

ORDINANCE NO. 72

AN ORDINANCE AMENDING HILL COUNTRY GALLERIA ZONING ORDINANCE NO. 05-03-08-A (ADOPTED ON MARCH 8, 2005), AS SUBSEQUENTLY AMENDED BY ZONING ORDINANCE NO. 06-08-22-A (ADOPTED ON AUGUST 22, 2006), AS SUBSEQUENTLY AMENDED BY ZONING ORDINANCE NO. 07-09-11 (ADOPTED ON AUGUST 11, 2007), AS SUBSEQUENTLY AMENDED BY ZONING ORDINANCE NO. 56 (ADOPTED SEPTEMBER 14, 2010); AMENDING THE DEVELOPMENT STANDARDS FOR ORDINANCE NO. 07-09-11, IN EXHIBIT C, ATTACHED HERETO, ONLY INsofar AS THE AMENDED DEVELOPMENT STANDARDS AFFECT THE PROPERTY DESCRIBED IN EXHIBIT A, ATTACHED HERETO; AMENDING THE CONCEPT PLAN, ATTACHED HERETO AS EXHIBIT B; PROVIDING FOR APPROVAL OF ELEVATIONS FOR GROCERY STORE ATTACHED HERETO AS EXHIBIT D; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Bee Cave and 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 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 this zoning change should be granted and that Ordinance No. 05-03-08-A as subsequently amended by Ordinance No. 06-08-22-A, Ordinance No. 07-09-11 and Ordinance No. 56 should be amended as set forth herein; and

WHEREAS, the City Council finds that a survey of the property subject to the development standards described in the Galleria zoning ordinances referenced above has concluded that 15,983 square feet of impervious cover remain available for development within the Project as of the date of this Ordinance and the Owner of the Property described in Exhibit A has requested that such impervious cover be allocated to the Property herein described;

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

SECTION 1. That Ordinance No. 05-03-08-A, as subsequently amended by Ordinance No. 06-08-22-A, Ordinance No. 07-09-11 and Ordinance No. 56 be and the same is hereby amended only as to the Property described herein as Exhibit A, which is attached hereto and incorporated herein, so as to incorporate the Amended Development Standards attached hereto as Exhibit C to the prior Development Standards attached as Exhibit C to Ordinance No. 07-09-11.

SECTION 2. That all remaining terms, provisions and requirements of Ordinance No. 05-03-08-A, as subsequently amended by Ordinance No. 06-08-22-A, Ordinance No. 07-09-11 and Ordinance No. 56 remain in full force and effect as to the Property described in Exhibit A except as same may be amended by this Ordinance.

SECTION 3. That Lots 2A and 2B, Block A, Bee Cave Plaza Section 5, re-subdivision of Lot 2 Tract 1 described in Exhibit A is hereby added to the Project known as the Hill Country

Galleria and the zoning of such lots is hereby amended from Retail to Planned Development District- Town Center. Hereinafter, these lots shall be governed by the development standards applicable to the Project as a whole and in particular Exhibit C to Ordinance No. 07-09-11, except as same may be amended by the Amended Development Standards, Exhibit C attached hereto.

SECTION 4. That Lot 4, Block A, Hill Country Galleria (formerly known as the VFW Tract) is hereby included within the Project known as the Hill Country Galleria for impervious cover calculations only and the zoning and development standards that affect this lot remain unchanged.

SECTION 5. That the Concept Plan attached to Ordinance No. 05-03-08-A, as subsequently amended by the Concept Plan approved in Ordinance No. 06-08-22-A, Ordinance No. 07-09-11 and Ordinance No. 56 be and the same is hereby amended as to the Property described in Exhibit A, so as to incorporate the Amended Concept Plan attached hereto as Exhibit B, into the prior Concept Plan attached as Exhibit B to Ordinance No. 07-09-11.

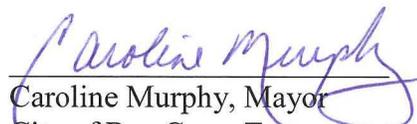
SECTION 6. That the elevations for the free standing grocery are hereby approved as depicted in Exhibit D, attached hereto and incorporated herein, including the fire pit depicted therein;

SECTION 7. That this Ordinance shall not have the effect of amending the Galleria Project referenced in the "Chapter 380 Economic Development Agreement between the Village of Bee Cave Texas and HCG Master Ground Lease L.P." executed by the City on August 11, 2005 (the "Galleria Economic Development Agreement"). In particular, sales tax created by virtue of any new impervious cover that may be created by this Ordinance which results in the development of new retail businesses, shall not be counted in determining the amount of sales tax rebates payable by the City pursuant to the Galleria Economic Development Agreement.

SECTION 8. 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 9. That this ordinance shall take effect immediately from and after its passage and the publication as required by law.

DULY PASSED by the City Council of the City of Bee Cave, Texas, on the 22nd day of February, 2011.


Caroline Murphy, Mayor
City of Bee Cave, Texas

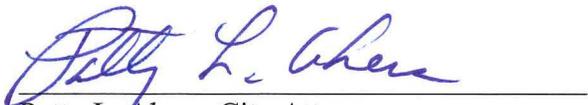
ATTEST:

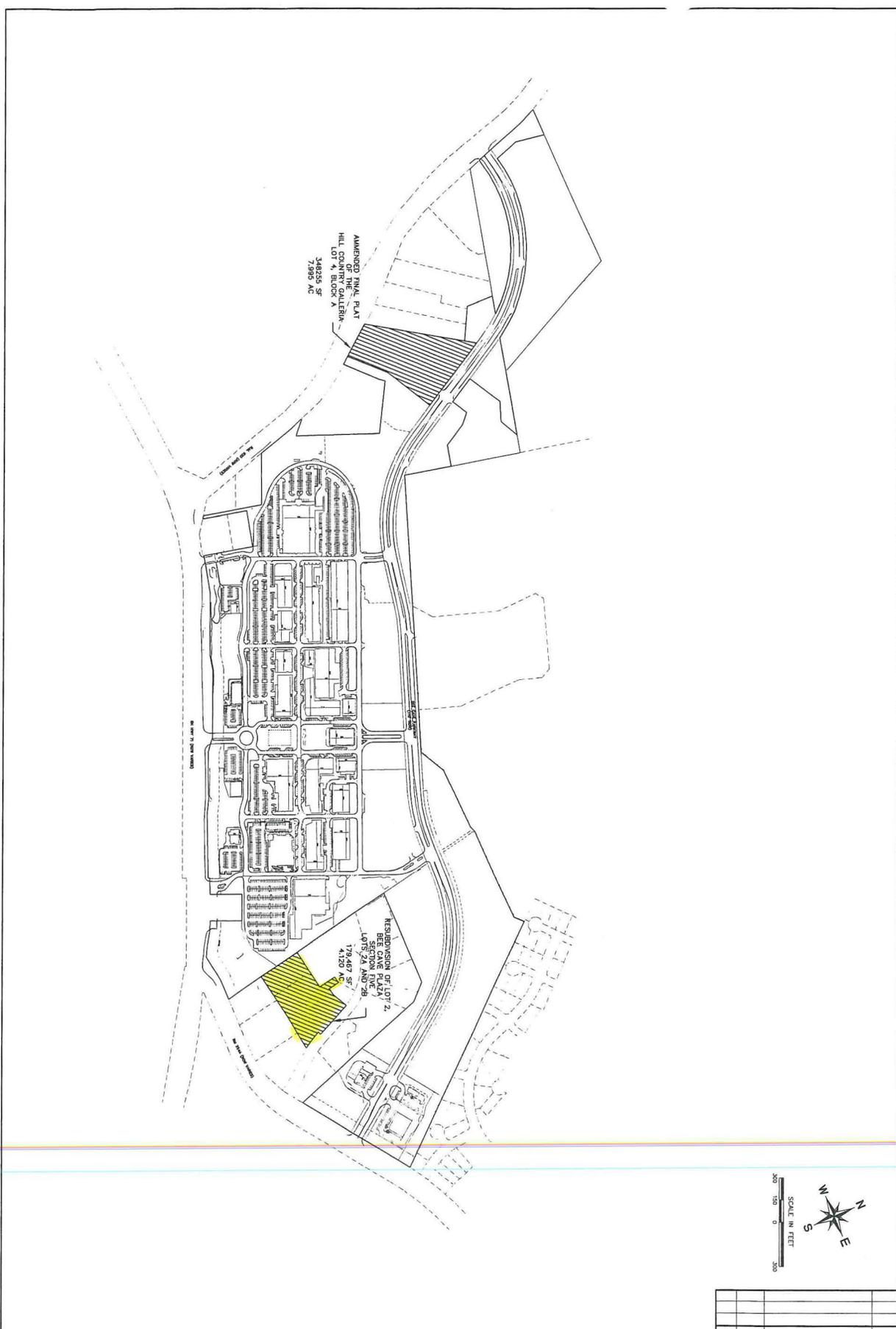
02222011


Kaylynn Holloway, City Secretary
City of Bee Cave, Texas

(SEAL)

APPROVED AS TO FORM:


Patty L. Akers, City Attorney
City of Bee Cave



Scale: AS SHOWN
 Designed by: SNW
 Drawn by: LLC
 Checked by: SJF
 Date: FEBRUARY 2011
 Project No.

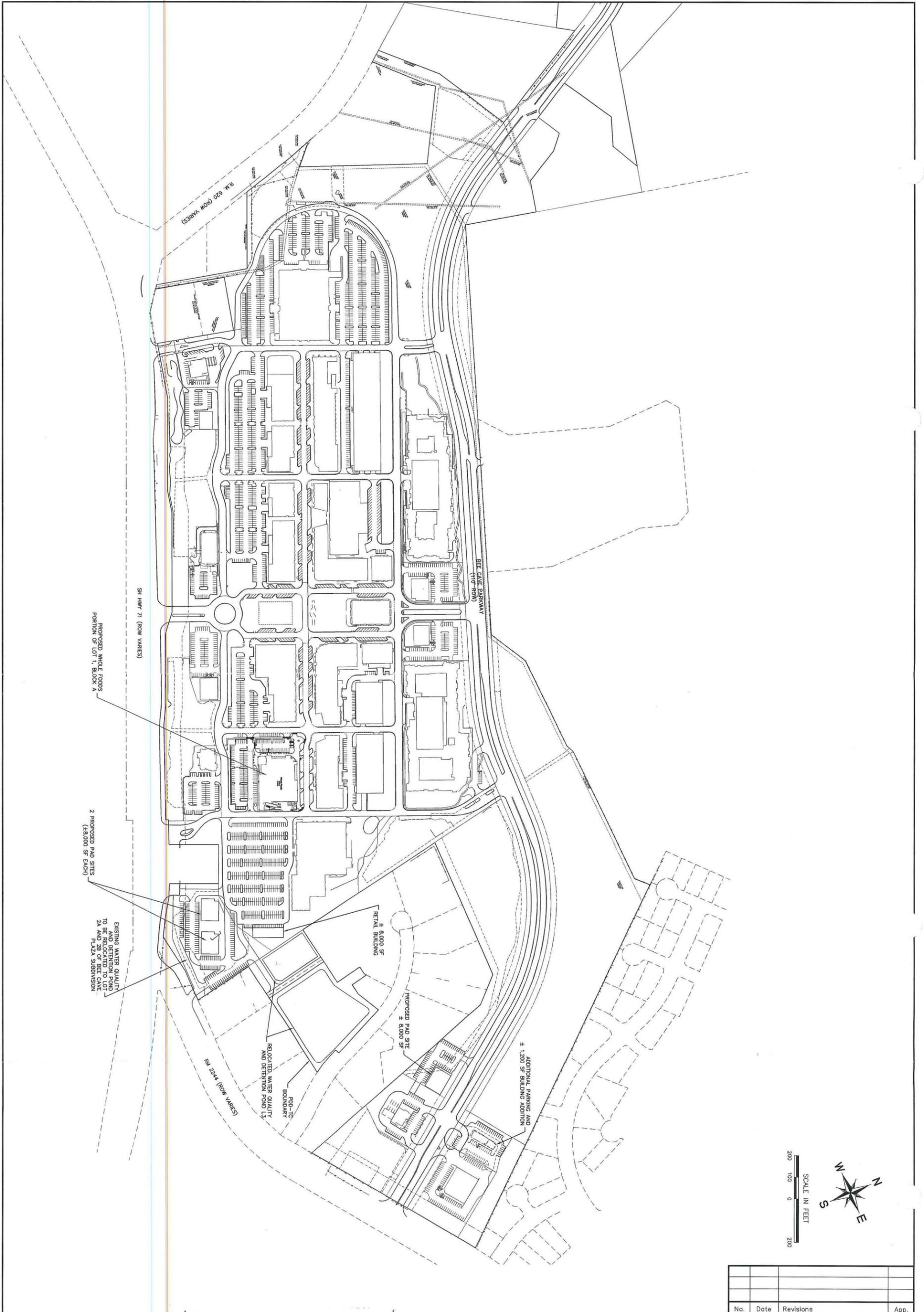
PROPOSED ADDITION TRACTS

HILL COUNTRY GALLERIA
 BEE CAVE, TX 78738

No.	Date	Revisions	App.

Kimley-Horn and Associates, Inc.
 10415 Marston Court, Building 1, Suite 300
 Austin, Texas 78759
 Tel. No. (512) 418-1771
 Fax No. (512) 418-1791
 AS REGISTRATION # 928

Exhibit A



No.	Date	Revisions	App.

Scale: AS SHOWN
 Designed by: SNW
 Drawn by: LLC
 Checked by: SJF
 Date: FEBRUARY 2011
 Project No. 069224XXX

CONCEPT PLAN
 02-15-11

HILL COUNTRY GALLERIA
 BEE CAVE, TX 78738



Kimley-Horn and Associates, Inc.

10415 Morado Circle, Building I, Suite 300
 Austin, Texas 78759
 TEXAS REGISTRATION # 928

Tel. No. (512) 418-1771
 Fax No. (512) 418-1791

Exhibit B

Exhibit C
HILL COUNTRY GALLERIA
PLANNED DEVELOPMENT STANDARDS AS AMENDED BY
ORDINANCE NO. 72

The following amended development standards shall only be applicable to the Property described in Exhibit A. 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, shall comply with the development standards for TC – Town Center Base Zoning District in effect on January 26, 2005 (“The Applicable Town Center Development Standards”), except as modified herein. Capitalized terms contained herein 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, depending upon context.

1. General Project Design Requirements and Open Space

(a) Development within the Property shall be consistent with the development constructed and previously approved for the Project as a whole and may include mixed use, development that includes retail, restaurants, cinema, office, residential and potential hotel uses, dedicated open spaces, an outdoor amphitheatre, extensive sidewalks, outdoor eating and seating areas, attractive water features, and a pedestrian trail system as depicted on the amended Concept Plan.

2. Building Floor Area

(a) The grocery store building may have a maximum Building Footprint area of 38000 square feet; The term “Building Footprint” as used in this Ordinance shall mean the gross area in square feet of the ground floor of any building measured from outside wall to outside wall;

3. Parking Areas

- (a) There shall be no maximum number of parking spaces.
- (b) Parking areas surrounding the free standing grocery store may provide for 7 foot wide landscaped islands within the parking field.

4. Location of Water Quality and Detention Ponds

(a) Project water quality and detention ponds may be located as depicted on the amended Concept Plan. One or more water quality or detention ponds may be relocated onto Lot 2A and/or Lot 2B, Block A, Bee Cave Plaza Sec 5, re-subdivision of lot 2 Bee Cave Plaza.

5. Impervious Cover and Non-Point Source Pollution Control Standards for Water Quality Controls

(a) All or any portion of the impervious cover of the greater of 40% if no rainwater capture is used and 45% if rain water capture is used of the impervious cover allowed for Lot 4, Block A, Hill Country Galleria may be relocated to the Project, provided that the transfer of impervious cover is documented to the satisfaction of the City and filed of record in the County Deed Records. Impervious cover must be removed from Lot 4, Block A in order to transfer the impervious cover.

(b) Lots 2A and 2B, Block A, Bee Cave Plaza are authorized for development of up to 126,072 square feet of impervious cover and any or all of the impervious cover may be relocated within the Project by the Developer as defined by the COREA which is filed of record in the Travis County Deed Records, provided that the relocation of any impervious cover from these lots is documented to the satisfaction of the City and filed of record in the County Deed Records.

(c) Not including new impervious cover that is created from subsection (a) and (b) above, as of the date of this ordinance there remains 15983 square feet of unallocated impervious cover available to the Project for development. Such unallocated impervious cover may be utilized for development in the Project in accordance with the COREA. The owner of any lot with allocated but unused impervious cover may transfer the unused impervious cover to any other lot within the Project subject to site plan approval and documentation.

(d) Water Quality Controls for the Project shall be Retention/Irrigation Systems which are sized and designed in conformance with the current 1.6.7.A of the City of Austin Environmental Criteria Manual, except as modified by the City of Bee Cave TCSS Manual. Water Quality Controls shall be sized to accommodate treatment of any new impervious cover authorized in this ordinance and shall meet or exceed the 95% performance standards for Removal of Annual Pollutant Loads.

(e) Pervious concrete is authorized for use within the parking area for the freestanding grocery store subject to the approval of a satisfactory maintenance agreement at site plan approval. Pervious concrete shall be given 50% credit against impervious cover.

(f) Impervious cover created by the City for public purposes on the Staats Property or any other property owned by the City within the Project shall not count against the impervious cover limitations imposed on private development within the Project.

6. Land use restrictions

(a) The restriction on the maximum amount of Retail heated and Air conditioned Gross Floor Area required in the Development Standards of previous ordinances is not affected by Developer's transfer of impervious cover described in section 5(a) and (b)

above. Any impervious cover that is transferred to the Project as authorized herein shall not count against such land use caps.

7. Miscellaneous

(a) Signage depicted on the Concept Plan is not approved by this Ordinance. Signage shall be considered for approval in conjunction with the requirements of the City's sign ordinances or in conjunction with the separate signage standards tailored specifically for the Project which have previously been approved by the City Council in its discretion. However, the free standing grocery store shall be authorized to have a sign on three sides of the building (not including the north elevation).

(b) The Project trail system may be extended to the intersection of Bee Cave Parkway and Highway 620 as depicted in the amended Concept Plan if the City chooses to construct the trail.

(c) Any subsequent site plan or plat approval shall have the effect of automatically amending these development standards so long as the requested change does not affect a change of use that is not permitted for the Project.

(d) The free standing grocery store is authorized to construct exterior walls which total up to 40% glass for the building as a whole.

(e) The grocery store elevations, attached as Exhibit D, including the fire pit are approved and substituted for elevations that were approved in a prior ordinance.



WHOLEFOODSMARKET

THE BEE CAVE

VIEW FROM MAINSTREET ENTRY

02.04.11

STONE SOUP 6TH



ARCHITECTURE

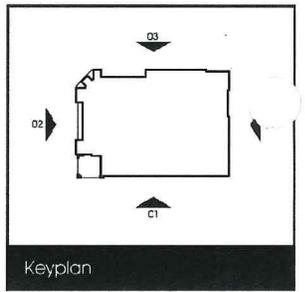
Exhibit D



03 North Elevation

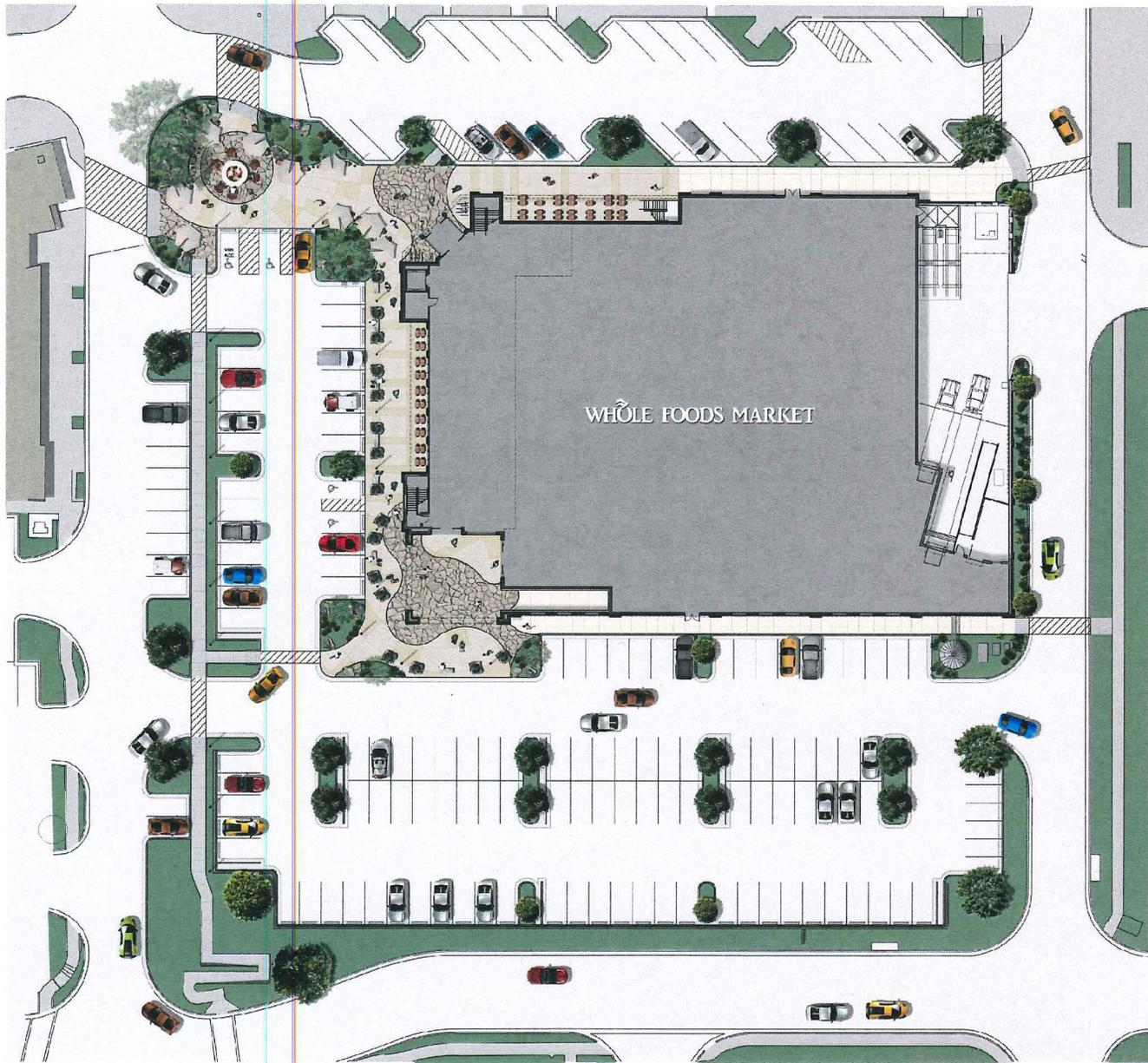


04 East Elevation



Keyplan





KEYPLAN



