

ORDINANCE NO. 96

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO AUTHORIZE THE RETAIL SALE OF USED MERCHANDISE, FURNITURE AND ANTIQUES FOR PROPERTY LOCATED AT 13308 WEST HIGHWAY 71, BEE CAVE, TEXAS; WHICH PROPERTY IS ZONED NEIGHBORHOOD SERVICES ZONING; PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR CERTAIN CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the property owner is requesting a Conditional Use Permit for the retail sale of used merchandise, furniture and antiques for property described as Tract 2, Viola Marshall Subdivision, Vol. 87, Page 44D, Travis County Plat Records (the "Property") and which property is located at 13308 West Highway 71, Bee Cave, Texas;

WHEREAS, the Property is zoned Neighborhood Services and the sale of used merchandise, furniture and antiques is authorized in the Neighborhood Services zoning District upon approval of a conditional use permit;

WHEREAS, the property owner has submitted a site plan depicting the structures, building and improvements located on the Property and has otherwise complied with the requirements of the City of Bee Cave Code of Ordinances 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 used merchandise, furniture and antiques 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 Code of Ordinances for the Property located at 13308 West Highway 71, 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 used merchandise, furniture

and antiques on the Property. This Conditional Permit shall automatically expire if the Property ceases to be used for the retail sale of used merchandise, furniture or antiques for a period of 180 days.

Section 3. Site Plan. The site plan depicting the structures and improvements located on the Property 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. The operational hours for the Property shall be from 10:00 am to 6:00 pm Monday through Saturday and 11:00 am to 5:00 pm on Sunday.
4. Additional Conditions:
 - a) Except as provided in subsection b, new or used merchandise, furniture or antiques placed outdoors for display or sale must be placed indoors each day prior to the close of regular business hours.
 - b) Outdoor display and sales ("tent sales") of new or used merchandise, furniture or antiques may be authorized upon issuance of a special event permit.
5. The City Council may revoke this Conditional Use Permit for violations of the conditions or terms of this Permit.

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.

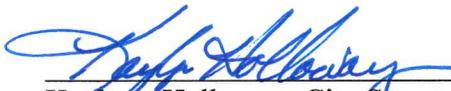
PASSED AND APPROVED this 13th day of September, 2011.

APPROVED:



Jack McCool, Mayor Pro Tem
City of Bee Cave

ATTEST:



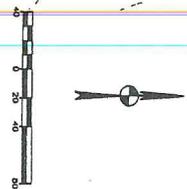
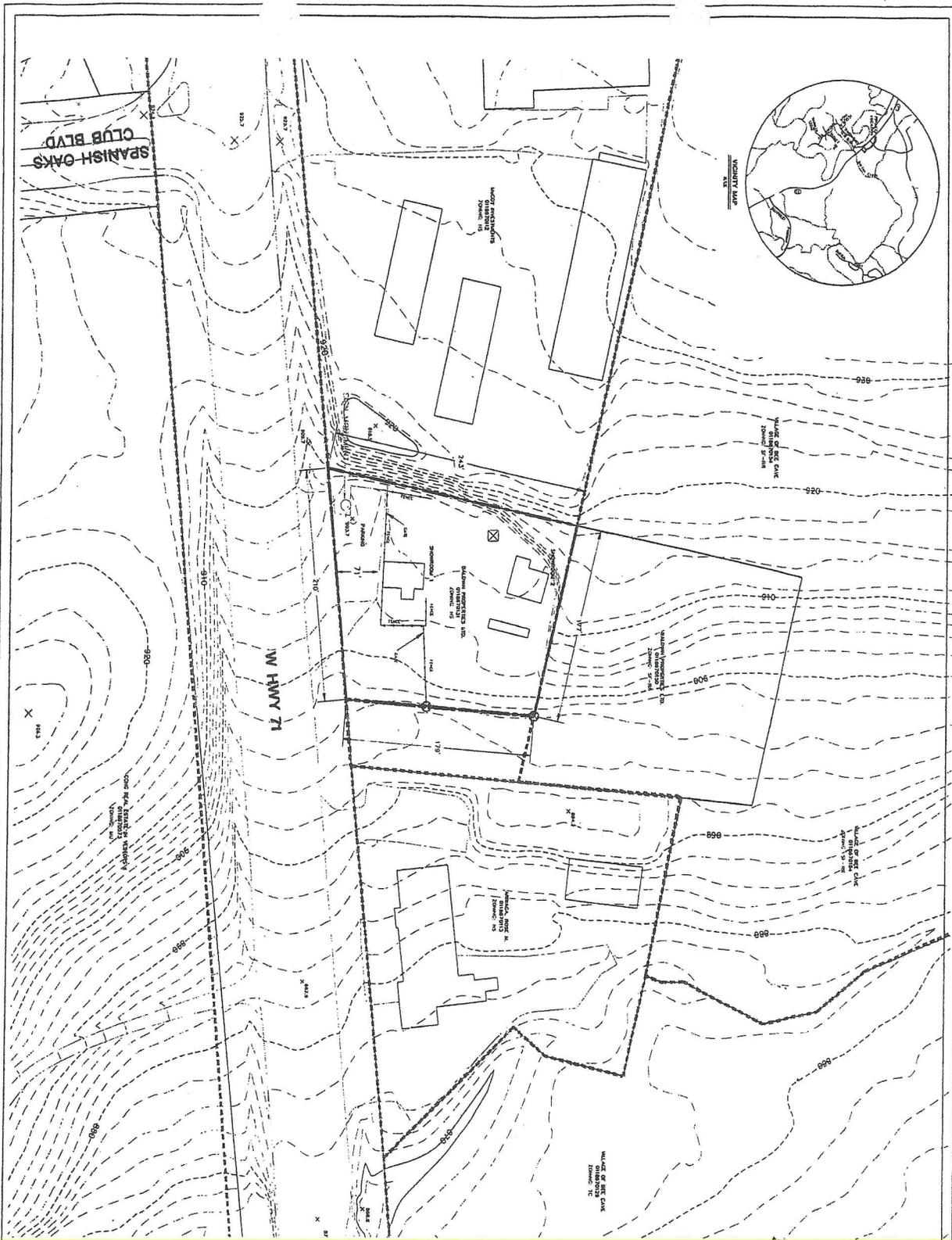
Kaylynn Holloway, City Secretary
City of Bee Cave, Texas

[SEAL]

APPROVED AS TO FORM:



Patty L. Akers, City Attorney



FLOOD NOTE:
 A FLOOD HAZARD STUDY HAS BEEN CONDUCTED BY THE TEXAS DIVISION OF GEOGRAPHIC INFORMATION SYSTEMS (DGIS) FOR THE PROJECT AREA. THE STUDY IDENTIFIED FLOOD HAZARD ZONES THAT MAY AFFECT THE PROJECT. THE FLOOD HAZARD ZONES ARE SHOWN ON THE ATTACHED FLOOD HAZARD MAP. THE FLOOD HAZARD MAP IS A PRODUCT OF THE TEXAS DIVISION OF GEOGRAPHIC INFORMATION SYSTEMS (DGIS) AND IS NOT A DESIGN DOCUMENT. THE FLOOD HAZARD MAP IS SUBJECT TO CHANGE WITHOUT NOTICE. THE FLOOD HAZARD MAP IS NOT A GUARANTEE OF ACCURACY. THE FLOOD HAZARD MAP IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE FLOOD HAZARD MAP IS NOT A DESIGN DOCUMENT. THE FLOOD HAZARD MAP IS SUBJECT TO CHANGE WITHOUT NOTICE. THE FLOOD HAZARD MAP IS NOT A GUARANTEE OF ACCURACY. THE FLOOD HAZARD MAP IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

NO.	REVISION	APPROVED

SHEET 01 OF 01	DRAWN BY: ML/AB
	DESIGNED BY: ML/AB
	REVIEWED BY: NAM
	PROJECT NO.: BUSDEV

13308 W. HWY 71
BEE CAVE, TEXAS 78736
BALDWIN PROPERTIES LTD.

Site Plan

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 TSP# Registration Number 1-264
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Exhibit A