

ORDINANCE NO. 95

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT PURSUANT TO ORDINANCE NO. 01-03-13 TO AUTHORIZE THE RETAIL SALE OF ALCOHOL FOR PROPERTY IN UPLANDS VILLAGE CENTER, 12101 BEE CAVES ROAD, SUITE 5D, BEE CAVE, TEXAS; WHICH PROPERTY IS ZONED PLANNED DEVELOPMENT DISTRICT WITH A BASE RETAIL DISTRICT ZONING; PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR CERTAIN CONDITIONS;

WHEREAS, the zoning of the property subject to this Ordinance is governed by Ordinance No. 01-03-13 dated March 13, 2001 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 is requesting a Conditional Use Permit for the retail sale of beer and wine for off premise consumption in Suite 5D Uplands Village Center;

WHEREAS, the property owner has submitted a site plan depicting Suite 5D located at 12101 Bee Cave Road (the "Property") and has otherwise complied with the requirements of the City of Bee Cave Ordinances and Ordinance No. 01-03-13 for issuance of 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 the Conditional Use Permit wherein public comment was received and considered on the Application;

WHEREAS, the City Council finds that the use of the Property for the retail sale of beer and wine for off premise consumption with the conditions listed below, are appropriate uses for the Property.

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 meets the requirements of the City of Bee Cave Zoning Ordinance and underlying zoning Ordinance No. 01-03-13, for the Property located in Uplands Village Center, Suite 5D, 12101 Bee Cave Road, Bee Cave, Texas.

Section 2. Uses. A Conditional Use Permit is hereby granted, subject to the conditions listed in Section 4, to authorize the retail sale of beer and wine for off premise consumption within Suite 5D of the Property.

Section 3. Site Plan. The site plan depicting the retail sale beer and wine for off premise consumption within Suite 5D is contained in Exhibit "A", attached hereto, and is hereby approved contingent upon the property owner meeting the conditions contained within Section 4;

Section 4. Conditions of Approval. The City Council hereby approves the Conditional Use Permit to the property owner (hereinafter "Permittee") upon the following terms and conditions:

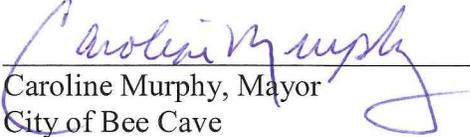
1. Permittee shall not commence development until it has secured all building permits and has received any other approvals as required by the City of Bee Cave Ordinances;
2. This Conditional Use Permit, authorizes additional development of the subject property only as represented in the Permittee's application and only to the extent such development is depicted in the 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. Permittee shall obtain and maintain all necessary Texas Alcohol Beverage Commission permits for the retail sale of beer and wine for off premise consumption for the area depicted in Exhibit "A";
4. The operational hours for the Property shall be from 11 am to 9 pm Monday through Saturday and from 1 pm to 8 pm on Sunday.
5. Additional Conditions:
 - a) Outdoor music shall not be authorized.
 - b) Patrons shall not be seated in any outdoor seating area.

Section 5. 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 6. This Ordinance shall take effect immediately from and after its passage and publication as required by law.

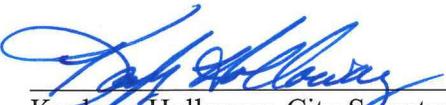
PASSED AND APPROVED this 26th day of July, 2011.

APPROVED:



Caroline Murphy, Mayor
City of Bee Cave

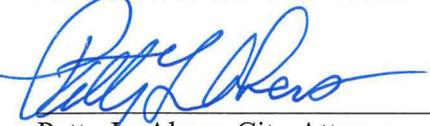
ATTEST:



Kaylynn Holloway, City Secretary
City of Bee Cave, Texas

[SEAL]

APPROVED AS TO FORM:



Patty L. Akers, City Attorney



The WineCellar GROUP

STORE CONCEPT, JULY 2011

Store: General Information

Ambience / fit-out:

- The store will be designed to appeal to a well-travelled / educated client base.
- The interior will combine a loft-like simplicity with a relaxed rustic feel, designed to provide a fresh and down-to-earth environment in which to browse and sample a wide selection of wines.
- The fittings will include cement flooring, aged metal & wood display units, barrels, old wine crates, blackboards, clean linen sofa, worn bricklayers table, distressed leather chairs etc.
- Wine range is complete but un-daunting, broad enough for wine enthusiasts whilst being un-intimidating to a first time wine buyer.

Wine:

Approximately 70% of the stock will be hand picked wines from the world's better-known vineyards, with a natural emphasis on the US. The remaining 30% to be exclusives within the State of Texas, from low yielding, small batch, and lesser-known producers. A full range of price points will be catered for and from time to time we are able to offer extremely attractive case deals.

Location:

12101 Bee Caves Road in building 5 of the Uplands Village Complex.

Unit size of 2,561 f2 (approximately 1,800 f2 of store area and 761 of storage/office etc.).

Opening Hours:

Monday to Saturday 11am - 9pm, Sunday 1 - 8pm (Deliveries Monday to Friday business hours only)

TABC License Type:

BQ (beer and wine off premise)



The WineCellar
GROUP



The WineCellar
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Store: Front view of planned unit

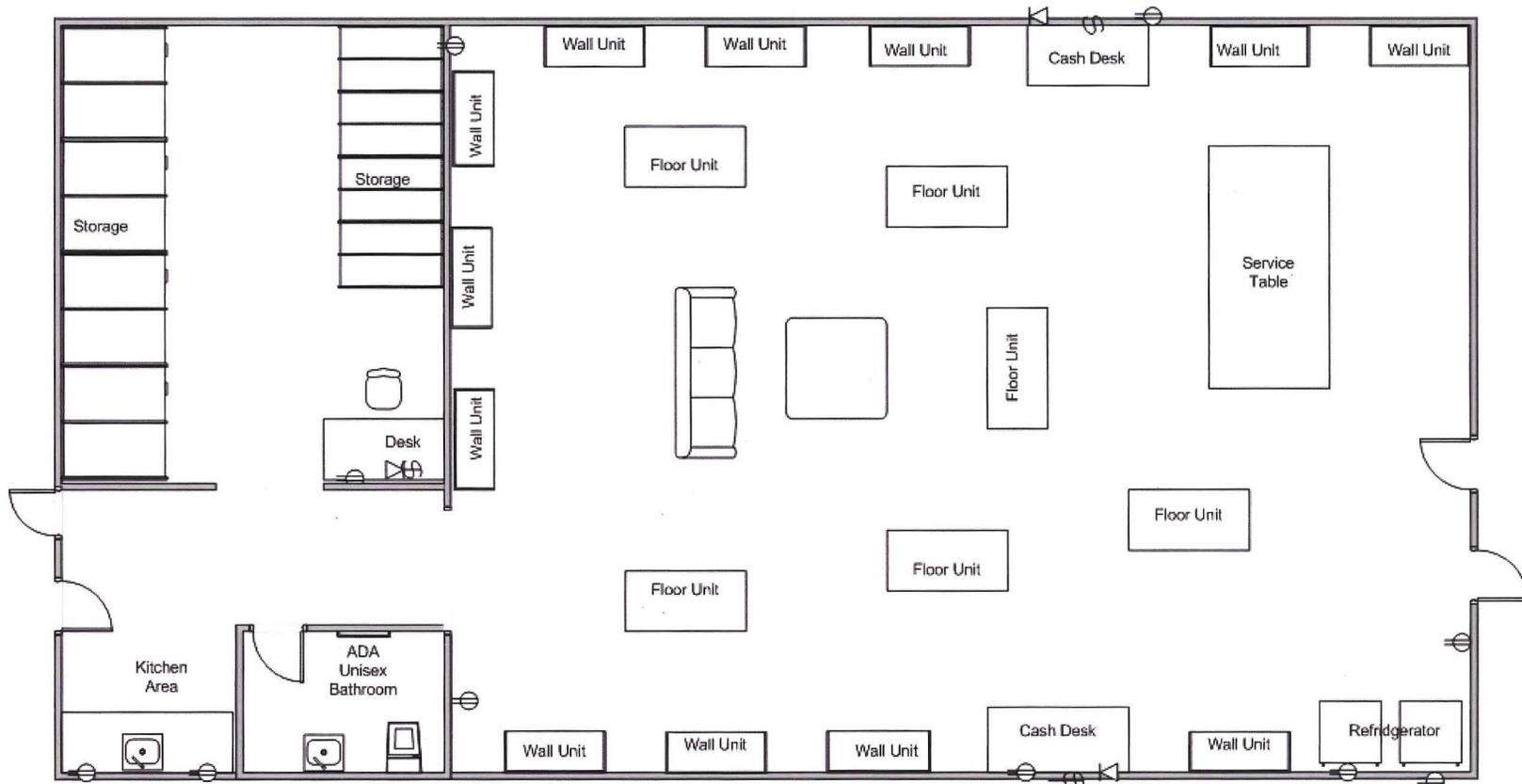


The WineCellar
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Store: Site Plan



Store: Floor Plan



Contacts:

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