

ORDINANCE NO. 18

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO AUTHORIZE AN INDOOR SWIMMER TRAINING CENTER FOR BUILDING 5 IN UPLANDS VILLAGE CENTER LOCATED AT 12005-12101 BEE CAVES ROAD, BEE CAVE, TEXAS; WHICH PROPERTY IS ZONED PLANNED DEVELOPMENT DISTRICT WITH A BASE RETAIL DISTRICT ZONING; PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR CERTAIN CONDITIONS;

WHEREAS, the zoning of the property subject to this Ordinance is governed by Ordinance No. 01-03-13 dated March 13, 2001 and pursuant to that ordinance the subject property has previously been zoned as a Planned Development District with a base zoning of Retail District;

WHEREAS, the property owner has submitted a site plan depicting the swimmer training center and has otherwise complied with the requirements of the City of Bee Cave Ordinances and Ordinance No. 01-03-13 for a Conditional Use Permit;

WHEREAS, the notice as required by the City's Zoning Ordinance has been published in the official newspaper and given to adjacent property owners;

WHEREAS, the City Council has conducted two Public Hearings on the Application for the amendment to the Conditional Use Permit wherein public comment was received and considered on the Application;

WHEREAS, the City Council finds that the use of property as a swimmer training center in accordance with the conditions listed below, is an appropriate use for the property.

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

Section 1. The City Council finds that the information submitted in the Application for a Conditional Use Permit submitted by Applicant meets the requirements of the City of Bee Cave Zoning Ordinance and underlying zoning Ordinance No. 01-03-13, for Building #5 of the Uplands Village Center located at 12005-12101 Bee Cave Road, Bee Cave, Texas,

Section 2. Uses. A Conditional Use Permit is hereby granted, subject to the conditions listed in Section 4, to authorize a swimmer training center;

Section 3. Site Plan. A site plan depicting the swimmer training center is depicted in Exhibit "A", attached hereto, and is hereby approved contingent upon the property owner meeting the conditions contained within Section 4;

Section 4. Conditional Use Permit. The City Council hereby approves a Conditional Use Permit to the property owner (hereinafter "Permittee") upon the following terms and conditions:

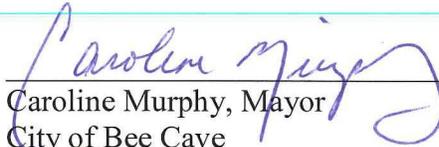
1. Permittee shall not commence development until it has secured all building permits and any other approvals as required by the City of Bee Cave ordinances;
2. This Conditional Use Permit authorizes additional development of the subject property only as represented in the Permittee's application and only to the extent such development is depicted in the site plan or other plans contained and approved in Exhibit "A", attached hereto. If portions of the development of the subject property requested in the application are not approved by the Council, or are not depicted in Exhibit "A", then such portions of Permittee's application is specifically denied;
4. Permittee shall construct and operate the swimmer training center as an indoor swim training center only. Pool operational and maintenance equipment may be located outside of Building #5 but must be screened and enclosed. Chlorine and other chemical storage shall be contained within Building #5. Two indoor pools of an approximate size of 21x75 feet and 24x60 feet respectively are authorized for Building #5. The operational hours for the swimmer training center shall be 6:00 am until 8:00 pm 7 days a week.
5. Additional Conditions: Parking behind the building shall not occur prior to 7:30 am except for employee parking and for overflow parking.

Section 5. Severability. Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance in whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the City's Zoning Ordinance or Map as a whole.

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

PASSED AND APPROVED this 10th day of February, 2009.

APPROVED:



Caroline Murphy, Mayor
City of Bee Cave

ATTEST:


Kaylynn Holloway, City Secretary
City of Bee Cave, Texas

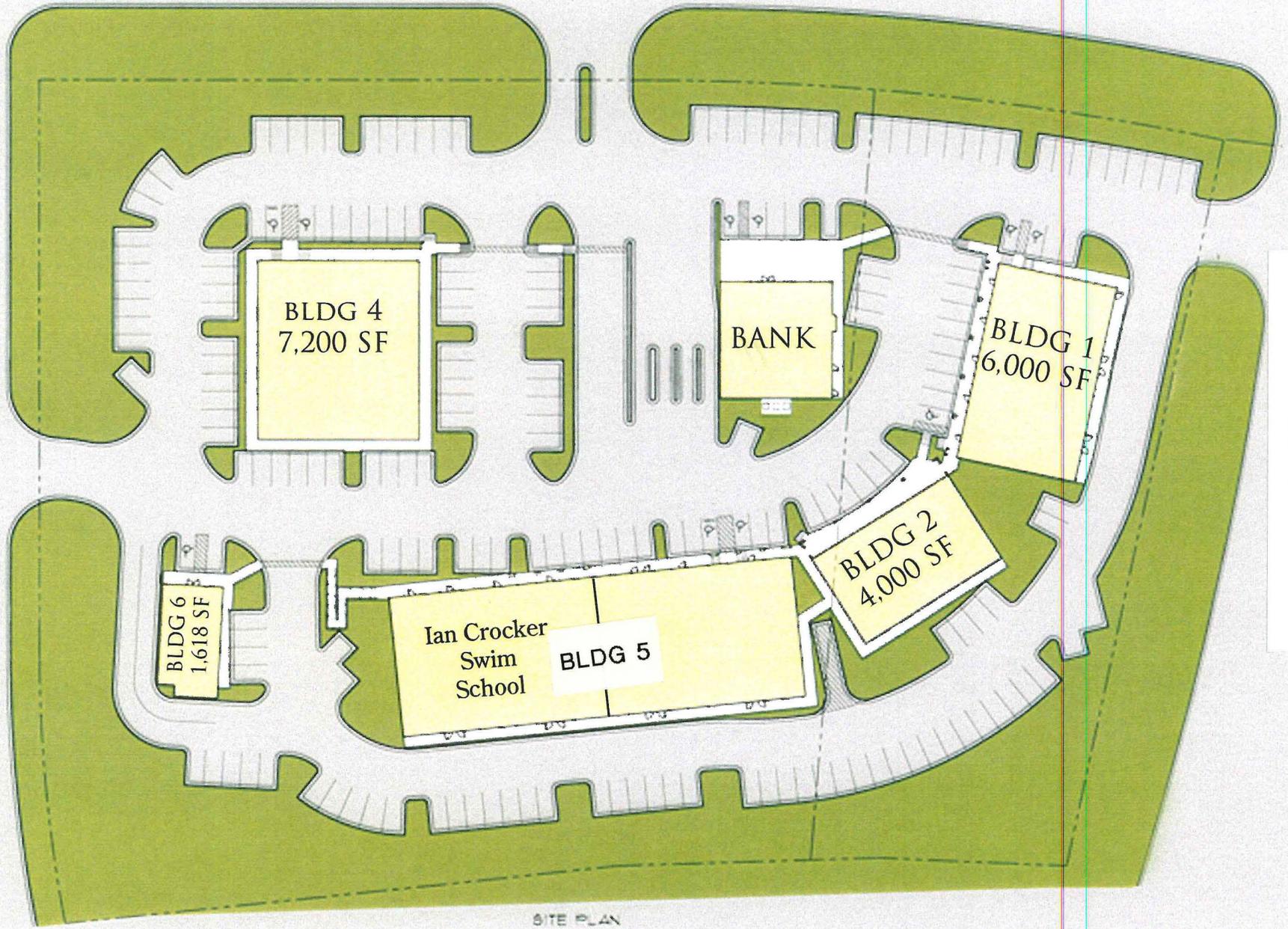
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APPROVED AS TO FORM:


Patty L. Akers, City Attorney

BEE CAVE ROAD—RM 2244

TENNISON (100) HILL (500) DRIVE



SITE PLAN
N78

EXHIBIT A