

ORDINANCE NO. 86

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION FROM AGRICULTURAL USE (“AG”) TO PLANNED DEVELOPMENT DISTRICT WITH A BASE ZONING OF MIXED USE (“MU”) OF AN APPROXIMATE 8.735 ACRE TRACT OF LAND LOCATED AT RR 620 AND FALCONHEAD BLVD PURSUANT TO A DEVELOPMENT AGREEMENT DESCRIBED HEREIN BETWEEN THE CITY OF BEE CAVE AND SPILLMAN DEVELOPMENT GROUP, LTD., IN THE CITY OF BEE CAVE, TEXAS; MAKING PROVISION FOR COMPLIANCE WITH THE CITY’S ZONING ORDINANCE AND AUTHORIZING THE CITY ADMINISTRATOR TO ESTABLISH THE ZONING ON THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING AN EFFECTIVE DATE

WHEREAS, the Owner of the land described in Exhibit “A” attached hereto (the “Property”) has requested that the land be zoned Planned Development Mixed Use District; and

WHEREAS, said 8.735 acre tract of land was recently annexed into the City of Bee Cave, Texas, city limits on February 22, 2011; and

WHEREAS, property annexed into the City is automatically zoned “Agriculture” until a specific zoning request is made; and

WHEREAS, the Property is a part of the 492.314 acre tract of land described in the Development Agreement entered into by and between the City of Bee Cave, Texas and Spillman Development Group, Ltd., effective August 22, 2000; and subsequently amended by the First Amendment to the Development Agreement dated May 9, 2003, Second Amendment to the Development Agreement dated January 24, 2007 and Third Amendment to the Development Agreement dated December 17, 2008 (collectively referred to as the “Development Agreement”); and

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

WHEREAS, public hearings have been held by both the Planning and Zoning Commission and the City Council as required by law; and

WHEREAS, there has not been any protest made against the proposed change of Zoning Classification; and

WHEREAS, Section 32.03.015 of the City’s Zoning Ordinance 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 ("PD Concept Plan") that may include uses, regulations and other requirements that vary from the provisions of other zoning districts, and to encourage flexible and creative planning to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community; and

WHEREAS, a complete application for amendment of the zoning from Agricultural District to Planned Development District, consisting of the Development Agreement and associated amendments, and other documents provided by the property owners have been submitted to the City;

WHEREAS, the zoning applicant has requested that the zoning be approved in accordance with the Development Agreement but with certain modifications as described in Exhibit "C", attached hereto and incorporated herein and as depicted in the amended PD Concept Plan, attached hereto and incorporated herein as Exhibit "B";

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

Section 1. Zoning Classification. The Property is hereby declared to be a Planned Development Mixed Use District (the "PD District").

Section 2. Uses. The base zoning district upon which the PD District is based is mixed use. The permitted uses shall be those uses shown on the amended PD Concept Plan (hereinafter defined) all of which are allowed in a Mixed Use District, including those allowed as Conditional Uses, which shall be "additional uses." These uses shall be distributed throughout the PD District as shown on and in accordance with the PD Concept Plan.

Section 3. Minimum Standards. Except as modified herein, standards for residential uses and for non-residential uses, including those for structure height and drainage, shall be as stated in the Development Agreement.

Section 4. Open Space Standards. The open space standards including public and private open space, preservation of natural features and open space allocation and preservation shall be as set forth in the Development Agreement.

Section 5. Dimensional and Area Standards. Except as modified herein, dimensional and area standards for uses shall be as set forth in the Development Agreement.

Section 6. PD Concept Plan. The amended PD Concept Plan, attached hereto and incorporated herein as Exhibit "B" amends the PD concept Plan that was approved in the Development Agreement, and is hereby approved as the PD Concept Plan for development of the Property described in Exhibit "A" which is currently on file with the official records of the City. This PD Concept Plan may be further amended pursuant to the terms of the Development Agreement.

Section 7. Site Plan. The site plan required by the City's Zoning Ordinance which was in effect on August 22, 2000, shall be submitted separately for each tract that is to be developed. These site plans shall be reviewed and approved pursuant to the City's site plan ordinance that was in effect on August 22, 2000 and the Development Agreement. Site plans are not required for any tracts which are utilized for single family residential purposes.

Section 8. PD Development Standards. The PD District Development Standards shall be as set forth in the Development Agreement, except as specifically modified herein. In the event of any conflicts between the development standards applicable to a mixed use district as described in the City's Zoning Ordinance, including height regulations, area regulations, yard size, maximum lot coverage, building size and parking regulations, and the development standards permitted by the Development Agreement, the terms of the Development Agreement and this Ordinance shall control.

The following development standards as requested by the applicant shall apply to this Property and to the extent that such standards vary from the provisions of the Development Agreement, these amended development standards shall control:

- a) Only one entrance off of Falconhead Blvd to the Property is required;
- b) Street widths, lot sizes, set backs, side yards, zero lot lines and front yards shall be as depicted in the amended PD Concept Plan;
- c) The tree plan, building elevations (and similar building elevations of the same type and style) submitted as part of the amended PD Concept Plan are hereby approved;

Section 9. Hours of Operation. All permitted uses within the PD District, with the exception of restaurants, healthcare facilities, lodging facilities such as motels and hotels, spas and fitness centers, golf course pro shops, model homes, emergency veterinary services and government and public uses, shall have hours of operation between 8:00 a.m. and 12:00 a.m. This provision supercedes and replaces all provisions and restrictions regarding hours of operation which would otherwise apply to the property within the PD District under the ordinances, rules and/or regulations of the City.

Section 10. This zoning is subject to the terms of the Development Agreement, and this Ordinance including without limitation, those provisions which state that the Property will be governed by those ordinances, rules and regulation of the City which were in effect on August 22, 2000, unless otherwise specifically provided in the Development Agreement.

Section 11. The City Administrator is hereby authorized and directed to note the zoning change on the official Zoning Map of the City of Bee Cave, Texas.

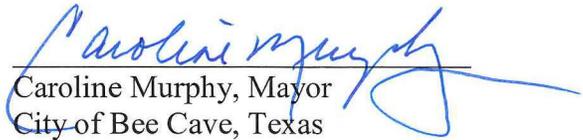
Section 12. Severability. Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjusted or held to be unconstitutional,

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 Zoning Ordinance or Map as a whole.

Section 13. That this Ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED this 10th day of May, 2011.

(SEAL)

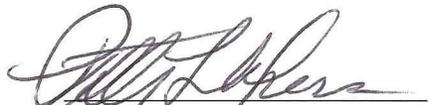

Caroline Murphy, Mayor
City of Bee Cave, Texas

ATTEST:



Kaylynn, City Secretary
City of Bee Cave, Texas

APPROVED AS TO FORM:



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



April 1, 2011

Mr. Frank Salvato
City Administrator
4000 Galleria Pkwy.
Bee Cave, TX 78738

HAND DELIVERED

Re: Spillman Ranch Phase 1, Section 9 Zoning Request

Dear Mr. Salvato,

The purpose of this letter is to request that the above referenced tract, Spillman Ranch, Phase 1, Section 9 be zoned "consistent with the land uses shown on the concept plan, as amended from time to time" [cite: Para. 3.01. b of the Development Agreement].

The City of Bee Cave has approved a Preliminary Plan for residential lots and a Final Plat has been submitted. This plat is consistent with the Preliminary Plan and I request that both zoning and final plat actions be scheduled contemporaneously on the same agenda for P. & Z. and then City Council action.

Please advise immediately if more information is required to schedule these items.

Sincerely,

A handwritten signature in blue ink that reads 'Don Walden'.

Don Walden



PD DEVELOPMENT STANDARDS

- STREET LAYOUT WITH 24' PRIVATE DRIVES
- ONE POINT OF INGRESS/EGRESS
- LOT SIZE AS SHOWN ON PLAN
- SETBACKS
 - FRONT - 10'
 - CORNER - 10'
 - SIDE - 0/10'
 - REAR - 5'

PD CONCEPT PLAN FOR PHASE 2, 8.7 ACRE TRACT

AMENDING A PORTION OF CONCEPT PLAN Z-3 WITH RESPECTS TO 8.7 ACRE PHASE 2, 40 LOT GARDEN HOMES



www.leeandassociates.net

EXHIBIT B