99'

S 77°01'05" E 540.27'

W 147°02'42" S 253.75'

S 78°21'02" W 465.38'  
S 67°15'28" E 60.00'

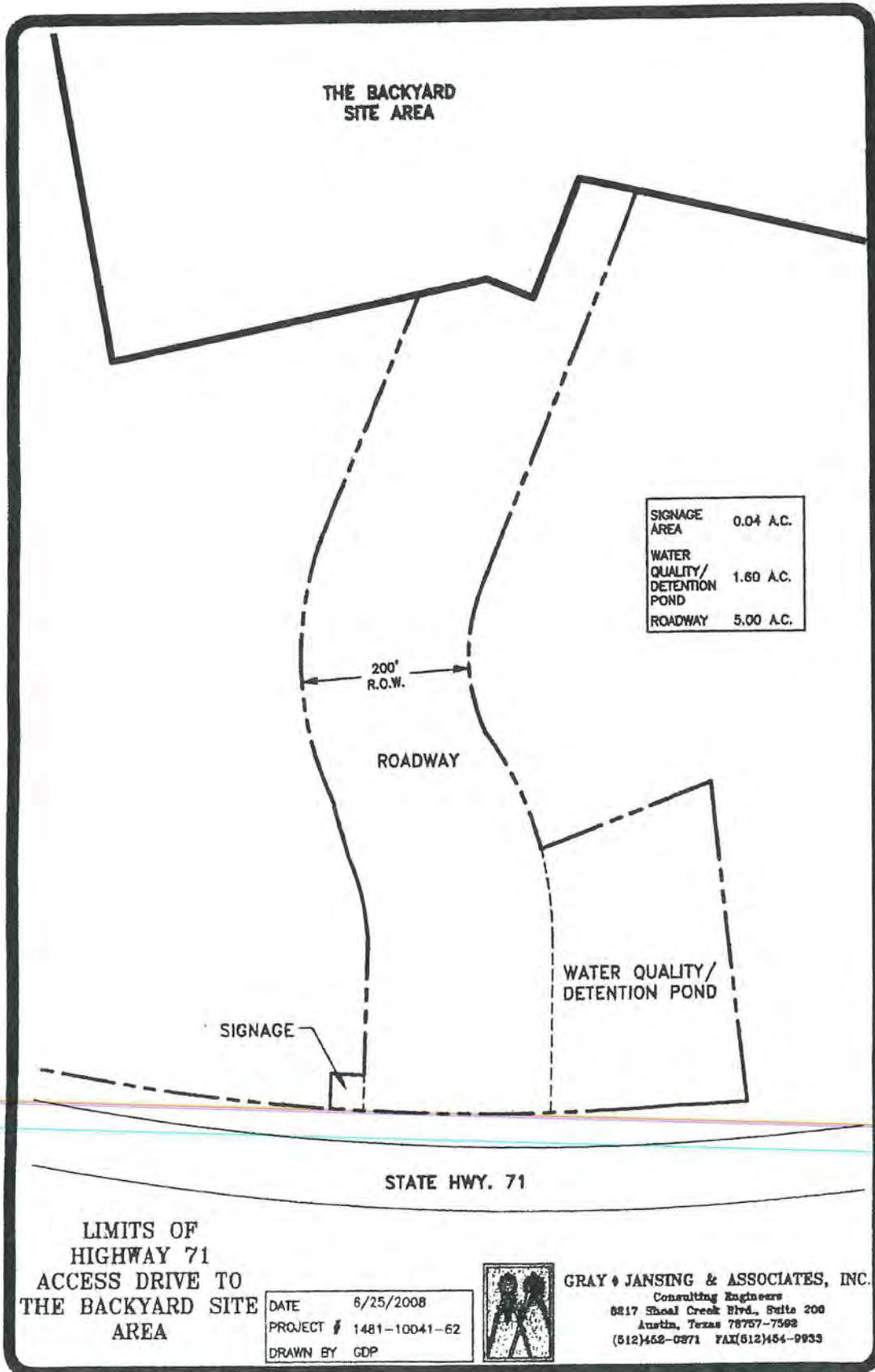
SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
OF  
37.453 ACRES  
OUT OF THE  
I. & G.N. RR. CO. SUR. A-2108  
TRAVIS COUNTY, TEXAS.

REMAINDER  
REESE COMMERCIAL PROPERTIES LTD  
56.628 AC  
2001091446

TIM & BRENDA SKAGGS  
40.240 AC  
12007/1764

**JAMES E. GARON & ASSOC.**  
PROFESSIONAL LAND SURVEYORS  
924 MAIN STREET  
BASTROP, TEXAS 78602  
(512) 303-4185  
(512) 321-2107 fax

EXHIBIT "A"



THE BACKYARD  
SITE AREA

SIGNAGE AREA	0.04 A.C.
WATER QUALITY/ DETENTION POND	1.60 A.C.
ROADWAY	5.00 A.C.

200'  
R.O.W.

ROADWAY

WATER QUALITY/  
DETENTION POND

SIGNAGE

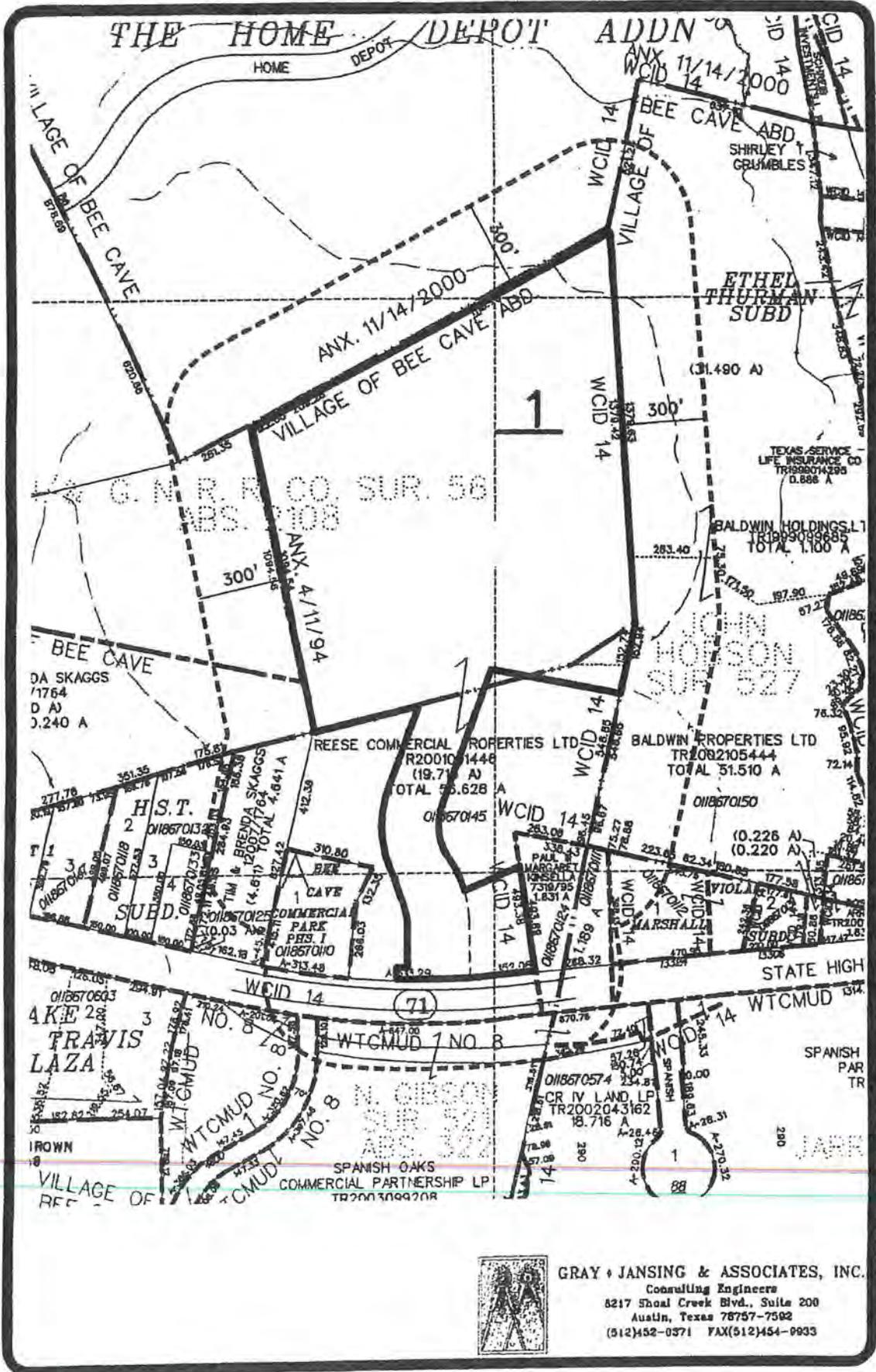
STATE HWY. 71

LIMITS OF  
HIGHWAY 71  
ACCESS DRIVE TO  
THE BACKYARD SITE  
AREA

DATE 6/25/2008  
PROJECT # 1481-10041-62  
DRAWN BY GDP



GRAY & JANSING & ASSOCIATES, INC.  
Consulting Engineers  
6817 Shoal Creek Blvd., Suite 200  
Austin, Texas 78757-7568  
(512)452-0871 FAX(512)454-9933



**GRAY + JANSING & ASSOCIATES, INC.**  
 Consulting Engineers  
 6217 Shoal Creek Blvd., Suite 200  
 Austin, Texas 78757-7592  
 (512)452-0371 FAX(512)454-9933

EXHIBIT "A"

Exhibit "B"

**Concept Plan**



**CONCEPT PLAN**  
 AMENDED 7-15-08, 7-25-08, 8-05-08

**THE NEW BACKYARD**

BEE CAVES, TEXAS

**EXHIBIT B**

**The Backyard @ Bee Cave Parking Analysis**

Lot A	434
Lot B	357
Lot C	396
Lot D	422
Lot E	240
Lot F	561
Lot G	83

**2483 8'-6" x 18' spaces**

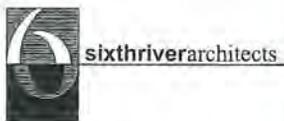
**Yield of additional spaces to convert**  
**34 10% of parking to Compact**

**2517 Total Spaces w/ 10% Compact (7.5x18)**

Lot H 178  
 Potential Hotel Shared Parking @ 30% Shared

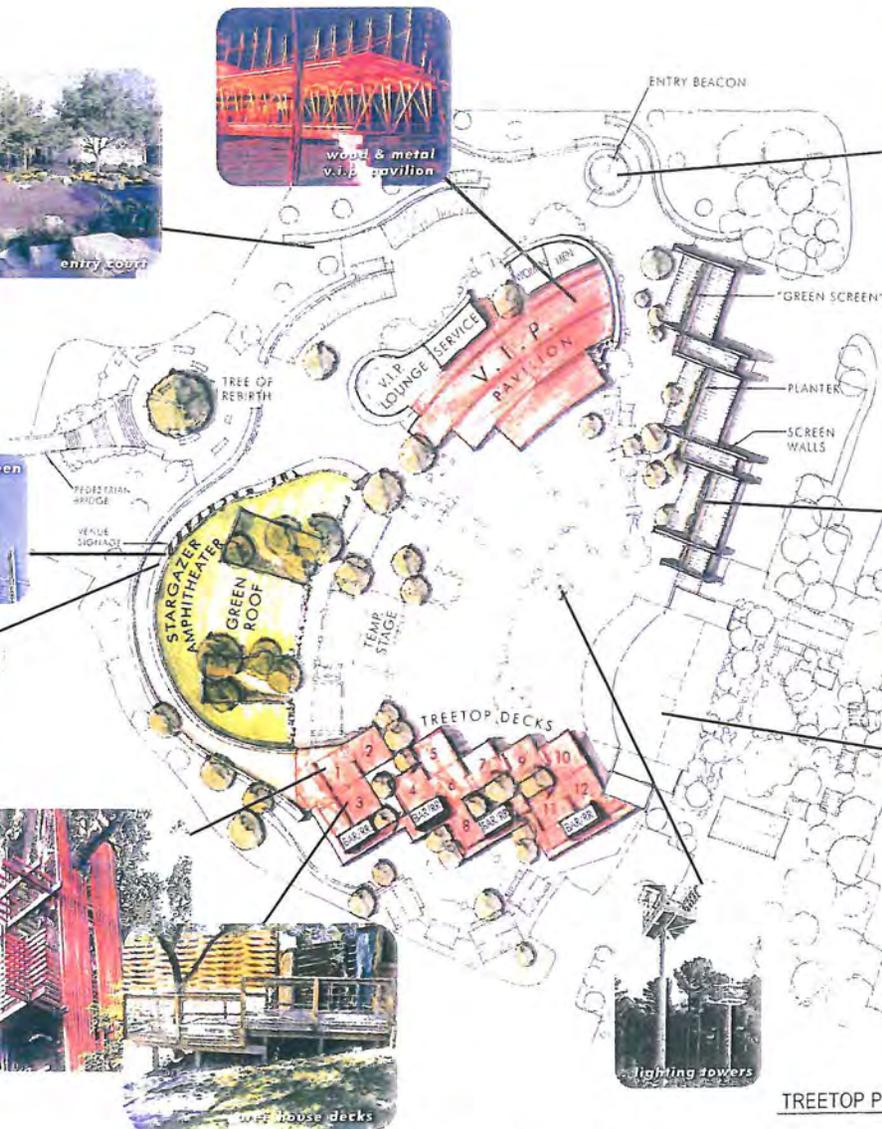
**The Backyard @ Bee Cave: "Building Envelopes"**

Building Name	Qty.	Approx. Area	Composite Area	HVAC Required	Plumbing Required	Reused	Information
Entry Canopies	2	500	1000	N	N	N	Open pavilion roof structure
Entry Walls & Box Offices	2	400	800	Y	N	N	
Restroom Buildings	9	800	7200	Y	Y	N	
Bars	6	500	3000	N	Y	N	
Retail Buildings	5	500	2500	N	N	N	
VIP Pavilion	1	5000	5000	N	Y	Y	
Vending Buildings	6	400	2400	N	Y	N	
Fly/Stage Structure w/ Roof	1	6500	4500	N	N	N	70' tall - 80' span
Tree-House Structures	11	400	4400	N	N	N	20'x20' decks w/ canopies
Tree-House walkways	1	1000	1000	N	N	N	
Stairs to Tree-houses	2	300	600	N	N	N	
Light & Speaker Towers	2	75	150	N	N	N	50' tall
Catering (Green Room) Building	1	800	800	Y	Y	N	
DE Production Building - Offices	1	800	800	Y	Y	N	
Storage Buildings - Tables	1	400	400	N	N	N	
Storage Building - Chairs	1	400	400	N	N	N	
Storage Building - Production	1	400	400	N	N	N	
Storage Building - Misc.	1	400	400	N	N	N	
Artist Dressing Rooms	6	400	2400	Y	N	Y	
Wedding Gazebo	1	500	500	N	N	N	
Wedding Catering	1	500	500	N	Y	N	
Wedding Area Decks	1	3000	3000	N	N	N	decks
<b>Total Area of Venue "Building Envelopes"</b>			<b>44150</b>				
<b>Area of Landscaping - Interior of Venue</b>			<b>78150</b>				
<b>Total Area of Venue (covered area of venue)</b>			<b>122300</b>				
<b>Pond "Building Envelope"</b>			<b>68700</b>				
<b>Hotel / Restaurant Site Buildings</b>							
Building 1 (3 floors)	1	60000	60000	Y	Y	N	
Building 2 (3 floors)	1	60000	60000	Y	Y	N	
<b>Total "Building Envelope" of Hotel Buildings</b>			<b>120000</b>				
<b>Total "Building Envelope" Area within Project</b>			<b>232850</b>				

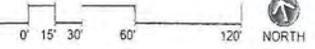


3021 south congress avenue | suite g350 | austin, texas 78704 | 512 308 9928

**CONCEPTUAL DESIGN**  
 08071 JULY 23, 2008  
 (in accordance with requirements of the Texas Board of Architectural Examiners) only with approval number 08071  
 (S) the documents created by or for the architect and may not be used for any other purpose without the architect's written consent.  
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TREETOP PLAN



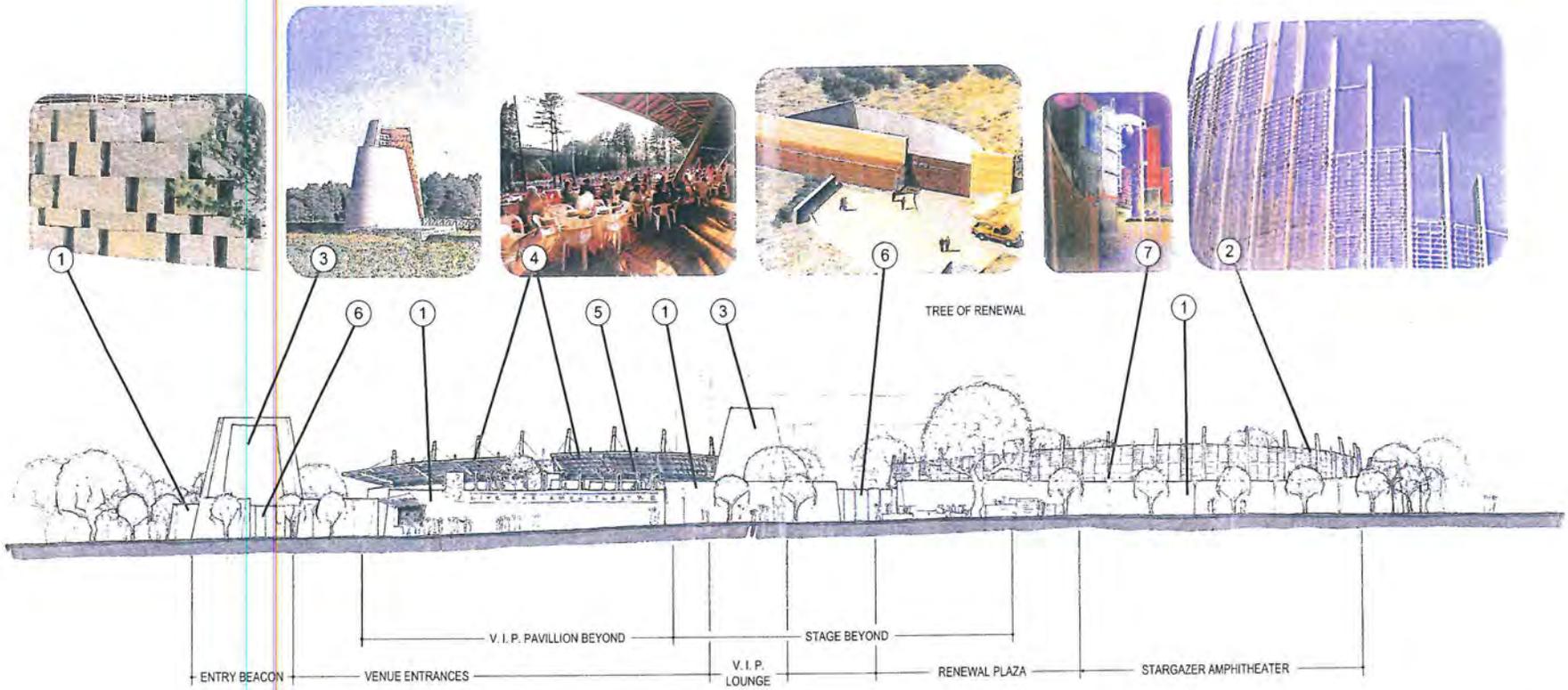
2902 15th Congress Ave., Suite 200 Austin, Texas 78756 512.238.9922

THE NEW BACKYARD

BEE CAVES, TEXAS

CONCEPTUAL DESIGN

06071 JUN 17, 2006  
 prepared by the architect for the Texas Sports and  
 Facilities Authority and its subsidiary, Texas 100  
 All the necessary permits and approvals shall not be  
 used for any other project, present or future, without  
 the written consent of the architect.  
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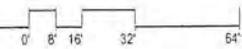


TREE OF RENEWAL

MATERIALS LEGEND

- |  |   |
|--|---|
| ① STONE SCREENWALLS                            | ⑧ WOOD & METAL SCREEN FENCE                             |
| ② WOOD SCREEN                                  | ⑨ RAMMED EARTH SCREEN WALL                              |
| ③ ENTRY BEACON (CUT STONE IN BRICK INTERIOR)   | ⑩ TENT CANOPIES   |
| ④ WOOD & METAL VIP PAVILION                    | ⑪ ARTIST CASITAS  |
| ⑤ COR-TEN SIGN / LETTERS                       | ⑫ WOOD DECKS  |
| ⑥ COR-TEN SEGMENTED DOORS                      | ⑬ LIGHTING TOWER  |
| ⑦ PEDESTRIAN LIGHTS @ VENUE & PEDESTRIAN SPINE | ⑭ MASONRY & METAL MESH 'GREEN SCREENS' W/CLIMBING VINES |

APPROACH ELEVATION



THE NEW BACKYARD

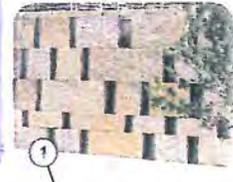
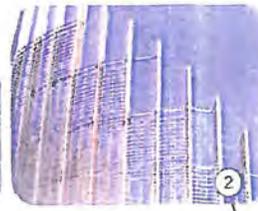
BEE CAVES, TEXAS

CONCEPTUAL DESIGN

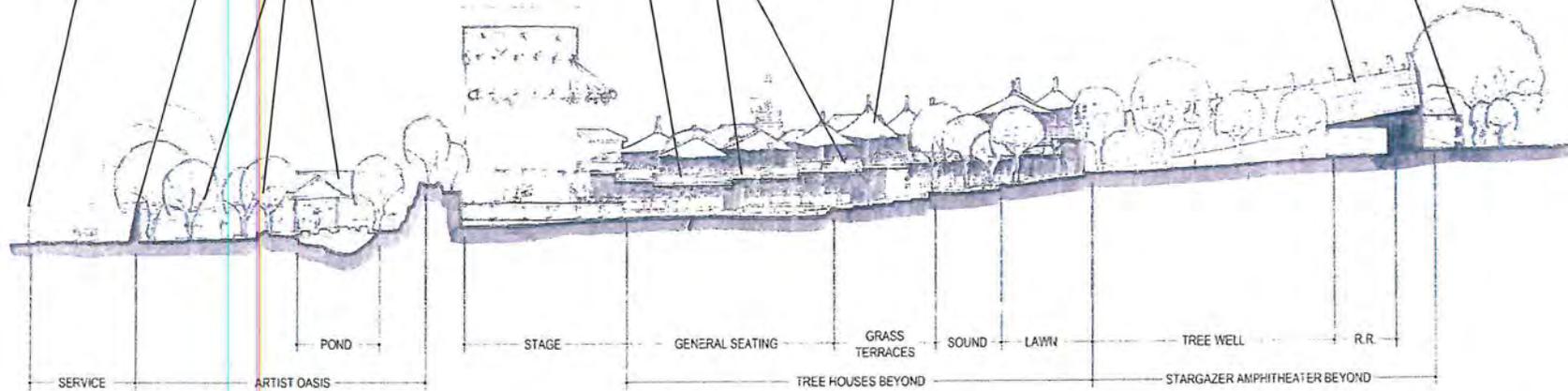
06071 JUN 17, 2006  
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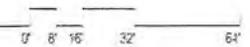
TREE OF RENEWAL



MATERIALS LEGEND

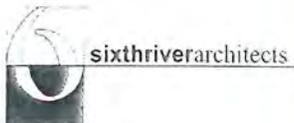
- |   |  |    |   |
|---|--|----|---|
| 1 | STONE SCREENWALLS                            | 8  | WOOD & METAL SCREEN FENCE                             |
| 2 | WOOD SCREEN                                  | 9  | RAMMED EARTH SCREEN WALL                              |
| 3 | ENTRY BEACON - GLASS STONE - BRICK - METAL   | 10 | TENT CANOPIES   |
| 4 | WOOD & METAL VIP PAVILION                    | 11 | ARTIST CASTAS   |
| 5 | COR-TEN SIGN / LETTERS                       | 12 | WOOD DECKS  |
| 6 | COR-TEN SEGMENTED DOORS                      | 13 | LIGHTING TOWER  |
| 7 | PEDESTRIAN LIGHTS @ VENUE & PEDESTRIAN SPINE | 14 | MASONRY & METAL MESH 'GREEN SCREENS' W/CLIMBING VINES |

SECTION FACING SOUTH



THE NEW BACKYARD

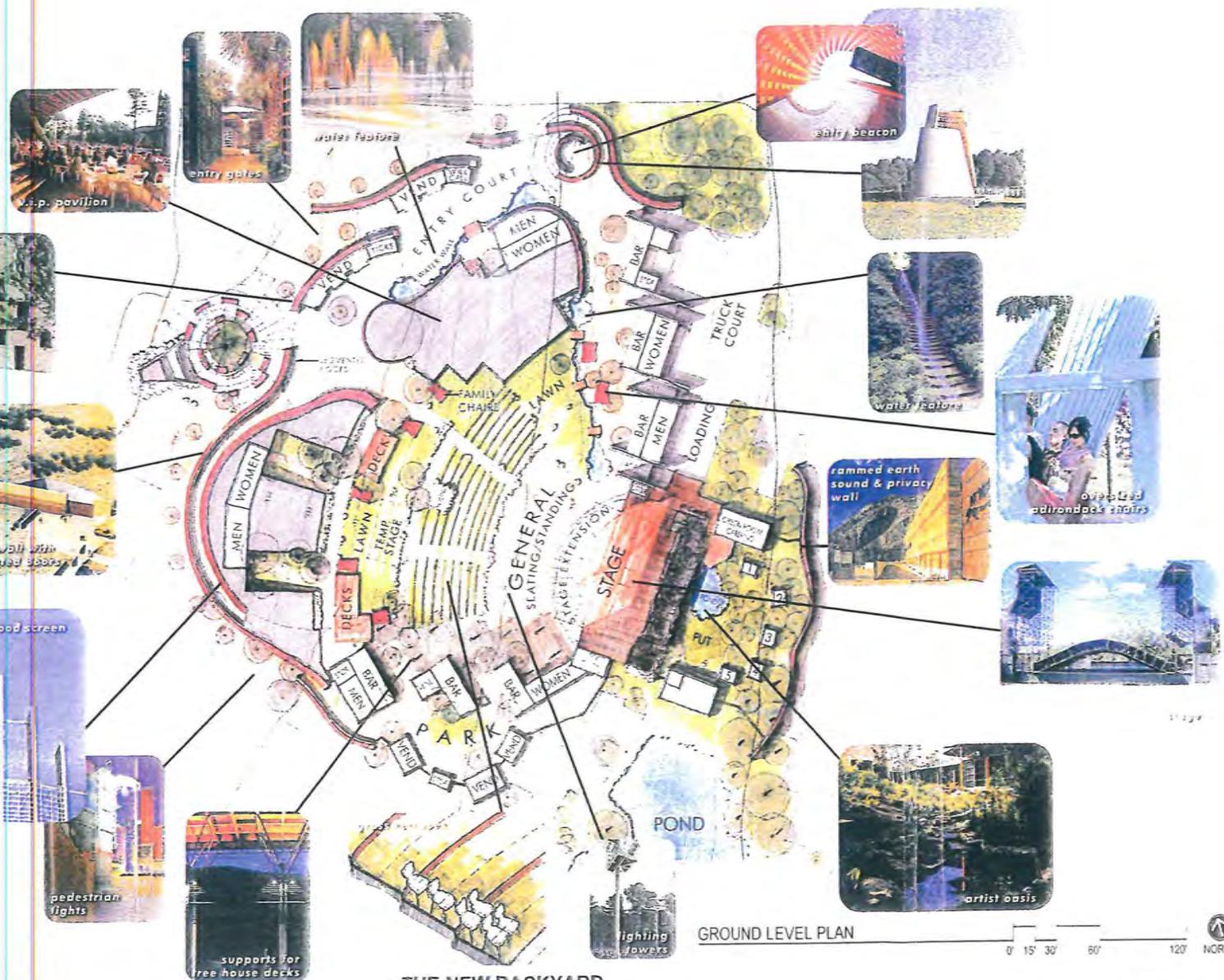
BEE CAVES, TEXAS



3903 SOUTH HARTSHORN AVENUE SUITE 2050 BEE CAVES, TEXAS 78704 512.261.8923

CONCEPTUAL DESIGN

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 MAY 19, 2008 sixthriver.com



**THE NEW BACKYARD**

GROUND LEVEL PLAN

0 15' 30' 60' 120' NORTH



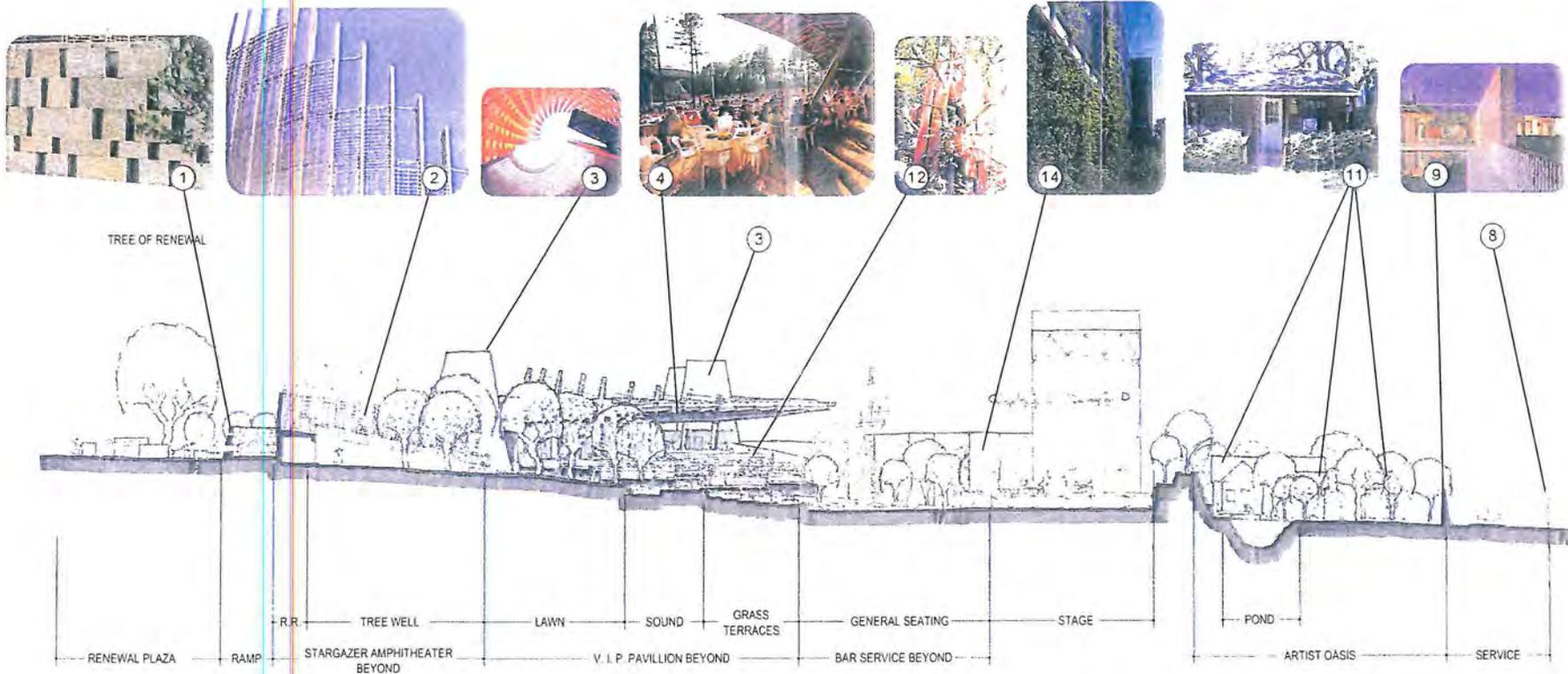
sixthriverarchitects

2023 | south.louisiana@sixthriver.com | 504.938.7300 | 10110.10110 TRACZ | 504.208.5108

BEE CAVES, TEXAS

CONCEPTUAL DESIGN

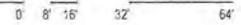
13811 JULIE 17 2023  
 1. This is a conceptual design and not a final plan.  
 2. All dimensions are approximate and subject to change.  
 3. All materials and finishes are subject to change.  
 4. All construction details are subject to change.  
 5. All construction details are subject to change.  
 6. All construction details are subject to change.  
 7. All construction details are subject to change.  
 8. All construction details are subject to change.  
 9. All construction details are subject to change.  
 10. All construction details are subject to change.



MATERIALS LEGEND

- |  |   |
|--|---|
| ① STONE SCREENWALLS                            | ⑧ WOOD & METAL SCREEN FENCE                             |
| ② WOOD SCREEN                                  | ⑨ RAMMED EARTH SCREEN WALL                              |
| ③ ENTRY BEACON (CULI STONE V-SHACK INTERIOR)   | ⑩ TENT CANOPIES   |
| ④ WOOD & METAL VIP PAVILION                    | ⑪ ARTIST CASITAS  |
| ⑤ COR-TEN SIGN / LETTERS                       | ⑫ WOOD DECKS  |
| ⑥ COR-TEN SEGMENTED DOORS                      | ⑬ LIGHTING TOWER  |
| ⑦ PEDESTRIAN LIGHTS @ VENUE & PEDESTRIAN SPINE | ⑭ MASONRY & METAL MESH 'GREEN SCREENS' W/CLIMBING VINES |

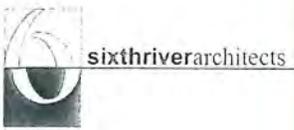
SECTION FACING NORTH



THE NEW BACKYARD

BEE CAVES, TEXAS

CONCEPTUAL DESIGN  
 06/21/11 JUNE 17, 2016  
 1001 SOUTH ZIMMERMAN AVENUE SUITE 2000 AUSTIN TEXAS 78704 512.356.6608  
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 1001 SOUTH ZIMMERMAN AVENUE SUITE 2000 AUSTIN TEXAS 78704 512.356.6608



## **PLANNED DEVELOPMENT STANDARDS**

The following Planned Development Standards shall be applicable within this Planned Development District. To the extent that any of the following standards conflict with other City Ordinances, the following shall control. All development activity undertaken on the Property, including but not limited to, a live outdoor music venue, and other authorized activities (as described below), hotel, restaurant and related uses and facilities (the "Project"), shall comply with the development standards for Retail Zoning District (R) for the Property in effect as of the date of this Ordinance, and with all other City zoning, subdivision and construction codes and requirements, except as modified by this Ordinance. Capitalized terms shall be defined as indicated in these Planned Development Standards, as reflected on the Concept Plan or as defined in the City of Bee Cave Code of Ordinances ("Code"), depending upon context.

### **1. General Project Design Requirements**

The Property is an approximate 44.073 acres generally located north of Highway 71 and west of Highway 620 and south of the proposed Bee Cave Parkway Extension. The Project shall consist of, among other things, an outdoor music venue, consisting of a stage and lighting/sound towers, fly, amphitheater shell, associated stage improvements, and a possible accessory stage for a live outdoor music venue and other authorized activities as described below, music venue offices and ticket sales offices, a hotel and restaurant, dressing room facilities for use by performers behind the stage area, storage facilities, and associated parking sufficient to accommodate 7,500 patrons and a hotel, storm water detention facilities, landscaping, and other ancillary improvements. The estimated square footage of the Project is set forth on the Concept Plan. The Outdoor Music Venue consists of the Outdoor Music Venue Building Envelope and the associated parking and interior roads as depicted in Exhibit "B".

### **2. Building Height**

(a) The stage and any lighting/sound towers, fly, amphitheater shell, or accessory stage improvements for a live music venue shall be allowed a maximum height of seventy feet (70') from finished grade. Further, the Hotel building on the Property shall be allowed a maximum height of three (3) stories, not to exceed forty-five feet (45') in height unless a pitched roof of at least 4:12 is provided, in which case a maximum of fifty feet (50') in height is permitted from finished grade.

(b) All other buildings or structures shall have a maximum height of thirty-five feet (35') except that Accessory Buildings shall be limited to one story and twenty-five feet (25') in height.

### **3. Building Area and Architectural Standards**

(a) The Outdoor Music Venue may occupy an area of one hundred twenty-two thousand three hundred (122,300) square feet of space and may be constructed anywhere within the Building Envelope designated in Exhibit "B". For purposes of this Ordinance a Building Envelope is an area designated on the Concept Plan where construction of a particular

improvement is authorized so long as the improvement does not exceed any overall size limitations described herein.

(b) The Hotel shall not exceed a Building Footprint of thirty-five thousand (35,000) square feet per building. The term "Building Footprint" as used in this Ordinance shall mean the gross area in square feet of the ground floor of a building measured from outside wall to outside wall. Buildings may be connected with other buildings through covered breeze-ways and not lose the designation as a separate building for purposes of calculating "Building Footprint". The Hotel may be constructed anywhere within the Building Envelope designated in Exhibit "B".

(c) All other buildings (except Accessory Buildings which shall be limited to the square footage set forth on the Concept Plan) shall not exceed a Building Footprint of thirty-five thousand (35,000) square feet.

(d) The elevations for the Building Facades substantially similar to those depicted in Exhibit "D" attached hereto are hereby approved for those buildings.

(e) Except for the elevation for the Building Facades depicted in Exhibit "D" attached hereto, elevations for Building Facades of all other buildings and structures shall be considered for approval at the time that the Project Site Plan is considered for approval. Provided however, that the stage and any lighting/sound towers, fly, amphitheater shell, or accessory stage improvements shall not be subject to any of the City's Exterior Building Design Standards. The elevations for Building Facades for all other buildings in the Project shall conform to the City's Exterior Building Design Standards within the Bee Cave Code of Ordinances, unless the City Council, in its sole discretion, approves an alternate design in conjunction with approval of the Site Plan. The City Council has authority to approve a building design which deviates from the City's Exterior Building Design Standards if the City Council determines that an alternate design adequately meets the intent of the City's Exterior Building Design Standards as well as the intent of the Project.

#### **4. Parking Areas Associated with the Project**

(a) Parking, maneuvering, loading and storage areas and surfaces associated with the Outdoor Music Venue shall not require paving, but rather may be constructed with gravel, grass or other vegetative materials, or upon approval of the City, other alternative permeable substances or materials.

(b) Parking spaces for the Outdoor Music Venue need not be permanently identified or marked, but shall only require delineation for estimated overall parking capacity calculations, based on a standard parking size of eight and one-half feet (8.5') wide by eighteen feet (18') long. Up to ten percent (10%) of required parking spaces may be satisfied by compact parking spaces or areas based on a standard compact parking size of seven and a half feet (7.5') wide by fifteen feet (15') long. Alternative vehicle stopping devices and curbing, such as rocks, landscaping or other improvements, shall not be required but may be used throughout the Outdoor Music Venue area to control vehicles and traffic.

(c) The Outdoor Music Venue area shall be authorized for two (2) loading spaces.

(d) Parking for the Outdoor Music Venue shall be constructed in accordance with the parking depicted on the Concept Plan and shall provide a minimum of two thousand five hundred (2,500) parking spaces assuming spaces that are eight and one-half feet (8.5') by eighteen feet (18'), together with the ability to provide ten percent (10%) of required parking by compact spaces in accordance with Section 4(b). Additionally, ten percent (10%) of the parking spaces shall be designated preferred parking and shall be close-in parking which is available to vehicles containing 4 or more patrons per vehicle. This percentage of preferred parking may be adjusted by agreement of the City Administrator. In the event that the Project Owner wishes to add parking beyond the two thousand five hundred (2,500) spaces as depicted on the Concept Plan, additional parking may be provided by long-term lease or through ownership of additional land immediately adjacent to the Project property, or through joint use agreements with immediately adjacent landowners. For purposes of this section, immediately adjacent means land that is connected to the Project property lines and located south of Bee Cave Parkway. This section shall not be interpreted to prevent the Project from busing patrons to and from the Outdoor Music Venue, provided that the parking provided for the vehicles of such patrons shall be located at least 1 mile from the Outdoor Music Venue.

(e) The two thousand five hundred (2,500) parking spaces shall be located within the same lot but may be located more than one hundred fifty feet (150') from the Outdoor Music Venue.

(f) Parking for the Hotel site shall comply with the City's Code of Ordinances and the 2500 parking spots constructed for the Outdoor Music Venue shall not count toward the hotel site parking requirement.

## **5. Lighting Standards**

(a) The parking facilities for the Outdoor Music Venue may be served with permanent or temporary lighting (including portable lighting) suitable to an outdoor music venue and no minimum height for lighting fixtures associated with the parking areas is required. However, the parking area lighting shall be shielded, shall not be turned on except for events that occur on the Outdoor Music Venue site and shall not exceed the total foot candle or lumen requirements contained in the City Code of Ordinances calculated as an average across the Outdoor Music Venue site as a whole; it being understood that the parking lot lighting may produce "hot spots" that exceed the Code of Ordinance requirements for small portions of the parking areas, but the lighting of the parking areas as averaged across the Outdoor Music Venue site shall comply with the City's Code of Ordinances. Specific lighting plans for the Outdoor Music Venue use shall be considered for approval when the Project Site Plan is considered for approval.

(b) Lighting for the stage, lighting/sound towers, fly, amphitheater shell, and accessory stage improvements shall not be required to comply with the City's lighting requirements but shall be shielded to the extent feasible for a typical outdoor music venue.

(c) All other lighting within the Project, including the hotel site and any permanent lighting fixtures located within the Outdoor Music Venue shall comply with the City's Code of Ordinances. Provided however, that the City Council has the authority upon the request of the Project owner to approve a lighting plan which deviates from the City's Code of Ordinances, and

from this Ordinance, if the City Council determines that an alternate design adequately meets the intent of the City's Ordinances.

## **6. Noise Standards**

(a) Noise generated from the Outdoor Music Venue from live outdoor music events shall not exceed eighty five (85) decibels at the Property line of the Project. Provided however, that the eighty five (85) decibel limitation shall not apply to the property line that adjoins the City Park on the eastern side of the Project property.

(b) Noise generated from the Outdoor Music Venue from amplified outdoor music (not live music) shall not exceed sixty five (65) decibels at the Property line of the Project. Provided however, that the sixty five (65) decibel limitation shall not apply to the property line that adjoins the City Park on the eastern side of the Project property.

## **7. Water Quality and Detention Ponds**

(a) The location of water quality and detention ponds for the Outdoor Music Venue shall be located within the Building Envelope for the Outdoor Music Venue as it is depicted on the Concept Plan. The location for the water quality and detention pond to treat the runoff from the South Entrance Roadway shall be located as it is depicted in the Concept Plan.

## **8. Impervious Cover and Non-Point Source Pollution Control Standards for Water Quality Controls**

(a) Impervious Cover. Areas for the Outdoor Music Venue, which are constructed and maintained with grass or other vegetative materials, shall receive 100% credit from the impervious cover calculations for the Property. Areas that are constructed with crushed gravel, permeable pavers, or other types of permeable materials reasonably agreed upon by the City, shall receive 85% credit from the impervious cover calculations. A separate Maintenance Agreement which includes water quality monitoring, maintenance and repair shall be required to guarantee that such areas continue to perform in a manner justifying the credit for impervious cover and guaranteeing that the 95% water quality removal standards are achieved. Approval of the Maintenance Agreement shall occur when the site plan for the Outdoor Music Venue is approved. The impervious cover created by construction of the Bee Cave Parkway Extension shall not count as impervious cover of the Project. However, the impervious cover created by construction of the private roadway ("South Entrance Roadway") that will extend across the property south of the Project property and which will provide access to the Project from Highway 71 shall count as impervious cover of this Project. Impervious cover for the Project shall not exceed a maximum of forty percent (40%) impervious cover as allowed by the City's Code of Ordinances.

(b) Water Quality Standards. The Project water quality controls shall be constructed to achieve pollutant removals of 95% as required by the City's Code of Ordinances. The Project shall be authorized to construct separate water quality facilities to serve the Outdoor Music Venue and the hotel site. If the water quality pond shown on the concept plan as of the date of

this Ordinance is not constructed to treat the non-point source pollution from the hotel site, separate facilities may be constructed to treat the hotel site. Approval of such separate facilities may be obtained at the time of approval of the hotel site plan. No amendment to Exhibit "B" shall be required in order to depict the location of such additional water quality control features. Driving aisles and parking spaces within the parking area for the Outdoor Music Venue shall be considered as vegetative filter strips for purposes of compliance with the City's water quality standards so long as such areas are maintained in accordance with the Maintenance Agreement and so long as such areas remain vegetated.

(c) Bee Cave Parkway. The Project shall not be responsible for the capture and treatment of any overland flow across the Property resulting from Bee Cave Parkway.

(d) South Entrance Roadway. The Project shall be responsible for the capture and treatment of any pollutants generated from the South Entrance Roadway.

## 9. Permitted Uses in the District

(a) All uses permitted within the Retail Zoning District are permitted uses and the following additional uses are hereby permitted:

Outdoor Music Venue including stage and lighting and sound towers, fly, amphitheater shell, and accessory stage

Contractor's Temporary On-Site Construction Office (Only during Construction)

Hotel

Restaurants

Trailers and/or buses for overnight use by music artists and staff (up to a maximum of 72 hours and must be screened from view from Bee Cave Parkway or adjoining land)

Outdoor Storage as depicted in the Concept Plan

Artist Casitas/Dressing Room Facilities (up to 8) as depicted on the Concept Plan and Exhibit "D"

Other activities that are authorized uses within the Outdoor Music venue include weddings, receptions, memorials, funerals, social gatherings, fundraising events, celebrations, trade shows, corporate events, religious gatherings, community events, movies and plays.

## 10. Landscaping

(a) The Project's Landscape Plan shall be considered for approval when the Project's Site Plan is submitted for approval. Such landscaping shall be used to accomplish the following:

(i) substantially screen utilities and sound/lighting towers to the extent feasible; (ii) substantially screen the areas behind the stage and in particular the areas where the artist's buses and/or trailers will be allowed to park overnight; (iii) substantially screen the Outdoor Music Venue from the City's park which adjoins the Outdoor Music Venue lot; (iv) screen storage areas and artist casitas.

(b) Except as otherwise set out herein, the Project shall comply with the landscape requirements of the City's Code of Ordinance. Based upon the number and size of the tree

clusters being preserved within the “no disturbance zones” within the site and based upon the “park-like” setting of the Project, the Project shall not be required to pay the beautification fees provided in the Ordinance

(c) Without the prior approval of the City, no trees shall be removed which have a single eighteen inch (18”) caliper trunk or greater, as measured four and one-half feet (4.5’) above the ground, or are located within a “no disturbance zone” as depicted on Exhibit “B”. All tree clusters located along the Project property adjoining the City’s park shall be included in a “no disturbance zone” and shall not be removed.

(d) Canopy trees shall be retained to provide shade for parking or vehicular use areas as substantially depicted on the Concept Plan.

(e) Trees shall not be removed within the seventy five foot (75’) setback adjoining Bee Cave Parkway. However, in order to allow for overflow parking of vehicles during outdoor music events, the seventy five foot (75’) setback may be mowed and manicured to allow for over flow parking.

(f) Juniper, cedar and hackberry trees shall not be considered as “protected trees” and shall not be considered as being included within the requirements of the landscape provisions of the City’s Code of Ordinances unless such trees are 18 caliper inches in size or greater.

## **11. Setbacks**

(a) Setbacks for the project shall be as shown on the Concept Plan. No building or structure shall encroach into the seventy five foot (75’) setback located along Bee Cave Parkway except for an entrance driveway and utilities and no vertical structure, except the water quality pond described in subsections (b), shall be constructed within the twenty five (25’) foot side and rear yard set backs. However, during any outdoor event at the Outdoor Music Venue, cars may be parked within the seventy five foot (75’) setback up to fifty feet (50’) from the right of way boundary for Bee Cave Parkway. Parking within the setback of Bee Cave Parkway shall be used only for overflow parking when other parking that is outside of the setback is not available.

(b) Internal roadways, parking areas and water quality ponds may be constructed within the rear setback, but in no event shall such parking, roadway, or water quality ponds be constructed within ten feet (10’) of the rear property line. Internal roadways and parking areas may be located within the side yard setbacks up to the adjoining property lines in order to preserve existing stands of trees along the eastern and western Property line, as reflected by the “no disturbance zones” on the Concept Plan.

(c) For purposes of determining compliance with the set back requirements contained in the City’s ordinances, the entire Project shall be treated as a single lot, regardless of the number of lots platted within the Project and regardless of the dedication of property within the Project to the City or any other governmental entity.

(d) The Water Quality and Detention Pond to treat the runoff from the South entrance road may be located within the 75 foot setback to Highway 71 as depicted on the Concept Plan.

## **12. Signs**

(a) Signage shall be authorized as described in Exhibit "E" attached hereto. Temporary Off-Premise signage of four feet by eight feet (4x8) advertising the location of the new Backyard shall be authorized within the signage easement area described in Exhibit "A" and as depicted in Exhibit "B" for a period of time commencing as of the date of approval of this Ordinance and continuing for twelve (12) month thereafter, or until the Grand Opening of the new Backyard Music Outdoor Venue, whichever event occurs first. Any other signage within the Project, or amendments to signage authorized herein, shall be made in accordance with the City's Sign Ordinance as it may be amended from time to time. Such changes or amendments to signage shall not require an amendment to this Ordinance.

## **13. Additional Performance Standards**

(a) A minimum of twenty percent (20%) of the gross land area within the entire PD District shall be devoted to open space, consistent with the open space recommendations in the City's Comprehensive Plan. In recognition that parking areas will be used infrequently and generally left in a natural state, such parking areas shall count toward the twenty percent (20%) open space requirement set forth above so long as such areas are constructed and maintained with grass or other vegetative material.

(b) Trash dumpsters shall be screened from view in accordance with Section 32.05.002(f) (7) of the City Ordinances.

(c) Sidewalks or trails may be used throughout the Project for use as patios, dining and gathering, and similar outdoor amenities. Such amenities may add impervious cover to the Project as described in the City's Code of Ordinances.

(d) A Traffic Impact Analysis study must be submitted and approved by the City in conjunction with the submission of the Site Plan. The Traffic Impact Analysis shall also consider and address traffic flow within the Outdoor Music Venue and traffic flow in and out of the Outdoor Music Venue site to the satisfaction of the City. The capacity of the roadways accessing the site and the internal driveways must be sufficient to provide that all vehicles entering and exiting the site are able to do so within 60 minutes from the close of an outdoor music event assuming that all parking spaces are occupied. This 60 minute requirement is to establish the design criteria for the north and south roadway entrances and exits for the Outdoor Music Venue and is not to be considered as a performance standard. Patrons are not actually required to exit the Outdoor Music Venue within 60 minutes from the end of the event.

(e) Cut and fill will be allowed within the Building Envelope for the Outdoor Music Venue for the Water Quality and Water Detention ponds as depicted on the Concept Plan up to a maximum of twenty feet (20')

(f) The Outdoor Music Venue will strive to comply with the requirements of a two star rating pursuant to the most current Green Builder Program of the Austin Energy.

(g) “Minor Modifications” of the Concept Plan and/or Site Plan for the Property may be approved administratively by the City Administrator provided such modifications would not otherwise result in a violation of the City’s Code of Ordinances, a violation of specific Development Standards described in this Ordinance, cause an increase in the amount of impervious cover or an increase in Annual Pollutant Load, or cause additional encroachments into the setbacks established for the Property. The City recognizes that due to the low density nature of the Project, the effort to save existing trees, and the intent that the Project shall blend with the natural terrain and vegetation of the Property, “Minor Modifications” may be required more frequently during the site plan and permitting process for the Project. As a result, “Minor Modifications” are defined as:

1. Adjustments to the location or configuration of parking areas, sidewalks, trails, utilities, and landscape features, (including plants and trees) so long as the number of parking spaces is not reduced below 2500 spaces.
2. Adjustments of up to twenty percent (20%) of total building square footage of all buildings to be constructed as part of the Project as compared to such buildings’ initial square footage shown on the Concept Plan or Site Plan.
3. An increase in size of parking areas constructed and maintained as grass or other vegetative material;
4. Adjustments of no more than twenty percent (20%) of the total square footage of all landscape areas as compared to the square footage shown on an approved Landscape Plan so long as the number of caliper inches for trees are not thereby reduced, not including Juniper, Hackberry or Cedar caliper inches.
5. Adjustments of no more than ten percent (10%) of the number of parking spaces so long as the number is not reduced.

(h) All open space shall be privately maintained and not dedicated to the City.

(i) The recreational vehicles, buses, travel trailers or motor homes used by the artists and their staffs may be used for on-site dwelling or non-residential purposes, as long as they are screened from view from adjacent property or public roadways, located only within the areas designated on the Concept Plan behind the stage areas, are located on the Project for a maximum of 72 hours and do not exceed ten (10) in number.

(j) Temporary buildings shall be allowed during construction as follows: Two (2) temporary construction buildings are permitted to be used during construction of the Project. Mobile homes, manufactured housing or Artist Casitas may be utilized as the temporary building during the construction period.

(k) Live outdoor music shall cease to be played at 10:30 pm on Monday through Thursday, and by 11:30 pm on Friday through Sunday within the Project. Amplified (but not live music) may continue to be played with a decrease in volume following the live music, but shall cease to be played at 11:30 p.m. on Monday through Thursday, and at 12:30 a.m. on Friday through Sunday.

(l) Any streets, driveways, alleys and parking lots that are paved may be paved with asphalt, provided that coal tar sealants are not used. The Project shall be required, as depicted on the Concept Plan, to provide access to the Project from the south ("South Entrance Roadway") through construction of a roadway that allows access to the Project from Highway 71 and to the north of the Project from connection to Bee Cave Parkway. If Bee Cave Parkway is not constructed by the City, the Project shall be required to construct an entrance roadway from the Project property line to the Project entrance as depicted on the Concept Plan within 2 years from the date that the City notifies the Project that the Bee Cave Parkway will not be constructed. Such roadway shall be constructed in accordance with the requirements of a City approved Traffic Impact Analysis and in accordance with City construction standards. This section shall not be interpreted to require the Project to construct the roadway entrances and exits to the Project in accordance with the City's Bee Cave Parkway design. The street constructed on the south side of the Project and that will connect the Project with Highway 71 will be a public street and dedicated to the City if such dedication is necessary in order for TxDot to authorize a light at the intersection of the roadway and Highway 71. The street will be constructed according to the results of the Traffic Impact Analysis and the City's construction standards.

(m) Two curb cuts and one median cut within Bee Cave Parkway shall be authorized as depicted on the concept plan.

(n) Construction Traffic Control Plans shall be submitted and approved by the City Administrator prior to the issuance of any building permit.

(o) The Project shall be maintained clean from litter. A litter management and control program for the project shall be subject to review and approval by the City Administrator.

(p) Traffic flow patterns within the Project shall be shown and approved with the Site Plan.

(q) Utilities located along Bee Cave Parkway shall be buried.

(r) Traffic control and event security shall be maintained by the Project in accordance with the terms contained in Exhibit "F" attached to this Ordinance. Exhibit "F" may be amended from time to time by mutual agreement of the City and the Project Owner without the need to amend this Zoning Ordinance.

(s) In the event that the location of streets, driveways, parking, utilities, or water quality ponds are subsequently approved by the City Council in association with plat approval or site plan approval, such changes shall be authorized herein without the need for an amendment to the Concept Plan or this zoning ordinance.

(t) Vegetative screening shall be used along the east side of the Project in order to screen the truck parking area from the City's Park. No walls shall be constructed within 25 feet from the property line of the City's Park. If fencing is to be provided along the property line between the Outdoor Music Venue and the City's adjoining property line it shall be approved in advance by the City prior to construction.

(u) Two (2) flags poles, not to exceed thirty (30) feet in height are authorized for the Outdoor Music Venue. A Texas flag and a Backyard logo flag (total of 2 flags) are authorized at a size not to exceed sixteen (16) feet by eighteen (18) feet.

Exhibit "D"

**Elevations**

# The Original Backyard

We will recreate the feel and atmosphere of the Original Backyard by reusing many of these materials throughout new venue

# Bridge



# Food Court



# Big West Bar



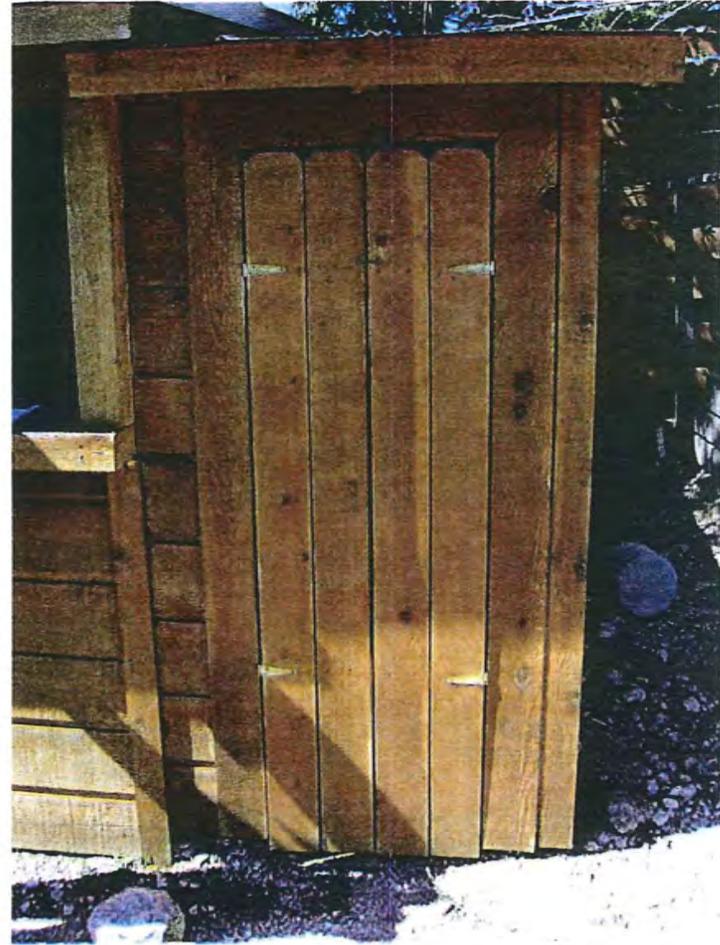
## BY Iron Gate



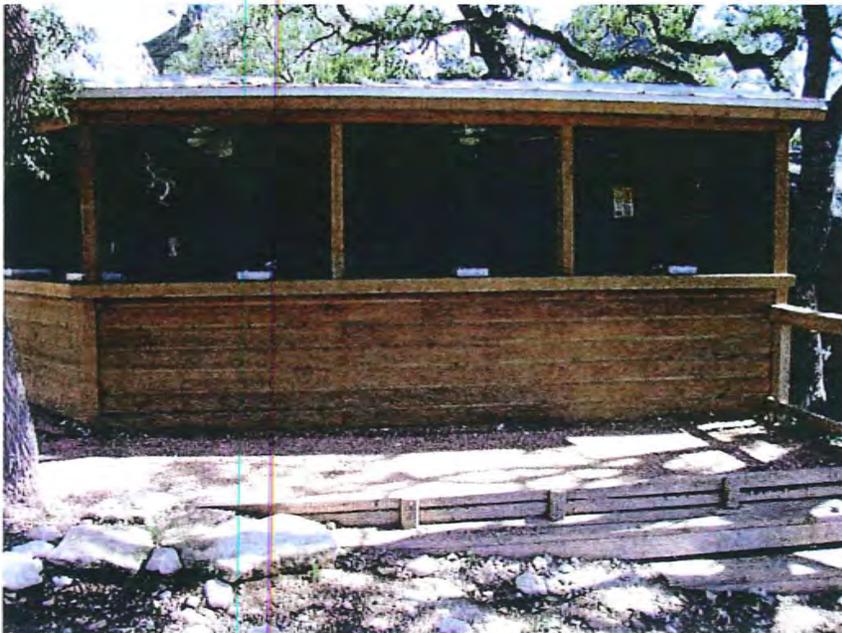
“Wishing Well”



## 2 ATM Houses



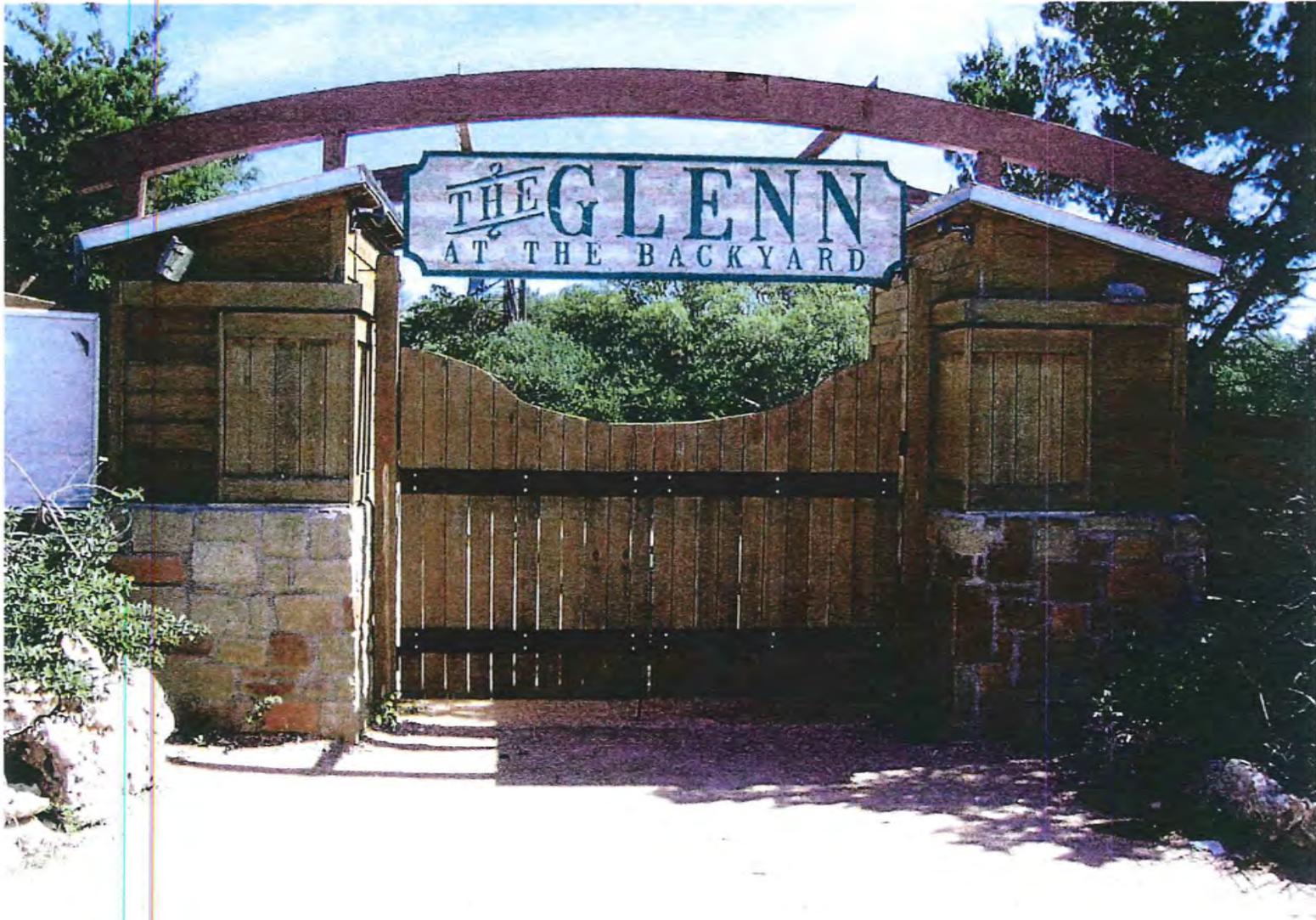
## Condo bar



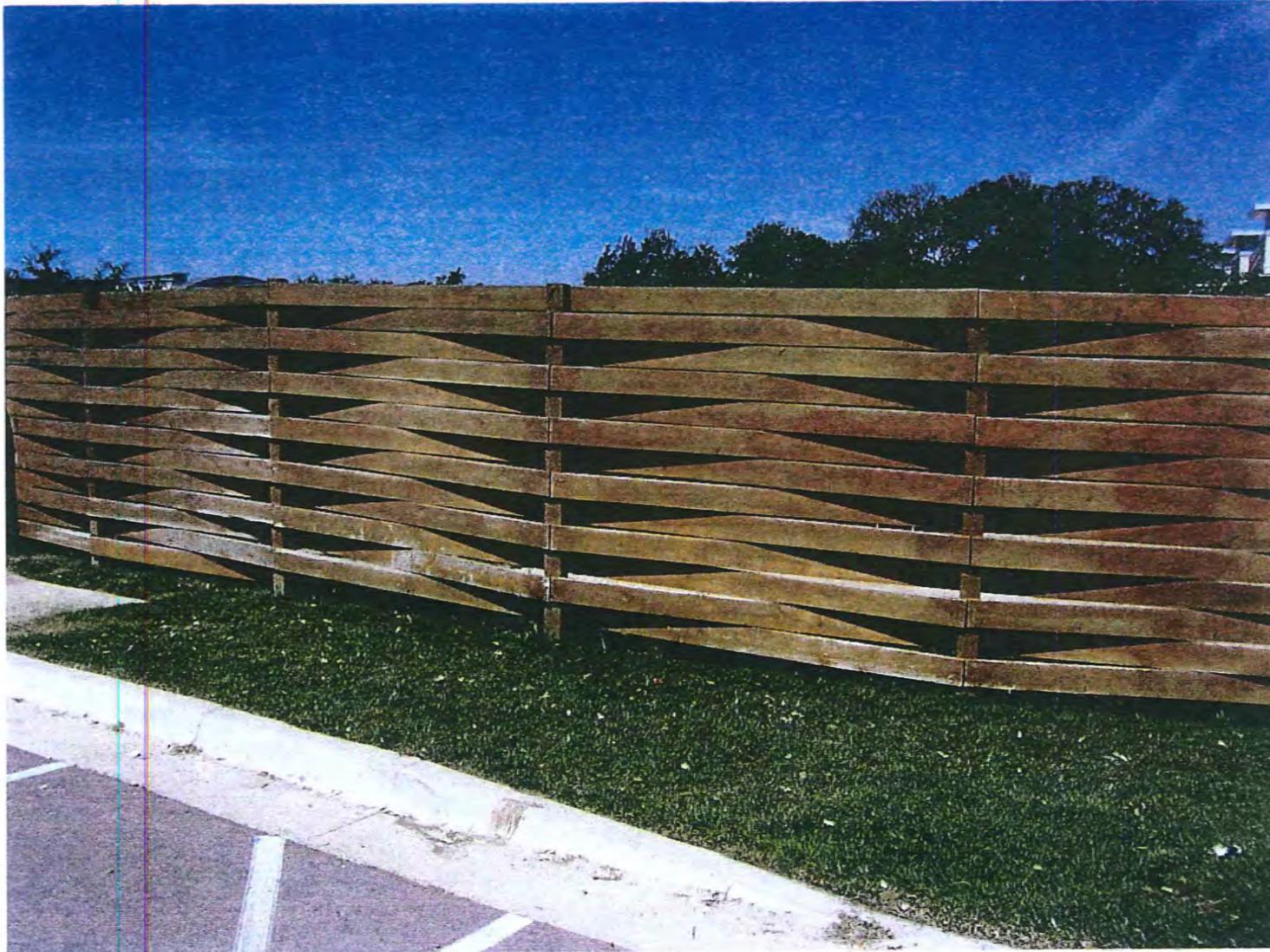
## Bunker Bar w/ deck



## Glenn Entrance Gates



## Basket Weave Fence



Gate in basket weave fence



Glenn deck cont'd



## Glenn Landscape Rock



Dressing room A



## Dressing Room B



## Dressing Room C



## Catering House



## Production House



Deck between catering house and Dressing Room



# Intel Bathroom



East gate entrance & sign



## Venue Deck



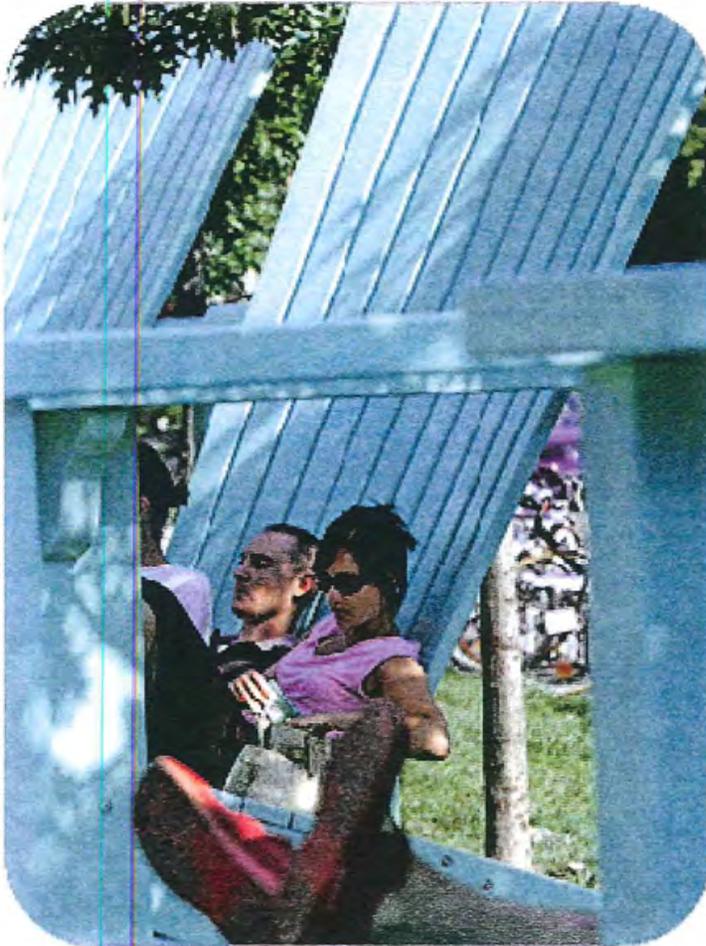
## Grassy Knoll Rail



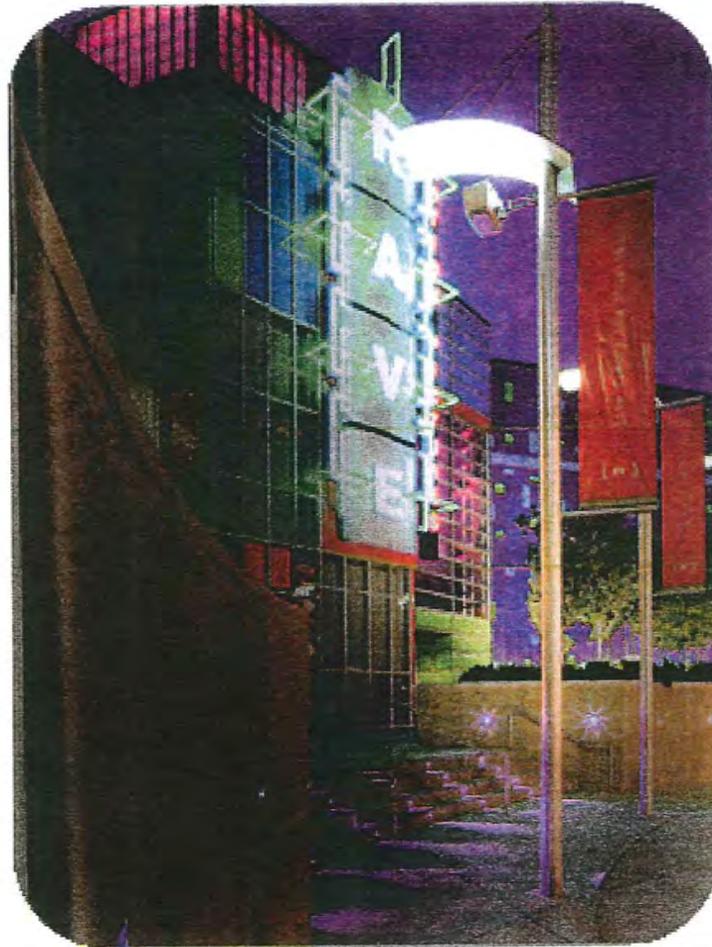
# The New Backyard

In addition to reusing existing materials, we will add many new features to enhance the atmosphere of the new venue

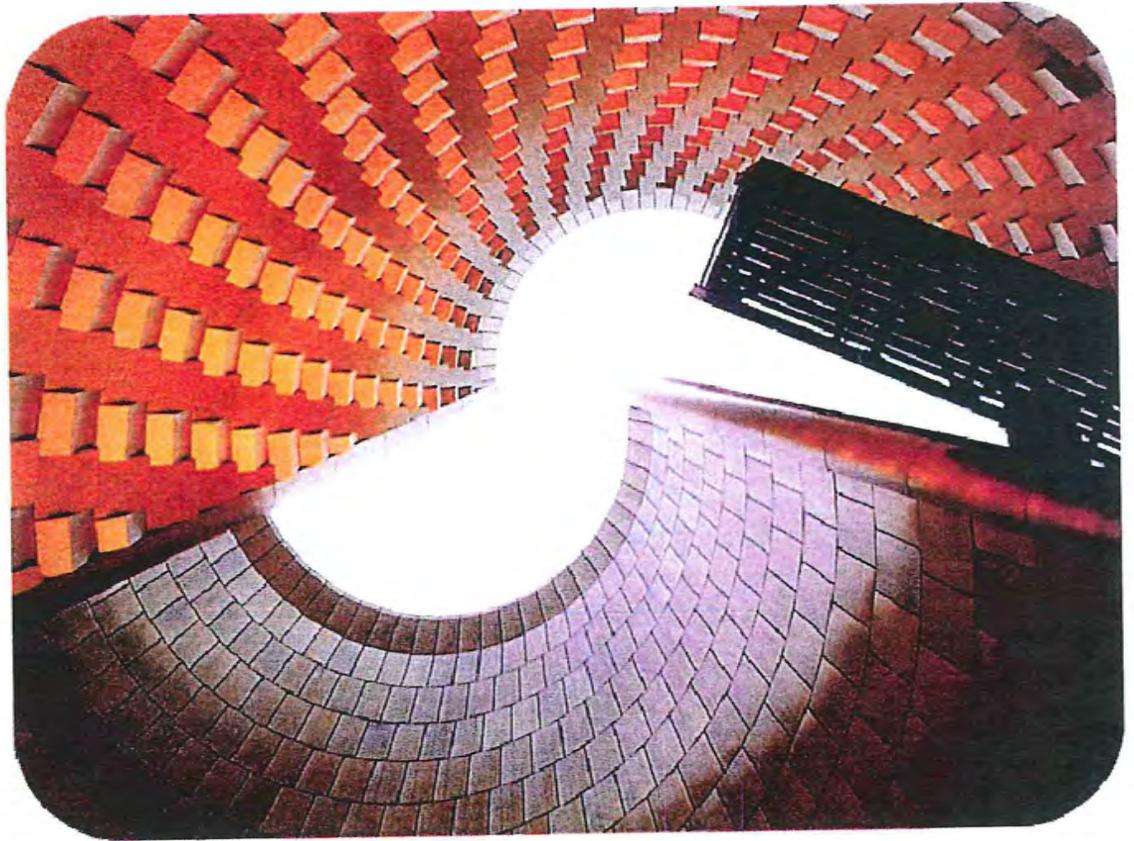
## Proposed Oversized Adirondack Chairs



## Proposed Pedestrian Lights



## Proposed Entry Beacon



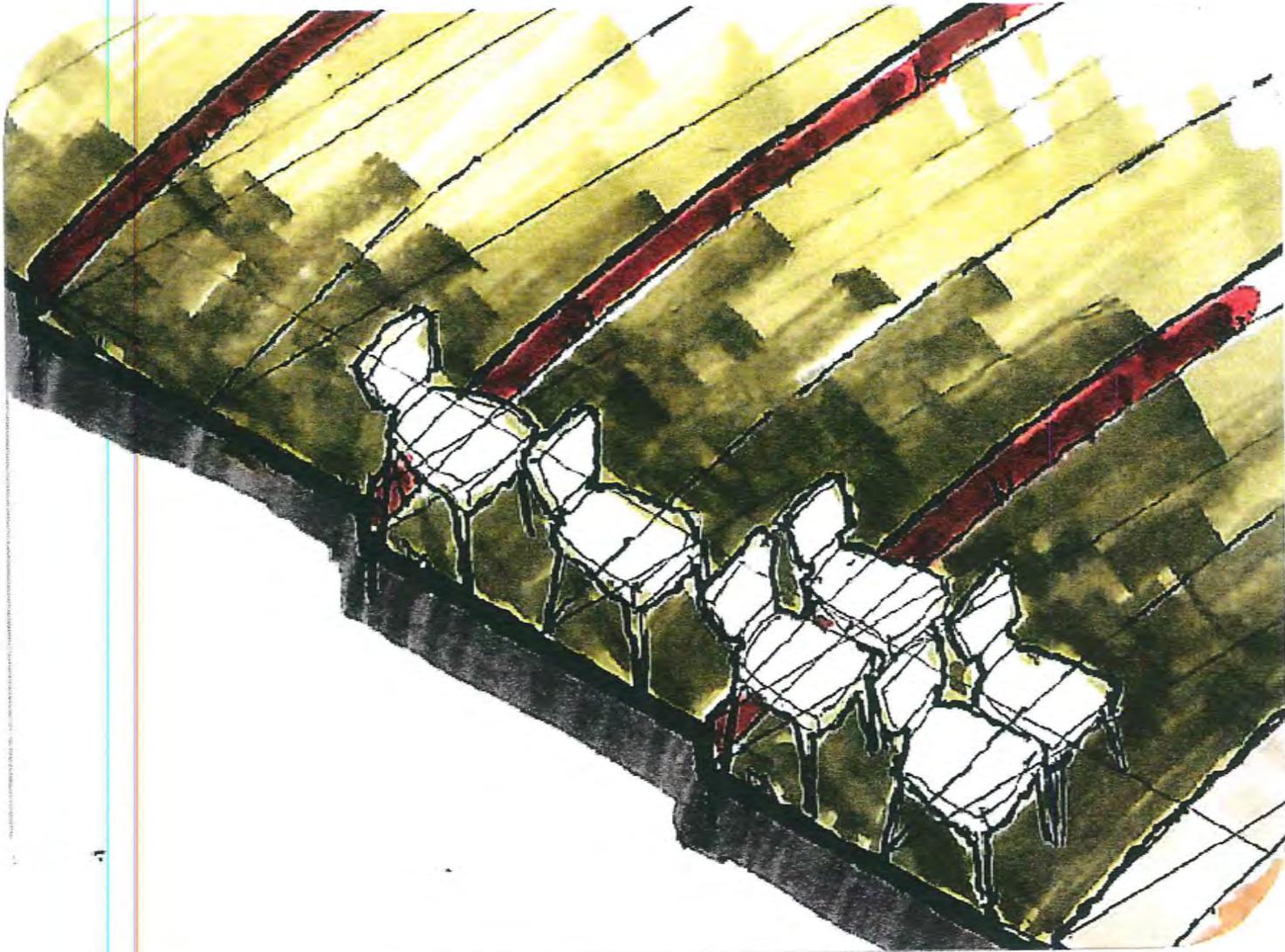
## Proposed Entry Gates



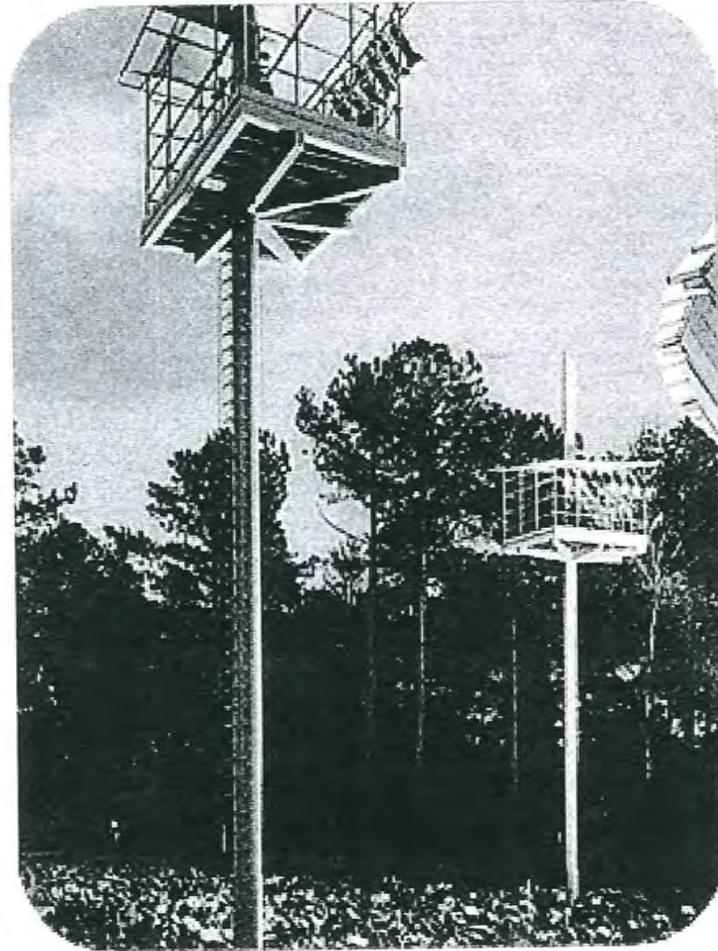
## Proposed Entry Court



## Proposed Grass Terraces



## Proposed Lighting Towers



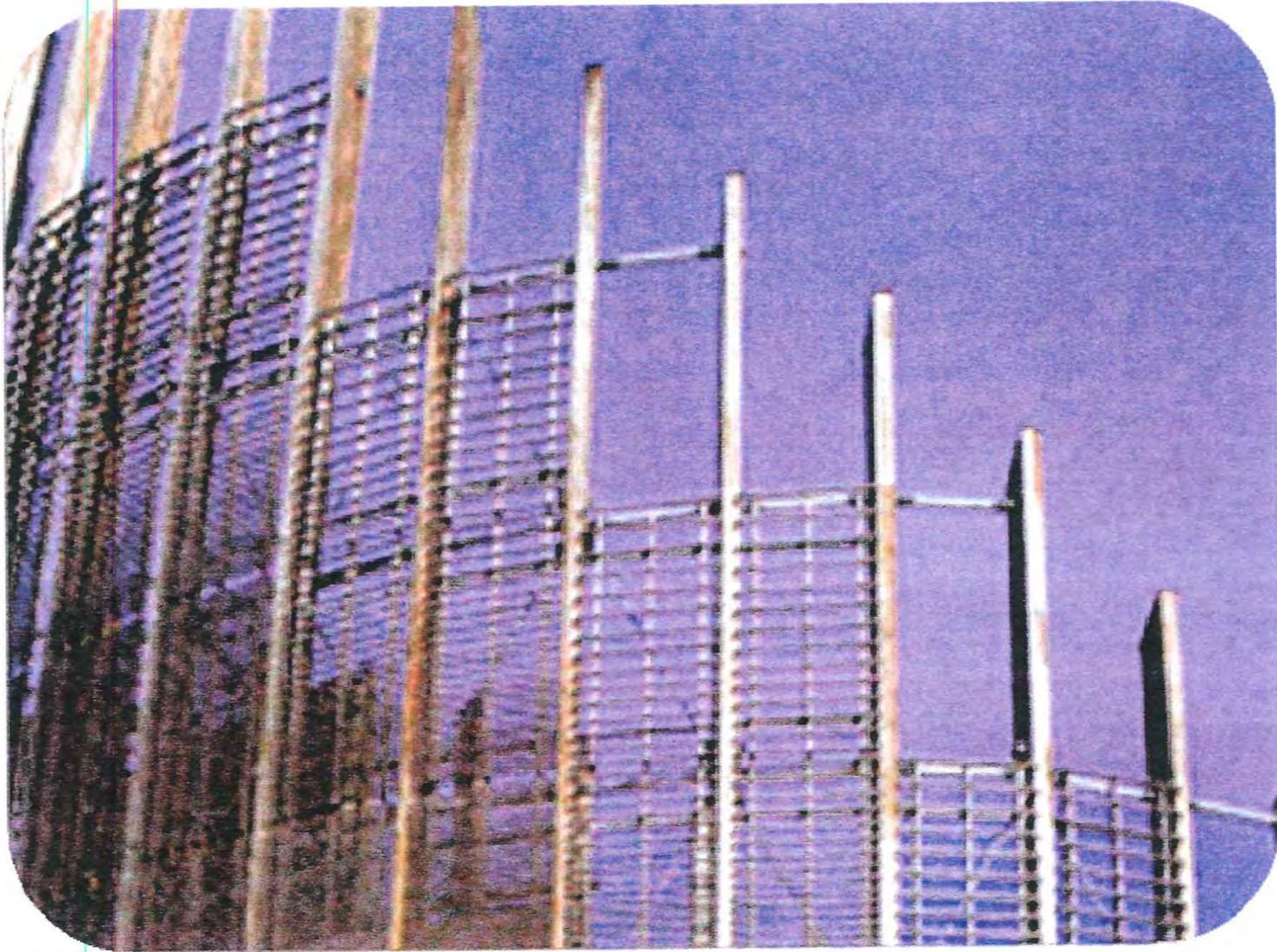
## Proposed/Existing Stage



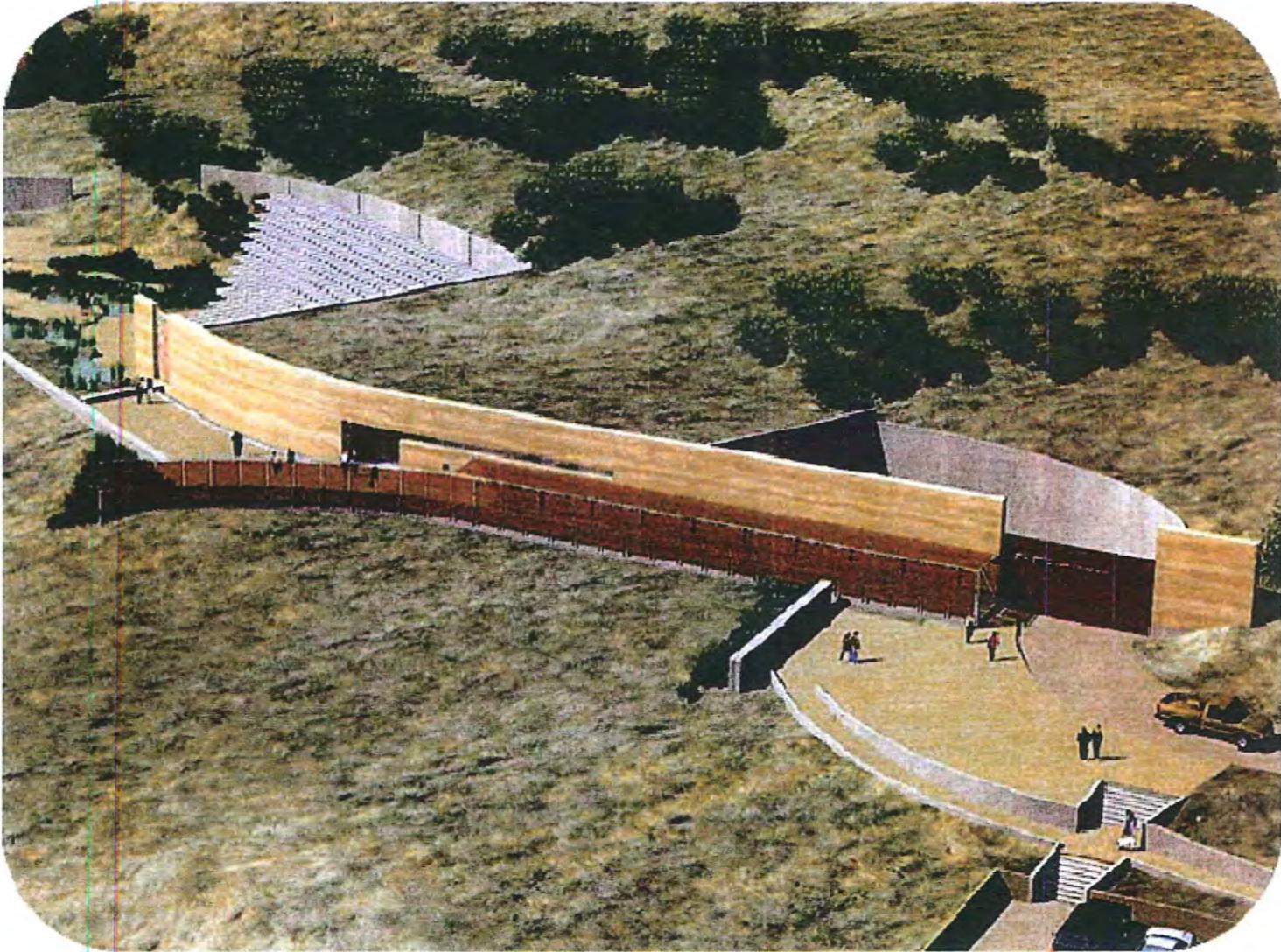
## Proposed Stone Screenwalls



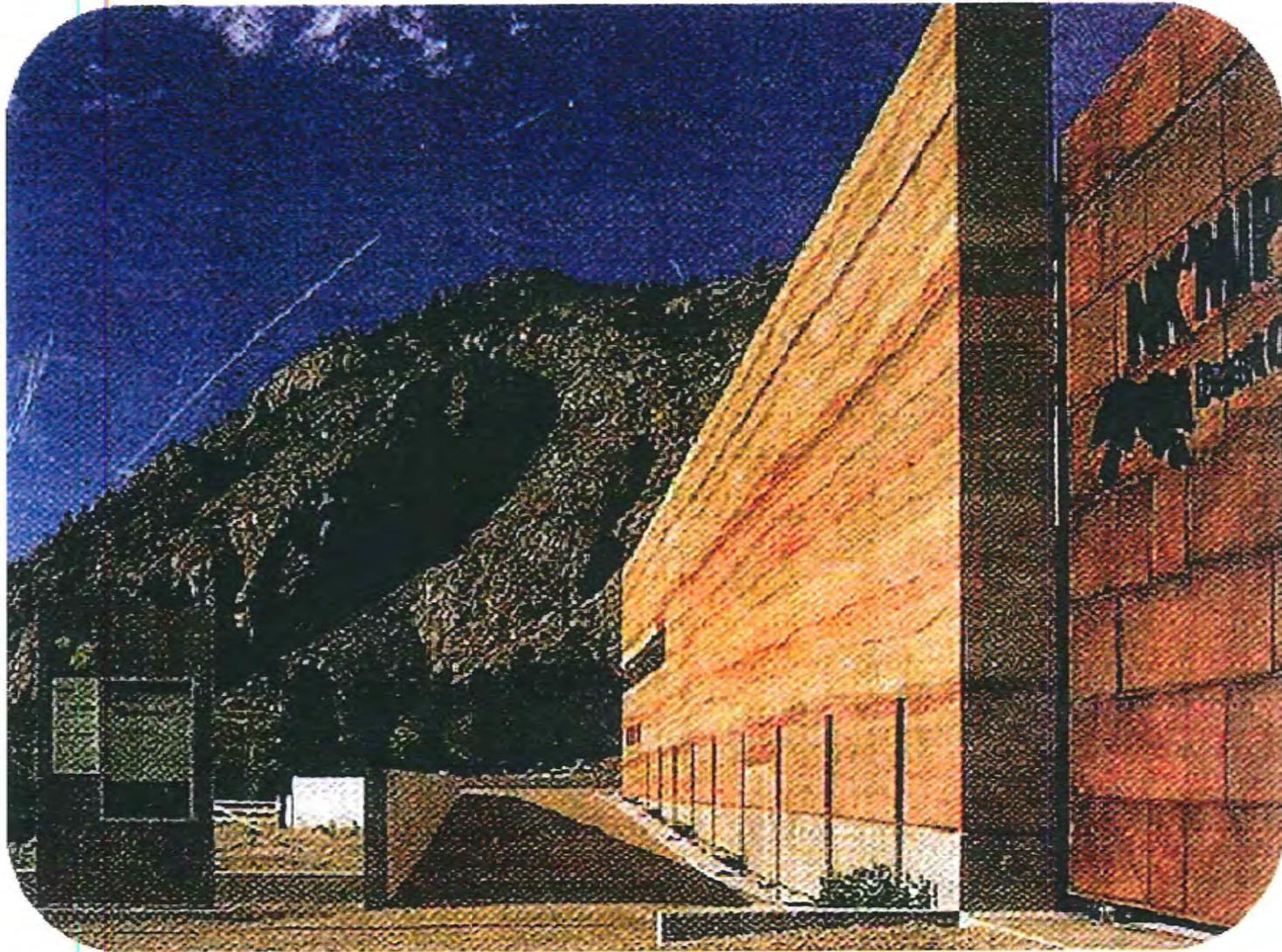
## Proposed Wood Screen



## Proposed Cor-ten Segmented Doors



## Proposed Rammed Earth Sound & Privacy Wall



## Proposed Rammed Earth Screen Wall



## Proposed Wood & Metal V.I.P. Pavilion



## Proposed Water Features



## Proposed Artist Oasis



# Proposed Masonry & Metal Mesh 'Green Screens' with Climbing Vines



## Proposed Tent Canopies



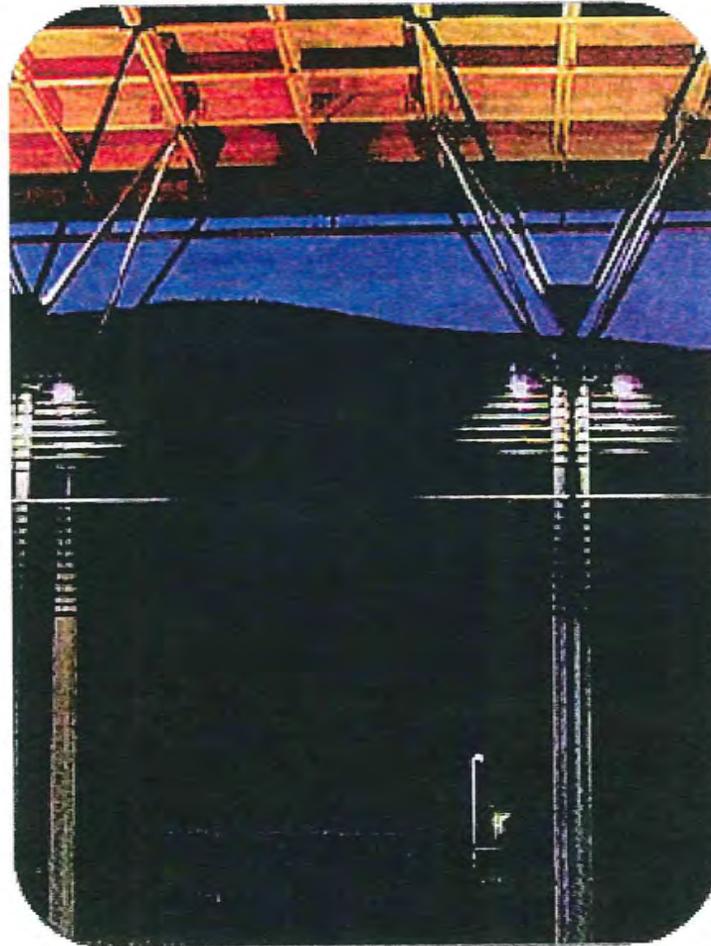
## Proposed Tree House Decks



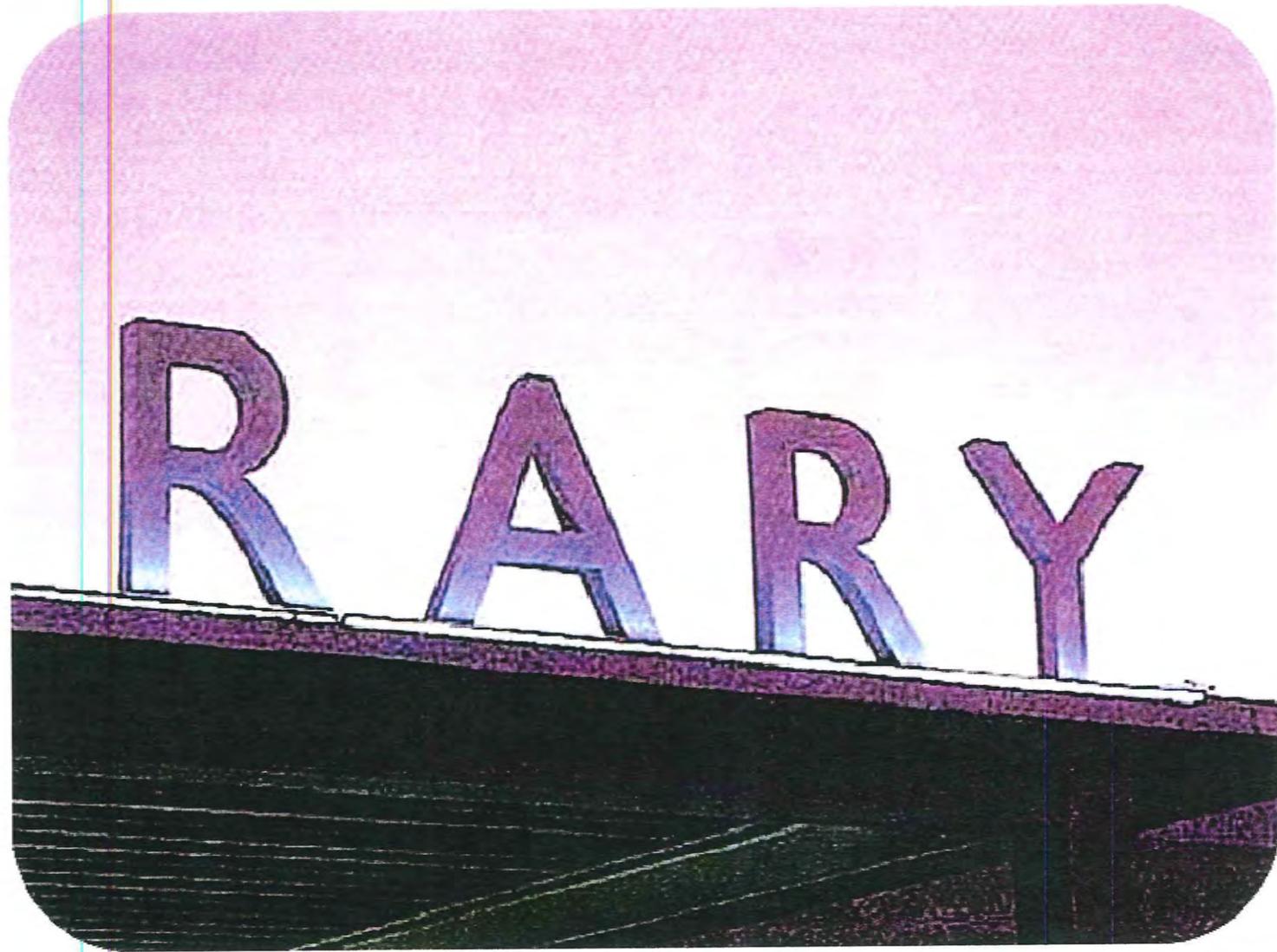
## Proposed Tree House Decks



## Proposed Supports for Tree House Decks



Proposed Cor-ten Sign/Letters



## Proposed Artist Casitas



## Exhibit "E"

### Signage

1. Monument Signage. "Monument signage" will be located at each public entrance (Bee Cave Parkway, and Hwy 71) in accordance with the Concept Plan. Each sign shall be authorized to cover the maximum area of one hundred forty-four (144) square feet of sign area with a maximum vertical height of fifteen feet (15') and a horizontal maximum width of sixteen feet (16'). Maximum letter sizes will be thirty inches (30"). Provided however, that this authorization for the size of the monument signs is contingent on there not being any other monument sign constructed for any other tenant or user of the Project; including the hotel site. All signage for tenants or other businesses advertising within the Project shall be contained within the monument signs authorized by this section.
2. Venue Signage. The Project will include "venue signage" on the curved building façade of the "Stargazer Amphitheater" as reflected on the Concept Plan. The "venue signage" will be composed of letters being a maximum of seventy two inches (72") tall spelling "THE BACKYARD," which will be mounted on the façade.
3. Sponsor Signage. The Project will also include "sponsorship signage" on the curved building façade of the "Stargazer Amphitheater" as reflected on the Concept Plan. The "sponsorship signage" will be composed of letters being a maximum of thirty inches (30") tall.

## BY Iron Gate



# Food Court



## BY Neon Sign and Office Sign



East gate entrance & sign



Original Backyard Sign



## Glenn Entrance Gates



Proposed Cor-ten Sign/Letters

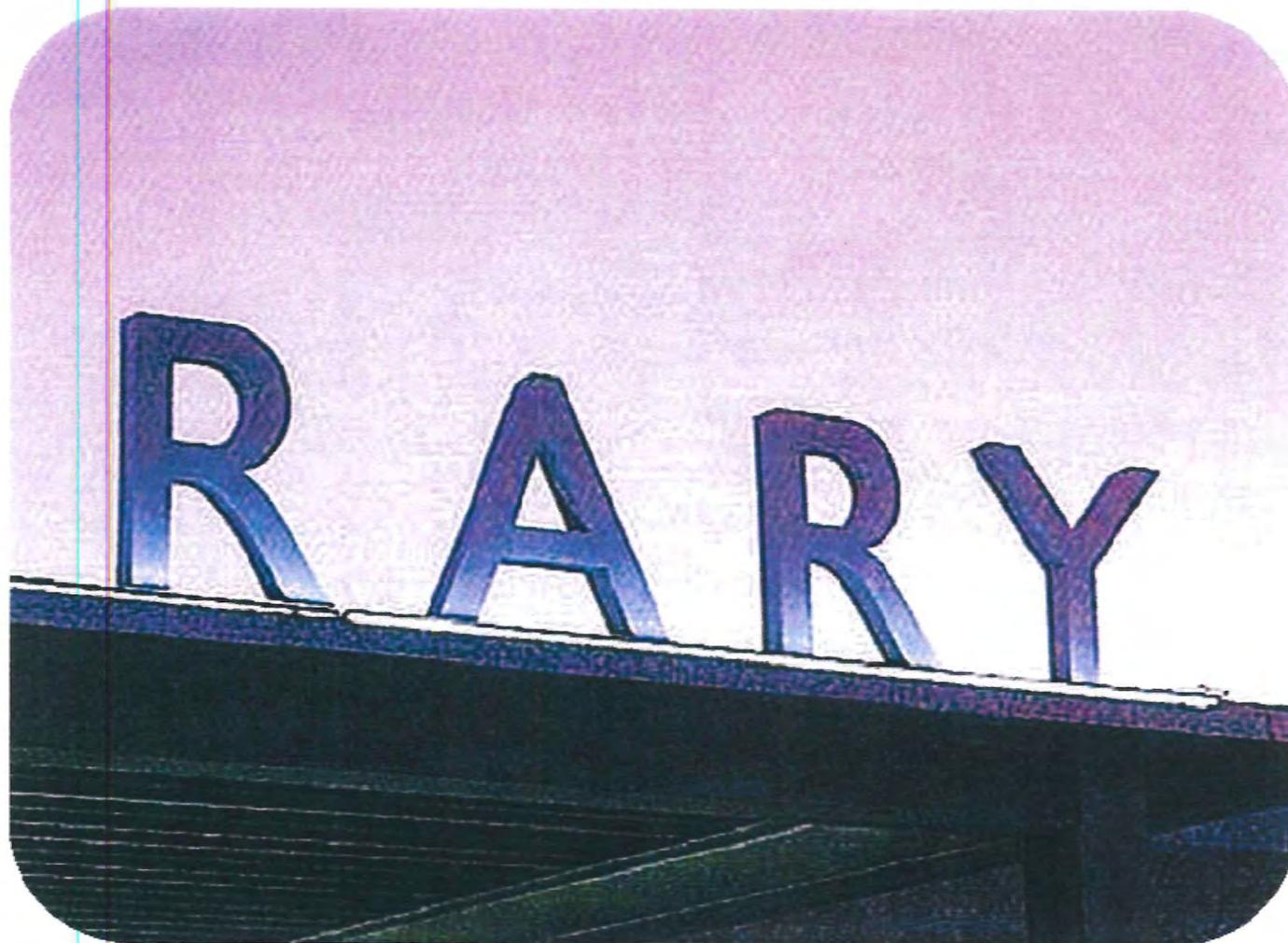




Exhibit "F"

**Traffic and Security Plan**

# EXHIBIT F



July 21, 2008

Mr. John Jansing, P.E.  
Gray-Jansing & Associates  
8217 Shoal Creek Blvd., Suite 200  
Austin, TX. 78757

RE: The Backyard Preliminary Traffic Safety and Traffic Control Plan

Dear Mr. Jansing:

Wilbur Smith Associates (WSA) has reviewed the site plan for the proposed relocation of The Backyard music venue. As part of this review, Wilbur Smith Associates is providing a preliminary traffic safety and traffic control plan. It should be noted that the exact location of Traffic Control Devices and/or the need for roadway improvements, should be determined at the time of the Traffic Impact Analysis and/or the completion of a Traffic Control Plan.

An entertainment venue such as The Backyard does not have traditional peaking characteristics, nor does it have traditional ingress/egress characteristics (time periods, patterns, etc). As such, neither a traditional Traffic Impact Analysis nor a traditional traffic safety plan should be completed. The information presented in the following paragraphs are WSA's best assessment of traffic access and ingress/egress and operating conditions on-site during Phase I (Bee Cave Parkway extended from RM 620 to in front of site) and Phase II (Bee Cave Parkway fully built between RM 620 and SH 71).

### **Background**

As currently planned, the new The Backyard will provide a similar venue to the existing location which is across SH 71 from this location. The proposed venue's maximum capacity is 7,500 people with an on-site parking availability of 2,500 vehicles. It is anticipated that all vehicles will be able to enter/exit the facility in an efficient and safe manner with the following controls in place. It should be noted that no analysis has been completed and traffic control recommendations (both on and off site) cannot be finalized until this is completed. In addition, all site driveways as well as off-site intersections shall be controlled by Travis County Sheriff's officer or other such uniformed patrol officer. The exact location where this is needed will be determined during subsequent stages of project development; however, each of the operational conditions presented in the following paragraphs, necessitates supplemental control by someone from the Travis County Sheriff's officer or other such uniformed patrol officer.

### **Phase I**

There are two site access points: SH 71 and Bee Cave Parkway. The SH 71 site driveway shall be constructed with a three lane cross-section (one dedicated each inbound and outbound and the center lane (third lane) will change depending on demand). Bee Cave Parkway would only be constructed from RM 620 to the Bee Cave city park. It will then be extended, by others, from the park to the entry to The Backyard music venue, essentially serving as a long driveway. Sufficient space for a fire truck to turn around at the terminus of the roadway should be provided. As a cost-savings measure, only one side of the proposed divided roadway might be constructed, or a temporary roadway provided. It is recommended that, at a minimum, the Bee Cave Parkway roadway be constructed with three lanes to allow for maximum vehicular storage and double turns into the site. The site driveway will require at least three lanes: one dedicated inbound, one dedicated outbound, and one lane that can be used as either inbound/outbound when necessary to allow for easier distribution and guidance of vehicles once on-site.

Phase I- Ingress

- All traffic entering off RM 620 shall travel along the driveway/roadway Bee Cave Parkway. If only initially constructed with three lanes, the roadway shall be barricaded such that there are two Westbound lanes for entering vehicles and one Eastbound lane for exiting vehicles. Erect signs stating *The Backyard FORM TWO LINES*.
- The on-site driveway shall be barricaded to provide two lanes for entering vehicles and one lane shall be reserved for exiting vehicles.
- Once on site, all vehicles shall be directed to on-site parking facilities by the appropriate parking staff. To facilitate the rapid parking of cars, the two entering lanes should be directed in two different streams. To minimize the crossing of parking cars and pedestrians walking to the venue, vehicles should be directed to begin filling the parking lots in the following sequences:
  - Left entering lane to Lot F, right entering lane to the front portions of Lots C and B. Load the traffic from the aisle end furthest way from the stage, allowing pedestrians to walk toward the event along the aisle not mixing with parking cars.
  - After Lot F is filled and Lot C is filled and Lot B is partially filled, begin directing the right lane of traffic to fill Lot A from the outer end aisle and direct the left lane of incoming traffic straight a head to fill lot B from the aisle between Lot B and Lot C. At this point, one traffic control officer will need to control the flow of traffic and pedestrians to allow for safe crossing.
- All traffic entering off of SH 71 form two lanes – one entering from the north and one entering from the south. The one-site driveway shall be barricaded such that those vehicles entering from the north can only travel in the northern entrance lane and vehicles entering from the south can only travel in the southern most lane. Once on site, all vehicles shall be directed to on-site parking facilities by the appropriate parking staff. To facilitate the rapid parking of cars, the entering lanes should be directed in two different streams. To minimize the crossing of parking cars and pedestrians walking to the venue, vehicles should be directed to begin filling the parking lots in the following sequences:
  - Left entering lane to Lot D, right entering lane to Lot E. Load the traffic from the aisle end furthest way from the stage, allowing pedestrians to walk toward the event along the aisle not mixing with parking cars.
  - After Lot D is filled and Lot E is filled, begin directing the right lane of traffic to fill Lot C from the outer end aisle and direct the left lane of incoming traffic straight a head to fill lot B. At this point, one traffic control officer will need to control the flow of traffic and pedestrians to allow for safe crossing.
  - Once these lots have filled, the venue will be nearing capacity. Remaining traffic entering the venue will be directed in one stream around the far outer aisle to park in Lot F.

Phase I- Egress

All drivers shall generally exit via the same route that was used upon entering: Bee Cave Parkway or SH 71.

- All RM 620 traffic shall exit the venue along the minimum three lane driveway/roadway leading to Bee Cave Parkway that intersects with RM 620. In a reversal of the entering patterns, the driveway/roadway shall be barricaded such that there are a minimum of two Eastbound lanes for exiting vehicles and one Westbound lane for entering vehicles.
- The one-site driveway shall be barricaded to provide two lanes for exiting vehicles and one lane shall be reserved for entering vehicles.
- All drivers shall exit the facility with the assistance of on-sit parking attendants, signage, or other such traffic guidance system.
- All vehicles using the exit lanes shall be required to turn right onto the driveway/roadway leading to Bee Cave Parkway, with barricades positioned such that all vehicles must travel in the appropriate lane a pre-designated distance before they are allowed to change lanes. The exact distance shall be determined once the Traffic Impact Analysis is completed.
- All SH 71 traffic shall exit the venue along the three lane driveway intersecting with SH 71. In a reversal of the entering patterns, the driveway shall be barricaded such that there are a minimum of two Southbound lanes for exiting vehicles and one Northbound lane for entering vehicles.

- The one-site driveway shall be barricaded to provide two lanes for exiting vehicles and one lane shall be reserved for entering vehicles.
- All drivers shall exit the facility with the assistance of on-site parking attendants, signage, or other such traffic guidance system.

### **Phase II**

During Phase II, it is assumed that Bee Cave Parkway will be fully constructed as a four lane divided Parkway connecting RM 620 to SH 71. Given that during this phase there will be additional development along Bee Cave Parkway, all traffic plans must take into consideration background traffic (that traffic utilizing the roadway for purposes other than going to The Backyard). As such, it is recommended that a Westbound left-turn lane/bay on Bee Cave Parkway be constructed within the raised median at The Backyard site driveway. Right-of-way should be reserved for an Eastbound right run lane, but it is anticipated that this lane will not be needed at the beginning of this phase. This will allow one lane in each direction that is dedicated to through traffic during a venue event. In addition, the site driveway should be re-constructed, to allow for a total of four lanes. This will allow for three lanes in the peak flow direction and one in the opposing flow direction.

### **Phase II – Ingress**

- Bee Cave Parkway
  - The outside Westbound lane (lane closest the outside curb) shall be barricaded off and temporary signs erected such that this lane is dedicated to traffic traveling through the intersection. This will allow these drivers the freedom to get through the intersection without getting caught in the site traffic.
  - Barricades shall be placed between the one inner westbound through lane and the left turn lane, such that once a driver has entered a lane they cannot change lanes and are automatically directed to the appropriate parking spot.
  - The inside Eastbound lane shall be barricaded and used exclusively for those vehicles traveling through the intersection and not going into the venue and temporary signs will be erected such that this lane is dedicated to traffic traveling through the intersection.
  - The Eastbound through lane will be stop controlled, installing temporary advance warning signs and temporary stop signs at the intersection. A Travis County Sheriff's officer or other such uniformed patrol officer will need to be stationed at the intersection to promote safe and orderly traffic flow.
  - The outside through lane shall then be barricaded off so that this becomes an exclusive right turn lane for vehicles traveling into the venue.
- On-Site Driveway
  - All traffic shall enter along the four lane private driveway connecting to Bee Cave Parkway. The driveway shall be barricaded such that there are two lanes for receiving Westbound traffic, one lane for receiving Eastbound traffic and one lane for exiting vehicles. All lanes in the driveway should be separated by barricades so that once vehicles enter the queue they cannot change lanes.
  - The on-site driveway shall be barricaded to provide three lanes: one dedicated for either direction and one center reversible lane.
- Once on site, all vehicles shall be directed to on-site parking facilities by the appropriate parking staff. Vehicles shall be split such that those vehicles entering from the West shall be required to turn to the right and park in the west side of the lot and those entering from the East via the outside travel lane will continue through or to the left and park in the southern part of the lot.
- SH 71
  - All traffic entering off of SH 71 form two lanes – one entering from the north and one entering from the south. The one-site driveway shall be barricaded such that those vehicles entering from the north can only travel in the northern entrance lane and vehicles entering from the south can only travel in the southern most lane. Once on site, all vehicles shall be directed to on-site parking facilities by the appropriate parking staff. To facilitate the rapid parking of cars, the entering lanes should be directed in two different streams. To minimize the crossing of parking cars and

pedestrians walking to the venue, vehicles should be directed to begin filling the parking lots in the following sequences:

Phase II – Egress

- Bee Cave Parkway
  - All drivers will exit via the site driveway at Bee Cave Parkway, with one lane turning left, one lane turning right and the third lane turning in the necessary direction as determined by the Traffic Impact Analysis.
  - In the same manner that they were parked, those drivers returning to the west will exit the parking lots into the leftmost lane. The leftmost lane will be forced to turn left and continue to SH 71, those drivers from the southernmost parking lots shall be in the middle lane and will be forced to turn right and continue to either RM 620 or SH 71 (direction to be determined), and those drivers that arrived from the RM 620 approach and parked in Lot F shall be in the outside lane and forced to turn right and continue to RM 620.
  - All drivers will be required to remain in their designated lane by placement of barricading, the length of which should be determined during further detailed analysis.
  
- SH 71
  - All drivers wanting to go to SH 71 will exit via the site driveway at SH 71, with one lane turning left and one lane turning right.
  - In the same manner that they were parked, those drivers returning to the south will exit the parking lots into the leftmost lane. The leftmost lane will be forced to turn left and continue south along SH 71 and those drivers wanting to travel north along SH 71 shall be in the outside lane and forced to turn right and continue to RM 620.
  - All drivers will be required to remain in their designated lane by placement of barricading, the length of which should be determined during further detailed analysis.

Each of the traffic operations plans presented above is a summary of what will need to be provided. The exact distances and locations of barricades, Travis County Sheriff's officer/uniformed patrol offices, on-site parking staff and other traffic control measures should be determined once a Traffic Impact Analysis and/or a Traffic Control Plan is completed. If there are further questions, please do not hesitate to call me at 512.502.0481.

Sincerely,  
WILBUR SMITH ASSOCIATES



Rebecca A. Bray, P.E., PTOE, AICP  
Senior Transportation Engineer

CC: Jen Henderson – Gray-Jansing & Associates  
Kevin St. Jacques, P.E., PTOE – Wilbur Smith Associates

RECEIVED

JUL 15 2008

City of Bee Cave

**ARMBRUST & BROWN, L.L.P.**

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300  
AUSTIN, TEXAS 78701-2744  
512-435-2300

FACSIMILE 512-435-2360

DAVID B. ARMBRUST  
(512) 435-2301  
darmbrust@abaustin.com

July 15, 2008

VIA HAND DELIVERY

Mr. John Hatchel  
City Administrator  
City of Bee Cave  
4000 Galleria Parkway  
Bee Cave, Texas 78738

Re: Amendment to the Backyard Planned Development District Zoning Application  
on file with the City of Bee Cave Texas ("Application")

Dear Mr. Hatchel:

On June 20, 2008, Reese Commercial Properties, Ltd., as owner, and James T. O'Connor, as the applicant ("Applicant") filed the Application for that certain 37.453 acre tract of land, as described on the attached Exhibit "A". Based on ongoing discussions between City of Bee Cave staff and the Applicant, the Applicant requests that the Application be amended in the following manner:

1. Additional Acreage. At the request of City staff, the Applicant has included approximately 6.64 acres of property (in addition to the originally submitted 37.453 acres) that are necessary for: (i) the construction of the "South Entrance Roadway," as described in the proposed Planned Development Standards attached to the Application; (ii) the related detention/water quality pond; and (iii) signage area for the Backyard (collectively, the "South Entrance Roadway Area"). A depiction of the South Entrance Roadway Area is attached as Exhibit "B". The related authorization letter is attached as Exhibit "C", and the notarized letter attesting to ownership is attached as Exhibit "D". A boundary survey, together with a metes and bounds of the South Entrance Roadway Area will be provided prior to the final public hearing at the Bee Cave City Council. The total proposed area for the Project is revised to reflect approximately 44.093 acres.

2. Lighting Standards. Section 5(a) of the Planned Development Standards attached as Exhibit C to the proposed ordinance ("Development Standards") is amended to require that any permanent lighting fixtures in the parking area for the Outdoor Music Venue will comply with the City Code.

3. Water Quality and Detention Ponds. Section 7(a) of the Development Standards is

amended to add the following:

“The water quality and detention ponds currently depicted on the Concept Plan have been engineered to capture flow from the Outdoor Music Venue development only. Prior to the issuance of a permit for development of the proposed hotel use, in order to capture additional runoff from the hotel improvements, either: (i) the existing ponds reflected on the Concept Plan will be re-engineered and enlarged, as may be necessary; or (ii) an additional pond(s) will be constructed on the hotel site. The Applicant agrees to enter into a maintenance agreement for the monitoring and repair of the water quality and detention ponds for the Project.”

4. Impervious Cover. The first two sentences of Section 8(a) are deleted in their entirety and replaced with the following:

“The Outdoor Music Venue shall receive 100% credit from the impervious cover calculations for areas which are constructed and maintained with grass or other vegetative materials, including but not limited to parking areas. Other portions of the Outdoor Music Venue that are constructed with crushed gravel, permeable pavers, or other types of permeable materials, reasonably agreed upon by the City, shall receive 85% credit from the impervious cover calculations if a separate agreement for maintenance of such materials is negotiated and mutually agreed to by the City and the Project owner. The proposed hotel use shall not be entitled to the credits referenced in this Section 8(a).”

Section 8(a) of the Development Standards is further amended to attach the projected impervious cover calculations set forth on the attached Exhibit “E”.

5. Annual Pollutant Load. The Applicant requests that Section 8(b) of the Development Standards be deleted in its entirety.

6. Water Quality Controls. The Applicant requests that Section 8(c) of the Development Standards be deleted in its entirety and replaced with the following:

“Drive aisles and parking spaces in the parking area for the Outdoor Music Venue are recognized to be vegetated filter strips in accordance with Sections 13.115 and 13.116 of the Code.”

7. Landscaping.

a. Section 10(b) of the Development Standards is deleted in its entirety and replaced with the following:

“For purposes of this Project, the term “Protected Tree”, “Specimen Tree”, or “Specimen Tree Stand” shall mean any tree with a four inch (4”) caliper trunk or greater, as measured four and one-half feet (4.5’) above the ground. Junipers, Hackberry, and Cedar trees shall not count in calculations of caliper inches for landscaping purposes, and are not considered to be a Protected Tree, Specimen Tree, or part of a Specimen Tree Stand.”

b. Section 10(c) of the Development Standards is deleted in its entirety and replaced with the following:

“The applicant shall provide a tree survey to the City showing the location of all Protected Trees having a four inch (4”) caliper trunk or greater, as measured four and one-half feet (4.5’) above the ground, at the time that the Landscape Plan is submitted for approval.”

c. Section 10(c) of the Development Standards is deleted in its entirety and replaced with the following:

“Canopy trees shall be retained to provide shade for parking or vehicular use areas as substantially depicted on the Concept Plan. A minimum of sixty percent (60%) of the total caliper inches of the Protected Trees with four inch (4”) trunks or greater located within the Property shall be preserved and/or replaced.”

8. Artist Truck Entrance. The City agrees to a curb cut in the north east corner of the Property allowing for the deletion of the access point through the proposed City Park, as reflected on the revised first page of the Concept Plan attached as Exhibit “F”.

As necessary, the chart detailing modifications to the City of Bee Cave Code of Ordinances (Tab 8 in the Application) will be amended to reflect the changes set forth above. It is the Applicant’s desire that the zoning case remain on the August 5<sup>th</sup> meeting of the Planning Commission and the August 12<sup>th</sup> meeting of the City Council. Thank you for your time and consideration in this matter. Please do not hesitate to call should you require any additional information.

Sincerely,

ARMBRUST & BROWN, L.L.P.



David B. Armbrust

EXHIBIT "A"

**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"

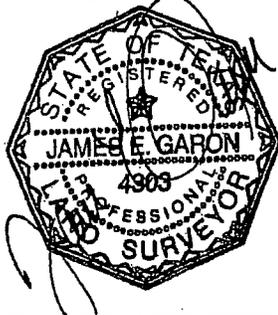
● Page 2

November 14, 2007

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.

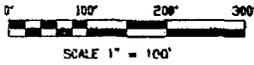
Surveyed by:



---

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

# EXHIBIT "A"



**LEGEND**

- ⊙ CALCULATED POINT
- 1/2" IRON PIN FOUND
- STAMPED J.C. GARON PILE 1325
- 1/2" PIPE SET BOLLER MARKS
- 1/2" PIPE FOUND BOLLER MARKS
- CUPPER STAMBLE FOUND
- △ 600 INCH FOUND
- △ 600 INCH SET
- △ TOWER MARK IN TOWER MARKS
- △ TOWER MARK FOUND
- POLE MARKS
- FIVE MARKS
- CHAIN LINK FENCE
- PUBLIC UTILITY EMBLEM
- DEPARTMENT
- BOLLER MARK
- POWER POLE
- OVERHEAD ELECTRIC LINE
- DRIVE WAY
- (RED-DOT) ACCORDING

LOT 1, BLOCK B  
REPLAT  
HOME DEPOT ADDITION  
200200218

N 63°36'02" E 1116.77'

S 64°47'32" W 122.65'  
S 65°06'59" W 209.26'

BOLT FND.

S 02°03'33" E 1379.42'

37.453 ACRES  
REESE COMMERCIAL PROPERTIES LTD  
56.628 AC  
2001091446

BALDWIN PROPERTIES LTD  
51.510 AC  
2002105444

S 10°14'06" E 1094.54'

TIM & BRENDA  
SKAGGS  
40.240 AC  
12007/1764

L=55.07'  
R=1030.00'  
Δ=03°03'47"  
C LEN=55.06'  
BRG=N 21°12'38" E

N 22°44'32" E 95.99'

S 77°01'05" E 540.27'

W 157.52'  
S 24°20'41"

S 78°21'02" W 465.38'

S 87°15'28" E 60.00'

SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
OF  
37.453 ACRES  
OUT OF THE  
I. & G.N. RR. CO. SUR. A-2108  
TRAVIS COUNTY, TEXAS.

REMAINDER  
REESE COMMERCIAL PROPERTIES LTD  
56.628 AC  
2001091446

TIM & BRENDA  
SKAGGS  
40.240 AC  
12007/1764

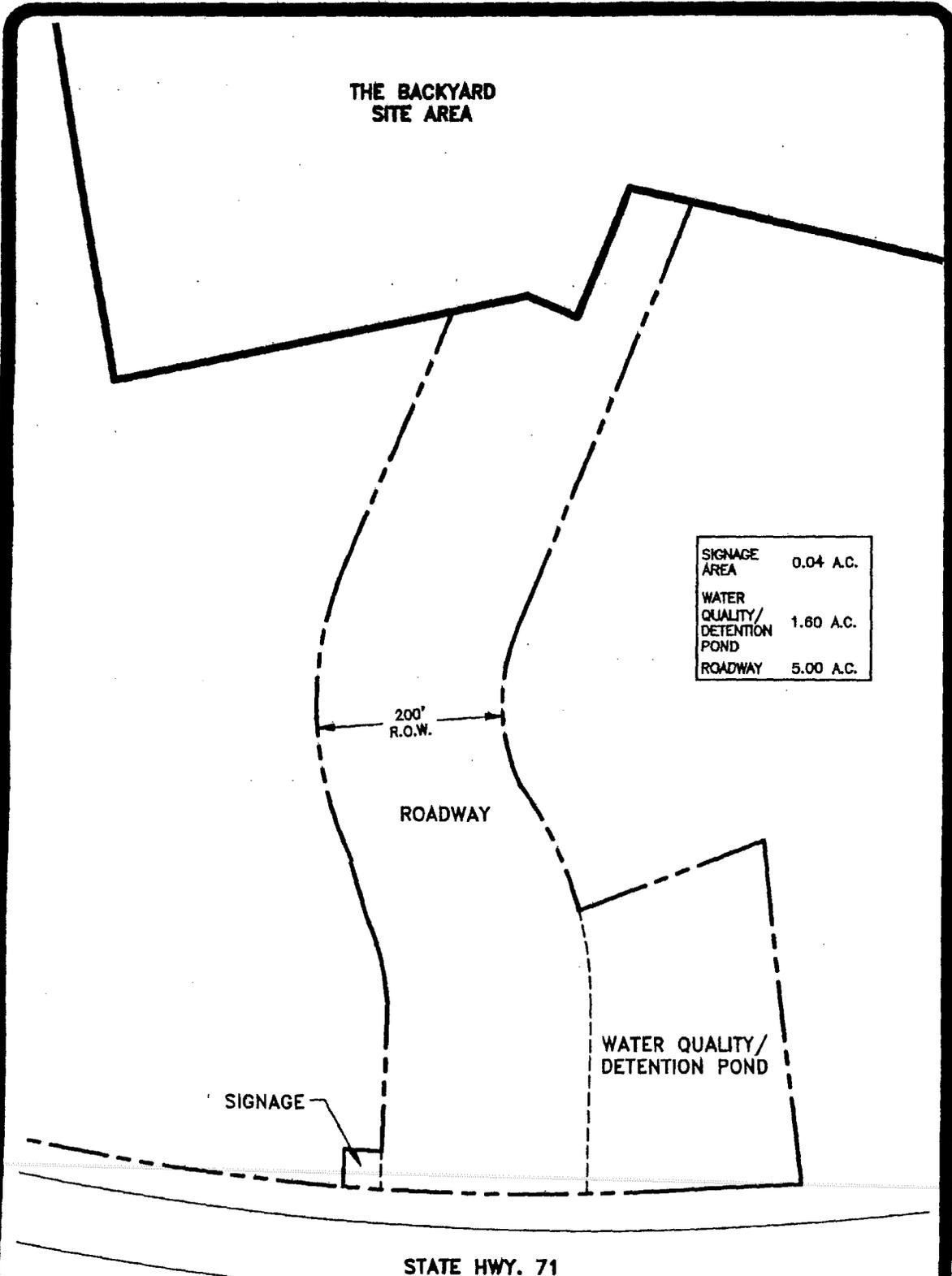


**JAMES E. GARON & ASSOC.**  
PROFESSIONAL LAND SURVEYORS

924 MAIN STREET  
BASTROP, TEXAS 78602  
(512) 303-4185  
(512) 321-2107 fax

JCB / 9-1378-08  
SFRVEN/CO./TRAVIS/SUR./L.G. & N. R.R./970207.dwg

EXHIBIT "B"



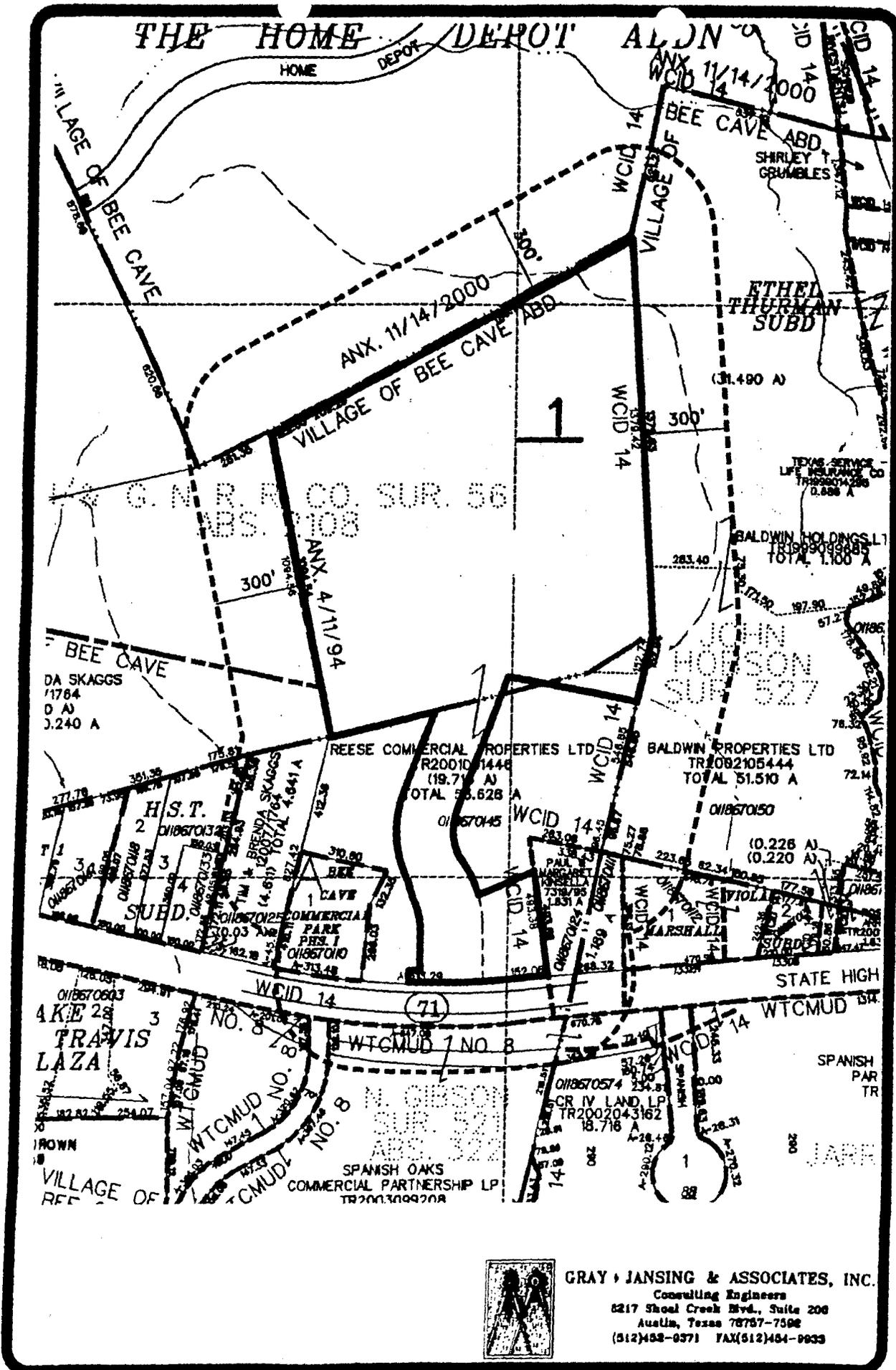
SIGNAGE AREA	0.04 A.C.
WATER QUALITY/ DETENTION POND	1.80 A.C.
ROADWAY	5.00 A.C.

LIMITS OF  
HIGHWAY 71  
ACCESS DRIVE TO  
THE BACKYARD SITE  
AREA

DATE 6/25/2008  
PROJECT # 1481-10041-62  
DRAWN BY GDP



GRAY & JANSING & ASSOCIATES, INC.  
Consulting Engineers  
5317 Shoal Creek Blvd., Suite 200  
Austin, Texas 78757-7592  
(512)468-0971 FAX(512)454-9933



**GRAY, JANSING & ASSOCIATES, INC.**  
 Consulting Engineers  
 6217 Shoal Creek Blvd., Suite 200  
 Austin, Texas 78757-7598  
 (512)452-0371 FAX(512)454-9933

EXHIBIT "B"

**REESE COMMERCIAL PROPERTIES, LTD.**

15315 HIGHWAY 71 WEST  
BEE CAVE, TEXAS 78738

July 15, 2008

Village of Bee Cave  
Attn: Mr. John Hatchel  
13333-A Hwy 71 W.  
Bee Cave, Texas 78738

Re: The Backyard Planned Development District Zoning Application -- 6.64 acre tract, as more particularly described on the attached Exhibit "A"

Dear Mr. Hatchel:

Please accept this letter appointing Armbrust & Brown, L.L.P. as authorized agent for the undersigned in connection with the above-referenced property ("Property"). This appointment includes complete authority for Armbrust & Brown, L.L.P. to handle all aspects of the zoning, platting, site plan, variances, and all other permitting processes for the Property (the "Approvals"). Please do not construe this letter as our agreement or consent to the size, configuration, design, alignment or uses shown on Exhibit "A", all of which are subject to contractual negotiation with the zoning applicant.

Thank you very much for your assistance in connection with this matter.

Sincerely,

REESE COMMERCIAL PROPERTIES, LTD.

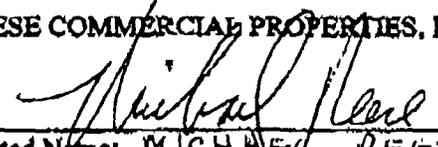
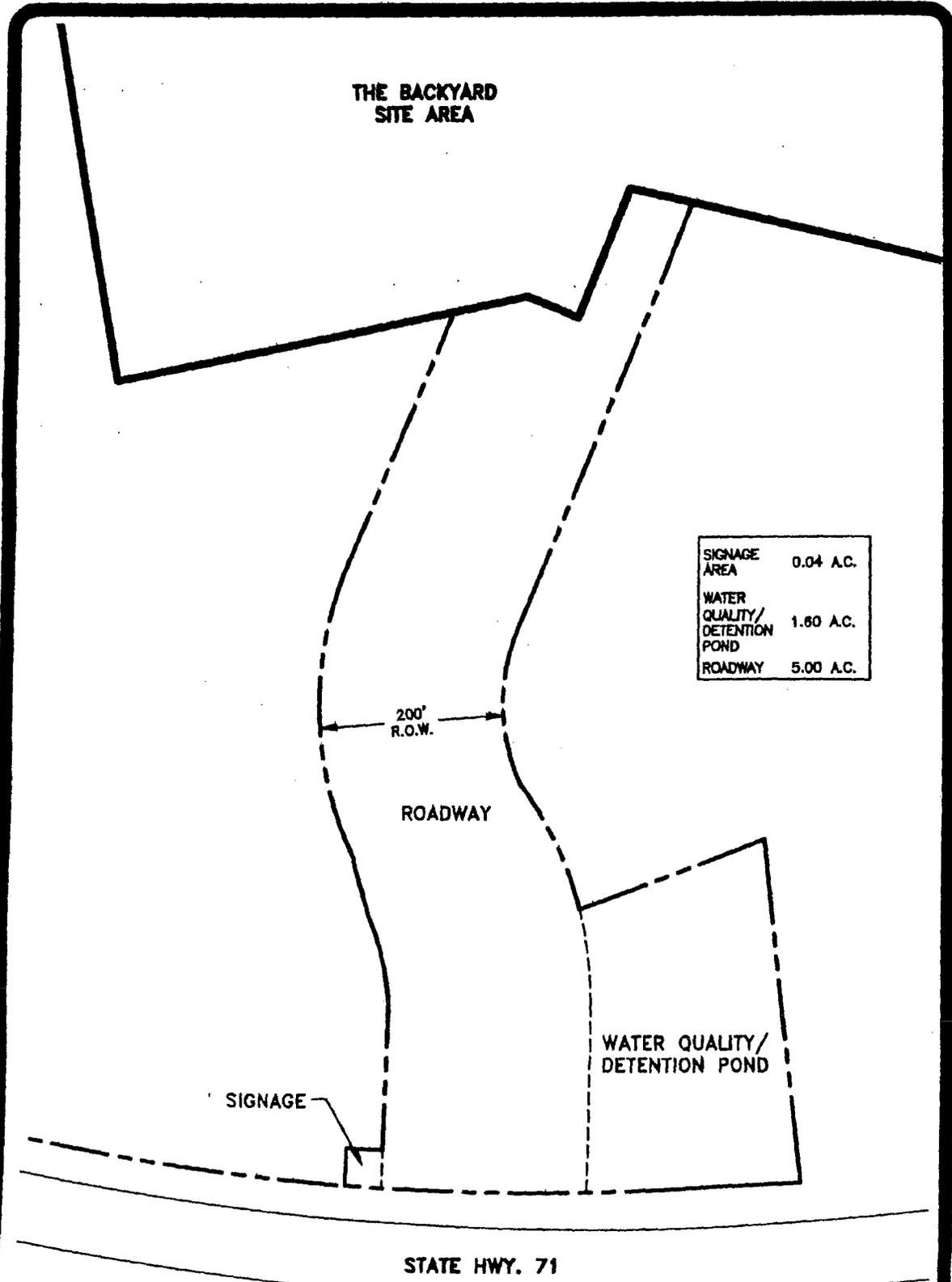
By:   
Printed Name: MICHAEL REESE  
Title: MANAGER

EXHIBIT "A"



SIGNAGE AREA	0.04 A.C.
WATER QUALITY/ DETENTION POND	1.60 A.C.
ROADWAY	5.00 A.C.

LIMITS OF  
HIGHWAY 71  
ACCESS DRIVE TO  
THE BACKYARD SITE  
AREA

DATE 6/25/2008  
PROJECT # 1481-10041-62  
DRAWN BY GDP



GRAY & JANSING & ASSOCIATES, INC.  
Consulting Engineers  
2217 Shoal Creek Blvd., Suite 200  
Austin, Texas 78707-7388  
(512)452-0371 FAX(512)454-9933

**REESE COMMERCIAL PROPERTIES, LTD.**

15315 HIGHWAY 71 WEST  
BEE CAVE, TEXAS 78738

July 15, 2008

Village of Bee Cave  
Attn: Mr. John Hatchel  
13333-A Hwy 71 West  
Bee Cave, Texas 78738

Re: Land Ownership for the Backyard Planned Development District Zoning Application - 6.64 acre tract, as more particularly described on the attached Exhibit "A"

Dear Mr. Hatchel:

This letter is being provided to attest to the fact that Reese Commercial Properties, Ltd. owns the above-referenced property. This letter shall not be construed as our consent to the size, configuration, design, alignment or uses depicted on Exhibit "A", all of which are subject to contractual negotiation with the zoning applicant.

Thank you very much for your assistance in connection with this matter.

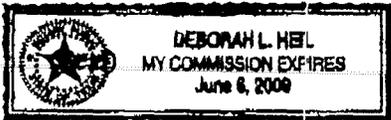
Sincerely,

REESE COMMERCIAL PROPERTIES, LTD.

By: Michael Reese  
Printed Name: MICHAEL REESE  
Title: MANAGER

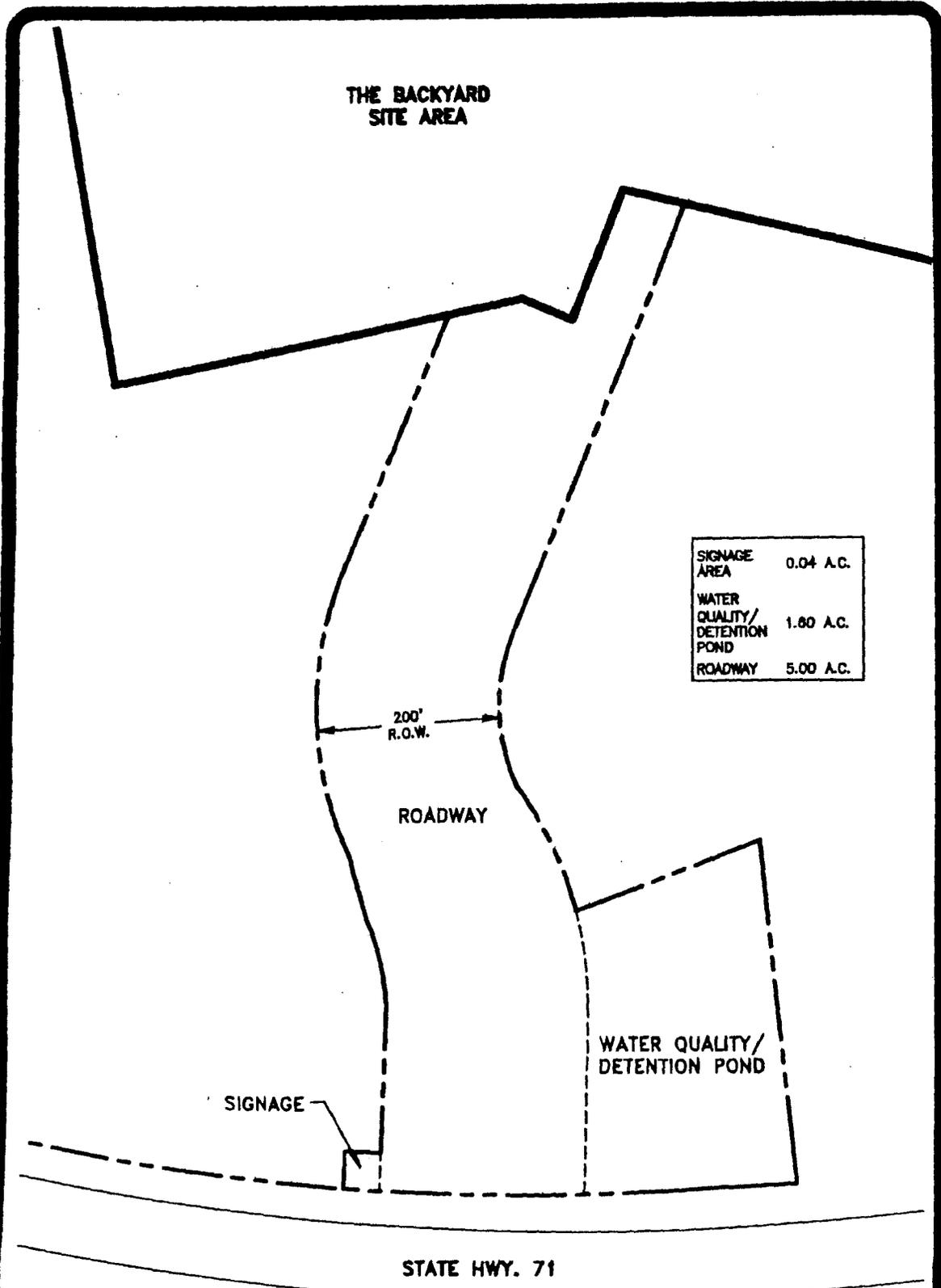
THE STATE OF TEXAS       §  
  §  
COUNTY OF TRAVIS       §

This instrument was acknowledged before me this 15 day of July, 2008, by Michael Reese, Manager of Reese Commercial Properties, Ltd., a Texas limited partnership on behalf of said limited partnership.



Deborah L. Heil  
Notary Public Signature

EXHIBIT "A"



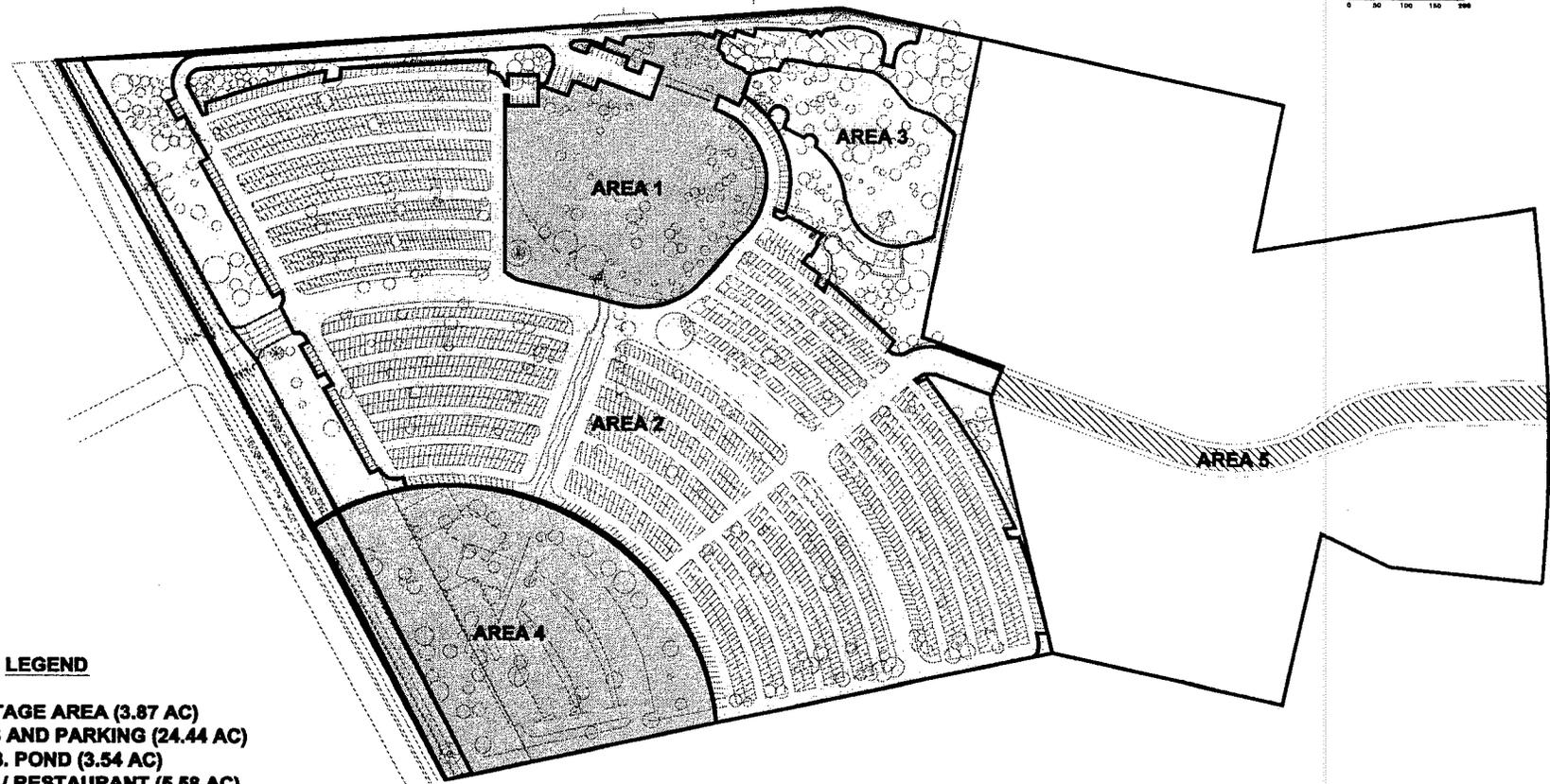
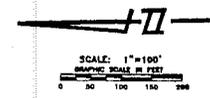
SIGNAGE AREA	0.04 A.C.
WATER QUALITY/ DETENTION POND	1.60 A.C.
ROADWAY	5.00 A.C.

LIMITS OF  
HIGHWAY 71  
ACCESS DRIVE TO  
THE BACKYARD SITE  
AREA

DATE 6/25/2008  
PROJECT # 1481-10041-62  
DRAWN BY GDP



GRAY & JANSING & ASSOCIATES, INC.  
Consulting Engineers  
2217 Shoal Creek Blvd., Suite 208  
Austin, Texas 78707-7508  
(512)468-0971 FAX(512)454-0938



**LEGEND**

- AREA 1. STAGE AREA (3.87 AC)**
- AREA 2. DRIVES AND PARKING (24.44 AC)**
- AREA 3. POND (3.54 AC)**
- AREA 4. HOTEL/ RESTAURANT (5.58 AC)**
- AREA 5. BEE MOUNTAIN PKWY (1.521 AC)**

**THE BACKYARD  
IMPERVIOUS COVER  
EXHIBIT**

PROJECT NO. 1481-10041	DESIGNED BY: JH
FILE NO. BACKYARD EXHIBIT	DRAWN BY: JS
DATE: JUNE 2006	CHECKED BY: JH
SCALE: AS SHOWN	REVISED BY:

**GRAY & JANSING & ASSOCIATES, INC.**  
 Consulting Engineers  
 8817 Echal Creek Blvd., Suite 500  
 Houston, Texas 77067-7688  
 (813) 688-8771 FAX (813) 688-8888

EXHIBIT "E"

## BACKYARD RELOCATION - IMPERVIOUS COVER CALCULATIONS

Music Venue Area IC (Area 1)	Qty.	Area (Sq. ft.)	Total Area (sq. ft)	Total Area (acres)
Entry Canopies	2	500	1,000	0.023
Entry Walls and Box Offices	2	400	800	0.018
Restroom Buildings	9	800	7,200	0.165
Bars	6	500	3,000	0.069
Retail Buildings	5	500	2,500	0.057
VIP Pavillion	1	5,000	5,000	0.115
Vending Buildings	6	400	2,400	0.055
Fly/Stage Structure w/Roof	1	6,500	6,500	0.149
Tree House Structures	11	400	4,400	0.101
Tree House Walkways	1	1,000	1,000	0.023
Stairs to Tree Houses	2	300	600	0.014
Light and Speaker Towers	2	75	150	0.003
Catering (Green Room) Building	1	800	800	0.018
DE Production Building	1	800	800	0.018
Storage Buildings - Tables	1	400	400	0.009
Storage Buildings - Chairs	1	400	400	0.009
Storage Buildings - Production	1	400	400	0.009
Storage Buildings - Misc.	1	400	400	0.009
Artist Dressing Rooms	6	400	2,400	0.055
Wedding Gazebo	1	500	500	0.011
Wedding Catering	1	500	500	0.011
Wedding Area Decks	1	3,000	3,000	0.069
<b>Totals</b>			<b>44,150</b>	<b>1.014</b>

Parking Area IC (Area 2)	Length (ft)	Width (ft)	Total IC (SF)	Area (acres)
Drive from Bee Cave Parkway to 71	1,467	48	70,392	1.62
Drive from Bee Mtn. Parkway	399	48	19,128	0.44
Sidewalk	357	12	4,278	0.10
<b>Totals</b>			<b>93,798</b>	<b>2.15</b>

### Area IC Breakdown

Area	Description	Area (sf)	Acres	IC (%)
Area 1	Total "stage Area"	168,754	3.87	26.2%
	IC at stage	44,150	1.01	
Area 2	Area of Drives and Parking	1,064,490	24.44	8.8%
	IC at Parking areas	93,798	2.15	
Area 3	Area at Pond	154,617	3.55	10.0%
	10% IC	15,462	0.35	
Area 4	Area at Hotel/Restaurant	243,280	5.58	80.0%
	80% IC	194,624	4.47	
Area 5	Bee Mountian Parkway	66,276	1.52	69.8%
	Roadway IC	46,274	1.06	
<b>Totals</b>		<b>1,697,416</b>	<b>38.97</b>	<b>23.2%</b>