

## **ORDINANCE NO. 367**

**AN ORDINANCE AMENDING ZONING ORDINANCE NO. 262 (ADOPTED ON OCTOBER 13, 2015) AND AMENDING ZONING ORDINANCE NO. 11 (ADOPTED ON OCTOBER 14, 2008) FOR A PORTION OF THE DEVELOPMENT KNOWN AS MOUNTAIN LAUREL WHICH PROPERTY IS LOCATED ON BEE CAVE PARKWAY NORTH OF HIGHWAY 71 AND HAMILTON POOL ROAD, IN THE CITY OF BEE CAVE, TEXAS FOR THE PROPERTY DESCRIBED HEREIN AND WHICH PROPERTY IS DESCRIBED AS LOT 3B, BLOCK B, MOUNTAIN LAUREL SUBDIVISION (HEREINAFTER THE "PROPERTY"), ATTACHED HERETO; WHICH PROPERTY IS CURRENTLY ZONED RETAIL PLANNED DEVELOPMENT DISTRICT; AMENDING THE CONCEPT PLAN AND THE DEVELOPMENT STANDARDS APPLICABLE TO THE PROPERTY DESCRIBED HEREIN BUT ONLY INsofar AS THE AMENDED CONCEPT PLAN, ATTACHED HERETO AS EXHIBIT "B" AND THE AMENDED DEVELOPMENT STANDARDS ATTACHED HERETO AS EXHIBIT "C", ARE INCONSISTENT WITH THE CONCEPT PLAN AND DEVELOPMENT STANDARDS APPROVED IN ORDINANCE NO. 262 AND ORDINANCE NO. 11; APPROVING ELEVATIONS AS DEPICTED IN EXHIBIT "D"; APPROVING LANDSCAPING AS DESCRIBED AND DEPICTED IN EXHIBIT "E"; PROVIDING A SEVERABILITY CLAUSE, PROVIDING FOR FINDINGS OF FACT, SEVERABILITY, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING**

**WHEREAS**, the Planning and Zoning Commission of the City of Bee Cave and the City Council of the City of Bee Cave, in compliance with the laws of the State of Texas, with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have held two 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 of Bee Cave is of the opinion and finds that this zoning change should be granted and that Ordinance No. 262 should be amended as set forth herein; and

**WHEREAS**, 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 Planned Development Concept Plan ("PD 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 amendments requested by Applicant for the portion of the Property described in Exhibit "A" are consistent with the City's requirements applicable to planned development districts and are also consistent with the development standards and uses applicable to the portion of the property that is not being amended by this Ordinance;

**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 of Bee Cave and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2.** That Ordinance No. 262 is hereby amended only as to the Property described in Exhibit A, which is attached hereto and incorporated herein. The Amended Concept Plan which is attached hereto as Exhibit “B” and the Amended Development Standards, which is attached hereto as Exhibit “C”, are also only applicable to the Property described in Exhibit “A”. Development Standards contained in Ordinance No. 262 which are not inconsistent with the Development Standards attached hereto continue to provide Development Standards applicable to the Property described in Exhibit “A”.

**SECTION 3. Development.** That the Property shall be developed in compliance with this Ordinance, the Concept Plan, attached hereto as Exhibit “B”, and the terms and conditions of the City’s Code of Ordinances, except as modified by the Planned Development Standards attached hereto as Exhibit “C” and as otherwise applicable in Ordinance No. 262, and in accordance with the Elevations depicted in Exhibit “D”, and the Landscaping depicted in Exhibit “E”.

**SECTION 4. Concept Plan.** Any lots that may be shown on the Concept Plan are not approved as part of this Ordinance. The location of lots will be considered as part of future City approvals associated with site plan approval, development plat approval or subdivision plat approval as applicable. The configuration and location of the lots or building areas as shown on the Concept Plan is for illustrative purposes and the Concept Plan shall not control or mandate the location, configuration, or concentration of lots within the Property. The City’s Subdivision Ordinance, except at expressly modified herein, shall control the configuration, location and concentration of lots within the Property and approval of the configuration, location and concentration of the lots will occur within the City’s ordinary process for subdivision and plat approval.

**SECTION 5. Uses.** This Property may be used for general office use and for medical office use as depicted in the Concept Plan.

**SECTION 6. 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 the Zoning regulations of the City of Bee Cave Code or Ordinances and the Zoning Map as a whole.

**SECTION 7. Effective Date.** That this ordinance shall take effect immediately from and after its passage and the publication as required by law.

**SECTION 8. 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.

**DULY PASSED** by the City Council of the City of Bee Cave, Texas, on the \_\_\_\_\_ day  
of \_\_\_\_\_ 2018.

**CITY OF BEE CAVE, TEXAS**

\_\_\_\_\_  
Caroline Murphy, Mayor  
City of Bee Cave, Texas

**ATTEST:**

\_\_\_\_\_  
City Secretary  
City of Bee Cave, Texas  
[SEAL]

**APPROVED AS TO FORM:**

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

## **EXHIBIT “A”**

### **Property Description**

Lot 3B, Block ‘B’  
Mountain Laurel Subdivision  
Document No. 201600086 OPRTCT  
3.2110 Acres

**EXHIBIT “B”**  
**Amended Concept Plan**  
**Lot 3B, Block B**

## **EXHIBIT “C”**

### **Amended Development Standards**

#### **Lot 3B, Block B**

The following amended development standards shall only be applicable to the Property described in Exhibit A and are intended to supplement the Development Standards contained in Ordinance No. 11 and Ordinance No. 262. To the extent that any of the following standards conflict with other City Ordinances, the following shall control. Except as otherwise described herein, all development activity undertaken on the Property, shall comply with the development standards for Retail zoning, except as modified herein and as same may have been modified in previous Planned Development District Ordinances and amendments. Capitalized terms contained herein 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, depending upon context.

#### **A. Medical or Professional Office Building**

(1) A Medical Office or Professional Office building (“Office Building”) is authorized for development at the location identified in the Amended Concept Plan attached as Exhibit “B” to this Ordinance. Development of the Office Building shall be consistent with applicable development standards previously approved in Ordinance No. 11 or Ordinance No. 262, except as same may be modified by this Section.

(2) Unless otherwise approved by the City at site plan approval, the Office Building will be constructed and operated as follows:

a) The maximum square footage of the Office building foot print shall be 7,900 square feet. The maximum height of the building shall be one story and approximately 23 feet (shall not exceed 35 feet) from finished grade to the peak of the roof.

b) The Elevations described in Exhibit “D” of this Ordinance are approved for construction of the Office Building.

c) Operation of the Office building will be between the hours of 8:00 am and 10:00 pm.

(3) Subject to site plan approval, the impervious cover allowable for the Property described in Exhibit “A” shall not exceed 22,850 SF square feet and storm water detention and water quality treatment shall be provided by the detention and treatment facilities approved in Ordinance 11 applicable to Tract 2 in that ordinance.

- (4) Construction of the Office Building portion of the Project shall comply with the setbacks described in Ordinance No. 11 and Ordinance No. 262. However, landscaping required within the setbacks and buffer zones shall be authorized as described and depicted in Exhibit “E”, attached hereto.
- (5) Retaining walls shall be authorized as depicted in Exhibit “B” and shall be required to be of natural stone materials.
- (6) A Conservation Easement is depicted on Exhibit “B” and no structure or other improvements, other than native plant enhancement or maintenance to the area in accordance with the City of Bee Cave Code of Ordinances, may be placed or performed within the Conservation Easement without specific prior authorization and approval in writing from the City of Bee Cave. For the protection of the environment, the easement shall be maintained by the owner of the Property described in Exhibit “A” by preserving and restoring native grass vegetation, trees and undergrowth. The easement may not be amended except by express written agreement by the City of Bee Cave. However, additional planting of trees, shrubs or native grasses may be added to the area covered by the Conservation Easement upon written approval of the city staff.
- (7) Alternate Elevations for the Office building to those depicted in Exhibit “D” may be considered in conjunction with Site Plan approval so long as the proposed alternative meets or exceeds the City’s Exterior Building Design Standards of the City’s Code of Ordinances.