

## **ORDINANCE NO. 201**

**AN ORDINANCE AMENDING HILL COUNTRY INDOOR ZONING ORDINANCE NO. 113 (ADOPTED ON MAY 22, 2012) FOR THE PROPERTY DESCRIBED IN EXHIBIT "A", A TRACT OF LAND BEING APPROXIMATELY ACRES 8.60, WHICH LAND IS LOCATED GENERALLY NORTH OF HIGHWAY 71 AND WEST OF HIGHWAY 620 AND SOUTH OF BEE CAVE PARKWAY IN THE CITY OF BEE CAVE AND WHICH PROPERTY IS ZONED PLANNED DEVELOPMENT DISTRICT, WITH RETAIL AS THE BASE ZONING DISTRICT; AMENDING THE CONCEPT PLAN IN ORDINANCE NO. 113 IN ACCORDANCE WITH EXHIBIT "B1"; AMENDING THE BUILDING ELEVATIONS IN ACCORDANCE WITH EXHIBIT "B2"; APPROVING THE CUT AND FILL REQUIREMENTS FOR THE DEVELOPMENT AS DEPICTED IN EXHIBIT "B3"; AMENDING THE DEVELOPMENT STANDARDS CONTAINED IN ORDINANCE NO. 113 AS DESCRIBED IN EXHIBIT "C", WHICH EXHIBITS ARE ALL ATTACHED HERETO; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR FINDINGS OF FACT; PROVIDING AN EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.**

**WHEREAS**, the Planning and Zoning Commission and the City Council of the City, in compliance with the 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 of the City is of the opinion and finds that said zoning amendments should be granted and that Zoning Ordinance No. 113 and City Zoning Map should be amended as set forth herein; and

**WHEREAS**, the development proposed by the zoning applicant complies with the current City Ordinances except as modified by the Planned Development Standards contained in this Ordinance and Ordinance No. 113; and

**WHEREAS**, any protest made against the proposed Zoning amendment has been duly considered by the City Council; and

**WHEREAS**, Sec. 32.03.015 of the City 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 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**, one of the purposes of Planned Development District zoning is to provide for rural amenities or features that would be of special benefit to the property users or

community and increased recreation opportunities provided by this Development will further this objective within the City;

**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 all remaining terms, provisions and requirements of Ordinance No. 113 shall remain in full force and effect as to the Property described in Exhibit "A" except as same may be amended by this Ordinance. This Ordinance shall not be interpreted to amend previous Development Standards by implication, but shall only amend such previous Development Standards if such standards are expressly stated herein and in Exhibit "C", attached hereto. No development that is shown on the Concept Plan attached hereto as Exhibit "B1" and which has not been previously approved by Ordinance No. 113 or which is not expressly approved herein and referenced in Exhibit "C" with specific development standards related thereto is approved by this Ordinance. Approval of this Ordinance, or of any attached Concept Plan, does not constitute approval that the development may be constructed as shown. Such proposed development shall be required at site plan approval to demonstrate compliance with the development standards of this Ordinance, prior ordinances affecting the Property and city ordinances, to the extent not inconsistent with the express development standards described herein and in Exhibit "C", attached hereto.

**SECTION 3.** Concept Plan. That the Concept Plan (Exhibit "B1" though "B3") for this Planned Development District which is attached hereto and made a part hereof for all purposes is hereby approved subject to the terms and conditions set out herein and in Ordinance No. 113 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 until a final 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 as same may be modified by the applicable Development Standards.

**SECTION 4.** Development. That the Property shall be developed in compliance with this Ordinance, the Concept Plan, attached as Exhibit "B1" through "B3", and the terms and conditions of the City's Code of Ordinances, except as modified by Ordinance No. 113 and the Planned Development Standards attached hereto as Exhibit "C."

**SECTION 5.** Uses. Only those uses specifically described herein shall be authorized uses in accordance with the Concept Plan. Any other uses ordinarily allowed in a Retail District shall only be authorized up to 9000 square feet and only in lieu of the 9000 square feet of retail space as described in Exhibit "C", because of the less stringent set back requirements, the size of the facilities and the other favorable Development Standards afforded to this Project. The authority granted by Ordinance No. 113, as amended by this Ordinance, is therefore specific to

the Project, unless same is subsequently amended or modified by approval of the City Council or unless such changes are authorized by Exhibit "C" to this Ordinance.

**SECTION 6.** Amendments to Development Standards. As referenced in Section 5, all changes, relocations, reconfigurations or expansions of uses authorized for the Project require an amendment to this Ordinance, to the Concept Plan and to the Development Standards. However, any changes in the Development Standards, not associated with a change in use, relocation, reconfiguration or expansion of a use, and that are approved by City Council in a 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.** Expiration. In the event that construction of the Project is not commenced and diligently pursued to completion prior to December 31, 2019, the Project authorized by this Ordinance shall terminate and the zoning for the Property shall become Retail District zoning. In such event, the Concept Plan and any other approvals associated with the Project shall terminate and be of no further force or effect.

**SECTION 8.** 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 9.** Effective Date. That this Ordinance shall take effect immediately from and after its passage.

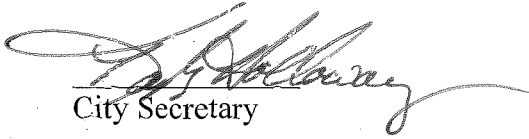
**SECTION 10.** Notice and Meeting Clause. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**PASSED AND APPROVED** by the City Council of the City of Bee Cave, Texas, on the 22<sup>nd</sup> day of July, 2014.

**CITY OF BEE CAVE, TEXAS**

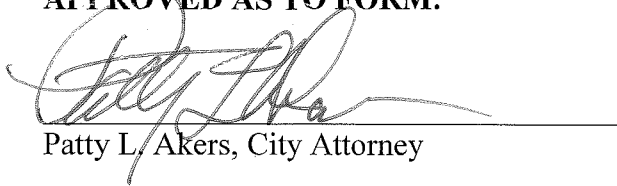
  
Caroline Murphy, Mayor

**ATTEST:**

  
City Secretary

[SEAL]

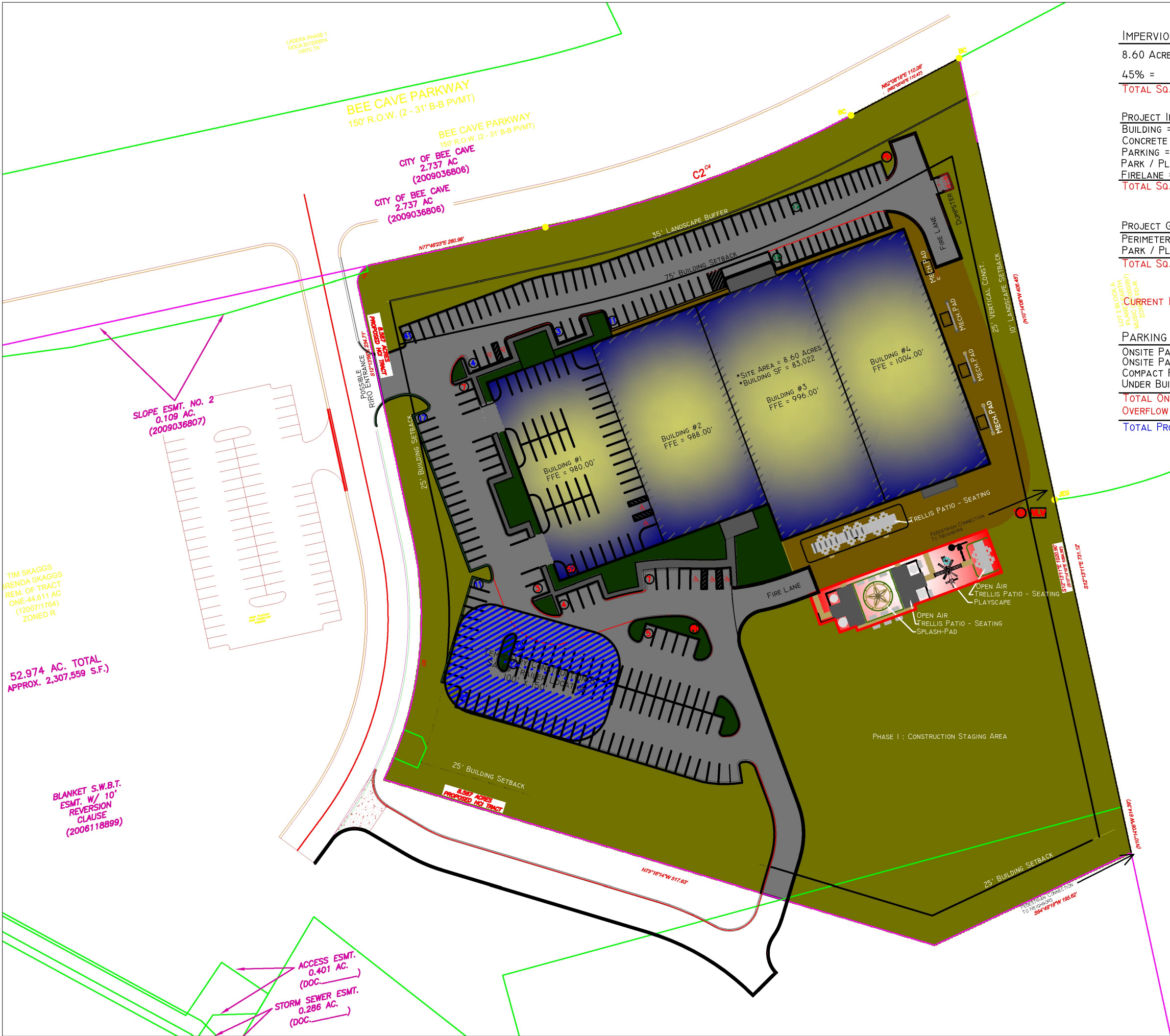
**APPROVED AS TO FORM:**

  
Patty L. Akers, City Attorney

## **Ordinance 14-201**

### **Exhibit A: Property Description**

Final Plat of Lot 1, Block A, HCI Subdivision, City of Bee Cave, Travis County, Texas, as recorded in document number 201300022 of the official public records of Travis County, Texas.



IMPERVIOUS CALCULATIONS TABLE

8.60 ACRES =	374,780 Sq.Ft.
45% =	168,651 Sq.Ft.
TOTAL Sq.Ft. =	168,651 Sq.Ft.

PROJECT IMPERVIOUS NUMBERS

BUILDING =	83,022 Sq.Ft.
CONCRETE WALKWAYS =	3,484 Sq.Ft.
PARKING =	75,027 Sq.Ft.
PARK / PLAYScape AREA CONCRETE =	865 Sq.Ft.
FIRELANE =	6,115 Sq.Ft.
TOTAL Sq.Ft. =	168,513 Sq.Ft.

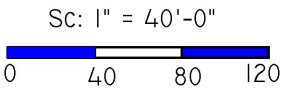
PROJECT GRANITE GRAVEL NUMBERS

PERIMETER WALKS =	22,767 Sq.Ft.
PARK / PLAYScape AREA =	7,097 Sq.Ft.
TOTAL Sq.Ft. =	29,864 Sq.Ft.

CURRENT IC PERCENTAGE = 45%

PARKING CALCULATIONS TABLE

ONSITE PARKING 10' =	26
ONSITE PARKING 9' =	159
COMPACT PARKING 8' @10% TOTAL =	27
UNDER BUILDING PARKING 9' =	52
TOTAL ONSITE PARKING =	264
OVERFLOW PARKING =	75
TOTAL PROJECT PARKING =	339



REVISION DATE

DATE: 4/1/14

DATE: 4/12/14

DATE: 5/8/14

DATE: 6/26/14

DATE: 6/30/14

DATE: 7/3/14

DATE: 7/14/14

DATE: 7/17/14

DRAWN BY: J C M L

HILL COUNTRY INDOOR  
SPORTS AND RECREATION  
BEE CAVE, TEXAS

SHEET TITLE: COLOR SITE LAYOUT / SCALE: 1" = 40'

LANGLE DESIGN  
CONSTRUCTION MGMT.  
OFF. (512) 413-2714  
OFF. (512) 785-8464  
P.O. BOX 286  
SPICEWOOD, TX 78669

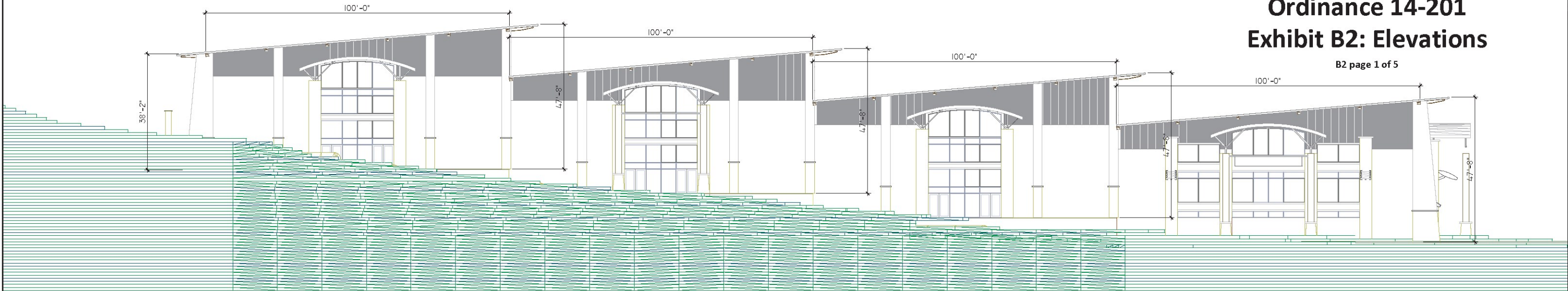
SHEET No.

CONCEPT 2  
COLOR SITE

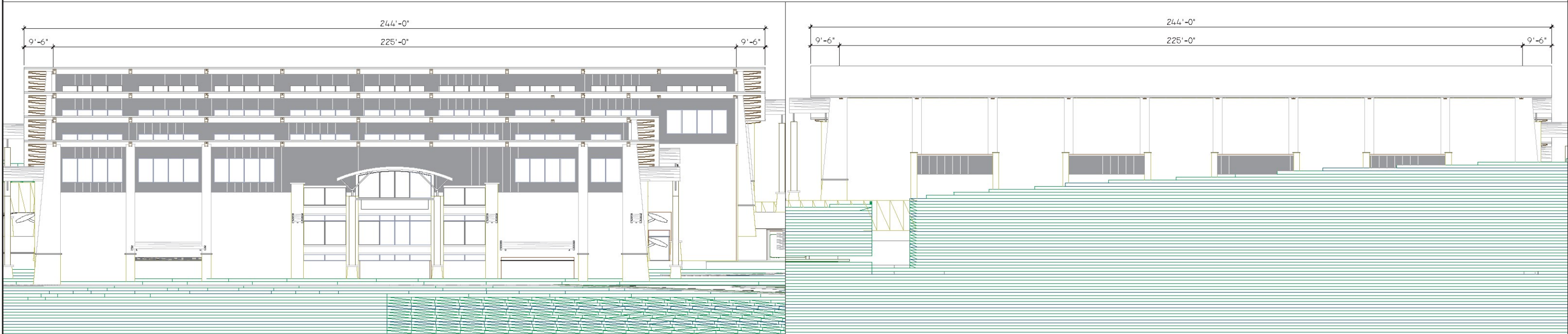
Ordinance 14-201  
Exhibit B2: Elevations

B2 page 1 of 5

REVISION DATE
DATE: 5/1/13
DATE: 5/14/13
DATE: 5/17/13
DATE: 7/6/13
DATE: 11/1/13
DATE: 2/1/14
DATE: 2/5/14
DATE: 2/17/14
DATE: 3/2/14
DATE: 4/1/14
DATE: 7/22/14
DRAWN BY: J C M L

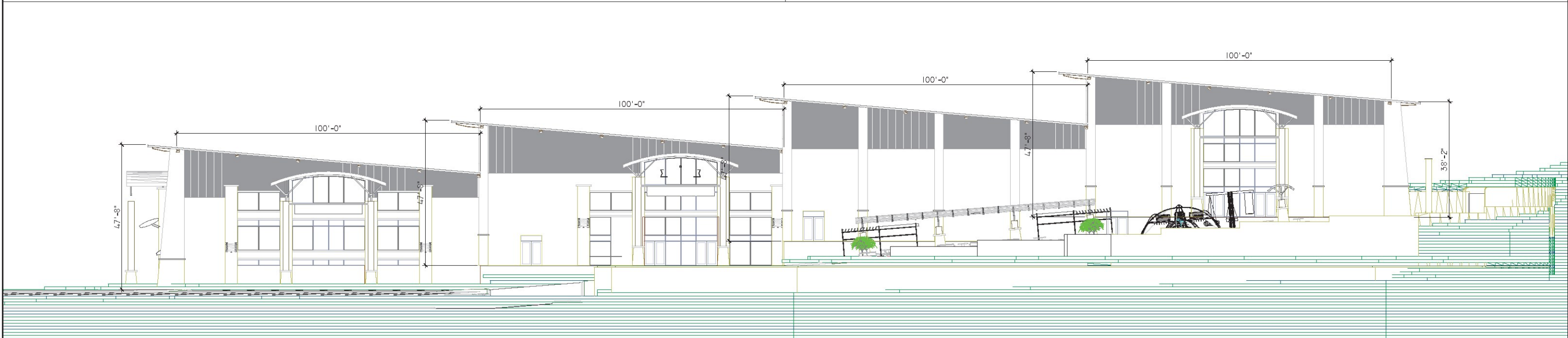


NORTH ELEVATION



WEST ELEVATION

EAST ELEVATION



SOUTH ELEVATION

HILL COUNTRY INDOOR  
SPORTS AND RECREATION  
BEE CAVE, TEXAS

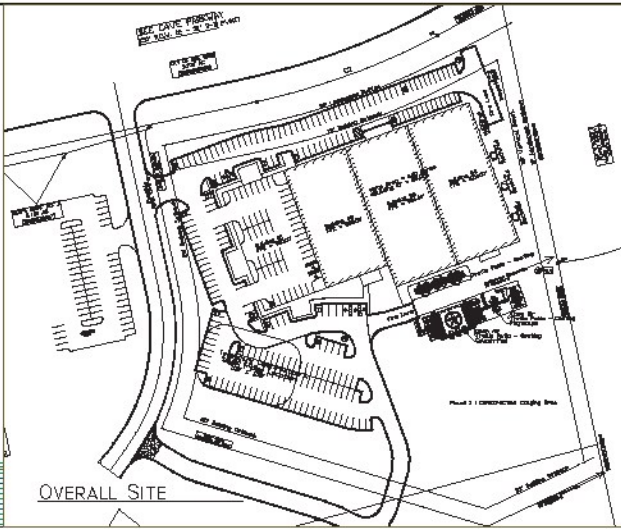
LANGLE DESIGN  
CONSTRUCTION MGMT.  
OFF. (512) 413-2714  
OFF. (512) 785-8464  
P.O. BOX 286  
SPICEWOOD, TX 78669

SHEET No.

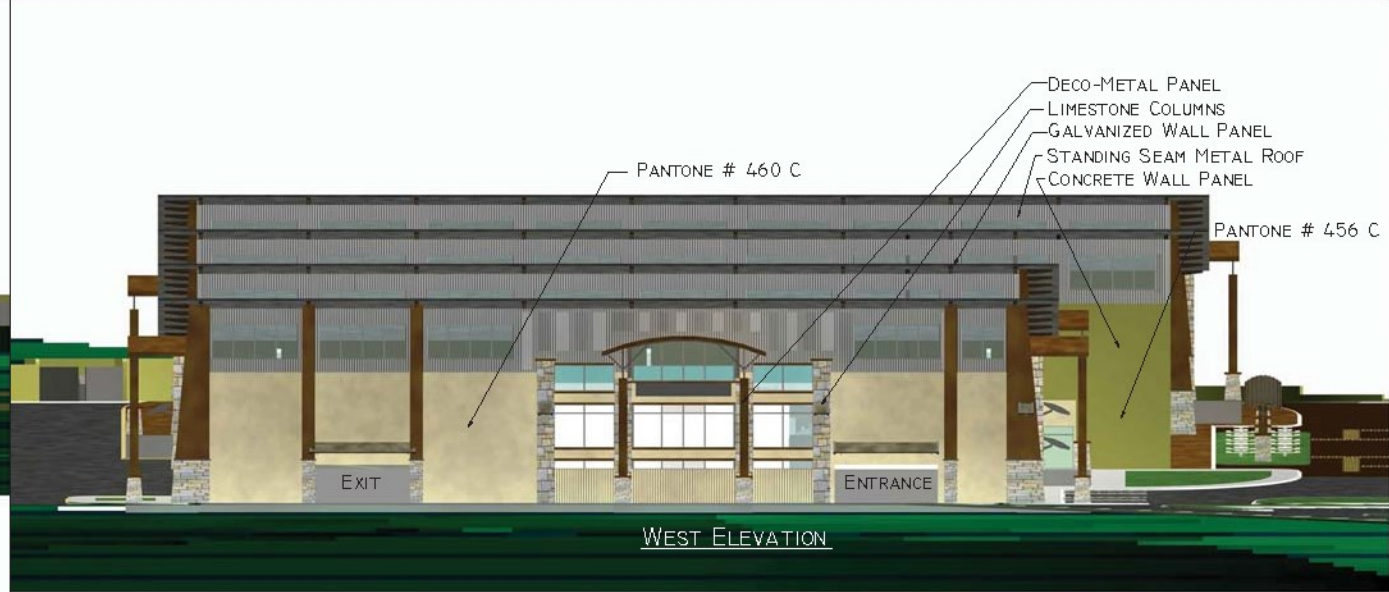
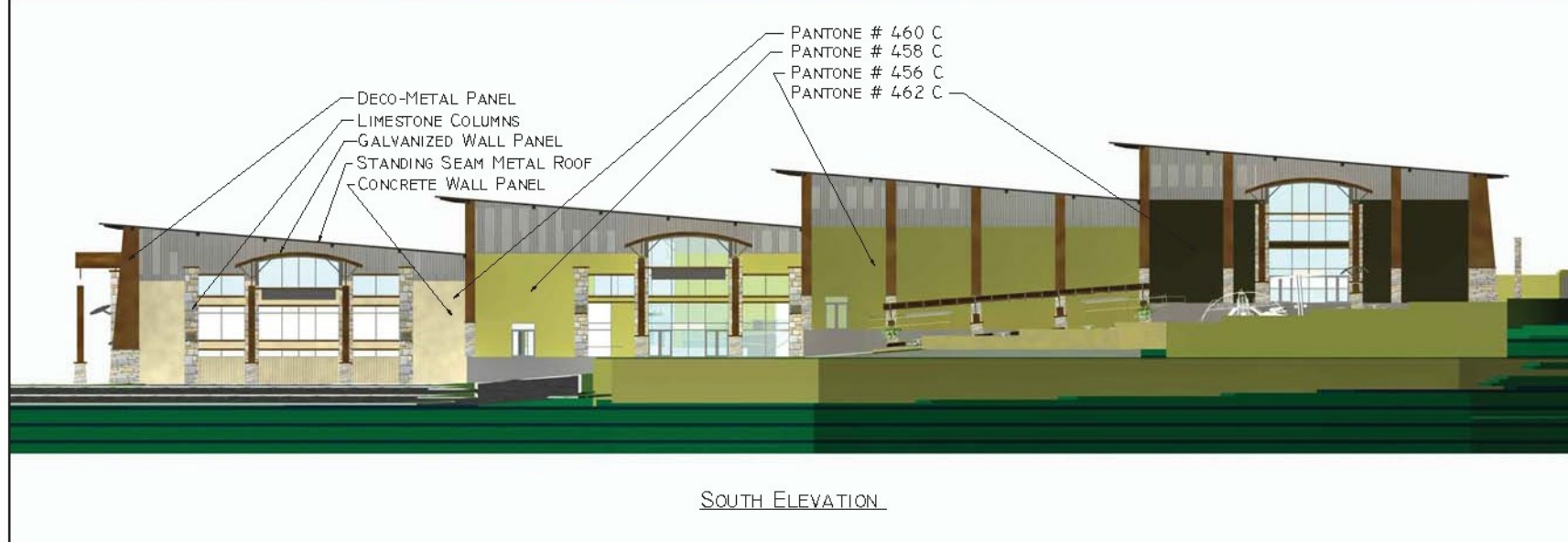
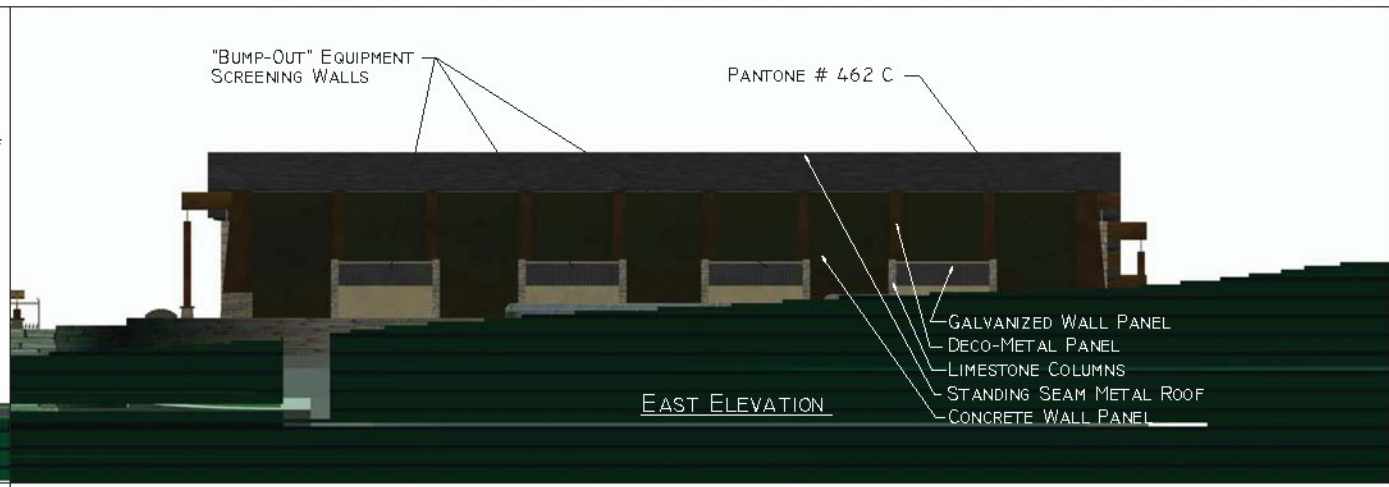
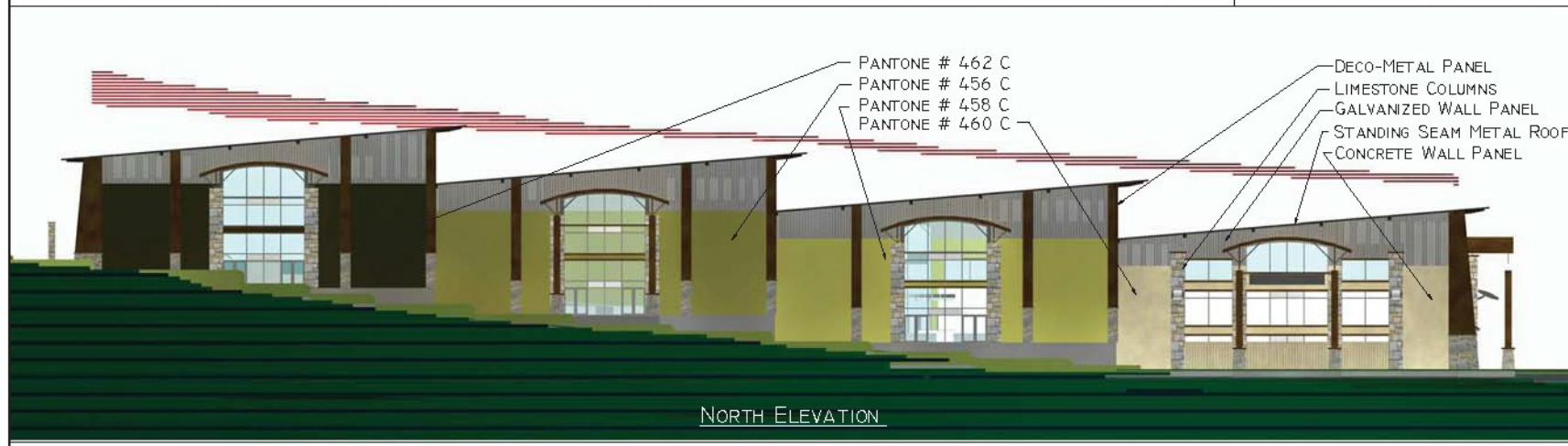
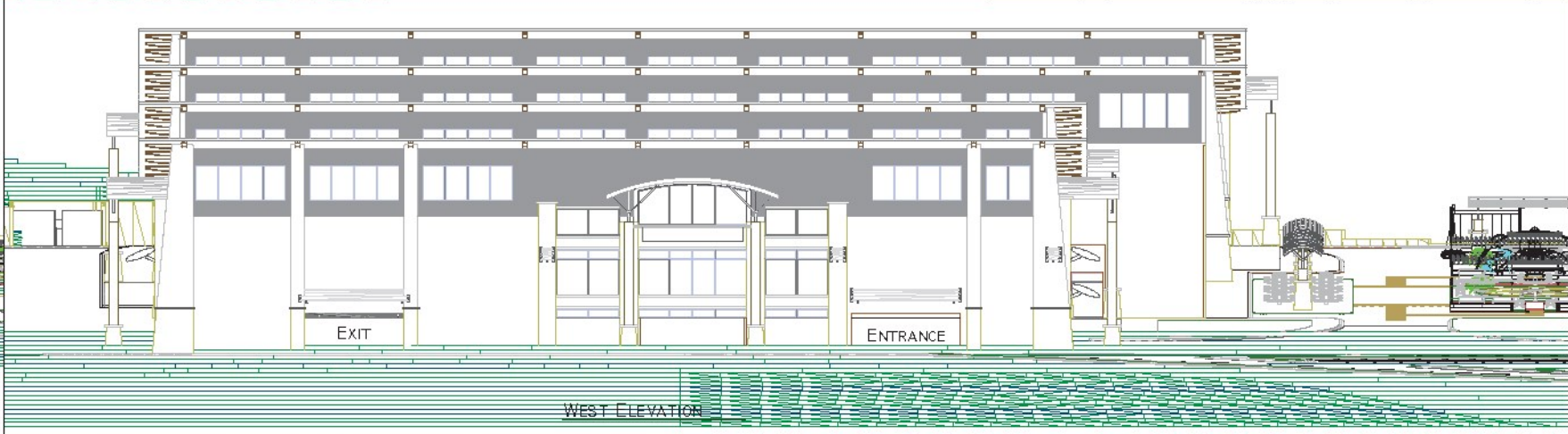
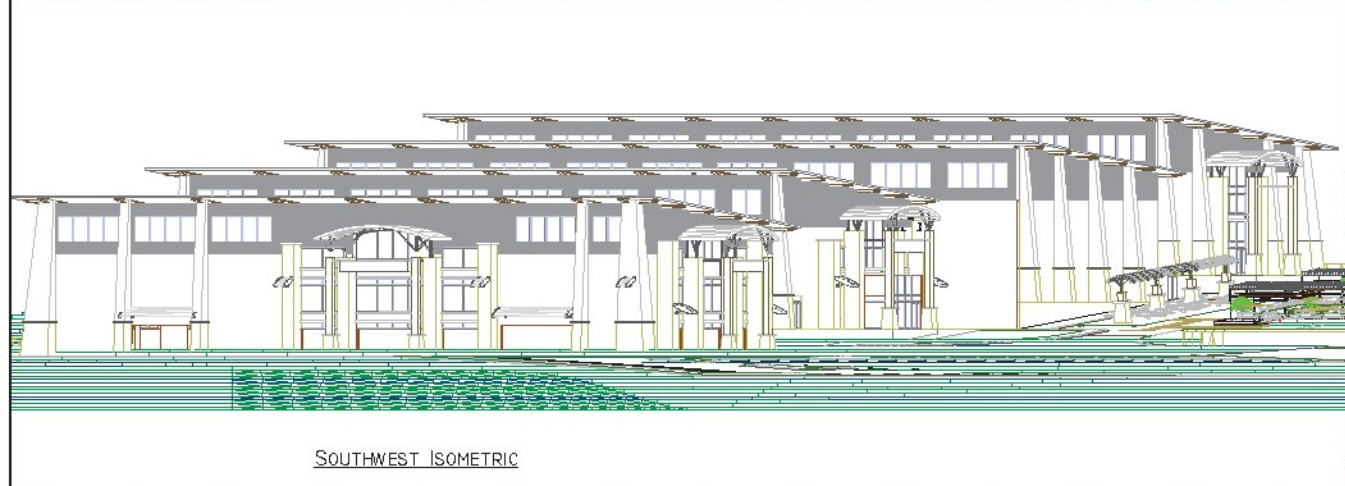
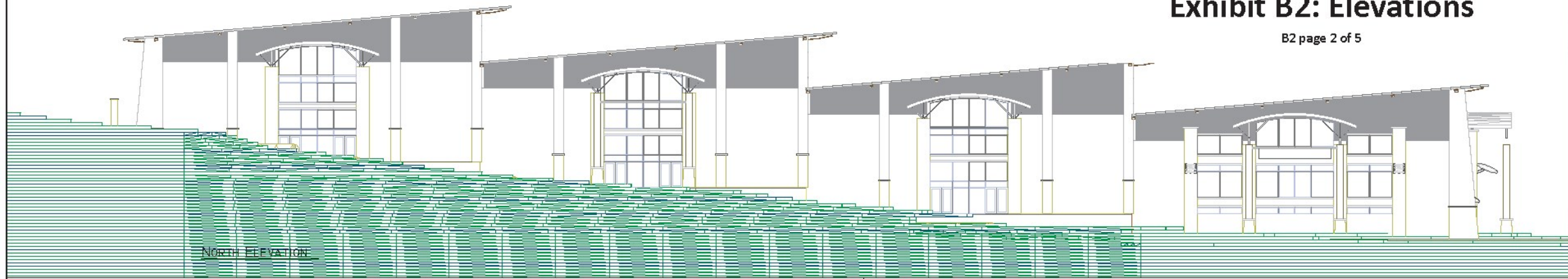
ELEVATIONS

Ordinance 14-201  
Exhibit B2: Elevations

B2 page 2 of 5



REVISION DATE	
DATE:	5/1/13
DATE:	5/14/13
DATE:	5/17/13
DATE:	7/16/13
DATE:	11/1/13
DATE:	2/1/14
DATE:	2/15/14
DATE:	2/17/14
DATE:	3/2/14
DATE:	4/1/14
DATE:	7/22/14
DRAWN BY: J. C. M.L.	

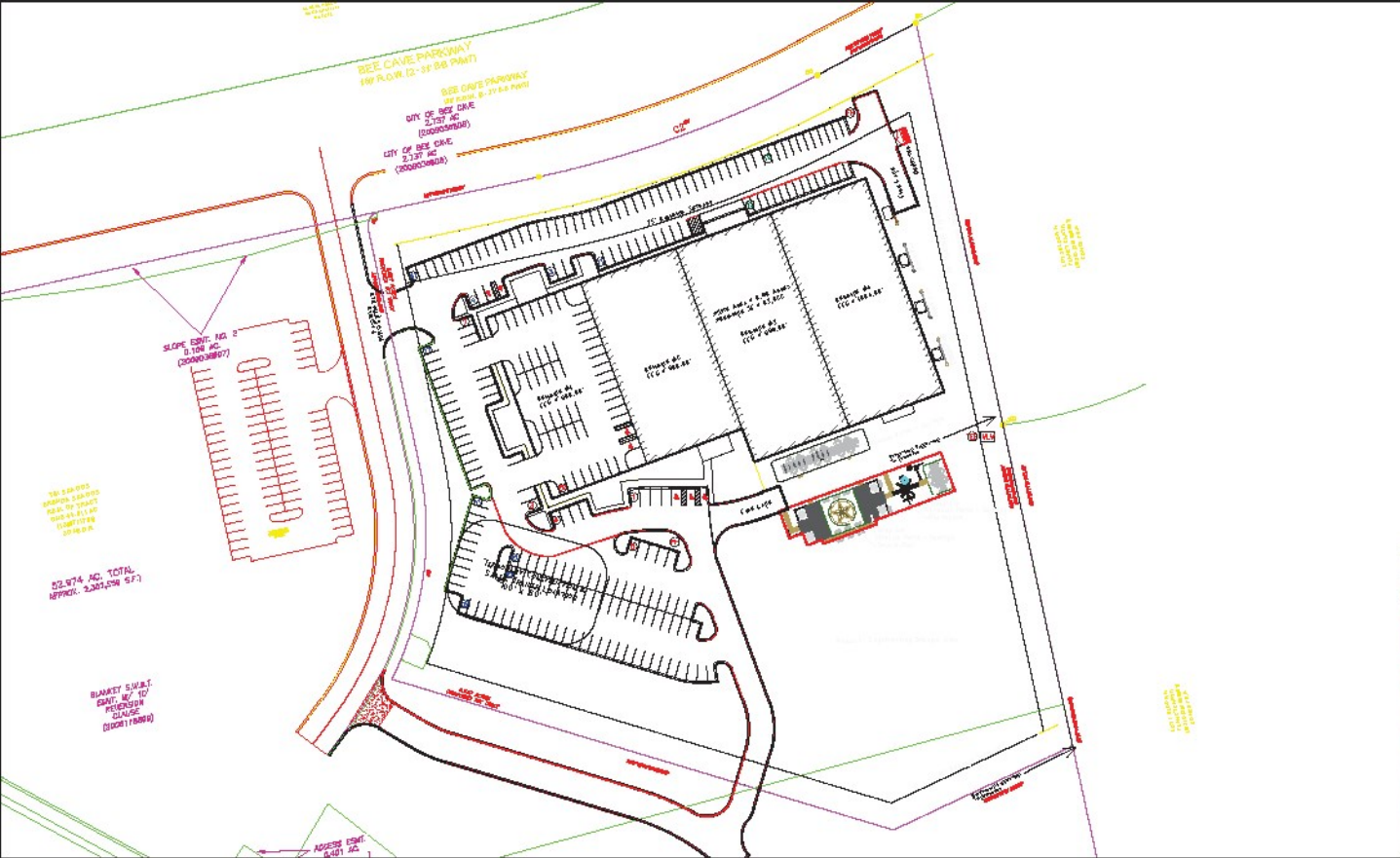


HILL COUNTRY INDOOR  
SPORTS AND RECREATION  
BEE CAVE, TEXAS

SHEET TITLE: ISOMETRIC - ELEVATION LAYOUTS / SCALE: NTS

LANGLE DESIGN  
CONSTRUCTION MGMT.  
OFF (512) 413-2714  
OFF (512) 785-8464  
P.O. Box 296  
SPICEDWOOD, TX 78669

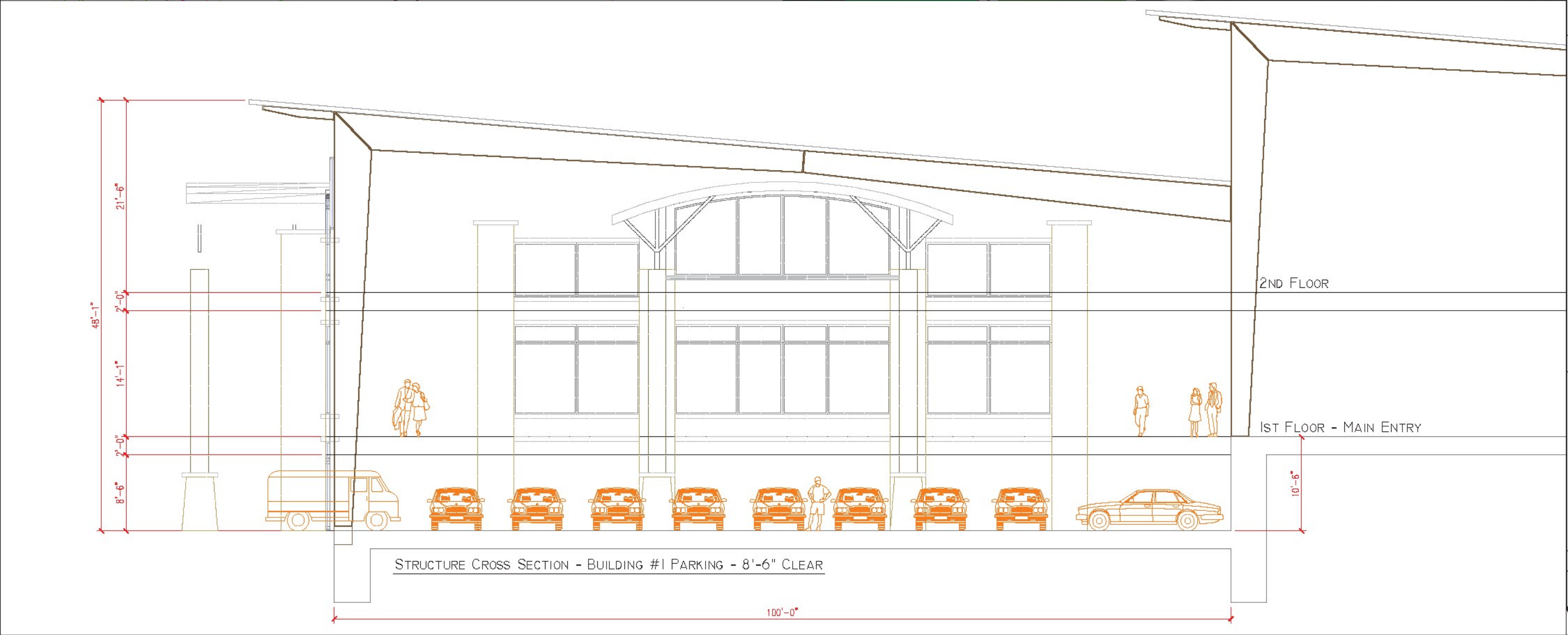
SHEET No.  
ISOMETRIC  
LAYOUTS  
ELEVATIONS



Ordinance 14-201  
Exhibit B2: Elevations

B2 page 3 of 5

REVISION DATE	
DATE:	4/1/14
DATE:	4/12/14
DATE:	5/8/14
DATE:	6/26/14
DATE:	6/30/14
DATE:	7/3/14
DATE:	7/14/14
DATE:	7/16/14
DRAWN BY: J C M L	



HILL COUNTRY INDOOR  
SPORTS AND RECREATION  
BEE CAVE, TEXAS

SHEET TITLE: PROFILE SECTION BUILDING #1 / SCALE: NTS

LANGLE DESIGN  
CONSTRUCTION MGMT.  
OFF. (512) 413-2714  
OFF. (512) 785-8464  
P.O. Box 286  
SPICEWOOD, TX 78669

SHEET NO.

PROFILE  
SECTION

Ordinance 14-201 Exhibit B2: Elevations

B2 page 4 of 5

PANTONE # 462 C  
PANTONE # 456 C  
PANTONE # 458 C  
PANTONE # 460 C

DECO-METAL PANEL  
LIMESTONE COLUMNS  
GALVANIZED WALL PANEL  
STANDING SEAM METAL ROOF  
CONCRETE WALL PANEL

NORTH ELEVATION

NORTHWEST ELEVATION

DECO-METAL PANEL  
LIMESTONE COLUMNS  
GALVANIZED WALL PANEL  
STANDING SEAM METAL ROOF  
CONCRETE WALL PANEL

SOUTHWEST ELEVATION

WEST ELEVATION

STANDING SEAM ROOF

ALUMINUM DOORS / WINDOWS

GALVANIZED STEEL

24 GA. STANDING SEAM METAL  
DECO WALL PANELS

24 GA. STANDING SEAM METAL  
DECO WALL PANELS

LIMESTONE WALLS

3 COURSE STUCCO

RETAINING WALLS

REVISION DATE
DATE: 5/1/13
DATE: 5/14/13
DATE: 5/17/13
DATE: 7/6/13
DATE: 11/1/13
DATE: 2/1/14
DATE: 2/5/14
DATE: 2/17/14
DATE: 3/2/14
DATE: 4/1/14
DATE: 7/20/14
DRAWN BY: J C M L

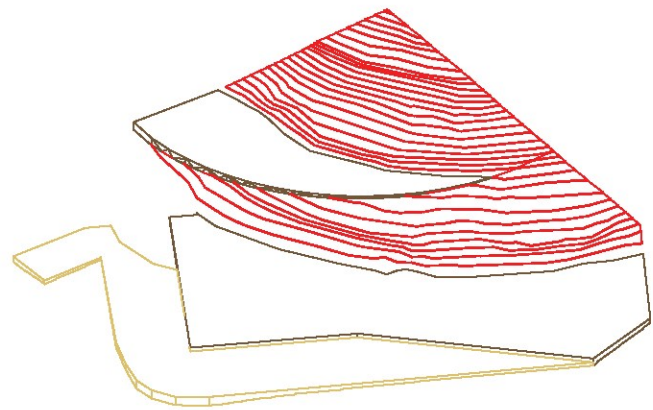
HILL COUNTRY INDOOR  
SPORTS AND RECREATION  
BEE CAVE, TEXAS

SHEET TITLE: ISOMETRIC - ELEVATION LAYOUTS / SCALE: NTS

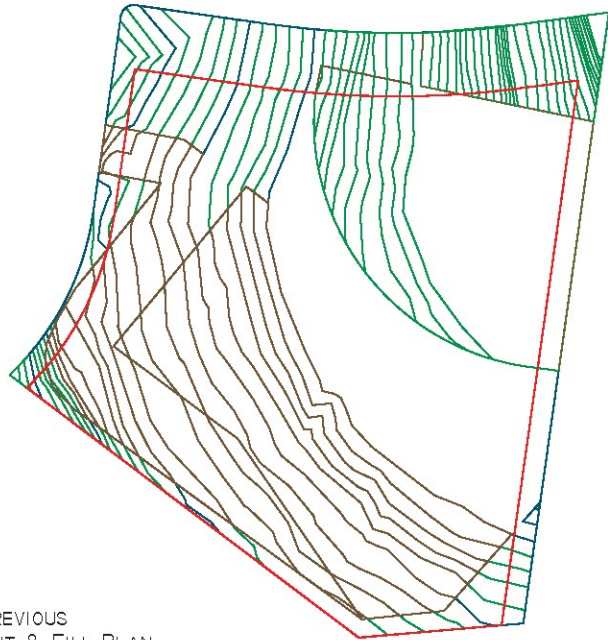
LANGLE DESIGN  
CONSTRUCTION MGMT.  
OFF. (512) 413-2714  
OFF. (512) 785-9464  
P.O. Box 286  
SPICEWOOD, TX 78669

SHEET No.  
ISOMETRIC  
LAYOUTS  
ELEVATIONS

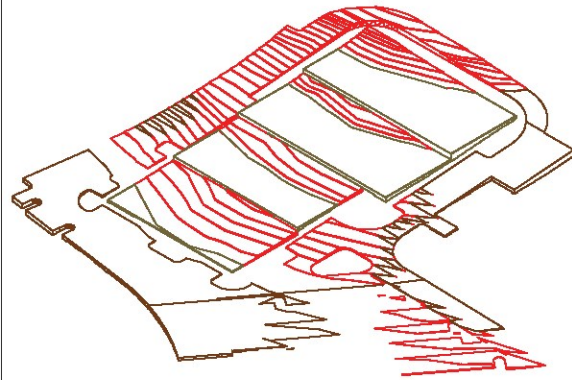




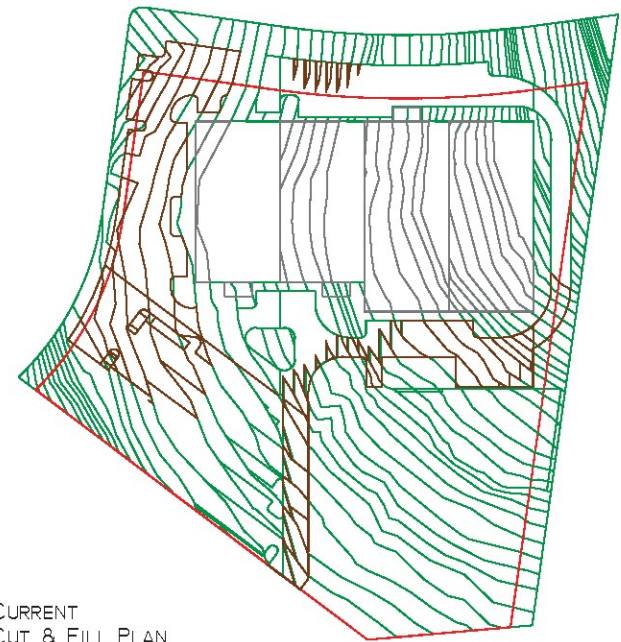
PREVIOUS  
CUT & FILL ISOMETRIC



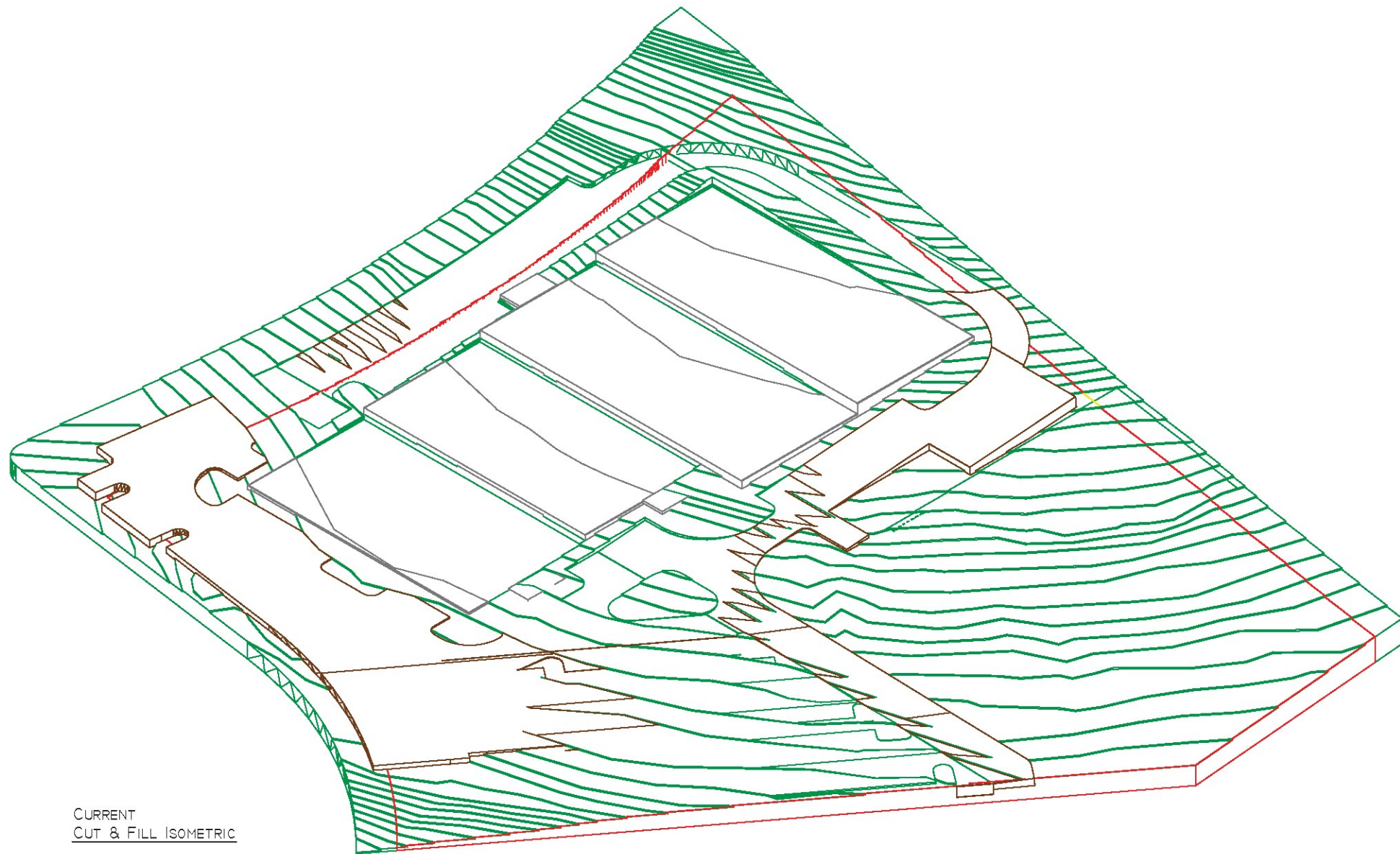
PREVIOUS  
CUT & FILL PLAN



CURRENT  
CUT & FILL ISOMETRIC



CURRENT  
CUT & FILL PLAN



CURRENT  
CUT & FILL ISOMETRIC

### CALCULATIONS - CUBIC YARDS

#### PREVIOUS SITE LAYOUT

PREVIOUS BUILDING PAD CUT	9,058 C.Y.
PREVIOUS BASEBALL FIELD CUT	15,295 C.Y.
PREVIOUS PARKING LOT CUT	5,092 C.Y.
PREVIOUS TOTAL CUT	29,445 C.Y.
PREVIOUS BUILDING PAD FILL	13,506 C.Y.
PREVIOUS BASEBALL FIELD FILL	3,687 C.Y.
PREVIOUS PARKING LOT FILL	8,672 C.Y.
PREVIOUS TOTAL FILL	25,865 C.Y.

#### CURRENT SITE LAYOUT

CURRENT BUILDING PAD CUT	4,507 C.Y.
CURRENT PARKING LOT CUT	2,400 C.Y.
CURRENT TOTAL CUT	6,907 C.Y.
CURRENT BUILDING PAD FILL	8,760 C.Y.
CURRENT PARKING LOT FILL	4,824 C.Y.
CURRENT TOTAL FILL	13,584 C.Y.

#### COMPARISON OF SITE LAYOUTS

PREVIOUS TOTAL CUT	29,445 C.Y.
CURRENT TOTAL CUT	6,907 C.Y.
DIFFERENCE TOTAL CUT	22,538 C.Y.
PREVIOUS TOTAL FILL	25,865 C.Y.
CURRENT TOTAL FILL	13,584 C.Y.
DIFFERENCE TOTAL FILL	12,281 C.Y.

**Ordinance 14-201**  
**Exhibit B3: Cut & Fill Diagram**

REVISION DATE

DATE: 5/1/13

DATE: 5/16/13

DATE: 5/17/13

DATE: 7/5/13

DATE: 11/1/13

DATE: 2/1/14

DATE: 2/5/14

DATE: 4/1/14

DATE: 7/18/14

DRAWN BY: J. C. M. L.

HILL COUNTRY INDOOR  
SPORTS AND RECREATION  
BEE CAVES, TEXAS

SHEET TITLE: CUT / FILL COMPARISON / SCALE: NTS

LANGLE DESIGN  
CONSTRUCTION MGMT.  
OFF. (512) 413-2716  
OFF. (512) 785-8464  
P.O. BOX 286  
SPICEWOOD, TX 78669

SHEET NO.

CUT / FILL  
COMP.

## **Ordinance 14-201 Exhibit C**

### **PLANNED DEVELOPMENT STANDARDS- HCI**

The following amended Planned Development Standards together with the Development Standards contained in Ordinance No. 113, to the extent not inconsistent herewith, shall be applicable within this Planned Development District. To the extent that any of the following standards conflict with other City Ordinances, the following shall control. All development activity undertaken on the Property, including but not limited to the indoor sports venue and other authorized activities (as described below) (the "Project"), shall comply with the development standards for Retail Zoning District (R) for the Property in effect as of May 22, 2012, and with all other City zoning, subdivision and construction codes and requirements, except as modified by this Ordinance. Capitalized terms shall be defined as indicated in these Planned Development Standards, as reflected on the Concept Plan or as defined in the City of Bee Cave Code of Ordinances ("Code"), depending upon context.

#### **1. General Project Design Requirements**

The Property is an approximate 8.6 acres generally located north of Highway 71 and west of Highway 620 and south of Bee Cave Parkway. The Project shall consist of, among other things, an indoor sports facility 50 feet in height and consisting of a building footprint of 85,000 square feet. Indoor sports and activities are authorized to include soccer/lacrosse fields, basketball courts, volleyball courts or similar indoor sports activities, a concession area and kitchen, retail and office space, fitness area and facilities, and dressing room facilities for use by adult and youth leagues, practices and tournaments. Retail space shall not exceed 9000 square feet. Some parking will be provided on site, but overflow parking is intended to be provided by adjoining property which adjoining property may also provide additional impervious cover, water quality and storm water detention and tree mitigation. The Project is depicted in Exhibit "B1" through "B3" to this zoning ordinance amendment.

#### **2. Building Height**

- (a) The building height shall be allowed a maximum height of fifty feet (50') from finished grade. Finished grade authorized for the Property shall be approved at Site Plan approval but shall be consistent with the cut and fill plan depicted in Exhibit "B3".
- (b) All other buildings or structures shall have a maximum height limited to one story and twenty-five feet (25') in height.

#### **3. Building Area and Architectural Standards**

- (a) The Indoor Sports Facility may occupy a building footprint of eighty five thousand square feet. The term "Building Footprint shall mean the gross area in square feet of the ground floor of a building measured from outside wall to outside wall. The Project is depicted in Exhibit "B1" Concept Plan, "B2" Building Elevations, and "B3" Cut and Fill Plan, attached to the Ordinance.

(b) Outdoor structures and amenities as depicted in the Concept Plan are hereby approved and shall comply with all terms and conditions contained in this Ordinance such as impervious cover, building setbacks, or height unless an amendment to the Development Standards is obtained or unless such structures or amenities can be approved as a Minor Amendment.

(c) The elevations for the Building Facades are hereby approved as part of the approval of the Concept Plan which is attached as Exhibit "B2". Extended and continuous glass windows are authorized as depicted in Exhibit "B2".

(d) Except for the elevation for the Building Facades and other structures depicted in Exhibit "B2" attached hereto, elevations for Building Facades of all other buildings and structures shall be considered for approval at the time that the Site Plan is considered for approval. The design for any outdoor structures shall conform to the Elevations as approved in Exhibit "B2" or to the City's Exterior Building Design Standards within the Bee Cave Code of Ordinances, unless the City Council, in its sole discretion, approves an alternate design in conjunction with approval of the Site Plan. The City Council has authority to approve a building design which deviates from the City's Exterior Building Design Standards if the City Council determines that an alternate design adequately meets the intent of the City's Exterior Building Design Standards as well as the intent of the Project.

#### **4. Parking Areas and Traffic Flow Associated with the Project**

(a) The Project shall provide a minimum of 263 on-site parking spaces and 75 off-site parking spaces for overflow parking on adjacent property as depicted in the Concept Plan. Parking within the Project shall be allowed only in designated and marked parking spaces as depicted in the Concept Plan. Parking spaces shall be based on a standard parking size of nine feet (9') wide by eighteen feet (18') long. However, up to 10% of the on-site parking spaces may be provided by compact parking consisting of spaces that are eight feet (8') wide by eighteen feet (18') long. The size of the proposed facilities and the nature of the proposed use together with a presumed participant limit of 198 participants of the facilities within the Project create the need for a minimum of 263 on-site parking spaces. For this reason Developer must ensure that the Project and facilities are managed and operated so that the presumed participation of 198 participants is not exceeded except in unusual circumstances when minor increases in Project participation can be accommodated by the overflow parking area. Management of the Project shall include closely coordinated scheduling so that practices, games, tournaments and other events or activities conducted within the Project are scheduled at overlapping intervals allowing such events and activities to start and end at different times. City shall have the authority to reduce the participant limit below 198, require additional on-site or off-site parking or take other appropriate action if the parking provided herein proves to be routinely insufficient to accommodate the parking needs of the Project. If parking is added or required beyond what is required herein for on-site and/or overflow parking, Developer may acquire rights to additional impervious cover that would allow for increased parking to be constructed within the Project boundaries, or acquire additional property by long-term lease or easement, or through a shared parking agreement with an adjoining owner(s), or through ownership of additional land. All additional off-site parking shall be located on property that is immediately adjacent to the Project property. For purposes of this section immediately adjacent shall mean land that is connected to the Project property lines and located south of Bee Cave Parkway. In addition, Developer may

provide off-site parking via busing or shuttle service to and from the Project, provided that the parking provided for the vehicles of such patrons shall be located at least 1 mile from the Project so that pedestrians are not encouraged to walk along Bee Cave Parkway to access the Project. Parking on Bee Cave Parkway is prohibited.

In conjunction with Site Plan approval, developer shall provide a copy of an easement evidencing Developer's right to utilize adjacent property for overflow parking providing for maintenance of such areas, and evidencing property owner's acknowledgment that impervious cover created by the overflow parking shall be counted against the amount of impervious cover available for future development on the owner's property.

(b) Parking spaces for the overflow parking need not be paved nor permanently identified or marked, until the expiration of five (5) years or the development of the adjoining property whichever event occurs first, and until paved shall not be required to be delineated except for estimated overall parking capacity calculations, based on the parking space sizes described above. As temporary overflow parking, mulch may be used as the parking surface. Vehicle stopping devices and curbing or other improvements, shall likewise not be required until the area is paved.

(c) Only one Loading Dock for the Project is required as depicted in the Concept Plan and shall be screened as provided in the City's Code of Ordinances.

(d) In the event that the Developer wishes to add, or is required to add, parking beyond the 263 on-site spaces, additional parking or solutions shall be considered for approval in conjunction with an amended Site Plan application.

(e) The configuration and actual location of the onsite parking may be changed from that depicted on the Concept Plan if approved at Site Plan. In particular, Developer is requested and encouraged to locate parking so that as many trees as possible can be saved.

(f) The driveway entrance off of Skaggs Drive and just south of Bee Cave Parkway shall be right in and right out only.

(g) The City may require internal way finding signage as part of Site Plan approval to assist with on site traffic flow.

(h) Developer shall be required to construct and maintain a pedestrian cross walk from the overflow parking area across Skaggs Drive to the Property together with appropriate signage prior to the issuance of a CO. A side walk or other path shall be constructed to provide access to the onsite parking areas from the crosswalk.

## **5. Lighting Standards**

(a) Section 32.05.012 of the City Code of Ordinances shall apply to this Project. If an outdoor sports field is authorized in a future amendment to this Ordinance, lighting for the sports field shall be required to comply with the City's lighting requirements and shall be shielded as

required in the City's Code of Ordinances. Field lighting shall not occur between the hours of 8:30pm and sunrise Monday through Sunday. Provided however, that Monday through Saturday game play that is underway may continue to use field lights until 9:30 pm or the completion of the game, whichever event occurs first.

(b) Any lighting provided in the overflow parking areas shall be shielded, shall not be turned on except for events that occur requiring overflow parking and shall not exceed the total foot candle or lumen requirements contained in the City Code of Ordinances calculated as an average across the Project site as a whole; it being understood that the parking lot lighting of the overflow parking area may be provided through the use of temporary lighting that may produce "hot spots" that exceed the Code of Ordinance requirements for small portions of the parking areas, but the lighting of the parking areas as averaged across the Project site shall comply with the City's Code of Ordinances.

(c) All other outdoor lighting must comply with the City's Code of Ordinances. Provided however, that the City Council has the authority pursuant to Site Plan approval upon the request of the Developer to approve a lighting plan which deviates from the City's Code of Ordinances or from this Ordinance, if the City Council determines that an alternate design adequately meets the intent of the City's Ordinances.

## **6. Noise Standards**

(a) Amplified sound outside of the Indoor Sports building shall be allowed via a two (2) loud speakers located on the southern elevation of the building so long as the broadcasts do not exceed 65 decibels and the broadcasts are limited to no more than a couple of announcements per hour. Exact placement and screening of the loud speakers shall be approved by City staff. Loud speakers shall not be operated except between the hours of 7:00 am and 9:00 pm.

(b) Noise generated from activities within the Project shall not exceed eighty five (85) decibels at the Property line of the Project and any noise generated shall comply with the City's noise ordinances as it may be amended from time to time.

## **7. Water Quality and Detention Ponds**

(a) The location of water quality and detention ponds for the Project have been constructed and are located on adjoining property as depicted on the Concept Plan. Prior to the issuance of a Site Plan, Developer shall provide a copy of an easement evidencing Developer's right to utilize adjacent property for water quality and detention purposes and providing for maintenance of such areas.

## **8. Impervious Cover and Non-Point Source Pollution Control Standards for Water Quality Controls**

(a) Impervious Cover. The Project shall be authorized up to 40% impervious cover. Any impervious cover that is proposed for the Project in excess of 40 % may be authorized as follows:

1) Up to 5% credit for construction and use of a rainwater collection system.

2) Transfer of available impervious cover from adjoining property at a credit of one to one. Developer will provide City proof of the transfer or conveyance from adjoining property of the amount of impervious cover necessary to maintain the overall impervious cover of the Project at 40%/45% which document will be suitable for recording in the Real Property records of Travis County. Impervious cover may only be transferred from adjoining property that is otherwise developable according to City ordinances. In addition, the documentation evidencing the transfer or conveyance of impervious cover from adjoining property shall be approved by the City prior to recording same in real estate records of Travis County and shall acknowledge the amount of impervious cover available for use on the property from which it is being conveyed.

(b) Credit for Impervious Cover and Maintenance Agreements. Pedestrian areas of the Project which are constructed and maintained with grass or other vegetative materials, shall receive 100% credit from the impervious cover calculations for the Property. Pedestrian walkways that are constructed with crushed granite or similar materials will receive 100% credit against impervious cover.

Non-pedestrian areas shall not be constructed with crushed granite, or with permeable pavers, or other types of semi-permeable materials and will not receive any impervious cover credit. However, developer is authorized to apply for approval in conjunction with Site Plan approval to use permeable pavers, or other types of semi-permeable material in non-pedestrian areas and to receive credit for impervious cover if approved by City Council. In the event that semi-permeable materials are authorized for use in conjunction with Site Plan approval, a separate Maintenance Agreement which includes water quality monitoring, maintenance and repair shall be required to guarantee that all semi-permeable areas continue to perform in a manner justifying the credit for impervious cover and guaranteeing that the 95% water quality removal standards are achieved. Approval of the Maintenance Agreement shall occur when the Site Plan for the Project is approved. The impervious cover created by construction of the Bee Cave Parkway Extension shall not count as impervious cover against the Project.

(c) Off-site Impervious Cover. The impervious cover created by construction of the water detention and water quality ponds, over-flow parking areas, and the roadways and driveways that will be constructed adjacent to the Project site as depicted on the Concept Plan and which will provide access to the Project, shall count as impervious cover against future development on the property in which they are constructed. Project Owner shall obtain from the landowner of the adjacent property prior to Site Plan approval, evidence suitable for recording in the real property records of Travis County that such impervious cover will be applied against the percentage of impervious cover available to the property for future development.

(d) Water Quality Standards. The Project water quality controls shall be constructed to achieve pollutant removals of 95% as required by the City's Code of Ordinances. The Project shall be authorized to utilize water quality facilities located on adjacent property as depicted on the Concept Plan. Prior to Site Plan approval, Developer shall provide a copy of an easement evidencing Developer's right to utilize adjacent property for water quality and water detention purposes and providing for maintenance of such facilities.

## **9. Permitted Uses in the District**

- (a) The following uses are permitted within this PDD:

Indoor sports facility as described in Section 1at the location depicted in the Concept Plan.

Retail sales not to exceed 9000 square feet.

Outdoor playscape at the location depicted in the Concept Plan.

Contractor's Temporary On-Site Construction Office (Only during Construction)

Temporary membership sales trailer/office not to exceed 480 square feet at the location depicted on the Concept Plan. The trailer/office shall be removed from the Property within 7 days from the date of issuance of a CO of the main building.

- (b) The uses and the location of uses associated with this Property are specific to this Project and this PDD Ordinance. Except as expressly approved by this PDD Ordinance no other uses or any expansion, relocation or changes of the uses authorized herein are approved, unless this PDD Ordinance is amended.

## **10. Landscaping**

- (a) The Project's Landscape Plan shall be considered for approval when the Project's Site Plan is submitted for approval. Such landscaping shall be used to accomplish the following: (i) substantially screen utilities, fencing, lighting structures and the portions of the Building that are not articulated in accordance with City's Code of Ordinances as depicted in the elevations approved in Exhibit "B2"; (ii) substantially screen the parking areas located within any building set back areas; (iii) substantially screen the outdoor sports field and associated structures from view from Bee Cave Parkway or adjoining property; (iv) screen storage areas and waste collection receptacles; and (v) substantially screen HVAC units as applicable.

- (b) Except as otherwise set out herein, the Project shall comply with the landscape requirements of the City's Code of Ordinance. Provided however, the Project shall not be required to pay the Beautification Fees or replant trees as provided in the Code of Ordinances if Developer receives authorization from the adjoining property owner, as evidenced by an easement or similar conveyance, that protects the same amount or greater of caliper inches of trees that would otherwise trigger payment of the Beautification Fee or would otherwise exceed the amount of trees that could be removed from the Project. The Landscape Plan and any proposed tree removal shall be considered for approval at Site Plan approval. The Landscape plan shall include additional landscaping requirements to shield parking areas from view from Bee Cave Parkway and Skaggs Drive and which exceed the requirements of the City's Landscape ordinance to compensate for the reduction in setback requirements.

(c) Juniper, cedar and hackberry trees shall not be considered as “protected trees” and shall not be considered as being included within the requirements of the landscape provisions of the City’s Code of Ordinances unless such trees are 12 caliper inches in size or greater.

## **11. Setbacks**

(a) The building setback for Bee Cave Parkway is seventy five feet (75’) feet. Provided however, that the parking area as depicted in the Concept Plan may be located within the 75 foot setback, but not closer than thirty five (35’) feet from Bee Cave Parkway. The building set back on the east side of the Property shall be twenty five (25’) feet. On the east side of the Property non pedestrian driveway areas are permitted in the setback as shown on the Concept Plan, but not closer than ten (10) feet to the Property line. Other setbacks for the Project shall be as shown on the Concept Plan. Only those structures and parking areas shown on the Concept Plan shall encroach into any building setback (except for an entrance driveway and utilities). Except as otherwise authorized herein, construction of vertical structures in any setback is not permitted. All permanent parking areas which are visible from Bee Cave Parkway and Skaggs Drive shall be screened by trees and landscaping or a combination of walls, fences, trees and landscaping to minimize vehicle lighting impacts to adjoining property. Screening shall be considered for approval in conjunction with the Site Plan application.

## **12. Signs**

(a) Any Signage that may be depicted on the Concept Plan is not authorized herein. Any signage within the Project must comply with the City’s Sign Ordinance as it may be amended from time to time. Such changes or amendments to signage shall not require an amendment to this Ordinance.

## **13. Additional Performance Standards**

(a) Trash dumpsters shall be screened from view in accordance with Section 32.05.002(f) (7) of the City Ordinances.

(b) Sidewalks and trails shall be used throughout the Project and shall connect to trails constructed or proposed on adjoining property. Such amenities shall add impervious cover to the Project as described in the City’s Code of Ordinances unless constructed with crushed granite. Such trails shall be constructed and maintained by Developer and be accessible to the public without charge. Location of the trail system for the Property shall be approved at Site Plan.

(c) A Traffic Impact Analysis is required for this Project at Site Plan approval.

(d) Cut and fill will be allowed within the Project as depicted in the Concept Plan, Exhibit “B3”.

(e) “Minor Modifications” of the Concept Plan and/or Site Plan for the Property may be approved administratively by the City Manager provided such modifications would not otherwise result in a violation of the City’s Code of Ordinances, a violation of specific Development Standards described in this Ordinance, cause an increase in the amount of impervious cover or an increase in Annual Pollutant Load, or cause additional encroachments into the setbacks established for the Property. “Minor Modifications” may be required more frequently during the Site Plan and permitting process for the Project. As a result, “Minor Modifications” are defined as:

1. Adjustments to the location or configuration of parking areas, sidewalks, trails, utilities, and landscape features, (including plants and trees) so long as the number of parking spaces is not reduced below 263 on-site and 75 off-site parking spaces.
2. Any other matters considered as a Minor Amendment by the City’s Code of Ordinances.
3. Placement or construction of structures such as bleachers, benches or outdoor field fixtures so long as such construction or placement does not create additional impervious cover or occur within a building setback.

(f) All open space and trails shall be privately maintained and not dedicated to the City but shall be open to the public at reasonable times.

(g) Indoor sports activities may be conducted from 5:00 am to 12:00 am Monday through Sunday.

(h) Curb cuts and median cuts within Bee Cave Parkway shall be authorized as depicted on the Concept Plan.

(i) The Project shall be maintained clean from litter. A litter management and control program for the project shall be subject to review and approval by the City Manager.

(j) Utilities serving the Project located along Bee Cave Parkway and within the Project shall be buried. Utilities and roadway access to the Project may be provided by offsite improvements and conveyed by separate instrument.

(k) Traffic control and event security may be required by the City.

(l) Any matters authorized for approval at Site Plan or considered a Minor Amendment and which are subsequently approved by the City as part of Site Plan approval or Plat approval, shall be authorized herein without the need for an amendment to the Concept Plan or this zoning ordinance. However, no changes in the use or any expansion, relocation or changes of the uses of the Property may be approved except through an amendment to this ordinance.

(m) Fencing for the Project shall be approved in advance by the City prior to construction. In the event that an outdoor sports field is permitted by future amendment to this Ordinance it may

utilize chain link fence for the field back stop and dugouts, but shall be coated with green coating material commonly used on chain fencing or shall be screened.

(n) A Special Event Permit shall be obtained from the City Manager when the event is expected to exceed 198 participants or as otherwise provided herein. The application shall be submitted in accordance with the requirements and procedures of the City's Special Events Ordinance, but may be processed administratively and approved by the City Manager. City shall have the authority to require a Special Event Permit if the on-site parking is routinely determined by the City to be insufficient to accommodate the parking needs created by the Special Event, or in the event that adverse traffic or other public safety issues are created or likely to be created by the Special Event, or in the event that multiple events are planned within the vicinity of the Project that will likely have an adverse impact on traffic or public safety in the vicinity. In such case, the City may require Developer to fund and provide Traffic control officers to assist with any event or activity that takes place within the Project that will likely have an adverse impact to traffic or public safety on Bee Cave Parkway and on highway 71 (if applicable).

(o) Any development standard related to traffic, traffic control, and public safety, including subsection o, shall be reviewed in conjunction with the Developer's Site Plan application and the Traffic Impact Study required for this Project and may be subject to amendment if required by the Traffic Impact Study.