

ORDINANCE NO. 26

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO AUTHORIZE A RESTAURANT FOR BUILDING SUITE 105 IN RESACA VILLAGE CENTER LOCATED AT 11701 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 proposed restaurant 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 Planning and Zoning Commission and the City Council have conducted two Public Hearings on the Application for 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 restaurant is 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 Suite 105 of the Resaca Village Center located at 11701 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 restaurant;

Section 3. Site Plan. A site plan depicting the restaurant 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") for use of the property as a restaurant upon the following terms and conditions:

- A. 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;
- B. 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;
- C. The operational hours for the restaurant shall be from 10 am to 9 pm seven days a week.
- D. Additional Conditions:
 - a) Permittee is not authorized to have a drive through window or outdoor seating;
 - b) Outdoor music shall not be authorized;
 - c) Employee areas shall be screened from adjoining property;
 - d) Restaurant use is limited to a sandwich shop or deli;
 - e) Drainage from the site to adjoining residential lots shall be eliminated;

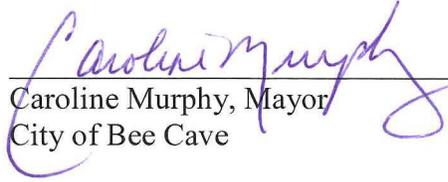
Section 5. Severability. Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance in whole or any part or provision thereof, other than the part so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

Section 7. Proper Notice and Meeting. 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.

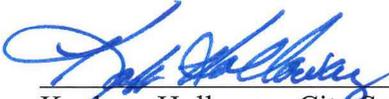
PASSED AND APPROVED this 14th day of April, 2009.

APPROVED:



Caroline Murphy, Mayor
City of Bee Cave

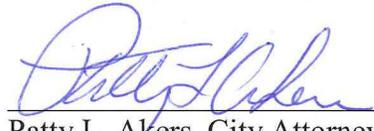
ATTEST:



Kaylynn Holloway, City Secretary
City of Bee Cave, Texas

[SEAL]

APPROVED AS TO FORM:



Patty L. Akers, City Attorney

11701 BEE CAVES ROAD
(RM No. 2244)
(R.O.W. VARIES)

STANDARD LEGEND

- SET 1/2" HIGH SIGN POST 1/4" PROPERTY CORNER CAP.
- FOUND SIGN POST 1/4" HIGH CORNER CAP. (UNLESS OTHERWISE NOTED)
- ELEC. POLE
- CITY WIRE
- BUSINESS ELECTRIC
- EXISTING 3" WATER LINE
- EXISTING 6" WATER LINE
- EXISTING FIRE HYDRANT
- FIRE HYDRANT
- 1" FIRE MAIN
- CLEAR CUT
- TREES TO REMAIN
- TREES TO BE REMOVED
- IRON ROOF FENCE
- WIRE FENCE
- CHAIN LINK FENCE
- ELECTRICAL MANHOLE
- FIRELINE
- ACCESSIBLE ROUTE

BUILDING SUMMARY

FIRST FLOOR - PERMITTED RETAIL USES	12,700 sf. - ELEV. 866.50
SECOND FLOOR - PERMITTED OFFICE USES	12,500 sf.

PARKING CALCULATIONS

PERMITTED RETAIL USES	12,700 sf. - FIRST FLOOR	1 SPACE FOR EVERY 200 SF	REG. SUB-TOTAL 63.5 SPACES
PERMITTED OFFICE USES	12,500 sf. - SECOND FLOOR	1 SPACE FOR EVERY 200 SF	REG. SUB-TOTAL 50 SPACES
			TOTAL REG. 114 SPACES

PARKING PROVIDED

TYPE	SPACES
REGULAR	109
COMPACT (28x8)	0
HANDICAP	3 - 5 REG.
VAN HANDICAP	2
TOTAL 114 SPACES	

BICYCLE PARKING CALCULATIONS

5% OF TOTAL PARKING = 6 SPACES

IMPERVIOUS COVER CALCULATIONS

TOTAL BUILDING AREA = 25,200 SF
CONC. DUMPSTER PAD = 480 SF
TOTAL IMPERVIOUS COVER = 59,531 SF / 58.65%
TOTAL EXISTING IMPERVIOUS COVER = 0 SF / 0%
TOTAL BUILDING COVERAGE = 13,542 SF / 15.62%

- NOTES:
- ALL SIDEWALKS TO BE 5' UNLESS OTHERWISE NOTED.
 - OWNER TO MAINTAIN LANDSCAPING IN LANDSCAPE EASEMENT FORMERLY MAINTAINED BY THE UPLANDS HOME OWNERS ASSOCIATION.

DATE	NO.	DESCRIPTION	REVISIONS



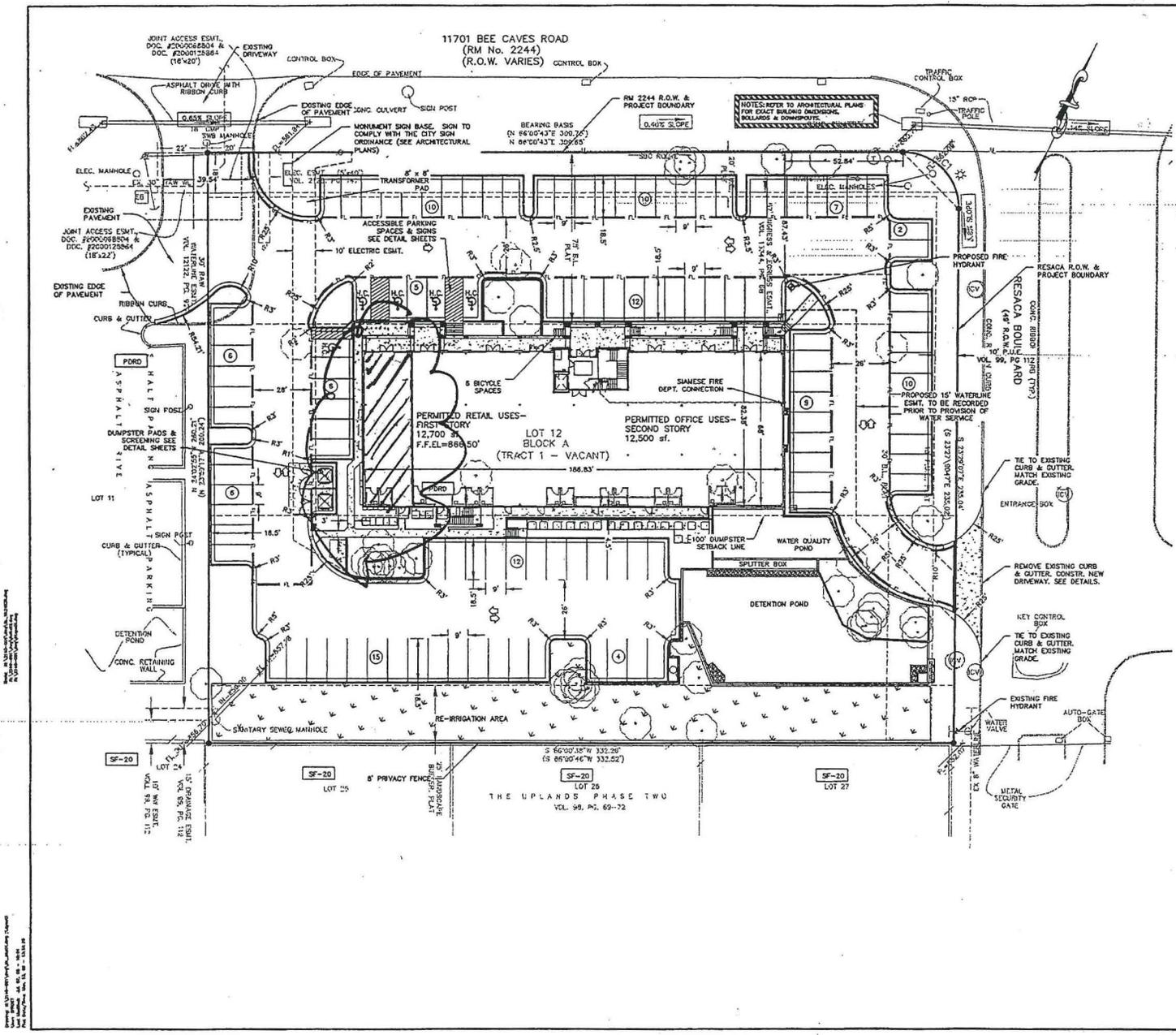
VICKREY & ASSOCIATES, INC.
CONSULTING ENGINEERS
1209 West 5th Street, Suite 200
Austin, Texas 78703
Phone (512) 499-8871 Fax (512) 499-8800

PREPARED FOR:
THE UPLANDS VILLAGE
SITE #11
11701 BEE CAVES ROAD
BEE CAVE, TEXAS 78738

RECEIVED
MAY 17 2009
CITY OF BEE CAVE
11701 BEE CAVES ROAD, BEE CAVE, TEXAS 78738

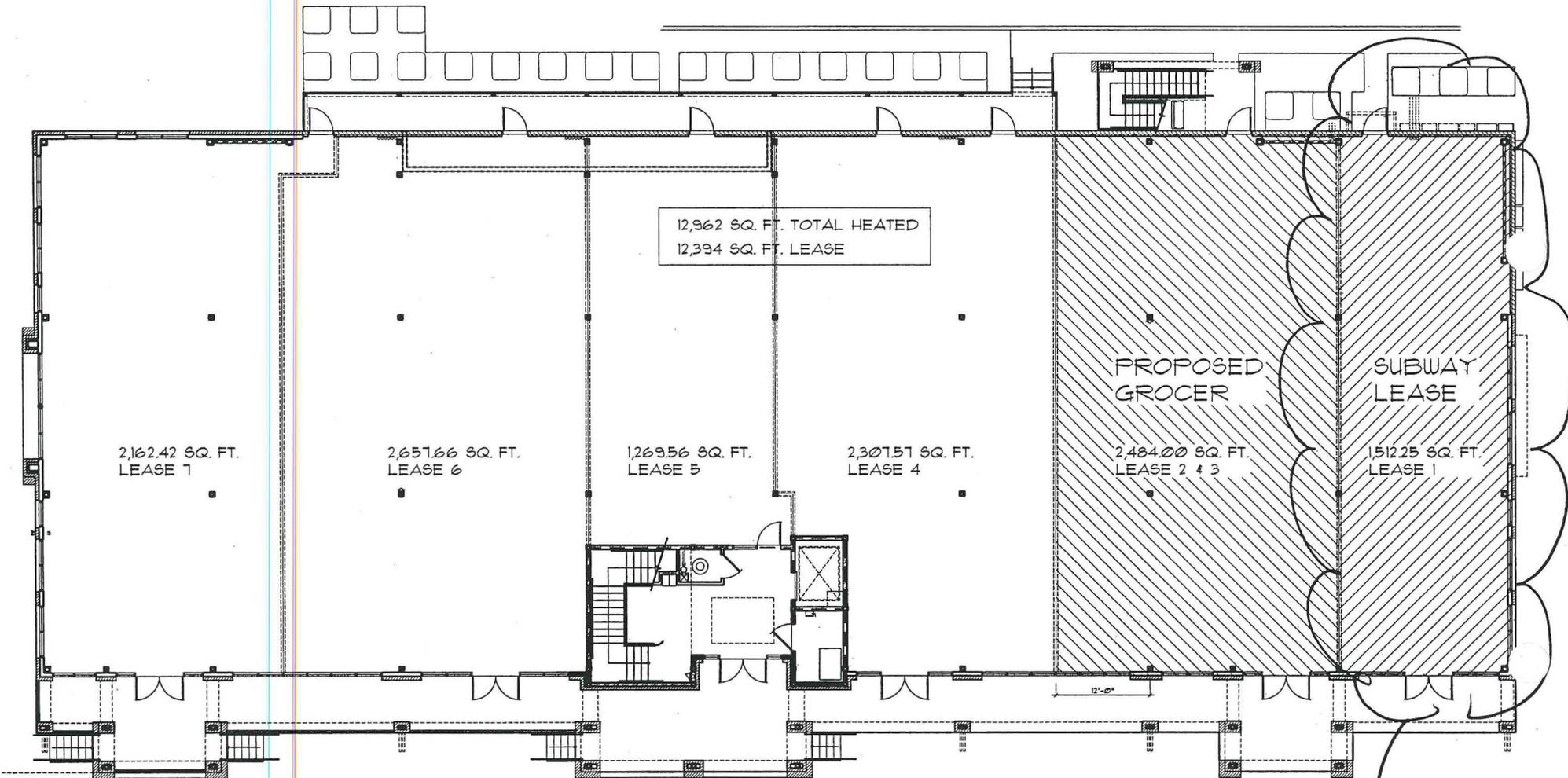
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MAY 17 2009
CITY OF BEE CAVE
11701 BEE CAVES ROAD, BEE CAVE, TEXAS 78738

City of Bee Cave



DATE: 05/17/09
SCALE: AS SHOWN
DRAWN BY: [Name]
CHECKED BY: [Name]
APPROVED BY: [Name]

DATE: 05/17/09
SCALE: AS SHOWN
DRAWN BY: [Name]
CHECKED BY: [Name]
APPROVED BY: [Name]



**RESACA RETAIL
FIRST FLOOR PLAN**

SCALE: NOT TO SCALE
Jan. 26, 2009

SPACE

RECEIVED
MAR 17 2009
City of Bee Cave