

ORDINANCE NO. 304

AN ORDINANCE AMENDING ORDINANCE NO. 07-01-09-A FOR A 13.321 ACRE TRACT IN THE BEN WIGHTMAN SURVEY NO. 55 AND THE I&GN RR COMPANY SURVEY NO. 56, TRAVIS COUNTY, TEXAS WHICH PROPERTY IS DESCRIBED IN EXHIBIT "A", ATTACHED HERETO, WITHIN THE PROJECT KNOWN AS FALCONHEAD; AUTHORIZING AN AMENDMENT TO THE PLANNED DEVELOPMENT DISTRICT MIXED USE ZONING ("PDD-MU") FOR FALCONHEAD TO AUTHORIZE A CHANGE OF USE FROM HOTEL USE TO SINGLE FAMILY USE AND RECREATIONAL ACCESSORY USES FOR A GOLF CLUB; PROVIDING DEVELOPMENT STANDARDS, AS DESCRIBED IN EXHIBIT "C", ATTACHED HERETO, AND AUTHORIZING DEVELOPMENT IN ACCORDANCE WITH A CONCEPT PLAN, ATTACHED HERETO AS EXHIBIT "B"; MAKING PROVISION FOR COMPLIANCE WITH THE CITY'S ZONING ORDINANCE, AS MODIFIED BY THE SPILLMAN DEVELOPMENT AGREEMENT EFFECTIVE AUGUST 22, 2000 AND THIS ORDINANCE; AUTHORIZING THE CITY MANAGER 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 an amendment to the Planned Development District Mixed Use zoning ("PDD-MU") to authorize a change of use for the Property from hotel use to single family and golf club use; 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 (formerly known as "Village of Bee Cave") and Spillman Development Group, Ltd., effective August 22, 2000;

WHEREAS, Ordinance No. 07-01-09-A authorized development of the Property as a hotel and the Second Amendment to the Development Agreement effective May 13, 2003, authorized development of a hotel on the Property at five (5) stories and up to 55 feet in height;

WHEREAS, the Spillman Development Agreement has expired by its terms and therefore adoption of this Ordinance does not require an amendment to the Development Agreement;

WHEREAS, and zoning applicant no longer wishes to develop the Property as a hotel and has requested an amendment to Ordinance No. 07-01-09-A;

WHEREAS, the requested change of use from hotel to single family and golf club use is consistent with uses authorized in the Development Agreement and in a Mixed Use zoning district and are compatible uses to properties adjoining this Property;

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 ("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, 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 the City Council has taken into account the comments received in the public hearings; and

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 Ordinance No. 07-01-09-A be and the same is hereby repealed so as to grant a change of use from hotel to single family residential and accessory recreational golf club uses for the Property as described in Exhibit "A".

SECTION 3. Development. That the Property shall be developed in compliance with the Spillman Development Agreement, effective August 22, 2000, except as modified by this Ordinance.

SECTION 4. Concept Plan. That the Concept Plan for this Planned Development District which is attached hereto as Exhibit "B" and which is made a part hereof for all purposes is hereby approved for said Planned Development District as required by Chapter 32, of the Code of Ordinances of the City of Bee Cave, Texas. Any proposed use or development depicted on the Concept Plan shall not be deemed authorized or approved by the City of Bee Cave for construction until a site plan ("Site Plan") is approved for such use and/or development in accordance with the terms and conditions of Chapter 32 of the Code of Ordinances.

SECTION 5. Uses. Only single family residential and golf club uses shall be authorized uses in accordance with the Concept Plan and in accordance with the Development Standards described in Exhibit "C", attached hereto. Any other uses ordinarily allowed in the Spillman Development Agreement shall only be authorized if approved by the City in a subsequent amendment to the Concept Plan and this Ordinance. The authority granted by this Ordinance is therefore specific to the Project that has been represented in the Owner's application and as depicted in the Concept Plan and as described in the associated Development Standards.

SECTION 6. Amendments to Development Standards. All changes or expansions of uses authorized for the Project require an amendment to this Ordinance and to the Concept Plan. However, any changes in the Development Standards, not associated with a change in use, and that are approved by City Council in subsequent site plan or plat approvals shall not require an amendment to this Ordinance. In such cases, Developer shall provide City with updated and

accurate Concept Plans reflecting such changes.

SECTION 7. 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 8. Repealer. Ordinance No. 07-01-09-A is hereby repealed. All other ordinances or parts of ordinances in force regarding the zoning of this Property which are inconsistent herewith when the provisions of this Ordinance become effective are hereby repealed.

SECTION 9. Effective Date. That this Ordinance shall take effect immediately from and after its passage.

SECTION 10. 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.

PASSED AND APPROVED this ____ day of _____, 2016.

ATTEST:

Caroline Murphy, Mayor
City of Bee Cave, Texas

Kaylynn Holloway, City Secretary
City of Bee Cave, Texas

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT “C”
DEVELOPMENT STANDARDS-SPILLMAN-10 (FALCONHEAD)

The following development standards shall be applicable to the Property described in Exhibit “A”. The Spillman Development Agreement, effective August 22, 2000 governs the development of this Property except as modified by these Development Standards. To the extent that any of the following standards conflict with the Spillman Development Agreement, the following shall control.

I. General Project Design Requirements

The Property is an approximate 13.2 acre tract generally located at the corner of Spillman Ranch Loop and Falconhead Blvd. The Project consists of a maximum 42 single family residential lots and an unplatted area to the south east of the property that will be used for private recreation accessory uses of the Falconhead Golf Club which owns property adjacent to the Project. Lots range from approximately 55’-77’ wide, consistent with the ranges throughout most of Falconhead. The average lot size in this section is 9,286. Access to the Project is provided from Falconhead Blvd. There is an existing 25’ Drainage/Water Quality/Landscape/Sidewalk easement (#2002179495 OPRTC) dedicated to the City and the HOA located along the northern boundary of the Property and adjacent to Falconhead Blvd. The easement is included within the lot boundaries that are adjacent to Falconhead Blvd. There are three (3) water quality lots located within the Project.

II. Uses

A. A maximum of 42 single family residential lots ranging in size from 55 feet wide to 77 feet wide are authorized for the Project. Minimum lot size shall be 6,168 square feet and average lot size shall not be less than 9,409 square feet.

B. Lots designated on the Concept Plan as Nos. 6, and 13, and 29, Block C are authorized for water quality and storm water management purposes as depicted on the Concept Plan. No minimum lot width is applicable to these lots.

C. Lots designated as No. 1, 2, 3, and 4, Block D on the Concept Plan shall be constructed in accordance with the City’s Code of Ordinances (except as modified herein) and maintained as a private street. Access to the Project from Falconhead Blvd. shall not be gated unless approved in conjunction with a subsequent Site plan. Streets are authorized at the locations generally depicted on the Concept Plan. Right of way width for internal streets is authorized at fifty (50’) and pavement width is authorized at twenty eight (28’) feet. Overnight on-street parking shall not be allowed on the private streets and such restriction shall be included in the CCRs which provision may not be amended without approval of the City.

D. The portion of the Property designated on the Concept Plan as recreational is authorized for recreational uses accessory to the use of the adjoining property owned by Austin

Falconhead LP as a private Golf Club. Permanent Structures within this recreational area shall be authorized by this Ordinance if approved in a subsequent Site Plan and are related to uses that include use as a golf cart path (and including sale of food and beverages from the Club's golf cart service), location of a 500 square foot or less, single story maintenance, tool or storage shed, park-like benches and seating areas, and as a putting green. Temporary structures shall be authorized by this Ordinance if approved in a subsequent Site Plan for use during golf tournaments for placement of leader boards, tournament pairings information, or other tournament related information, uses associated with a golf tournament such as player check-in areas, hospitality areas, food and beverage services, retail sales of golfing equipment, clothing and accessories, the erection of temporary tents, and other similar uses customarily associated with a golf tournament. Temporary structures shall be removed at the conclusion of the golf tournament. Permanent Structures or improvements related to use of the recreational area for construction or expansion of a pavilion, club house or for any other permanent structures, temporary or permanent parking or for permanent retail sales or for a permanent structure associated with food and beverage sales and services shall require an amendment to this Ordinance. In addition, the recreational area may be used for special events in addition to golf tournaments upon subsequent issuance of a Special Event Permit from the City in accordance with the City's ordinances applicable to Special Events. Prior to development and use of the recreational portion of the Property by the golf club the first party to develop property on either side of the common lot line shall construct the portion of the wall that separates the recreational portion of the Property from the residential portion of the Property as depicted in the Concept Plan. In the event that the recreational portion of the Property is not sold to the adjoining golf club, the property may be used for single family residential use as authorized for the other residential property approved by this ordinance and may be platted as single family lots with access only to Elle Claire Bend. In such case the requirements of this ordinance applicable to the residential portion of the Project will be applicable to any single family lots created in the recreational area and the wall proposed between the residential area and the recreational area shall instead be relocated around any newly platted residential portion of the Property to prevent vehicular or pedestrian access from the residential property onto Myrtle Beach Drive.

E. Internal side yard setbacks and rear and front yard setbacks shall be as depicted in the Concept Plan. The front yard of Lot Nos. 1 through 8 of Block B shall face Jordan Spieth Drive. The front yard of Lot Nos. 1 through 5, Block C and Lot Nos. 1 through 4, Block A shall face Elle Claire Bend. Corner Lot 19, Block C shall front on Ben Andrew Loop. Corner Lot 26, Block C shall front on Ellie Claire Blvd.

F. The Project is not subject to the minimum block length of five hundred (500') feet or the maximum block length of two thousand (2000') feet.

G. The lot lines depicted on the Concept Plan are for illustrative purposes only. The actual number of lots and configuration of same shall be considered for approval in conjunction with the Final Plat.

H. Construction trailers are an authorized temporary use during construction.

I. The recreational area depicted in the Concept Plan and expected to be conveyed to the golf club, is subject to an existing easement which allows mail boxes for mail service to the residents of the Heights. Use of this portion of the Property is authorized for mail service.

J. Lot 29 shall be used only as a vegetative filter strip for water quality protection, landscaping and for use as a golf cart path. No minimum lot width is applicable to this lot.

III. Drainage Easement

A. There is an existing 25' Drainage/Water Quality/Landscape/Sidewalk easement (the "Easement") (#2002179495 OPRTC) dedicated to the City and the HOA within the Property. It abuts the Falconhead Blvd ROW and runs the length of the frontage. The Easement is proposed to be included within the boundaries of the proposed residential lots that are adjacent to Falconhead Blvd. Consistent with the terms of the Easement, landowners of the effected lots shall not be permitted to erect or construct any improvements within this Easement. No uses shall be made of or within this Easement that will interfere with, inhibit or reduce the natural flow or treatment of storm water runoff, or inhibit or impede the use of the Easement for landscaping, sidewalks once built, pedestrian tunnels, underground utility lines and facilities, irrigation lines and facilities, drainage improvements and water quality improvements. Written notice of this Easement and the associated development restrictions shall be provided at Closing to all future purchasers of a lot subject to this restriction. The applicable restrictions shall also be included in any Restrictive Covenants and Conditions ("CCRs") applicable to the Property and which CCR provisions may not be amended without consent of the City.

B. In conjunction with protection of this Easement, the Project shall be required to construct at the time of site development a fence at the boundary of the Easement furthest from the ROW of Falconhead Blvd. and shall provide landscape screening on the Falconhead Blvd. side of the fence. The fence may be a stone-faced wall or wrought iron. Approval of the screening and the fence shall be considered in conjunction with Site Plan approval.

IV. Access

A. Access to the residential portion of the Project shall be from Falconhead Blvd. Access to the recreational portion of the Property shall be from Falconhead Blvd once the recreational property is replatted with the Golf Club property. In the event the recreational portion of the Property is conveyed to the adjoining Golf Club property, the recreational portion shall be replatted with the Golf Club property prior to the issuance of any building permits. A second access point into the Project is not required.

V. Additional Development Standards

A. A twenty five (25') foot development restricted area and "no cut zone" in the rear of Lots 14 and 15 Block C is required for the dense vegetation area of the Property depicted in the Concept Plan which forms a natural vegetated screening to adjacent landowners. This area shall be protected from development or removal of vegetation or trees by restrictions in the CCRs which restrictions may not be amended without the consent of the City and an amendment to this Ordinance. The HOA shall be responsible for maintaining this area and maintaining the trees, vegetation and other undergrowth within this area. A ten (10') foot landscape buffer shall be constructed and maintained on Lot 13, Block C to screen the water quality and detention structure from adjoining residential lots on Spillman Ranch Loop.

B. A five foot stone faced masonry wall is approved for the Project entry and along the rear of the lots in Block B facing Elle Claire Bend as depicted in the Concept Plan. The wall shall be landscaped within a 10 foot landscape easement and shall be constructed at the time of site improvements. The front entry shall be aligned to avoid removal of the 18" live oak tree that is in front of the wall.

C. A five (5') foot burnished block wall shall be required between the Project and the adjacent Falconhead Golf Club. The wall shall begin at the property line between the Project and the golf club at Falconhead Blvd and shall continue along the common property line and wrapping around the side yard of Lot 9, Block A and Lot 27, Lot C. The wall shall be faced with the same or similar stone to the entry wall for all sides visible from adjacent properties and roads.

D. The maintenance of all walls and associated landscaping shall be the responsibility of the HOA; provided that the portion of the wall constructed on the recreational portion of the Property shall be maintained by the owner of the Property. A maintenance agreement ensuring the maintenance of all walls, associated landscaping, private streets, water quality and storm water facilities and other common areas and improvements that serve the Project as a whole shall be required and approved in conjunction with the Site Plan application.

E. 40% of the existing trees within the Project 4 inches and larger shall be preserved or replaced at the conclusion of subdivision construction of the final residential lot.

F. Impervious cover for the Property shall not exceed the impervious cover limits as set out in the Spillman Agreement. Grass pavers or similar pervious materials shall not count against the impervious cover limitations so long as they are used in non-vehicular areas.

G. Sidewalks are required on both sides of the streets internal to the project and as depicted on the Concept Plan and must be a minimum of five (5') feet wide. A minimum four (4') feet wide concrete path connecting Ellie Claire Bend to the corner of Falconhead Blvd and Spillman Ranch Loop is required. A 5' sidewalk connecting to the existing sidewalk on Spillman Ranch Loop to the corner of Falconhead Blvd and Spillman Ranch Loop is required. Sidewalks adjacent to residential lots shall be constructed at the time that houses are constructed on such lots.

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All other sidewalks shall be constructed in conjunction with site development. Any construction that occurs within a public right of way including side walk construction shall be performed in accordance with a right of way license agreement from the City which will be considered for approval in conjunction with Site Plan approval.

H. Walls of water quality ponds visible from a public or private road must be faced with stone and may not be higher than 2' above grade, unless a greater height is approved at Site Plan.

I. Grading of the Property shall be performed so that drainage of the site occurs in accordance with the drainage plan depicted on the Concept Plan.