

ORDINANCE NO. 74

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 08-04-22-A AND APPROVING A CONDITIONAL USE PERMIT TO ADD AUTO REPAIR AS AN ADDITIONAL ASSOCIATED USE TO RETAIL SALES FOR A PORTION OF THE PROPERTY LOCATED IN THE HEB SHOPPING CENTER, 12400 BEE CAVES ROAD, SUITE 590, BEE CAVE, TEXAS; DESCRIBED AS LOT 1, BLOCK A, HEB SUBDIVISION NO. 2; WHICH PROPERTY IS ZONED PLANNED DEVELOPMENT DISTRICT WITH A BASE RETAIL DISTRICT ZONING; AND PROVIDING FOR CERTAIN CONDITIONS; PROVIDING FOR PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, an application to amend Ordinance No. 08-04-22-A to add auto repair and service as an additional associated use to retail sales and for a Conditional Use Permit has been submitted by the Owners of the property described as Lot 1, Block A, HEB Subdivision No. 2 (the "Property"); and

WHEREAS, the zoning of the Property subject to this Ordinance is governed by Ordinance No. 08-04-22-A dated April 28, 2008 and pursuant to that ordinance has previously been zoned as a Planned Development District with a base zoning of Retail District;

WHEREAS, the property owner has submitted an amended site plan depicting the portion of the Property adjacent to Suite 590 where auto repair and service will be conducted and has otherwise complied with the requirements of the City of Bee Cave Ordinances and Ordinance No. 08-04-22-A 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 has each conducted Public Hearings on the Application for a Conditional Use Permit wherein public comment was received and considered on the Application;

WHEREAS, auto repair and service is an authorized associate use in conjunction with retail sales in areas zoned Retail upon the granting of a Conditional Use Permit;

WHEREAS, the City Council finds that the use of the portion of the Property (Suite 590 and certain adjacent parking areas as depicted in the amended Site Plan) for auto repair and service as an associate use to retail sales of auto parts, is an appropriate use for the portion of the Property depicted in the amended Site Plan.

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. 08-04-22-A, for Suite 590 and the portion of the Property located in the HEB Shopping Center, 12400 Bee Road, Bee Cave, Texas depicted on the amended Site Plan attached hereto and incorporated herein as Exhibit "A".

Section 2. Uses. A Conditional Use Permit is hereby granted, subject to the conditions listed in Section 4 and other limitations herein described, to authorize auto repair and service on the portion of the Property depicted in Exhibit "A" and in conjunction with the retail sale of auto parts within Suite 590 of the Property;

Section 3. Site Plan. The amended Site Plan depicting the area adjacent to Suite 590, Exhibit "A", attached hereto, and is hereby approved contingent upon the property owner meeting the conditions contained within Section 4 and in this Ordinance;

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 has received any other approvals as required by the City of Bee Cave Ordinances;
2. The 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 amended Site Plan or other plans contained in Exhibit "A", attached hereto and only to the extent authorized herein. If portions of the development of the subject Property requested in the application are not approved herein by the Council, or are not depicted in Exhibit "A", then that portion of Permittee's application is specifically denied;
3. The operational hours of the auto repair and services shall be the same times as the hours of operation for retail sales of auto parts and shall only be conducted when the auto parts store is open and conducting retail business.
4. All auto repair and service activities shall be conducted as complimentary services for the benefit of auto parts customers. Customers shall not be charged for such services. Repair services shall be limited to wiper installation, battery testing, battery installation, air pressure checks, light bulb installation, fuse installation, and OBD II Testing within the area depicted in Exhibit "A".

5. Repair services shall not exceed 30 minutes per vehicle. Services shall not be undertaken if they cannot be completed within such 30 minute time frame.
6. Customers shall not be allowed to work on or repair their own vehicles while on the Property and Permittee shall place signage within its auto parts store informing customers of this prohibition.
7. No fluids such as oil, grease, anti-freeze, brake or steering shall be added or changed to a vehicle as part of the auto services provided.
8. No auto repair services shall be provided that require the use of power tools, whether air or electric.
9. Permittee is limited to the service of no more than three (3) vehicles at any one time.
10. Permittee shall not construct or erect any building, structure, awning or tent in conjunction with the auto repair services unless Permittee has received a Special Event permit from the City.

Section 5. Conditional Use Permit Limitations. The conditional uses approved by this Ordinance are authorized only so long as the auto repairs and services are complimentary and performed in conjunction with the retail sale of auto parts located in Suite 590 of the Property. In the event that retail sale of auto parts ceases for more than 90 days, then the Conditional Use Permit authorized herein shall automatically expire.

Section 6. Amendment to Ordinance No. 08-04-22-A. Ordinance No. 08-04-22-A is hereby amended only as to the portion of the Property described as Suite 590 and to the portion of the Property depicted in the amended Site Plan attached hereto as Exhibit "A".

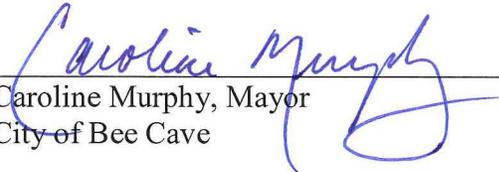
Section. 7. That any person, firm or corporation violating any of the provisions of this Ordinance or Chapter 32, Zoning, of the Code of Ordinances, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Bee Cave, Texas, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day of any such violation shall be deemed to constitute a separate offense, in accordance with Section 1.01.009 of the City's Code of Ordinances.

Section 8. 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 9. This Ordinance shall take effect immediately from and after its passage and publication as required by law.

PASSED AND APPROVED this 22nd day of March, 2011.

APPROVED:



Caroline Murphy, Mayor
City of Bee Cave

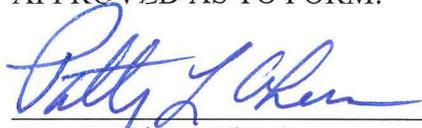
ATTEST:



Kaylynn Holloway, City Secretary
City of Bee Cave, Texas

[SEAL]

APPROVED AS TO FORM:



Patty L. Akers, City Attorney

Exhibit A

Austin #21

Washington Mutual



Bee Cave Road

State Highway 71



- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16

Complimentary Service Area

Advance Auto Parts

