

ORDINANCE NO. 34

AN ORDINANCE OF THE CITY OF BEE CAVE, TEXAS AMENDING ORDINANCE NO. 01-03-13; WHICH ORDINANCE PROVIDES FOR ZONING AND DEVELOPMENT ASSOCIATED WITH THE PROPERTY DESCRIBED AS LOTS 1A AND 1B, BLOCK G RE-SUBDIVISION OF LOT 1, BLOCK G OF UPLANDS VILLAGE, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, AND LOTS 2, 3, 4, 8, 9, 10, 11, AND 12, BLOCK A OF UPLANDS VILLAGE A SUBDIVISION IN TRAVIS COUNTY, TEXAS; LOT 5, AMENDED PLAT OF LOTS 5 AND 6, BLOCK A OF UPLANDS VILLAGE A SUBDIVISION IN TRAVIS COUNTY, TEXAS AND LOTS 7A AND 7B OF THE RE-SUBDIVISION OF LOT 7, BLOCK A OF UPLANDS VILLAGE, A SUBDIVISION IN TRAVIS COUNTY, TEXAS; WHICH PROPERTY IS ZONED PLANNED DEVELOPMENT DISTRICT WITH A BASE ZONING OF RETAIL; APPROVING CERTAIN NEW LAND USE FOR THE PROPERTY, APPROVING A DEFINITION OF GREEN LAUNDRY/DRY-CLEANING USE TO PERMITTED LAND USES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PROPER NOTICE AND MEETING; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Owner of the land described herein and depicted in Exhibit "A" attached hereto (the "Property") has filed an application to amend Ordinance No. 01-03-13 to establish new land uses and to change certain Conditional Use Permit land uses to Permitted land uses associated with the Property, which Property is zoned as a Planned Development District with a Retail District base zoning; and

WHEREAS, Section 32.03.015 of the City's Code of Ordinances 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 Planned Development Concept Plan, which Concept Plan was previously approved in Ordinance No. 01-03-13;

WHEREAS, the City Council finds that the additional land use requested by the applicant in accordance with the conditions listed below, is an appropriate use for the Property.

WHEREAS, the City Council of the City of Bee Cave, in compliance with the laws of the State of Texas, with reference to the granting of zoning classifications and changes, 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 of Bee Cave is of the opinion and finds that said zoning change should be granted as set forth herein;

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

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

SECTION 2. That the zoning for the herein described Property and Ordinance No. 01-03-13 is hereby amended so as to authorize the following land use as a Permitted land use.

- Laundry/Dry Cleaners (Drop-off/Pick-up)(Retail) shall include an environmentally safe dry cleaning plant that meets or exceeds the standards established by GreenEarth Cleaning (Registered Trademark) as
 - Non-toxic (oral, dermal, inhalation), determined by EPA Study protocol.
 - Non-irritating to skin, non-sensitizing. No immunosuppressant effects.
 - Not regulated by EPA, RCRA, CERCLA, TCEQ or California Prop 65.
 - Non-VOC. Specifically exempted by EPA.
 - Listed by EPA as “SNAP” material, a good substance to use in place of ozone-depleting chemicals.
 - If released to the environment, degrades to sand (SiO₂) and trace amounts of H₂O and CO₂.

SECTION 3. Any land use approved in Section 2 shall not be deemed authorized or approved by the City of Bee Cave until a final site plan is approved for such use and/or development in accordance with the terms and conditions of Chapter 32 of the Code of the City of Bee Ordinances, except as Chapter 32 may be modified by Ordinance 01-03-13 or as amended by this Ordinance.

SECTION 4. That development of the Permitted Use authorized herein which was not previously authorized as a Permitted Use in Ordinance No. 01-03-13 may be developed as if such use had originally been authorized as a Permitted Use in Ordinance No. 01-03-13, so long as the development occurs in accordance with the conditions and terms contained in Ordinance 01-03-13 and applicable to Permitted Uses.

SECTION 5. To the extent applicable, City Administrator is hereby authorized and directed to note the zoning change on the official Zoning Map of the City of Bee Cave, Texas.

SECTION 6. 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 14, Zoning, of the City of Bee Cave Code of Ordinances and Map as a whole.

SECTION 7. That this Ordinance shall take effect immediately from and after its passage and publication as required by law.

DULY PASSED by the City Council of the City of Bee Cave, Texas, on the 14th day of July, 2009.

APPROVED:
City of Bee Cave, Texas

Caroline Murphy
Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway
Kaylynn Holloway, City Secretary

[SEAL]

APPROVED AS TO FORM:

Patty L. Akers
Patty L. Akers, City Attorney
City of Bee Cave, Texas

EXHIBIT – A
Property Description

