

ORDINANCE NO. 88

AN ORDINANCE OF THE CITY OF BEE CAVE, TEXAS, AMENDING THE PLANNED DEVELOPMENT DISTRICT CREATED BY ORDINANCE NO. 04-04-13 (ADOPTED APRIL 13, 2004), AND AMENDED BY ORDINANCE NO. 04-05-25D (ADOPTED MAY 25, 2004), AND AMENDED BY ORDINANCE NO. 07-10-09-B (ADOPTED OCTOBER 9, 2007) FOR A PORTION OF THE DEVELOPMENT KNOWN AS THE SHOPS AT THE GALLERIA MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, FOR THE PURPOSE OF APPROVING AN EXPANSION OF BUILDING 3, ELEVATIONS AND A REDUCTION IN PARKING SPACES; AND FOR THE PURPOSE OF APPROVING AN AMENDMENT TO THE CONCEPT PLAN, ATTACHED HERETO AS EXHIBIT "B", FOR SUCH PROJECT BUT WITH NO CHANGE IN TOTAL IMPERVIOUS COVER; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 04-04-13, adopted on April 13, 2004, zoned 88 acres of land in Bee Cave, Texas as a Planned Development District, which land is commonly known as the Shops at the Galleria ("Shops");

WHEREAS, City Ordinance No. 04-05-25D, adopted May 25, 2004, amended and validated permits, approvals and variances for the Shops under Ordinance No. 04-04-13;

WHEREAS, City Ordinance No. 07-10-09-B, adopted October 9, 2007 amended the Project by reallocating impervious cover from one portion of the Project to different portions of the Project;

WHEREAS, in the interest of attracting the highest quality occupants for the Shops, the owners of the portions of the Shops described in Exhibit "A", attached hereto, request the authorization and approval to expand the building square footage of Building 3 and reduce the number of parking spaces for the Project to offset the impervious cover;

WHEREAS, Ordinance No. 04-04-13 contained limitations and restrictions on the total permissible impervious cover for all development at the Shops, as defined therein;

WHEREAS, the majority of the total impervious cover permitted for the Shops has already been constructed at the project, in accordance with all previous ordinances;

WHEREAS, the requested amendment shall keep the total impervious cover at the Shops in the same quantity as approved under prior ordinances, and there shall be no increase in impervious cover.

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.

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

Section 1. The current approvals for The Shops at the Galleria project, being originally adopted by Ordinance No. 04-04-13, and amended by Ordinance No. 04-05-25D and Ordinance No.07-10-09-B be and the same are hereby amended as to that portion of the Project as follows, so as to grant a change from the development standards of said ordinances for only that certain tract of real property described in Exhibit "A" (herein "Property") being a portion of the 88 acres, attached hereto and made a part hereof for all purposes.

Section 2. Applicants shall be permitted to expand the building square footage of Building 3 by 906 square feet and to reduce the number of parking spaces adjacent to Building 3 by 3 as depicted in the amended Concept Plan attached here to as "Exhibit "B".

Section 3. The amended Concept Plan and the Elevations of Building 3, attached hereto as a part of Exhibit "B" are hereby approved. Any signage depicted on the amended Concept Plan or on the Elevations is not approved as part of the approval of this ordinance.

Section 4. The Property is currently subject to Impervious Cover Standards as per Ordinance No. 04-04-13, and Ordinance No.07-10-09-B. There shall be no change in the total impervious cover approved for the Project as defined in the Impervious Cover Standards (herein "Total Impervious Cover").

Section 5. 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 the City of Bee Cave Zoning Ordinance or Zoning Map as a whole.

Section 6. That this ordinance shall take effect immediately from and after its passage and the publication as required by law.

PASSED AND APPROVED by the City Council of the City of Bee Cave, Texas on the 24th day of May, 2011.

Title: Caroline Murphy
Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway
Kaylynn Holloway, City Secretary
City of Bee Cave, Texas

APPROVED AS TO FORM

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

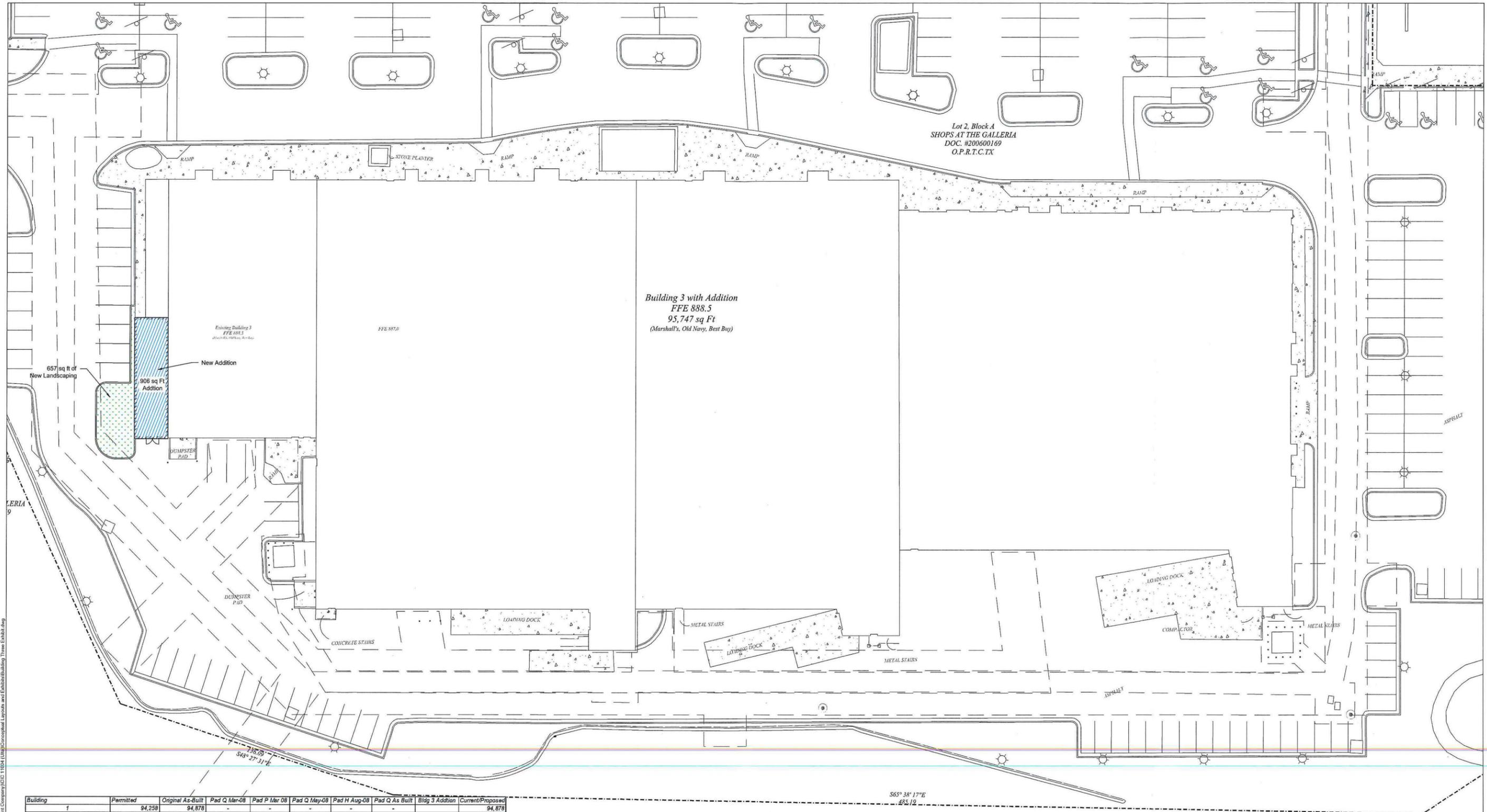
Exhibit "A" Property

Lots 2, Block A, according to the Final Plat, Shops At The Galleria, recorded as Document #200600169, Official Public Records of Travis County, Texas;

Exhibit "B" - Amended Concept Plan and Elevations Building 3

Exhibit B

Building Three
Proposed Conditions



Lot 2, Block A
SHOPS AT THE GALLERIA
DOC. #200600169
O.P.R.T.C.TX

Building 3 with Addition
FFE 888.5
95,747 sq Ft
(Marshall's, Old Navy, Best Buy)

Existing Building 3
FFE 883

906 sq Ft
Addition

657 sq ft of
New Landscaping

Building	Permitted	Original As-Built	Pad Q Mar-08	Pad P Mar 08	Pad Q May-08	Pad H Aug-08	Pad Q As Built	Bldg 3 Addition	Current/Proposed
1	94,258	94,878	-	-	-	-	-	-	94,878
2	66,259	66,628	-	-	-	-	-	-	66,628
3	94,553	94,841	-	-	-	-	906	-	95,747
H	16,205	0	-	-	-	15,358	-	-	15,358
J	7,588	7,786	-	-	-	-	-	-	7,786
K	31,275	31,532	-	-	-	-	-	-	31,532
L	11,192	11,435	-	-	-	-	-	-	11,435
Loaves	166,273	166,256	-	-	-	-	-	-	166,256
N1	10,199	10,474	-	-	-	-	-	-	10,474
N2	10,564	10,835	-	-	-	-	-	-	10,835
P	5,760	0	-	5,453	-	-	-	-	5,453
Q1	7,521	0	16,216	-	14,117	-	13,577	-	13,577
Q2	6,042	0	Eliminated	-	-	-	-	-	Eliminated
R	4,177	4,347	-	-	-	-	-	-	4,347
S	5,900	0	-	-	-	-	-	-	4,955
Total	537,356	-	-	-	-	-	-	-	539,261

Building 3 Site Impervious Calculations		
	Square Feet	Surplus
Originally Permitted IC	2,038,569	-
Currently Permitted	2,038,171	398
With Proposed Changes	2,038,303	268

*Including Changes to Pads Q, P, N-1 and H made in 2008, Bldg Q and N1 Patis and "Dumpsters and Parking", "Pad S" and Bldg J in 2009

Lot 4, Block A
SHOPS AT THE GALLERIA
DOC. #200600169
O.P.R.T.C.TX

Scale 1" = 20'



GARRETT-IHNEN
CIVIL ENGINEERS

H:\Utilities\CIC (Christopher Investment Company)\CIC 1004 (Util)\Conceptual Layouts and Exhibits\Building Three Exhibit.dwg 0/22/2011

