

ORDINANCE NO. 175

AN ORDINANCE OF THE CITY OF BEE CAVE, TEXAS ("CITY") AMENDING THE ZONING OF REAL PROPERTY, IN CONFORMANCE WITH THE CITY OF BEE CAVE COMPREHENSIVE PLAN, SECTION EIGHT, FUTURE LAND USE PLAN, FROM CURRENT ZONING AS AN AGRICULTURAL DISTRICT TO A RETAIL DISTRICT FOR PROPERTY DESCRIBED AS A 3.030 ACRE TRACT CONVEYED TO MOONDANCE INVESTMENTS, LTD., BY INSTRUMENT RECORDED IN VOL. 13341, PAGE 475 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY; LOTS 1 THROUGH 3 OF THE JOHN H. CARRELL SUBDIVISION, WHICH IS RECORDED IN DOCUMENT 199900218 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY; LOTS 1 THROUGH 3 OF THE HAWTHORNE RIDGE SUBDIVISION LOCATED AT 3573, ET SEQ., RANCH ROAD 620 SOUTH, BEE CAVE, TEXAS; AMENDING THE ZONING OF REAL PROPERTY FROM CURRENT ZONING AS AN AGRICULTURAL DISTRICT TO A PUBLIC USE DISTRICT FOR PROPERTY DESCRIBED AS A 23.87 ACRE TRACT OUT OF THE REMAINDER PORTION OF THAT CALLED 819.739 ACRE TRACT OF LAND (BALCONES CANYONLANDS PRESERVE) CONVEYED TO THE CITY OF AUSTIN BY INSTRUMENT RECORDED IN VOLUME 12124, PAGE 143 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; AND WHICH LAND IS MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR FINDINGS OF FACT, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Bee Cave is lawfully incorporated as a Home-Rule municipality and the City Council is the governing body of the City; and,

WHEREAS, the City Council seeks to provide for the orderly development of land and use of property within its corporate limits; and,

WHEREAS, the City is empowered by Section 211.005 (Districts) of the Texas Local Government Code to divide the municipality into districts of a number, shape, and size the City Council considers best for carrying out the zoning purposes under state law; and within each district, the City Council may regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land; and,

WHEREAS, the zoning regulations must be uniform for each class or kind of building in a district, but the regulations may vary from district to district; and shall be adopted with reasonable consideration, among other things, for the character of each district and its peculiar suitability for particular uses, with a view of conserving the value of buildings and encouraging the most appropriate use of land in the municipality; and,

WHEREAS, the City recognizes its responsibility and authority to impose ordinances and controls that are necessary for the government of the City, its interest, welfare, and good order of the City as a body politic.

WHEREAS, pursuant to the City of Bee Cave Code of Ordinances, Chapter 32, "Zoning," section 32.03.002, territory that has been newly annexed into the City is initially zoned as Agriculture, and it is anticipated that agriculture zoned land will eventually be rezoned to another more permanent, urban zoning classification in the future;

WHEREAS, section 32.03.010 of the Zoning Ordinance provides that the purpose of a Retail District is to provide areas for local neighborhood shopping and service facilities for the retail sales of goods and services; and

WHEREAS, section 32.03.014 of the Zoning Ordinance provides that a Public Use District is intended to accommodate uses of a governmental, civic, public service, or public institutional nature, including major public facilities; and

WHEREAS, the City of Bee Cave Comprehensive Plan ("Comprehensive Plan"), Section Eight, Future Land Use Plan provides that it shall serve as a guide for future land use patterns and all aspects of the Comprehensive Plan "are implemented primarily through development regulations (zoning and subdivision ordinances)"; and

WHEREAS, re-designating the zoning classification of the subject properties described herein will protect the integrity and continuity of the Comprehensive Plan; and

WHEREAS, Retail is the more appropriate zoning district for the subject property; except for the portion of property located in the Balcones Canyon Land Habitat; and

WHEREAS, Retail uses for the subject area will provide a buffer and transition between the highway and the adjacent residential uses while allowing highway frontage to develop with retail land uses as is appropriate along a highway;

WHEREAS, the City of Bee Cave Planning and Zoning Commission and the City of Bee Cave City Council ("City Council"), in compliance with in compliance with the City of Bee Cave Code of Ordinances section 32.02.004, Texas Local Government Code section 211.006(a), et seq., and all applicable laws of the State of Texas, have given the requisite notices by publication and otherwise, and have held two public 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 is of the opinion and finds that a zoning change as described herein should be granted and that the Comprehensive Zoning Ordinance and Map should be amended as set forth herein; and

WHEREAS, any protest made against the proposed changes of Zoning Classification has been duly considered by the City Council; and

WHEREAS, the Planning and Zoning Commission and the City Council find that re-designating the real property described is prudent and, in accordance with Texas Local Government Code section 211.004(a)(3), will promote the health and general welfare of the City of Bee Cave and its citizens;

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

SECTION 1. Findings of Fact. All of the above premises are hereby found to be true and correct legislative and factual findings of the City and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. Amendment. That the City Zoning Ordinance and Map of the City of Bee Cave, Texas, be and the same are hereby, amended so as to grant a change of zoning from Agricultural District to Retail District for the real property hereinafter described, and more specifically described in Exhibit "A," attached hereto:

- 1) a 3.030 acre tract conveyed to Moondance Investments, Ltd., by instrument recorded in Volume 13341, Page 475 of the Official Public Records of Travis County, Texas;
- 2) Lots 1 through 3 of the Hawthorne Ridge Subdivision, located at 3573, et seq., Ranch Road 620 South, Bee Cave, Texas;
- 3) Lots 1 through 3 of the John H. Carrell Subdivision, recorded in Document 199900218 of the Official Public Records of Travis County, Texas.

That the City Zoning Ordinance and Map of the City of Bee Cave, Texas, be and the same are hereby, amended so as to grant a change of zoning from Agricultural District to Public Use District for the real property herein after described, and more specifically described in Exhibit "A," attached hereto:

a 23.87 acre tract out of the remainder portion of that called 819.739 acre tract of land (Balcones Canyonlands Preserve) conveyed to the City of Austin by instrument recorded in Volume 12124, Page 143 of the Official Public Records of Travis County, Texas.

SECTION 3. Severability. 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 Chapter 32, Zoning, of the City of Bee Cave Code of Ordinances and Map as a whole.

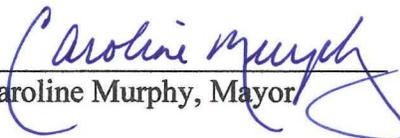
SECTION 4: Repealer. All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

SECTION 5. Notice and Meeting Clause. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

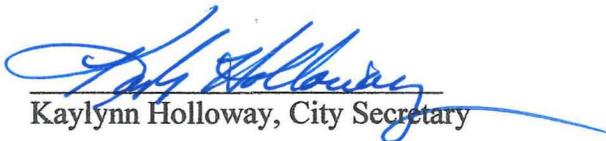
SECTION 6. Effective Date. That this Ordinance shall take effect immediately from and after its passage.

26th **PASSED AND APPROVED** by the City Council of the City of Bee Cave, Texas, on the 7th day of September 2013.

CITY OF BEE CAVE, TEXAS


Caroline Murphy, Mayor

ATTEST:


Kaylynn Holloway, City Secretary

APPROVED AS TO FORM:

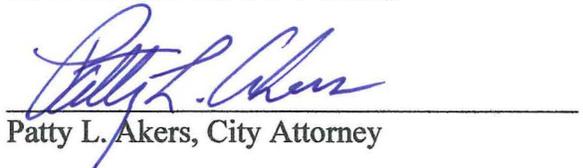

Patty L. Akers, City Attorney

Exhibit "A"

Property Description

Proposed Bee Cave Zoning

