



BEE CAVE

T E X A S

AGENDA

Regular Meeting

City Council Bee Cave City Hall, 4000 Galleria Pkwy, Bee Cave, TX, 78738

Tuesday, August 27, 2024

6:00 PM, City Hall

4000 Galleria Parkway

Bee Cave, Texas 78738-3104

THE CITY OF BEE CAVE COUNCIL MEETINGS ARE AVAILABLE TO ALL PERSONS REGARDLESS OF DISABILITY. IF YOU REQUIRE SPECIAL ASSISTANCE, PLEASE CONTACT THE CITY SECRETARY OFFICE AT (512) 767-6641 AT LEAST 48 HOURS IN ADVANCE OF THE MEETING. THANK YOU.

1. Call meeting to order
2. Roll Call
3. Pledge of Allegiance
4. Recognition, Event Update, and Moment of Silence
5. Citizen Comments

This is an opportunity for citizens to address the City Council concerning an issue of community interest that is not on the agenda. Comments on the agenda items must be made when the agenda item comes before the Council. Any deliberation of the issue is limited to a proposal to place it on the agenda for a later meeting. Citizens will have up to 3 minutes to make comments.

6. Consent Agenda

All Consent Agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member requests in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Information concerning consent agenda items is available for public view.

- A. Consider approval of the minutes of the Special Session conducted on August 13, 2024.
 - B. Consider approval of the minutes of the Regular Session conducted on August, 13, 2024.
 - C. Consider approval of the minutes of the Special Session conducted on August 19, 2024.
7. Public hearing, discussion, and possible action on Ordinance No. 540 to amend the Unified Development Code, Article 3 Zoning Regulations regarding Dimensional Standards.
8. Public hearing, discussion, and possible action on Ordinance No. 541 to amend the Unified Development Code, Article 3 Zoning Regulations regarding Special Use Permits.
9. Public hearing, discussion, and possible action on Ordinance No. 542 to amend the Unified Development Code, Article 3 Zoning Regulations regarding Planned Development Districts.
10. Public hearing, discussion, and possible action on Ordinance No. 543 to amend the Unified Development Code, Article 3 Zoning Regulations regarding Zoning Districts.
11. Discuss and take possible action on Ordinance No. 544, amending Section 16.03.006 to prohibit street cuts except for emergencies or with special permission.
12. Discuss and consider action on a WTCPUA 1080 Waterline Easement.
13. Discuss and consider action on Resolution No. 2024-20 approving a contract between the Bee Cave Development Corporation and Butler Snow.
14. Discuss and consider action on Resolution No. 2024-21 amending the bylaws of the Bee Cave Development Corporation to remove the prohibition against City Council Members that are also members of the Board of Directors and clarify the relationship between City policies and EDB policies.
15. Fiscal Year 2025 Budget Work Session.
16. Close Regular Meeting
17. Open Executive Session
 - A. Pursuant to Texas Government Code § 551.074, the City Council will meet in closed session to discuss the Annual Appointments to Bee Cave Development Corporation.

- B. Pursuant to Texas Government Code § 551.074, the City Council will meet in closed session to discuss the Appointment to West Travis County Public Utility Agency
 - C. Discuss existing litigation against property owners under the Eastland Development Agreement pursuant to Texas Government Code sec. 551.071 (consultation with attorney).
 - D. Pursuant to Texas Government Code Section 551.074 for deliberation regarding Personnel Matters to deliberate the employment of the Assistant City Manager.
 - E. Pursuant to Texas Government Code Section 551.074 (Personnel Matters) and 551.071 (Consultation with Attorney) discuss legal issues regarding compliance with City Charter, Open Meetings Act, and Public Information Act against Council Members.
- 18. Close Executive Session
 - 19. Open Regular Meeting
 - 20. Consider action, if any, on Executive Session
 - 21. Adjournment

The Council may go into closed session at any time when permitted by Chapters 418 or 551, Texas Government Code, or Section 321.3022 of the Texas Tax Code. Before going into closed session a quorum of the Council must be present, the meeting must be convened as an open meeting pursuant to proper notice, and the presiding officer must announce that a closed session will be held and must identify the sections of Chapter 551 or 418, Texas Government Code, or Section 321.3022 of the Texas Tax Code authorizing the closed session.



City Council Meeting
8/27/2024
Agenda Item Transmittal

Agenda Item: 6.A.

Agenda Title: Consider approval of the minutes of the Special Session conducted on August 13, 2024.

Council Action: Consider approval

Department: City Secretary

Staff Contact: Jo Ann Touchstone, City Secretary

1. INTRODUCTION/PURPOSE

2. DESCRIPTION/JUSTIFICATION

a) Background

b) Issues and Analysis

3. FINANCIAL/BUDGET

Amount Requested	Fund/Account No.
Cert. Obligation	GO Funds
Other source	Grant title
Addtl tracking info	

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

ATTACHMENTS:

Description

📄 Special Meeting Minutes August 13, 2024

Type

Backup Material



BEE CAVE
TEXAS

Simply Elevated

MINUTES
Special Meeting
City Council
Tuesday, August 13, 2024
4:00 P.M. City Hall
4000 Galleria Parkway
Bee Cave, Texas 78738-3104

THE CITY OF BEE CAVE COUNCIL MEETINGS ARE AVAILABLE TO ALL PERSONS REGARDLESS OF DISABILITY. IF YOU REQUIRE SPECIAL ASSISTANCE, PLEASE CONTACT CITY SECRETARY AT (512) 767-6641 AT LEAST 48 HOURS IN ADVANCE OF THE MEETING. THANK YOU.

A quorum of the Planning and Zoning Commission and/or Development Board may be in attendance at the meeting. No action will be taken by the Commission or Board.

1. Call meeting to order – Mayor King established a quorum and called the meeting to order at 4:05 p.m.
2. Roll Call

Present:

Kara King, Mayor
Andrea Willott, Councilmember
Courtney Hohl, Councilmember
Kevin Hight, Councilmember
Jon Cobb, Councilmember

Absent:

Andrew Clark, Mayor Pro Tem

City Staff:

Julie Oakley, City Manager
Travis Askey, Finance Director

Ryan Henry, City Attorney
Jo Ann Touchstone, City Secretary
Rebecca Regueira, Deputy City Secretary
Brian Jones, Police Chief
Crystal Cotti, Communications Director
Eric Bowers, Community Events Coordinator
Brian Williams, Operations Manager
Barbara Hathaway, Library Director
Gretchin Hardin, Assistant Library Director
Brooke Winburn, Human Resources Director
Anna Jensen, Administrative Assistant

3. Pledge of Allegiance
4. Fiscal Year 2025 Budget work session – City Manager Julie Oakley presented budget overview.
5. Adjournment – Councilmember Cobb moved to adjourn. Mayor King seconded and the motion passed unanimously. Meeting adjourned at 5:44 p.m.

The Council may go into closed session at any time when permitted by Chapters 418 or 551, Texas Government Code, or Section 321.3022 of the Texas Tax Code. Before going into closed session a quorum of the Council must be present, the meeting must be convened as an open meeting pursuant to proper notice, and the presiding officer must announce that a closed session will be held and must identify the sections of Chapter 551 or 418, Texas Government Code, or Section 321.3022 of the Texas Tax Code authorizing the closed session.

Approved this ____ day of _____, 2024

Kara King, Mayor

Jo Ann Touchstone, City Secretary



*City Council Meeting
8/27/2024
Agenda Item Transmittal*

Agenda Item: 6.B.

Agenda Title: Consider approval of the minutes of the Regular Session conducted on August, 13, 2024.

Council Action: Consider approval

Department: City Secretary

Staff Contact: Jo Ann Touchstone, City Secretary

1. INTRODUCTION/PURPOSE

2. DESCRIPTION/JUSTIFICATION

a) Background

b) Issues and Analysis

3. FINANCIAL/BUDGET

Amount Requested	Fund/Account No.
Cert. Obligation	GO Funds
Other source	Grant title
Addtl tracking info	

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

ATTACHMENTS:

Description

📄 August 13, 2024 Regular Meeting Minutes

Type

Backup Material



BEE CAVE
TEXAS

Simply Elevated

MINUTES

**Regular Meeting
City Council**

Tuesday, August 13, 2024

6:00 P.M. City Hall

4000 Galleria Parkway

Bee Cave, Texas 78738-3104

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A quorum of the Planning and Zoning Commission and/or Development Board may be in attendance at the meeting. No action will be taken by the Commission or Board.

1. Call meeting to order - Mayor King established quorum and called meeting to order at 6:07 P.M.
2. Roll Call

Present:

Kara King, Mayor
Andrea Willott, Councilmember
Courtney Hohl, Councilmember
Kevin Hight, Councilmember
Jon Cobb, Councilmember

Absent:

Andrew Clark, Mayor Pro Tem

City Staff:

Julie Oakley, City Manager
Travis Askey, Finance Director
Ryan Henry, City Attorney
Jo Ann Touchstone, City Secretary
Rebecca Regueira, Deputy City Secretary
Carly Pearson, Director of Planning and Development

Brian Jones, Police Chief
Crystal Cotti, Communications Director
Eric Bowers, Community Events Coordinator
Barbara Hathaway, Library Director
Gretchin Hardin, Assistant Library Director
Brooke Winburn, Human Resources Director
Anna Jensen, Administrative Assistant

3. Pledge of Allegiance

4. Recognition and moment of silence

5. Citizen Comments

This is an opportunity for citizens to address the City Council concerning an issue of community interest that is not on the agenda. Comments on the agenda items must be made when the agenda item comes before the Council. Any deliberation of the issue is limited to a proposal to place it on the agenda for a later meeting. Citizens will have up to 3 minutes to make comments.

The following person spoke: Carol Killebrew.

6. Consent Agenda.

All Consent Agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member requests the item on the agenda. Information concerning consent agenda items is available for public view.

- A. Consider approval of the minutes of the Regular Session conducted July 9, 2024.
- B. Consider approval of the minutes of the Special Session conducted July 17, 2024.
- C. Consider approval of the minutes of the Special Session conducted on July 29, 2024.
- D. Consider approval of the first Renewal of Interlocal Agreement for Public Health Services between the City of Austin and the City of Bee Cave.
- E. Consider approval of Joint Election Services Agreement between the City of Bee Cave and Travis County.
- F. Consider approval of Election Services Agreement between the City of Bee Cave and Travis County.
- G. Consider approval of the Quarterly Investment Report for period ending June 30, 2024.

Councilmember Cobb moved to approve the consent agenda. Councilmember Hight seconded and the motion passed unanimously.

- 7. Discuss and consider action on Ordinance No. 537 - accepting and approving the 2024 annual service plan update to the Service and Assessment Plan and an updated assessment roll for the Backyard Public Improvement District - Casey Sclar, Project Manager with P3 Works available for questions. Councilmember Cobb moved to approve Ordinance No. 537. Councilmember Hight seconded and the motion passed unanimously.
- 8. Discuss and consider action on Ordinance No. 538 - an ordinance of the City of Bee Cave, Texas, amending article 14.04, City of Bee Cave code of ordinances regarding solicitors,

to revise application procedures, establish lawful hours and make other changes; and providing for findings of fact, a cumulative clause, severability, and effective date – Director of Planning & Development Carly Pearson presented. The following person spoke: Carol Killebrew. Councilmember Hight moved to approve Ordinance 538. Councilmember Hohl seconded and the motion passed unanimously.

9. Discuss and consider action on Ordinance No. 539 - an ordinance of the City of Bee Cave, Texas ordering a special election in the City of Bee Cave, Texas, on November 5, 2024, to submit propositions for proposed amendments to the charter of the City of Bee Cave, Texas; Making Provision for the conduct and giving notice of said election; providing for severability, and effective date - The following person spoke: Carol Killebrew. Councilmember Cobb moved to approve Ordinance No. 539. Councilmember Hight seconded and the motion passed unanimously.
10. Discuss and consider action to approve annual Volunteer Appreciation Dinner – Executive Assistant Rebecca Regueira presented. Councilmember Cobb moved to approve 10,000.00 for the annual volunteer appreciation dinner. Councilmember Hohl seconded and the motion passed unanimously.
11. Close Regular Meeting – Mayor King called for Executive Session under sections 551.074, 551.071 and 551.072. Convened to executive session at 6:54 p.m.
12. Open Executive Session. The City Council of the City of Bee Cave reserves the right to adjourn into executive session at any time during the course of the meeting to discuss the matter listed below:
 - a. Pursuant to Texas Government Code Section 551.074 (Personnel Matters) discuss the employment of the Assistant City Manager.
 - b. Pursuant to Texas Government Code Section 551.074 (Personnel Matters) and 551.071 (Consultation with Attorney) discuss legal implications of certain conflict of interest laws and how they apply to City Council members.
 - c. Pursuant to Texas Government Code Section 551.071 (Consultation with Attorney) and 551.072 (Real Property) discuss the city’s eminent domain authority on behalf of the West Travis County Public Utility Agency (WTCPUA) and the associated Memorandum of Understanding (MOU).
13. Close Executive Session.
14. Open Regular Meeting – Mayor King reconvened open meeting at 7:45 p.m. No action was taken in executive session.
15. Consider action, if any, on Executive Session. – Councilmember Hight motioned to remove our Memorandum of Understanding (MOU) with the West Travis County Public Utility Agency (WTCPUA) and no longer utilize the City’s eminent domain authority to support the Agency given the legislature has changed and they are now allowed that same functionality. Councilmember Hohl seconded and the motion passed unanimously.
16. Adjournment – Councilmember Hight moved to adjourn the meeting. Councilmember Cobb seconded and the motion passed unanimously. Meeting adjourned at 7:46 p.m.

The Council may go into closed session at any time when permitted by Chapters 418 or 551, Texas Government Code, or Section 321.3022 of the Texas Tax Code. Before going into closed session a quorum of the Council must be present, the meeting must be convened as an open meeting pursuant to proper notice, and the presiding officer must announce that a closed session will be held and must identify the sections of Chapter 551 or 418, Texas Government Code, or Section 321.3022 of the Texas Tax Code authorizing the closed session.

Approved this ____ day of _____, 2024

Kara King, Mayor

Jo Ann Touchstone, City Secretary



City Council Meeting
8/27/2024
Agenda Item Transmittal

ATTACHMENTS:

Description	Type
□ Special Meeting Minutes August 19, 2024	Backup Material



BEE CAVE
TEXAS

Simply Elevated

MINUTES

**Special Meeting
City Council**

**Monday, August 19, 2024
8:00 A.M. City Hall
4000 Galleria Parkway
Bee Cave, Texas 78738-3104**

THE CITY OF BEE CAVE COUNCIL MEETINGS ARE AVAILABLE TO ALL PERSONS REGARDLESS OF DISABILITY. IF YOU REQUIRE SPECIAL ASSISTANCE, PLEASE CONTACT CITY SECRETARY AT (512) 767-6641 AT LEAST 48 HOURS IN ADVANCE OF THE MEETING. THANK YOU.

A quorum of the Planning and Zoning Commission and/or Development Board may be in attendance at the meeting. No action will be taken by the Commission or Board.

1. Call meeting to order – Mayor King established a quorum and called the meeting to order at 8:01 a.m.
2. Roll Call –

Present:

Mayor Kara King
Mayor Pro Tem Andrew Clark
Councilmember Jon Cobb
Councilmember Kevin Hight
Councilmember Courtney Hohl
Councilmember Andrea Willott

Staff:

Julie Oakley, City Manager
Ryan Henry, City Attorney
Carly Pearson, Planning and Development Director
Jo Ann Touchstone, City Secretary
Rebecca Regueira, Deputy City Secretary
Lanie Marcotte, Director of Parks and Facilities
Dori Kelley, Business Relations and Development Manager
Brian Jones, Police Chief

3. Open Executive Session.

A. Discuss potential litigation against property owners under the Eastland Development Agreement pursuant to Texas Government Code sec. 551.071 (Consultation with Attorney) – Mayor King called for executive session under section 551.071. Convened to executive session at 8:02 a.m.

4. Close Executive Session.
5. Open Regular Meeting - Reconvened to open session at 9:03 a.m. No action was taken in executive session. Mayor King opened citizen participation. The following persons spoke: Brett Ames, John McKallip, Mary Cadeski, Teresa Joy, Derek Sandowsky, Steven Chen, Carrie Robertson, and Andrew Smith.
6. Consider action, if any, on Executive Session – Mayor Pro Tem Clark moved to proceed as recommended by the city attorney. Councilmember Hohl seconded. VOTE: 5-1 , with Councilmember Cobb opposed.
7. Adjournment – Councilmember Hight moved to adjourn the meeting. Councilmember Hohl seconded and the motion passed unanimously. Meeting adjourned at 9:42 a.m.

The Council may go into closed session at any time when permitted by Chapters 418 or 551, Texas Government Code, or Section 321.3022 of the Texas Tax Code. Before going into closed session a quorum of the Council must be present, the meeting must be convened as an open meeting pursuant to proper notice, and the presiding officer must announce that a closed session will be held and must identify the sections of Chapter 551 or 418, Texas Government Code, or Section 321.3022 of the Texas Tax Code authorizing the closed session.

Approved this ____ day of _____, 2024

Kara King, Mayor

(Seal)

Jo Ann Touchstone, City Secretary



City Council Meeting
8/27/2024
Agenda Item Transmittal

Agenda Item: 7.

Agenda Title: **Public hearing, discussion, and possible action on Ordinance No. 540 to amend the Unified Development Code, Article 3 Zoning Regulations regarding Dimensional Standards.**

Council Action:

Department: **Administration**

Staff Contact: **Carly Pearson, Director of Planning & Development**

1. INTRODUCTION/PURPOSE

The purpose of this agenda items is for the City Council to discuss, review, and consider approval of the Amendment to Article 3 of the Code of Ordinances, regarding zoning districts and standards in the City of Bee Cave.

2. DESCRIPTION/JUSTIFICATION

a) Background

City Council held its first Mixed-Use/Multi-Family Workshop on June 18th and the second was held on July 29th. Council held this workshop to understand and clarify some of the new regulations that were proposed to be included in the Unified Development Code. The education workshop included a presentation following up on the current code language discussed at both Workshops. City staff presented the information requested, and City Council provided direction to city staff for actions to be considered and move forward to a City Council agenda for action.

b) Issues and Analysis

After citizen and stakeholder feedback, Council determined and directed city staff to make some revisions to Article 3 of the UDC for consideration and action. The items directed by Council, and before you on this agenda, are:

1. **Update zoning dimensional standards of building height and footprint to be more in line with practical development constraints and priorities of Bee Cave.**
2. Update the Special Use Permit (SUP) process to be easier, faster and less expensive for applicants to seek, by removing the mandatory fully-engineered site plan requirement and included allowing a simple SUP process for increased building height and footprint when appropriate and desired.
3. Update the Planned Development District (PDD) section to rescind the ban on PDD's and once again

allow them for creative and responsive development within the City of Bee Cave when appropriate and desired.

4. Amend and add new zoning districts, which are: adding appropriate commercial amenity uses to Multi-Family zone, R-5, which now will be called Multi-Family & Amenity District, and adding new Commercial zoning options, C-1 (Neighborhood Commercial) and C-2 (Medium Commercial) for use when appropriate and desired.

3. FINANCIAL/BUDGET

Amount Requested	Fund/Account No.
Cert. Obligation	GO Funds
Other source	Grant title
Addtl tracking info	

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

Staff recommends consideration of and action on the ordinance as presented and prepared according to Council direction.

ATTACHMENTS:

Description	Type
□ Ordinance No. 540	Ordinance

ORDINANCE NO. 540

AN ORDINANCE AMENDING ARTICLE THREE OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF BEE CAVE.

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, it is the intent of the City of Bee Cave to protect the public health, safety, and welfare of its citizens; and

WHEREAS, municipalities may, under their police powers, enact reasonable regulations to promote the health, safety, and welfare of their citizens; and

WHEREAS, Texas Local Government Code Section 51.001(1) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or policy regulation that is for the good government, peace, or order of the municipality; and

WHEREAS, the Bee Cave City Council may regulate the development of property within Bee Cave's city limits and extraterritorial jurisdiction; and

WHEREAS, the Bee Cave City Council, in compliance with the laws of the State of Texas and the City's municipal code, and in the exercise of its legislative discretion, has determined it is appropriate, for good government and for the welfare and benefit of the public, to amend the Unified Development Code to update its provisions to keep up with the growth and development of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEE CAVE, TEXAS that Article 3 the City of Bee Cave United Development Code shall be amended with strike-through text being deletions and underlined text being additions and all other provisions not addressed remain untouched and in full force and effect and shall read as follows:

* * *

SEC. II.

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§ 3.4.1 Dimensional standards.

A. Residential dimensional standards

	AG	Estate Residential R-1	Suburban Residential R-2	Transition Residential R-3	Urban Residential R-4	Multifamily Residential & Amenity R-5	Hill Country Overlay HPO
Note Residential Uses							
Minimum Front Setback (ft)	60 ³	50 ³	25 ³	20 ³	0 ^{2/}	0 ^{3/}	40 ³
Maximum Front Setback (ft)	NA	NA	NA	NA	25 ⁴	25 ⁴	NA
Side Yard (Interior Setback; Corner Setback)	10% lot width max 20; 20	10% lot width max 25; 25	6; 15	10; 15	0; 10	0; 10	20; 25
Maximum Side Setback (ft)	NA	NA	NA	NA	25 ⁴	15 ⁴	NA
Minimum Rear Yard Setback (ft)	25	25	25	10	20	25	25
Minimum Lot Area (sq ft)	87,120/(2 acres)	43,560	20,000	6,900	4,500 ²	10,000	20,000
Maximum Dwelling Units Per Acre (Density), Net (for R-4 and R-5, see Section 3.4.4.E.4)	NA	1 DUA	2 DUA	5 DUA ⁵	9 DUA ⁵	13 DUA ⁵	Per district
Minimum Lot Frontage (ft)	100	75	50	35	35	100	75
Minimum Lot Width (Interior/Corner) (ft)	200/205	100/105	65/70	35/40	35/40	100/105	100/105
Minimum Lot Depth (ft)	250	200	110	100	90	90	200
Maximum Height (primary/accessory) (ft)	35/45 ¹	35/25	35/25	35/25	40 35 ⁶	50 35 ⁶	35/25
Maximum Building Footprint (per building)						25,000sf ^{7 8}	

1. Structures used for agricultural purposes may be built to 45 feet, provided they are no closer than one hundred feet (100') from any residential structure on the premises, and they are set back at least one hundred feet (100') or three (3) times their height (whichever is greater) from any residential structure on adjacent property.

2. Applicable to townhome development with units on individual lots

3. Except as may be subject to the 75' landscape buffer setback required along all major roadways (SH-71, RR 620, Bee Cave Rd, Bee Cave Pkwy, Hamilton Pool Road).

4. No more than 30% of the building frontage shall exceed the maximum setback.

5. See Section 3.4.4.E, Density Bonus Options for incentives related to maximum density

[6. Structures proposing heights in this district that are higher than the Maximum Height may seek to do so by applying for an SUP. See Section 3.5.6.](#)

[7. Structures proposing footprints larger than the Maximum Building Footprint may seek to do so by applying for an SUP. See Section 3.5.6.](#)

[8. No amenity use may be larger than 2500sf without an SUP under footnote 7 above.](#)

B. Non-residential and mixed-use dimensional standards.

	Neighborhood Mixed-Use (MU-N)	Community Mixed-Use (MU-C)	Town Center Mixed-Use (MU-TC)	Regional Commercial (C-3R)	Medium Commercial (C-2)	Neighborhood Commercial (C-1)
Non-Residential Uses						
Minimum Front Setback/Maximum Front Setback (ft)	10 ^{1,3} /NA	10 ^{1,3} /NA	NA ³ /5 ²	25 ³ /NA	25³/NA	50³/NA
Side Yard (Interior Setback; Corner Setback)/Maximum Side Setback) (ft)	10; 10/NA	10; 10/NA	10; NA/0	25; 25/NA	25; 25/NA	25; 50/NA
Rear Yard Setback (ft)	10	10	NA	25	25	25
Minimum Lot Area (sq ft) or Maximum Dwelling Units Per Acre (Density), Net	10,000/13 DUA	10,000/20 DUA ⁴	NA/24 DUA ⁴	10,000/NA	10,000/NA	10,000/NA
Minimum Lot Frontage	35 ⁵	70 ⁵	NA	70 ⁵	70⁵	70⁵
Minimum Lot Width (Interior/Corner) (ft)	35/40	80/85	NA	80/85	80/85	80/85
Minimum Lot Depth (ft)	45	80	NA	110	110	110
Maximum Height (ft)	35 30⁶	50 30⁶	60 25⁶	305⁶	30⁶	25⁶
Maximum Building Footprint (per building)	25,000 35,000⁷	25,000 35,000⁷	NA 35,000⁷	150,000 50,000⁷	35,000⁷	15,000⁷

1. Buildings adjacent to R-1 — R-4 districts with units fronting on the same street shall match the minimum front setback of the adjacent district.

2. A maximum of 30% of the building frontage may exceed the maximum setback.

3. Except as may be subject to the 75' landscape buffer setback required along all major roadways (SH-71, RR 620, Bee Cave Rd, Bee Cave Pkwy, Hamilton Pool Road).

4. See Section 3.4.4.E, Density Bonus Options for incentives related to maximum density.

5. 150 feet is required on State controlled highway. May be reduced to 75 feet with cross access easement to adjacent properties

[6. Structures proposing heights in this district that are higher than the Maximum Height may seek to do so by applying for an SUP. See Section 3.5.6.](#)

[7. Structures proposing footprints larger than the Maximum Building Footprint may seek to do so by applying for an SUP. See Section 3.5.6.](#)

§ 3.4.5 Non-residential and mixed-use design standards and incentives.

J. Assurance of mixed-use in MU-N, MU-C and MU-TC Districts.

1. Mix of uses. A use on the ground floor must be different from a use on an upper floor. The second floor may be designed to have the same use as the ground floor so long as there is at least one more floor above the second floor that has a different use from the first two floors.

2. Pedestrian-oriented commercial spaces. Along at least 75 percent of the building frontage along the street, the building must be designed for commercial uses in ground-floor spaces that meet the following standards. A lobby serving another use in the building shall not count as a pedestrian-oriented commercial space for purposes of this section.

(i) Dimensional requirements. Each ground-floor commercial space must have:

(1) A customer entrance that opens directly onto the sidewalk;

(2) A depth of not less than 24 feet; and

(3) A height of not less than 12 feet, measured from the finished floor to the bottom of the structural members of the ceiling.

~~3. Alternative for developments containing multiple buildings on a single site or within a master-planned development.~~

~~(i) The provisions of subsections 1. and 2., above may be accomplished through the use of multiple buildings on a single site or within a master-planned development, provided no single use comprises more than fifty percent (50%) of ground floor uses, or~~

~~(ii) If at least fifty percent (50%) of the buildings on a single site or within a master-planned development comply with the provisions of subsections 1. and 2., above, the development shall be considered compliant with this Section 3.4.5.J.~~

§ 3.4.4.E Density bonus options.

1. The density bonus options provided in this section shall be calculated based on the by-right density allowable in the applicable district per subsection 3.4.1.

2. Density bonuses may be applied cumulatively to a development.

3. Amenity and design incentive. A development that provides two (2) additional High Quality Design features from subsection 3.4.4.E.6, including 100% masonry or masonry alternative may request one (1) of the following incentives to be applied at the Site Plan phase:

(i) Reduce required covered parking by ten percent (10%).

(ii) Increase density by one (1) dwelling unit per acre in R-3 or two (2) dwelling units per acre in R-4 and R-5.

(iii) Reduce the open space area required by subsection 3.4.4.B.5 from fifty percent (50%) to forty-five (45%) percent.

4. Workforce housing incentive. A development that reserves at least fifty-one percent (51%) of units for residents with incomes at eighty percent (80%) or less of AMI through a management program with state oversight may qualify for the following additional density bonuses:

(i) Increase density in R-4 or MU-C by ~~one (1) five (5)~~ dwelling units per acre;

(ii) Increase density in R-5 or MU-TC by ~~two (2) seven (7)~~ dwelling units per acre;

5. Structured parking incentive. A development that provides structured parking for a minimum of ninety percent (90%) of the required off-street parking may receive the following additional density bonus:

(i) Increase density in R-4 by one (1) dwelling unit per acre;

(ii) Increase density in R-5 by two (2) dwelling units per acre.

§ 3.4.5.E. Incentives for providing additional features above minimum required. (Height Bonus)

1. A development that exceeds the minimum required features in at least two categories may request an additional ~~five (5) ten (10)~~ feet of maximum height.

2. A development that provides all features in at least two categories may request an additional ~~ten (10) fifteen (15)~~ feet of maximum height.

3. Development within the Hill Country Overlay (subsection 3.4.6) is not eligible for density or height bonuses.

II.

CUMULATIVE CLAUSE

That this Ordinance shall be cumulative of all provisions of the City of Bee Cave, except where the provisions of this Ordinance are in direct conflict with the provisions of such other ordinance, in which event the conflicting provisions of such other ordinance are hereby repealed, while leaving the remainder of such other ordinance intact. To the extent of any conflict, this Ordinance is controlling.

III.

SEVERABILITY

That it is hereby declared to be the intention of the City Council of the City of Bee Cave. that the

phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional or invalid by final judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional or invalid phrases, sentences, paragraphs, or sections.

IV.

PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted 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

V.

EFFECTIVE DATE

This ordinance shall be effective upon passage and publication as required by state and local law.

DULY PASSED AND APPROVED, on the day of , 2024 at a regular meeting of the City Council of the City of Bee Cave, Texas, which was held in compliance with the Open Meetings Act, Gov't. Code §551.001, et. Seq. at which meeting a quorum was present and voting.

Page 41 of 41

Ord. 534 UDC Amendments May 2024

CITY OF BEE CAVE:

Kara King, Mayor

ATTEST:

Jo Ann Touchstone, City Secretary

[SEAL]

APPROVED AS TO FORM:

City Attorney

Ryan Henry, Law Offices of Ryan Henry, PLL



City Council Meeting
8/27/2024
Agenda Item Transmittal

Agenda Item: 8.

Agenda Title: Public hearing, discussion, and possible action on Ordinance No. 541 to amend the Unified Development Code, Article 3 Zoning Regulations regarding Special Use Permits.

Council Action:

Department: Administration

Staff Contact: Carly Pearson, Director of Planning & Development

1. INTRODUCTION/PURPOSE

The purpose of this agenda items is for the City Council to discuss, review, and consider approval of the Amendment to Article 3 of the Code of Ordinances, regarding zoning districts and standards in the City of Bee Cave.

2. DESCRIPTION/JUSTIFICATION

a) Background

City Council held its first Mixed-Use/Multi-Family Workshop on June 18th and the second was held on July 29th. Council held this workshop to understand and clarify some of the new regulations that were proposed to be included in the Unified Development Code. The education workshop included a presentation following up on the current code language discussed at both Workshops. City staff presented the information requested, and City Council provided direction to city staff for actions to be considered and move forward to a City Council agenda for action.

b) Issues and Analysis

After citizen and stakeholder feedback, Council determined and directed city staff to make some revisions to Article 3 of the UDC for consideration and action. The items directed by Council, and before you on this agenda, are:

1. Update zoning dimensional standards of building height and footprint to be more in line with practical development constraints and priorities of Bee Cave.
2. **Update the Special Use Permit (SUP) process to be easier, faster and less expensive for applicants to seek, by removing the mandatory fully-engineered site plan requirement and included allowing a simple SUP process for increased building height and footprint when appropriate and desired.**
3. Update the Planned Development District (PDD) section to rescind the ban on PDD's and once again

allow them for creative and responsive development within the City of Bee Cave when appropriate and desired.

4. Amend and add new zoning districts, which are: adding appropriate commercial amenity uses to Multi-Family zone, R-5, which now will be called Multi-Family & Amenity District, and adding new Commercial zoning options, C-1 (Neighborhood Commercial) and C-2 (Medium Commercial) for use when appropriate and desired.

3. FINANCIAL/BUDGET

Amount Requested	Fund/Account No.
Cert. Obligation	GO Funds
Other source	Grant title
Addtl tracking info	

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

Staff recommends consideration of and action on the ordinance as presented and prepared according to Council direction.

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Ordinance No. 541	Ordinance

ORDINANCE NO. 541

AN ORDINANCE AMENDING ARTICLE THREE OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF BEE CAVE.

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, it is the intent of the City of Bee Cave to protect the public health, safety, and welfare of its citizens; and

WHEREAS, municipalities may, under their police powers, enact reasonable regulations to promote the health, safety, and welfare of their citizens; and

WHEREAS, Texas Local Government Code Section 51.001(1) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or policy regulation that is for the good government, peace, or order of the municipality; and

WHEREAS, the Bee Cave City Council may regulate the development of property within Bee Cave's city limits and extraterritorial jurisdiction; and

WHEREAS, the Bee Cave City Council, in compliance with the laws of the State of Texas and the City's municipal code, and in the exercise of its legislative discretion, has determined it is appropriate, for good government and for the welfare and benefit of the public, to amend the Unified Development Code to update its provisions to keep up with the growth and development of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEE CAVE, TEXAS that Article 3 of the City of Bee Cave Unified Development Code shall be amended with strike-through text being deletions and underlined text being additions and all other provisions not addressed remain untouched and in full force and effect and shall read as follows:

* * *

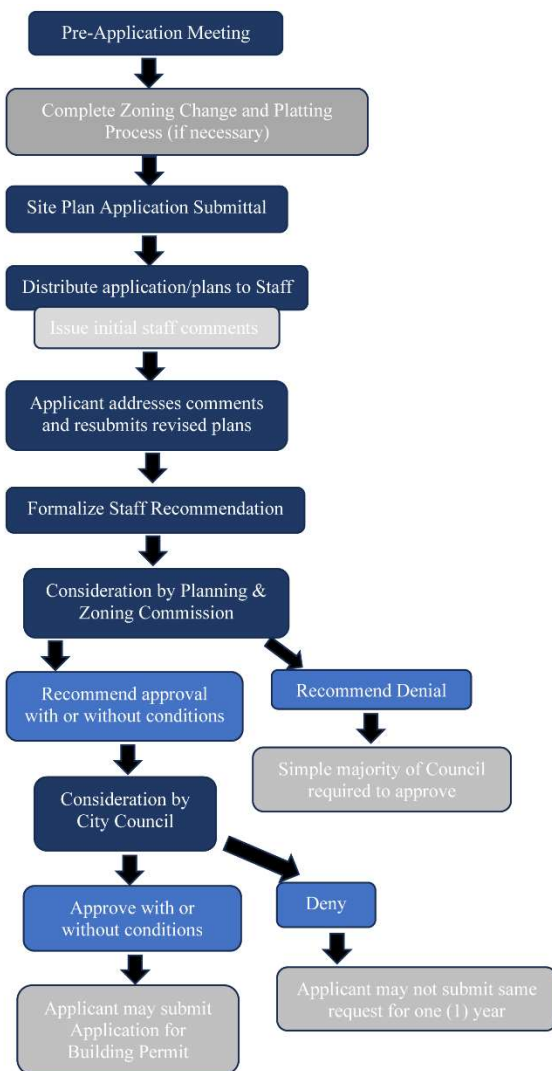
SEC. II.

§ 3.5.6 Specific use permit.

A. Purpose. The uses listed under the various districts within the Use Chart as "S" are so classified because the City Council has found that these uses may, because of their nature or intensity, be incompatible with other permitted uses in the same or adjacent district or may be compatible only with mitigation imposed through additional standards and conditions attached to the use.

B. Specific use permit applicability.

Figure 3.5.6-1: Specific Use Permit Approval Process



1. The designation of a use as permissible by Specific Use Permit (SUP) does not mean that City Council will approve the use at any location in the zoning district.

2. Approval of an SUP does not authorize any use other than the particular use authorized in the SUP.

3. An SUP is a land use entitlement granted to a particular property or location and may be transferred from owner to owner so long as the SUP remains [in compliance with and](#) unexpired (see subsection 3.5.6.G).

4. No Specific Use Permit may be enlarged, extended, or relocated unless City Council approves a new Specific Use Permit.

~~5. The Planning Director has the authority to waive the requirement for a Site Plan or other technical documents with submission of a Specific Use Permit if the Director finds that preparation of a Site Plan is unnecessary based on the level of disturbance or alteration of the property. If the Site Plan requirement is waived, the Director may request information needed to review compatibility of the proposed use.~~

5. Special Standards for Buildings Exceeding the Maximum Building Footprint or Maximum Building Height

Buildings proposed to exceed the Maximum Building Footprint or Maximum Building Height shall obtain an SUP that also requires the following:

a. **Circulation Amenities:** A safe and landscaped multimodal circulation system shall be provided on site which connects to public streets and neighborhoods. Multimodal pathways within the development shall be differentiated from driving surfaces through a change in materials. At least one substantial amenity, this chapter, shall be provided for every two thousand five hundred (2,500) square feet of structure footprint.

b. **Facades And Exterior Walls, Including Sides And Backs:** The building shall be designed in a way that will reduce the massive scale and uniform appearance, and will provide visual interest consistent with the community's identity, character, scale and Design Features menu as described the Unified Development Code. Architectural treatment, similar to that provided to the front facade, shall be provided to the sides and rear of the building to mitigate any negative view from any location off site and any public street or area (e.g., parking lots, walkways, etc.) on site.

c. **Roofs:** The roof design shall include articulation and architectural features that contribute to the visual interest at the pedestrian scale and reduce the massive scale of large buildings, as described the Unified Development Code. Roof features shall complement the architectural and visual character of the area. Roofs shall have the appearance of two (2) or more roof planes either through architectural features or engineered design. Parapet walls shall be architecturally treated to avoid a plain, monotonous look. Roofs shall be lightly colored, vegetative or photovoltaic.

d. **Building Design:** All buildings shall provide a direct unencumbered multimodal connection to an abutting street. All buildings shall be designed so that parking is not located along the primary street of the building. Nonmotorized parking shall be permitted along the primary facade of the building. A buffer with a minimum width of ten feet (10') will be maintained

between parking areas and all bike trails, pedestrian ways and public sidewalks. Building entrance(s), windows, roof drop areas, and other such building features shall have an appropriate setback so as not to interfere with the safe movement of pedestrians and cyclists in ambulatory areas.

e. **Adaptability For Reuse/Compartmentalization:** The building design shall include specific elements for adaptation for multi-tenant reuse. Such elements may include, but are not limited to, compartmentalized construction (including MEP, when possible). The building design shall also allow for: the interior subdivision of the structure into separate tenancies; facades that readily adapt to multiple entrances and adapt to entrances on all but one side of the building; parking lot schemes that are shared by tenants or are linked by safe and functional pedestrian connections; landscaping schemes that complement a multiple entrance design; and other elements of design which facilitate multi-tenant reuse of the building and site, including human-scale façade and landscape design on the ground-floor.

f. **Renewal Plan:** Applications shall include a renewal plan that will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the structure in the event of closure or relocation by the original occupant. Such plan will be approved if the city finds that:

i. A sound and adequate plan exists for said redevelopment; and

ii. The plan affords maximum opportunity for rehabilitation or redevelopment of the structure by both private enterprise and the municipality; and

iii. The renewal plan provides a maintenance plan for normal repairs and upkeep of property, including, but not limited to, building, parking lot and surfacing, landscaping, signage, and elimination of "ghost signage".

g. **Redevelopment Agreement:** The city may enter a redevelopment agreement with the owner of the real property and undertake activities, including the acquisition, removal, or demolition of structures, improvements, or personal property located on the real property, to prepare the property for redevelopment. A redevelopment agreement entered into in accordance with this section must contain provisions obligating the owner to redevelop the real property for a specified use or uses consistent with the provisions of this title and offering recourse to the city if the redevelopment is not completed as determined by the city.

h. **Exemptions:** Government offices, courthouses, libraries, museums, community centers, and hospitals are exempt from the required conditional use permit requirement of this section but shall conform to all other standards identified in this section

C. Site plan approval required for certain SUPs and PDDs.

1. **The Planning Director City Manager or designee has the authority to waive the requirement for a fully-engineered Site Plan or other technical documents with submission of a Specific Use Permit if the City Manager or designee Director finds that preparation of a fully-engineered Site Plan is unnecessary, and that a non-fully-engineered Site Plan would be adequate for the City**

Council to determine appropriateness of a use only, or if the City Engineer recommends to the City Manager or designee such waiver based on the level of disturbance or alteration of the property. If the fully-engineered Site Plan requirement is waived, a non-fully-engineered Site Plan will be required and the Director–City Manager or designee may request information needed to review compatibility of the proposed use for City Council’s consideration.

(i) If a Site Plan is solely for an SUP or PDD land use or amendment, and otherwise conforms and is in compliance with the requirements of Section 3.5.4., and as long as it is adequate to convey conformance with all applicable UDC requirements, convey adequacy for the proposed use, structures and development, and convey conformance with a proposed concept and/or master plan, then it does not have to meet the requirement to be a fully-engineered site plan. All other sections and requirements of the UDC will still pertain as applicable.

(ii) In lieu of a fully-engineered Site Plan, when applicable under subsection (7), a Master Plan is required in addition to the Concept Plan and images if the project includes more than two (2) buildings.M

24. ~~Site plan with specific use permit request.~~ A Site Plan associated with a Specific Use Permit must conform with the following criteria:

~~(i) After the application is deemed complete in accordance with city intake requirements and state law, Planning Director issues a Certificate of Completeness for the application, the Planning Director Department will conduct a technical review of the application.~~

(ii) The purpose of the technical review is to determine the following criteria are met:

- (1) The Site Plan and associated Specific Use Permit comply with the regulations of this UDC, the underlying zoning district, and all other applicable development regulations;
- (2) The Site Plan and associated Specific Use Permit promote the goals and objectives of the Comprehensive Plan;
- (3) Buildings and structures utilized in the operation of the Specific Use Permit are adequate to support the use or can be improved to support the use;
- (4) The Site Plan and associated Specific Use Permit prevent or mitigate any adverse impacts, including overcrowding and congestion;
- (5) The Site Plan and associated Specific Use Permit does not conflict with any requirements or standards of Article 2 or the applicant has obtained the necessary Subdivision Waiver (see subsection 2.6.1);
- (6) The Site Plan conforms and is in compliance with the requirements of Section 3.5.4.

(iii) Use of existing building.

- (1) If the Site Plan and Specific Use Permit request involves use or expansion of existing buildings or structures, the Building Official may conduct an inspection of buildings or structures to be utilized or expanded with the Specific Use Permit after the applicant

submits an application for Specific Use Permit to determine the adequacy of the buildings or structures to support the proposed use and to make recommendations for improvements to the buildings or structures.

(2) The City Council may condition approval of the Site Plan with Specific Use Permit on compliance with the Building Official's recommendations, and the Building Official may withhold a Certificate of Occupancy if the buildings or structures do not comply with the conditions.

(iv) Public hearings required. The Planning Director will review the Site Plan according to the criteria in Subitem B. above and will prepare a report ~~with a recommended action~~ to the Planning and Zoning Commission.

(1) The Planning Director will publish public notice and mail individual notices to property owners within 200 feet of the subject property describing the request for Site Plan associated with a Specific Use Permit according to the same requirements applicable to a zoning change request (see subsection 3.1.8).

(2) The Planning and Zoning Commission will conduct a public hearing, consider the report ~~and recommendation~~ of the Planning Director, and make recommendation to the City Council.

(3) If the Planning and Zoning Commission recommends denial of a Site Plan with associated Specific Use Permit, City Council may only approve the application by a simple majority.

(4) The City Council may, after conducting a public hearing, vote to approve, approve with conditions, or deny the Site Plan and associated Specific Use Permit.

~~(v) Letter of decision. Once City Council approves, approves with conditions, or denies the Site Plan and associated Specific Use Permit, the Planning Director will issue an official Letter of Decision within ten (10) calendar days.~~

D. Compatibility conditions.

1. City Council may approve an SUP on the condition that modifications or improvements be made to the property or site on which the SUP will be conducted to bring the property or site into conformance with this UDC including, but not limited to, improvements to lighting, parking or parking surfaces, drainage, screening, landscaping, building construction or design, signage, site access, or other improvements that will mitigate the impact of the SUP or bring the site into conformance with this UDC.

2. The Planning and Zoning Commission may recommend and City Council may require conditions and safeguards with approval of any SUP for the purpose of protecting other properties within the same or abutting zoning district.

3. The Planning and Zoning Commission or City Council, in evaluating the SUP request, may require any additional information beyond that required by the Planning Director or this

subsection 3.5.5 [3.5.6], including studies, data, or expert evaluation of the location, function, or characteristics of any use or building proposed in connection with the SUP.

4. No SUP may be approved that is not in conformance with the Comprehensive Plan and this UDC.

E. Specific use permit effect of approval.

1. By approving an SUP, the City authorizes the applicant to receive approval of a Site Plan associated with the property for which the SUP was approved and receive a Site Plan Permit, and to apply for approval of a Building Permit(s).

2. If an Applicant does not withdraw their SUP request prior to City Council approval, that shall constitute evidence of the applicant's willingness to accept and agree to be bound by and comply with the ordinance adopting the SUP, and all supporting documentation including business and operational plans, floor plans, required improvements and conditions of approval and the minimum requirements of the zoning district in which the property is located.

3. During the time the SUP remains valid, the City will not apply additional requirements concerning building placement, streets, drives, parking, landscaping, or screening, that are not otherwise required by this UDC, or required for health, safety, and welfare.

4. SUP approval is separate and distinct from other permits and approvals required by the UDC or other regulatory agencies.

F. Amendments to approved specific use permits.

1. An amendment to any approved SUP will be processed as a new Specific Use Permit request.

2. While the SUP is in effect, no building, premise, site, property, or land used in association with the SUP may be enlarged, modified, altered physically or structurally other than for repairs or renovations to the facade, roof, building interior, fencing, or paving that do not expand the footprint of the use, building or site, unless City Council approves a new SUP.

G. Specific use permit expiration.

1. Unless otherwise specified by ordinance adopted by the City Council, any SUP will expire under the following scenarios:

(i) If, after the SUP is granted, the applicant does not obtain a Building Permit or Certificate of Occupancy within twelve (12) months of Council approval; or

(ii) After six (6) months of continuous disuse or vacancy of the building or property associated with the SUP.

2. ~~The Planning Director, in~~ determining whether an SUP has expired, ~~if the applicant contests in writing to the determination, the City shall~~ require that the property owner or applicant submit documentation showing that the building or property associated with the SUP has been occupied within the six (6) month period in question. Evidence shall be in the form of one or more utility bills showing water and electricity usage applicable to the six-month period in question, photographs, invoices for business expenses related to operation of the use, and

must include sales receipts related to the use, as applicable. At their discretion, the Planning Director may accept other forms of evidence.

3. If an applicant relies upon fraudulent or misleading information in obtaining a continuation of an SUP that would otherwise have expired due to disuse, the Planning Director is authorized to revoke the SUP and the Building Official is authorized to revoke the Certificate of Occupancy from the business or property owner.

4. The applicant may request an extension or appeal the decision of the Planning Director to expire the SUP to the City Council. The City Council may establish an extension period of up to six (6) months beyond the date of its decision during which the SUP will remain valid. If the applicant does not obtain a Certificate of Occupancy within the extension period, the SUP will automatically expire. The City Council's decision shall be final.

H. Revocation of specific use permit approval.

1. The City Council may, upon recommendation by the Planning Director and the Planning and Zoning Commission, vote to revoke a Specific Use Permit upon finding that the business or property owner operating under the SUP has violated the requirements, standards, or conditions of the ordinance adopting the SUP or any other requirement or restriction found in this UDC.

2. As an alternative to revoking the SUP, the City Council may vote to place the business or property owner on probation for up to one (1) year, subject to such criteria as the City Council deems appropriate to ensure the legal operation of the use and the protection of the public health, safety, and welfare.

3. Unless approval for the SUP was obtained by fraud or deceit, an SUP is a zoning and land use entitlement that may only be revoked by action of the City Council.

I. Action by city attorney. If an SUP expires or is revoked under this Section 3.5.6 and the business or property owner continues operation or does not vacate the site, the City Attorney is authorized to obtain an injunction to prevent the business or property owner from continuing to operate. The business or property owner may be held liable for any penalties under the ordinance approving the SUP or provided under this UDC or the Bee Cave Code of Ordinances.

II.

CUMULATIVE CLAUSE

That this Ordinance shall be cumulative of all provisions of the City of Bee Cave, except where the provisions of this Ordinance are in direct conflict with the provisions of such other ordinance, in which event the conflicting provisions of such other ordinance are hereby repealed, while leaving the remainder of such other ordinance intact. To the extent of any conflict, this Ordinance

is controlling.

III.

SEVERABILITY

That it is hereby declared to be the intention of the City Council of the City of Bee Cave. that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional or invalid by final judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional or invalid phrases, sentences, paragraphs, or sections.

IV.

PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted 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

V.

EFFECTIVE DATE

This ordinance shall be effective upon passage and publication as required by state and local law.

DULY PASSED AND APPROVED, on the day of ,
2024 at a regular meeting of the City Council of the City of Bee Cave, Texas, which was held in compliance with the Open Meetings Act, Gov't. Code §551.001, et. Seq. at which meeting a quorum was present and voting.

CITY OF BEE CAVE:

Kara King, Mayor

ATTEST: _____

Jo Ann Touchstone, City Secretary

[SEAL]

APPROVED AS TO FORM:

City Attorney: _____

Ryan Henry, Law Offices of Ryan Henry, PLL



City Council Meeting
8/27/2024
Agenda Item Transmittal

Agenda Item: 9.

Agenda Title: **Public hearing, discussion, and possible action on Ordinance No. 542 to amend the Unified Development Code, Article 3 Zoning Regulations regarding Planned Development Districts.**

Council Action:

Department: **Administration**

Staff Contact: **Carly Pearson, Director of Planning & Development**

1. INTRODUCTION/PURPOSE

The purpose of this agenda items is for the City Council to discuss, review, and consider approval of the Amendment to Article 3 of the Code of Ordinances, regarding zoning districts and standards in the City of Bee Cave.

2. DESCRIPTION/JUSTIFICATION

a) Background

City Council held its first Mixed-Use/Multi-Family Workshop on June 18th and the second was held on July 29th. Council held this workshop to understand and clarify some of the new regulations that were proposed to be included in the Unified Development Code. The education workshop included a presentation following up on the current code language discussed at both Workshops. City staff presented the information requested, and City Council provided direction to city staff for actions to be considered and move forward to a City Council agenda for action.

b) Issues and Analysis

After citizen and stakeholder feedback, Council determined and directed city staff to make some revisions to Article 3 of the UDC for consideration and action. The items directed by Council, and before you on this agenda, are:

1. Update zoning dimensional standards of building height and footprint to be more in line with practical development constraints and priorities of Bee Cave.
2. Update the Special Use Permit (SUP) process to be easier, faster and less expensive for applicants to seek, by removing the mandatory fully-engineered site plan requirement and included allowing a simple SUP process for increased building height and footprint when appropriate and desired.
3. **Update the Planned Development District (PDD) section to rescind the ban on PDD's and once**

again allow them for creative and responsive development within the City of Bee Cave when appropriate and desired.

4. Amend and add new zoning districts, which are: adding appropriate commercial amenity uses to Multi-Family zone, R-5, which now will be called Multi-Family & Amenity District, and adding new Commercial zoning options, C-1 (Neighborhood Commercial) and C-2 (Medium Commercial) for use when appropriate and desired.

3. FINANCIAL/BUDGET

Amount Requested	Fund/Account No.
Cert. Obligation	GO Funds
Other source	Grant title
Addtl tracking info	

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

Staff recommends consideration of and action on the ordinance as presented and prepared according to Council direction.

ATTACHMENTS:

Description	Type
☐ Ordinance No. 542	Ordinance

ORDINANCE NO. 542

AN ORDINANCE AMENDING ARTICLE THREE OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF BEE CAVE.

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, it is the intent of the City of Bee Cave to protect the public health, safety, and welfare of its citizens; and

WHEREAS, municipalities may, under their police powers, enact reasonable regulations to promote the health, safety, and welfare of their citizens; and

WHEREAS, Texas Local Government Code Section 51.001(1) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or policy regulation that is for the good government, peace, or order of the municipality; and

WHEREAS, the Bee Cave City Council may regulate the development of property within Bee Cave's city limits and extraterritorial jurisdiction; and

WHEREAS, the Bee Cave City Council, in compliance with the laws of the State of Texas and the City's municipal code, and in the exercise of its legislative discretion, has determined it is appropriate, for good government and for the welfare and benefit of the public, to amend the Unified Development Code to update its provisions to keep up with the growth and development of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEE CAVE, TEXAS that Article 3 of the City of Bee Cave Unified Development Code shall be amended with strike-through text being deletions and underlined text being additions and all other provisions not addressed remain untouched and in full force and effect and shall read as follows:

* * *

SEC. II.

§ 3.2.15 Planned Development District (PDD).

A. Intent. The Planned Development District (PDD) is the designation given to properties with development and uses authorized by a Planned Development ordinance before adoption of this UDC. The most recent ordinance approved by Council that applies to each individual property will continue to govern the development of the property. Any subsequent change in uses allowed, applicable development standards, or other regulations that differ from the approved ordinance requires an amendment to the ordinance that established the PDD, or a rezoning to a different designation listed in subsection 3.3.5 consistent with the zoning change process in subsection 3.1.8. ~~Additionally, PDDs existing at the time of adoption of this UDC that are eighty (80) acres or greater in size may request a text amendment to this UDC to create a new zoning district for the redevelopment of the property included within the PDD, consistent with the zoning change process in subsection 3.1.8.~~ The intent of this section is to provide ongoing support for these legacy Planned Development Districts, and allow, from time to time, for the possible allowing for amendments to such Districts but not allowing for the creation of new PDD Districts.] City Council retains the discretion to deny amendment of a PDD ordinance or to approve rezoning of a PDD to a district designated under this UDC.

B. Procedures and standards: see subsection 3.5.5.

SEC. III

§ 3.5.5 Planned development district ~~(legacy)~~.

A. Purpose. The base zoning districts established in Section 3.1.7 [3.2.2] are intended to facilitate a broad range of development within appropriate areas of the City, with sufficient development standards and technical requirements to address a variety of development types and unique areas within the City. ~~This UDC, and the base zoning districts it contains, are structured to eliminate the need for future PDDs and encourage the transition of existing PDDs to a new base zoning. Prior to~~ In addition to this UDC, the City has made use of Planned Development Districts as a the tool to accommodate such specialized development scenarios and opportunities when given that prior regulations did not have other paths to regulatory compliance. ~~Therefore, the intent of this section [is] to provide ongoing support for these legacy Planned Development Districts, allowing for amendments to such Districts but not allowing for the creation of new Districts.~~ A Planned Development District, as it is created or amended, shall establish specific development standards that ensure the Planned Development District exceeds the standards of the equivalent base zoning districts. Amendments to all PDDs] shall be amended and restated.

B. Minimum area required for a Planned Development District. The minimum size for a Planned Development District is five (5) contiguous acres.

C. Applications to create or amend a Planned Development District. An application for a Planned Development District creation or amendment must be in conformance to the Comprehensive Plan and demonstrate compliance with the following criteria on a certain property:

1. General ~~legacy~~ PDD criteria.

(i) Provide for a mix of a minimum of two types of uses, provided each use requested appears on the Use Charts before Council approves the Planned Development District (see subsection 3.3.5). An applicant that proposes a PDD that authorizes new uses not found on the Use Charts must demonstrate the following as part of the PDD application:

(1) The proposed use(s) meets the intent of this subsection 3.5.1 [3.5.5] and this UDC;

(2) The proposed use(s) are compatible with abutting uses and property; and

(3) The proposed use(s) will positively contribute to the City's economy, not be detrimental to the City's fiscal, environmental or general health and livability, and will not require undue investments in infrastructure or City resources to operate or manage.

(ii) Provide for integrated design and placement of buildings with regulations that govern the bulk, height, footprint, and separation of buildings to an extent beyond what is required by this UDC.

(iii) Preserve or enhance areas with environmentally significant natural features in a greater fashion than what is required by this UDC.

(iv) Provide for shared open space in an amount greater than required by Section 6.3 and in a way that supports a variety of temporary uses or events with flexible provisions for gathering, parking, vending, circulation, and staging.

(v) Creation of a coordinated and integrated transportation system throughout the district provided that the plan facilitates multiple transportation modes, exceeds the inter-parcel connectivity required by the City's UDC or depicted in the City's Thoroughfare Plan, provides sufficient emergency vehicle access, and adequately manages stormwater runoff.

(vi) Show proposed PDD boundaries. Or if an amendment, if and how the proposed amendment has the effect of altering the existing PDD boundaries;

(ii) Show proposed land uses. Or if an amendment, show if and how the proposed amendment has the effect of changing, adding, or removing uses as listed in the ordinance adopting the PDD or amendments thereto;

(iii) Show allocation and amount of land uses. Or if an amendment, if and how a proposed amendment has the effect of increasing or reducing land allocated to a particular use or uses in a way that is different from the ordinance adopting the PDD or amendments thereto;

(iv) Show residential density or maximum square footage of any non-residential land use, and proposed traffic impacts. Or if an amendment, if and how a proposed amendment has the effect of increasing or decreasing the residential density or maximum square footage of any non-residential land use authorized in the PDD, and whether any increase triggers the need to update or amend any associated Traffic Impact Analysis; and

(v) Show total impervious coverage and park, open space and landscaped areas. Or if an amendment, if it will result in a net increase of impervious coverage or net decrease in park, open space or landscaped area.

~~2. Special criteria for amendments. Additionally, requested PDD amendments shall not:~~

- ~~(i) Have the effect of altering the PDD boundaries;~~
- ~~(ii) Have the effect of authorizing uses that are prohibited or are not listed within the ordinance adopting the PDD or amendment thereto or removing uses that are authorized;~~
- ~~(iii) Increase or reduce land allocated to a particular use or uses in a way that is inconsistent with the ordinance adopting the PDD or amendment thereto;~~
- ~~(iv) Increase or decrease the residential density or maximum square footage of any non-residential land use authorized in the PDD by more than ten percent (10%), provided any increase does not trigger the need to update or amend any associated Traffic Impact Analysis; and~~
- ~~(v) Result in a net increase of impervious coverage or net decrease in park or landscaped area.~~

~~A3. If the Planning Director finds that the request does not meet the above criteria, the Applicant must resubmit the request to City Council as a rezoning request to a zoning district listed in Section 3.1.7 [3.2.2] of this UDC in accordance with the procedures of Section 3.1.8.~~

D. Fees, forms, and procedures.

1. The City's adopted Fee Schedule will establish fees relating to the Planned Development District ~~creation, amendment, and~~ approval process.

2. The City will not approve a Planned Development District ~~or PDD~~ amendment for a property until the property owner provides evidence demonstrating payment of indebtedness (see Section 1.4.2.D).

3. The City is hereby authorized to prepare application forms that include requirements for information, checklists, architectural or engineering drawing sizes and contents, contact information for the property owner, applicant, and technical consultants, and any other information ~~or technical assistance~~ necessary to review the amendment application for compliance with City codes.

4. The applicant is responsible for submitting the application by the deadline indicated on the City's published Development Schedule.

5. The Planning ~~Director and Development Department~~ is responsible for maintaining and making available the application forms applicable to a Planned Development District request.

6. The application forms may be revised or changed at any time without notice, consistent with the UDC ~~at the direction of the City Manager or designee~~.

E. ~~Letters of certification and~~ Pre-application meeting. ~~The Planning Director may require new or updated Letters of Certification (see Section 1.4.1) and recommend that a~~ A Pre-application Meeting (see Section 1.2.1 [1.3]) ~~shall~~ take place prior to submittal of an application to ~~create or~~ amend a Planned Development District.

F. Planned development master plan required.

1. An application to create or amend a Planned Development District must be accompanied by a Planned Development Master Plan.

2. The Planned Development Master Plan shall consist of two components:

(i) Planned Development (PDD) Design Statement; and

(ii) Planned Development (PDD) Concept Design Map.

3. The ~~Planning Director~~City Manager or Designee, Planning and Zoning Commission, or City Council may also require the applicant to produce other supporting documents and exhibits demonstrating how the Planned Development District will meet the goals of this section and the Comprehensive Plan.

4. PDD design statement. The PDD Design Statement is a written report containing each of the following elements:

(i) The name or title of the development to be authorized by the Planned Development District (PDD);

(ii) Identification of the base district or districts upon which the PDD regulations are based and a list of all standards applicable to the base district(s), and a list of those standards that the applicant proposes to modify with the PDD;

(iii) If applicable, a list of requested Subdivision Waivers. Any Subdivision Waiver included in a PDD Ordinance will govern approval of any Preliminary, Final or other Plat associated with the property subject to the PDD;

(iv) List of property owners, a property ownership affidavit, and list of developers. If a master developer initiates the application, the PD Design Statement must contain, if known, a list of prospective developers for subsequent phases or areas within the PDD;

(v) A description of the location of the PDD and its relationship to abutting land uses, whether existing or proposed, and or the zoning of neighboring properties. The description should address at a minimum properties and land uses within a one-quarter (1/4) mile radius of the PDD. The ~~Planning Director~~City Manager or designee, Planning and Zoning Commission, or City Council may require that the description include properties outside of this area based on the size of the proposed PDD or the projected impact or relationship between the proposed district and abutting or adjoining districts;

(vi) A description of existing and proposed streets that abut, connect to, or may be impacted by the proposed PDD;

(vii) A description of proposed streets within the PDD, including any requested waivers to applicable street standards (see Section 2.5), street design and streetscape concepts, and the relationship of the proposed streets with existing or proposed streets outside the PDD. The applicant is encouraged to utilize the PDD to create street sections that exceed City standards for aesthetic appeal, multi-modal configurability, and traffic calming;

(viii) Description of the PDD concept, including a breakdown of proposed acreage or square footage of land uses, sub-districts, or areas, building types, relationships between buildings, streets, and

open space, residential density, if applicable, and proposed restriction of uses, building orientation, site access, and other characteristics that will define the district or as deemed necessary by the City;

(ix) Analysis of existing elevation, slope, soils, existing trees based on a tree survey, and drainage characteristics and the strategies the PDD will utilize to protect and preserve these features in their natural condition;

(x) Topographic map with minimum two (2) ft. contour intervals;

(xi) Analysis of drainage area acreage and existing ponds, critical environmental features, and flood plain, if any;

(xii) Identification of existing and proposed utilities and Public Facilities;

(xiii) Description of proposed phasing or sequence of development;

(xiv) Additional material requested by the City.

5. PDD concept design map.

(i) The PDD Concept Design Map (Design Map) is a graphic representation of the master plan for a PDD.

(ii) The Design Map must be consistent with the PDD Design Statement.

(iii) The Design Map must be created to a legible scale and contain sufficient detail to articulate the physical plan for implementing the components of the PDD Design Statement within the context of the proposed PDD.

(iv) The Design Map components include, but are not ~~be~~ limited to locations of proposed land uses, streets, property lines, landmark features, entryway features, building locations, parking locations, open space and common areas to be constructed with each phase of development, pedestrian facilities (i.e., sidewalks, paths), identification of the developer or developers responsible for constructing the common features, anticipated location of stormwater management facilities and the timing and responsibility for construction.

(v) As a supplement to the Design Map, ~~the Planning Director may require that~~ the applicant shall provide conceptual images of building types, open space, and streetscapes.

6. Approval or amendment of ~~an amended~~ planned development master plan. Upon approval by City Council, the ~~amended~~ Planned Development Master Plan or amendment thereof will become part of the ordinance authorizing the Planned Development District.

7. Expiration of planned development master plan.

(i) The Planned Development Master Plan will expire two (2) years from the date of approval if the applicant has made no Progress Towards Completion within the Planned Development District.

(ii) If a PDD is borne out of a Development Agreement that outlined certain development and design standards, responsibilities, and procedures relating to the development of a property and that are not consistent with a zoning district established by this UDC, the PDD Master Plan shall expire the sooner of two (2) years from the date of PD approval or on the expiration date established by the Development Agreement.

(iii) If the Planned Development Master Plan expires, the applicant must submit a new Planned Development Master Plan for approval according to the procedures specified in this Section 3.4.5 [3.5.5].

(iv) Expiration of the Planned Development Master Plan does not invalidate the Planned Development District. Any new Planned Development Master Plan must comply with the Planned Development District regulations set forth in the adopting ordinance and with this UDC.

G. Applicability and integration of Planned Development Districts approved prior to UDC.

1. A Planned Development District approved prior to adoption of this UDC shall be governed by the ordinance that created the original Planned Development or the most recent amendment to the ordinance unless the Planned Development District is otherwise re-designated in this UDC and on the Official Zoning Map.

2. Any amendments proposed subsequent to adoption of this UDC to a Planned Development District approved prior to adoption of this UDC must comply with this UDC unless otherwise stated in the previously adopted PDD Ordinance.

~~3. PDDs existing at the time of adoption of this UDC that are eighty (80) acres or greater in size may request a text amendment to this UDC to create a new zoning district for the redevelopment of the property included within the PDD, consistent with the zoning change process in Section 3.1.8; Amendment to Zoning Map or Text, rather than an amendment to the PDD.~~

H. Approval process.

1. The Planning ~~Department Director~~ will review the Planned Development District ~~new application~~ ~~or~~ amendment ~~application~~ and will prepare a report ~~with a recommended action~~ to the Planning and Zoning Commission.

2. The ~~Planning Director~~ ~~City~~ will post public notice and mail individual notices to property owners within 200 feet of the subject property describing the request for a Planned Development District ~~or~~ amendment ~~thereto~~ according to the same requirements applicable to a zoning change request ~~in accordance with state law~~ (see Section 3.1.8, Amendment to Zoning Map or Text).

3. The Planning and Zoning Commission will conduct a public hearing, consider the report ~~and recommendation~~ of the Planning ~~Department Director~~, and make recommendation to the City Council.

4. The City Council may, after conducting a public hearing, vote to approve, approve with conditions, or deny the Planned Development District ~~or~~ amendment ~~thereto~~.

~~5. Once City Council approves, approves with conditions, or denies the Planned Development District amendment, the Planning Director will issue an official Letter of Decision within ten (10) calendar days.~~

~~6. If the Planning and Zoning Commission votes to recommend denial of a Planned Development District, City Council may only approve the application by a three-fourths (3/4) majority.~~

I. Requirement to submit site plan for Planned Development District. The applicant must submit a Site Plan for review and approval before receiving a Building Permit or permit to begin construction within the Planned Development District.

II.

CUMULATIVE CLAUSE

That this Ordinance shall be cumulative of all provisions of the City of Bee Cave, except where the provisions of this Ordinance are in direct conflict with the provisions of such other ordinance, in which event the conflicting provisions of such other ordinance are hereby repealed, while leaving the remainder of such other ordinance intact. To the extent of any conflict, this Ordinance is controlling.

III.

SEVERABILITY

That it is hereby declared to be the intention of the City Council of the City of Bee Cave. that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional or invalid by final judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional or invalid phrases, sentences, paragraphs, or sections.

IV.

PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted 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

V.

EFFECTIVE DATE

This ordinance shall be effective upon passage and publication as required by state and local law.

DULY PASSED AND APPROVED, on the day of ,
2024 at a regular meeting of the City Council of the City of Bee Cave, Texas, which was held in compliance with the Open Meetings Act, Gov't. Code §551.001, et. Seq. at which meeting a quorum was present and voting.

CITY OF BEE CAVE:

Kara King, Mayor

ATTEST: _____

Jo Ann Touchstone, City Secretary

[SEAL]

APPROVED AS TO FORM:

City Attorney: _____

Ryan Henry, Law Offices of Ryan Henry, PLL



City Council Meeting
8/27/2024
Agenda Item Transmittal

Agenda Item: 10.

Agenda Title: Public hearing, discussion, and possible action on Ordinance No. 543 to amend the Unified Development Code, Article 3 Zoning Regulations regarding Zoning Districts.

Council Action:

Department: Planning and Development

Staff Contact: Carly Pearson, Director of Planning & Development

1. INTRODUCTION/PURPOSE

The purpose of this agenda items is for the City Council to discuss, review, and consider approval of the Amendment to Article 3 of the Code of Ordinances, regarding zoning districts and standards in the City of Bee Cave.

2. DESCRIPTION/JUSTIFICATION

a) Background

City Council held its first Mixed-Use/Multi-Family Workshop on June 18th and the second was held on July 29th. Council held this workshop to understand and clarify some of the new regulations that were proposed to be included in the Unified Development Code. The education workshop included a presentation following up on the current code language discussed at both Workshops. City staff presented the information requested, and City Council provided direction to city staff for actions to be considered and move forward to a City Council agenda for action.

b) Issues and Analysis

After citizen and stakeholder feedback, Council determined and directed city staff to make some revisions to Article 3 of the UDC for consideration and action. The items directed by Council, and before you on this agenda, are:

1. Update zoning dimensional standards of building height and footprint to be more in line with practical development constraints and priorities of Bee Cave.
2. Update the Special Use Permit (SUP) process to be easier, faster and less expensive for applicants to seek, by removing the mandatory fully-engineered site plan requirement and included allowing a simple SUP process for increased building height and footprint when appropriate and desired.
3. Update the Planned Development District (PDD) section to rescind the ban on PDD's and once again allow them for creative and responsive development within the City of Bee Cave when appropriate and

desired.

4. **Amend and add new zoning districts, which are: adding appropriate commercial amenity uses to Multi-Family zone, R-5, which now will be called Multi-Family & Amenity District, and adding new Commercial zoning options, C-1 (Neighborhood Commercial) and C-2 (Medium Commercial) for use when appropriate and desired.**

3. FINANCIAL/BUDGET

Amount Requested	Fund/Account No.
Cert. Obligation	GO Funds
Other source	Grant title
Addtl tracking info	

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

Staff recommends consideration of and action on the ordinance as presented and prepared according to Council direction.

ATTACHMENTS:

Description	Type
☐ Ordinance No. 543	Ordinance

ORDINANCE NO. 543

AN ORDINANCE AMENDING ARTICLE THREE OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF BEE CAVE.

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, it is the intent of the City of Bee Cave to protect the public health, safety, and welfare of its citizens; and

WHEREAS, municipalities may, under their police powers, enact reasonable regulations to promote the health, safety, and welfare of their citizens; and

WHEREAS, Texas Local Government Code Section 51.001(1) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or policy regulation that is for the good government, peace, or order of the municipality; and

WHEREAS, the Bee Cave City Council may regulate the development of property within Bee Cave's city limits and extraterritorial jurisdiction; and

WHEREAS, the Bee Cave City Council, in compliance with the laws of the State of Texas and the City's municipal code, and in the exercise of its legislative discretion, has determined it is appropriate, for good government and for the welfare and benefit of the public, to amend the Unified Development Code to update its provisions to keep up with the growth and development of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEE CAVE, TEXAS that Article 3 of the City of Bee Cave Unified Development Code shall be amended with strike-through text being deletions and underlined text being additions and all other provisions not addressed remain untouched and in full force and effect and shall read as follows:

* * *

SEC. II.

§ 3.2.2 Zoning districts established.

A. The City of Bee Cave is divided into zones, also called districts, and the boundaries of zoning districts set out in this Section are delineated on the Official Zoning Map.

B.

All land within the City Limits is classified into the districts shown in Table 3.2-1: Zoning Districts.

Table 3.2-1: Zoning Districts

Residential Districts

AG - Agriculture District

R-1 - Residential Estate District

R-2 - Suburban Residential District

R-3 - Suburban Transitional District

R-4 - Urban Residential District

R-5 – Multifamily & **Amenity** Residential District

Mixed-Use Districts

MU-N - Neighborhood Mixed-Use District

MU-C - Community Mixed-Use District

MU-TC - Town Center Mixed-Use District

Commercial Districts

C-1 – Neighborhood Commercial District

C-2 - Medium Commercial District

CR-3 - Regional Commercial District

Specialty Districts

PDD - Planned Development District

P - Public District

§ 3.2.3 Zoning equivalency.

Table 3.2-2: Zoning Equivalency Chart identifies zoning districts that existed under the previous zoning ordinance and the zoning district and regulations that now apply in this UDC to each district.

Table 3.2-2: Zoning Equivalency Chart

Former District	Equivalent under UDC
A – Agriculture	AG - Agriculture District
SF-RR - Single-Family Rural Residential	R-1 - Residential Estate District
SF-20 - Single-Family Estate Residential-20	R-2 - Suburban Residential District
No Equivalent	R-3 - Suburban Transitional District
SF-PH - Single-Family Residential Patio Home	R-4 - Urban Residential District
SFA - Single-Family Attached Residential (townhome)	
MF1 - Multi-Family Residential-1	R-5 - Multifamily Residential District
O - Office R – Retail NS - Neighborhood Service	C-1 Neighborhood Commercial MU-N – Mixed-Use Neighborhood
TC - Town Center	MU-TC - Town Center Mixed-Use District
C – Commercial	C-2 - Medium Commercial District CR-3 - Regional Commercial District
MU - Mixed Use	MU-C - Community Mixed-Use District
R – Retail	MU-N – Neighborhood Mixed-Use District
P - Public Use	P - Public District
PD - Planned Development	PDD - Planned Development District
PRO - Planned Residential Overlay	
CUP - Conditional Use Permit	District-SUP suffix

Table 3.2-2: Zoning Equivalency Chart

Former District	Equivalent under UDC
No Equivalent	Hill Country Corridor Overlay

§ 3.2.9 Multifamily & Amenity Residential District (R-5).



A. Intent. The R-5 - Multifamily & Amenity Residential District is an attached residential district and contains uses that are more intensive than other residential districts. It is also intended to provide an option for small-scale amenity commercial uses to go with multi-family residential where appropriate. The principal permitted land uses include detached low- and mid-rise multiple-family dwellings with primarily shared open space and parking. The district also accommodates complementary commercial and residential uses such as café or retail space on the ground floor of residential building or as a separate building. These regulations are intended to reduce and mitigate negative impacts to light, air, visual intrusions, and noise. Recreational, religious, health, and educational uses normally located to serve residential areas are also permitted in this district. This district should be located adjacent to a major thoroughfare and serve as a buffer between retail or commercial development or heavy automobile traffic and medium or low-density residential development. This district is intended to contribute to community character by providing convenient pedestrian access to neighborhood services and the critical mass of population needed to support those services.

B. Permitted uses: Section 3.3.5.

C. Dimensional standards: Section 3.4.1.

D. Other regulations.

1. Parking Standards: Section 3.4.1.C [3.4.2].

2. Residential Design Standards: Section 3.4.3.

3. Non-Residential and Mixed-Use Design Standards: 3.4.5.

4. Residential Adjacency: Section 3.4.7.

5. Accessory Buildings and Structures: Section 3.4.9.

6. Non-Conforming Lots, Structures, and Uses: Section 3.4.11.

7. Signage: Article 4.

8. Landscaping: Article 5.

9. Supplemental Development Standards: Article 6.

§ 3.2.10 Neighborhood Mixed-Use District (MU-N).



A. Intent. The Neighborhood Mixed-Use District (MU-N) is intended to provide a transition between single-use residential districts and the City's major thoroughfares. The MU-N district accommodates neighborhood-scale commercial uses and complementary residential uses such as stacked units above retail or commercial space on the ground floor. The District is designed to serve residents within a 5-minute drive or 10-minute walk. Lots are to be served by Public Facilities such as public streets with curb and gutter and with water and wastewater infrastructure. Buildings should be designed with a high level of sensitivity to the character of the surrounding neighborhood. This district is intended to contribute to community character by providing convenient pedestrian access to commercial services and the critical mass of population needed to support those services.

B. Permitted uses: Section 3.3.5.

C. Dimensional standards: Section 3.4.1.

D. Other regulations.

1. Parking Standards: Section 3.4.1.C [3.4.2].

2. Residential Design Standards: N/A.

3. Non-Residential and Mixed-Use Design Standards and bonuses: Section 3.4.3 [3.4.5].

4. Residential Adjacency: Section 3.4.7.

5. Accessory Buildings and Structures: Section 3.4.9.

6. Non-Conforming Lots, Structures, and Uses: Section 3.4.11.

7. Signage: Article 4.

8. Landscaping: Article 5.

9. Supplemental Development Standards: Article 6.

§ 3.2.11 Community Mixed-Use District (MU-C).



A. Intent. The Community Mixed-Use District (MU-C) is intended to accommodate housing demand along with demand for community-serving retail and commercial uses. urban housing and neighborhood-scale commercial capable of integrating with the highest intensity commercial and mixed-use districts in the City. The Neighborhood Mixed-Use District (MU-C) allows for a diversity of commercial and residential uses, such as ground floor retail and services with offices or multi-family residential units stacked above, small office buildings, and townhomes. Lots are to be served by Public Facilities such as public streets with curb and gutter and with water and wastewater infrastructure. Because most units lack private yards in these types of developments, generous amenities and public or private open space are necessary to maintain a high quality of life and to provide recreational opportunities. Buildings should be built to the street where possible to contribute to a lively and unbroken streetscape as well as to allow for the efficient provision of large, usable open spaces within or adjacent to the development. Buildings should be designed with a sensitivity to their context and serve as major contributors to the character of the surrounding area and street corridor. The fundamental characteristics of the district should be flexible as to the size and depth of properties. On narrower or shallower properties less than 300 feet deep, more traditional strip commercial uses may be permissible if the overall fabric of the street is not disrupted. This district is intended to provide convenient pedestrian and auto access to commercial services that draw from outside the immediate neighborhood, requiring careful attention to be paid to creating and preserving transportation facilities and connections.

B. Permitted uses: Section 3.3.5.

C. Dimensional standards: Section 3.4.1.

D. Other regulations.

1. Parking Standards: Section 3.4.1.C [3.4.2].
 2. Residential Design Standards: N/A.
 3. Non-Residential and Mixed-Use Design Standards and bonuses: Section 3.4.3 [3.4.5].
 4. Residential Adjacency: Section 3.4.7.
 5. Accessory Buildings and Structures: Section 3.4.9.
 6. Non-Conforming Lots, Structures, and Uses: Section 3.4.11.
 7. Signage: Article 4.
 8. Landscaping: Article 5.
 9. Supplemental Development Standards: Article 6.
- § 3.2.12 Town Center Mixed-Use District (MU-TC).**



A. Intent. The Town Center Mixed-Use District (MU-TC) is intended to function as Bee Cave's downtown, incorporating an intentional mixture of commercial, retail, business, residential, and civic uses. Buildings should be carefully planned to frame and provide access to public plazas and

signature features. Foot traffic should be the prevailing form of transportation, with streetscapes and intersections designed to minimize high-speed auto traffic. On- and off-street parking should be discreet and shared between uses. Existing parking lots and parking garage facades are considered temporary features and may be redeveloped consistent with the guidelines of the Town Center Mixed-Use District (MU-TC).

B. Permitted uses: Section 3.3.5.

C. Dimensional standards: Section 3.4.1.

D. Other regulations.

1. Parking Standards: Section 3.4.1.C [3.4.2].

2. Residential Design Standards: N/A.

3. Non-Residential and Mixed-Use Design Standards and Bonuses: Section 3.4.3 [3.4.5].

4. Residential Adjacency: Section 3.4.7.

5. Accessory Buildings and Structures: Section 3.4.9.

6. Non-Conforming Lots, Structures, and Uses: Section 3.4.11.

7. Signage: Article 4.

8. Landscaping: Article 5.

9. Supplemental Development Standards: Article 6.

§ 3.2.13 Neighborhood Commercial District (C-1).



A. Intent. The Neighborhood Commercial District (C-1) is a commercial district intended primarily for non-auto-oriented, residential services business uses such as coffee cafés or neighborhood servicing commercial uses. This district allows for a variety of light commercial uses that will serve as a transitional zone between residential and less intense commercial uses. Permitted uses will be those of a less intense nature that will aesthetically blend with the residential character of the area while permitting commercial enterprises.

B. Permitted uses: Section 3.3.5.

C. Dimensional standards: Section 3.4.1.

D. Other regulations.

1. Parking Standards: Section 3.4.1.C [3.4.2].

2. Residential Design Standards: N/A.

3. Non-Residential and Mixed-Use Design Standards and bonuses: Section 3.4.3 [3.4.5].

4. Residential Adjacency: Section 3.4.7.

5. Accessory Buildings and Structures: Section 3.4.9.

6. Non-Conforming Lots, Structures, and Uses: Section 3.4.11.

7. Signage: Article 4.

8. Landscaping: Article 5.

9. Supplemental Development Standards: Article 6.

§ 3.2.14 Medium Commercial District (C-2).



A. Intent. The Medium Commercial District (C-2) is a commercial district that allows a mix of commercial uses including, retail, office, local bank, and similar uses excluding residential and multifamily. This district allows the retail sale of goods and products that provide a healthy and diverse commercial base.

B. Permitted uses: Section 3.3.5.

C. Dimensional standards: Section 3.4.1.

D. Other regulations.

1. Parking Standards: Section 3.4.1.C [3.4.2].

2. Residential Design Standards: N/A.

3. Non-Residential and Mixed-Use Design Standards and bonuses: Section 3.4.3 [3.4.5].

4. Residential Adjacency: Section 3.4.7.

5. Accessory Buildings and Structures: Section 3.4.9.

6. Non-Conforming Lots, Structures, and Uses: Section 3.4.11.

7. Signage: Article 4.

8. Landscaping: Article 5.

9. Supplemental Development Standards: Article 6.

§ 3.2.145 Regional Commercial District (CR-3.)



A. Intent. The Regional Commercial District (~~C-3R~~) is a commercial district intended primarily for auto-oriented business uses such as big-box retail or heavier commercial uses. Properties zoned Regional Commercial are generally not appropriate directly abutting a low-density (R-1, R-2) residential district. ~~Redevelopment of existing properties not zoned CR should occur under an MU zoning district to prevent an increase in auto-oriented development.~~

B. Permitted uses: Section 3.3.5.

C. Dimensional standards: Section 3.4.1.

D. Other regulations.

1. Parking Standards: Section 3.4.1.C [3.4.2].

2. Residential Design Standards: N/A.

3. Non-Residential and Mixed-Use Design Standards and bonuses: Section 3.4.3 [3.4.5].

4. Residential Adjacency: Section 3.4.7.

5. Accessory Buildings and Structures: Section 3.4.9.

6. Non-Conforming Lots, Structures, and Uses: Section 3.4.11.

7. Signage: Article 4.

8. Landscaping: Article 5.

9. Supplemental Development Standards: Article 6.

§ 3.2.164 Public District (P).

§ 3.2.175 Planned Development District (PDD).

§ 3.2.186 Hill Country Overlay

§ 3.3.5 Use chart.

	AG	R-1	R-2	R-3	R-4	R-5	MUNICIPAL			C-1	C-2	CR-3	P	HCO	Parking See Section 3.3.6
Household Living															
Single-Family Residential, Detached	P	P	P	P										P	2 per unit
Duplex					P										2 per unit
Townhouse					P	P		P	P						2 per unit + 1 guest space per 5 units
Multi-Family Residential (3-5 units per lot)					P	P	P	P	P						1.5 per unit + 1 guest space per 5 units
Multi-Family Residential (6+ units per lot)						P	P	P	P						1.5 per unit + 1 guest space per 5 units
Accessory Dwelling Unit	P1	P1	P1	P1	P1	P1	P1	P1	P1					P1	1 per ADU

Independent Living Facility					P	P	P	P	P					P	1.5 per unit
Manufactured Housing	P2														2 per unit
Home Occupation See Section 3.4.10	P	P	P	P	P	P	P	P	P					P	Per unit type
Office or Studio, Live-Work					P	P	P	P	P					P	Add 1 per commercial use in addition to residential
Group Living															
Assisted Living Home						S		S	S				S	S	1 per unit/room
Community Home or Family Home	P3	P3	P3	P3	P3	P3	P3	P3	P3					P3	2 per unit
Halfway House													S4		Per SUP
Temporary Lodging															
Bed and Breakfast								P	P	P				P	1.5 per guest room in addition to residential
Extended Stay or Residence Hotel									S					S	1.25 per guest room
Hotel, Full Service									P	P				P	Minimum of 2.5 per guest room plus 1 per 250 sq ft for Conference Center and 1 per 250 sq ft of Restaurant (Sit-Down and

Retail Store, "Big Box"											S	P			1 per 250 sf	
Winery	S5					S					S5	S5		S5	1 per 250 sf of tasting room	
Personal Services and Other Commercial																
Artisan Studio	P					S	P	P	P		P			P	See Section 3.3.6	
Bank or Depository Financial Institution							P	P	P		S	P			1 per 400 sf	
Day Care, Child, Day Care, Adult See Section 3.4.10 for uses conducted as Home Occupation	S7	S7	S7	S7	S7	S7	P7	P7	P7		S7	P7	P7	P7	S7	1 per 400 sf or 1 per 4 pupils + 1 per employee
Mini-Storage (indoor uses only)								P					P		1 per 400 sf office/retail	
Outside Storage (as Accessory Use only)													P8		N/A	
Pawnshop													P		1 per 400 sf	

Personal Services						S	P	P	P		P	P	P			See Section 3.3.6
Tattoo or Body Piercing Studio													S			1 per 400 sf
Temporary Buildings	P9	P9	P9	P9	P9	P9	P9	P9	P9		P9	P9	P9	P9	P9	See conditions
Trade School (see Trade School under Educational Uses)																
Office and Business Services																
Light Manufacturing and Assembly													P			1 per 400 sf of office space; and 1 per 1,500 sf of assembly/warehouse space
Office, General							P	P	P		S	S			S	1 per 400 sf
Office, Medical (see Healthcare Uses under Civic and Cultural)											S	S				
Professional and Business Services (indoor)						S	S	P	S		P	P	P		S	See Section 3.3.6
Research and Development Lab							S10	S10	S10				S10			1 per 400 sf of office space; and 1 per 1,500 sf of

(Life Sciences)															assembly/warehouse space	
Security Quarters							P	P	P				P		P	2 spaces
Warehousing													P			1 per 5,000 sf
Auto/Vehicle-Related Uses and Services																
Parking (structured) See Section 3.4.2.H						P	P		P	P				P	P	N/A
Auto Parts Sales									S11	S11				S11		1 per 250 sf
Auto/Vehicle Repair														S12		1 per service bay
Car Service														S12		1 per 600 sf office
Car Wash								S	S					S		1 per wash bay
Electric Vehicle Charging Station or charging station Level 1 and Level 2, Accessory	P13	P13	P13	P13	P13	P13	P13	P13	P13	P13				P13	P13	N/A
Electric Vehicle Charging Station or charging station Level 3,					P13	P13	P13	P13	P13					P13	P13	N/A

Accessory															
Gas Station (with or without Convenience Store)							S14	S14	S14			S14			1 per pump and 1 per 250 sf retail
Quick Lube							S					S			1.5 per bay
Civic and Cultural															
Art Gallery or Museum						S	P	P	P		P	P	P	P	1 per 400 sf
Cemetery or Mausoleum	P	P	P	P	P	P	P	P			P	P	P	P	N/A
Community Center							P	P	P			P	P	P	1 per 250 sf
Community Center, Residential		P	P	P	P	P	P	P	P			P	P	P	1 per 250 sf
Conference Center									S			S		S	1 per 250 sf
Country Club		S	S	S	S										1 per 250 sf of buildings; and 5 spaces per golf course green, 3 spaces per tennis/sport court, 1 space per 400 sf of fitness club
Dance, Music, or						S	P	P	P		S	P	P		1 per 400 sf

Drama Studio																	
Emergency Care Facility											S	S			1 per employee + 1 per bed		
Government Building or Use	P	P	P	P	P	P	P	P	P		P	P	P	P	1 per 400 sf office		
Healthcare Uses							P	P	P		S	S	P	P	S	See Section 3.3.6	
Place of Worship	P	P	P	P	P	P	P	P	P		P	P	P	P	P	1 per 100 sf	
Private Club							S		S	S		S	S	S		1 per 100 sf	
Educational Uses																	
Auto Driving School								P	P	P		S	S	P	P	1 per 250 sf	
College or University	S							S	S	S				S	S	S	Per SUP
K-12 School	P7	P7	P7	P7	P7	P7	P7	P7	P7	P7				P7	P7	P7	Primary and Junior High: 1 space for each classroom plus 1 space for every four (4) seats in any auditorium, gymnasium or other common place of assembly (based on maximum design capacity). High School: 1 space for every three (3) students,

															faculty and staff, plus 1 space for every four (4) seats in any auditorium, gymnasium or other common place of assembly (based on maximum design capacity).
Private Tutoring or Focused Instruction							P7	P7	P7	P7	P7	P7		P7	1 per pupil or 1 per 200 sf
Trade School							S	S	S	S	S	S			Per SUP
Entertainment, Fitness and Recreation															
Dance Hall, Night Club, or Live Music Venue								S5	S5			S5		S5	1 per 3 occupants or 1 per 400 sf or 1 per 3 seats
Fitness Boot Camp	P15	P15	P15	P15	P15	P15	P15	P15	P15	P15	P15	P15	P15	P15	See Section 3.4.8.B.7
Fitness Gym or Health Club						S	P	P	P	S	S	P	P		1 per 400 sf
Golf Course or Disc Golf Course		P	P			S							P		3 per hole or basket

Private Park		P	P	P	P	P								P	Minimum of 5 spaces or 2 spaces per acre, whichever is greater; and amenity-based ratios (see Country Club)
Public Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3 per acre
Recreation and Entertainment Uses (Indoors)						S		P	P	S	P	P	S	S	1 per 250 sf or per SUP
Recreation and Entertainment Uses (Outdoors)	S					S		S	S	S	S	S	S	S	1 per 3 seats or per SUP
Special Events Center	S							S	S		S	S	S	S	1 per 3 seats or per SUP
Adult-Oriented Businesses				See Section 6.5										1 per 250 sf	
	Utilities and Infrastructure														
Septic System (not cluster)	P	P	P												N/A
Small Wind Energy Systems	S	S											S		N/A
Utilities and			Permitted in accordance with applicable requirements of this UDC												

Infrastru cture																
Wireless Commun ications Facility			See Section 6.5.1 [6.6]													
Agriculture and Animal-Related Uses																
Animal- Related Uses (indoor only)	P						P	P	P			S	P	P	S	See Section 3.3.6
Animal- Related Uses (with outdoor compone nt)	S						S	S	S				S	S	S	See Section 3.3.6 a nd per SUP
Agricultu ral Uses	P	S													P	N/A

Notes:
¹ See subsection 3.4.8.B.1 , Accessory dwelling unit.
² See subsection 3.4.8.B.11 , Manufactured housing.
³ See subsection 3.4.8.B.5 , Community home.
⁴ See subsection 3.4.8.B.10 , Halfway house.
⁵ See subsection 3.4.8.B.2 , Alcoholic beverage sales.
⁶ See subsection 3.4.8.B.12 , Micro brewery or distillery.
⁷ See subsection 3.4.8.B.16 , Schools, including daycares, preschools, private schools, trade schools.
⁸ See subsection 3.4.8.B.14 , Outside storage.
⁹ See subsection 3.4.8.B.17 , Temporary buildings.
¹⁰ See subsection 3.4.8.B.15 , Research laboratory.
¹¹ See subsection 3.4.8.B.3 , Auto parts sales.
¹² See subsection 3.4.8.B.4 , Auto/vehicle repair.
¹³ See subsection 3.4.8.B.6 , Electric vehicle charging stations.
¹⁴ See subsection 3.4.8.B.9 , Gas station.

¹⁵ See subsection **3.4.8.B.7**, Fitness boot camp.

Editor's note—In the pdf document adopted by Ordinance 475, as posted on the city's website, the Use Chart in section **3.3.5** contained superscript reference numbers that were hyperlinks to the related standards in subsection **3.4.8.B**. The reference notes have been renumbered in order by the editor, and the applicable references are listed in the Notes above.

II.

CUMULATIVE CLAUSE

That this Ordinance shall be cumulative of all provisions of the City of Bee Cave, except where the provisions of this Ordinance are in direct conflict with the provisions of such other ordinance, in which event the conflicting provisions of such other ordinance are hereby repealed, while leaving the remainder of such other ordinance intact. To the extent of any conflict, this Ordinance is controlling.

III.

SEVERABILITY

That it is hereby declared to be the intention of the City Council of the City of Bee Cave. that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional or invalid by final judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional or invalid phrases, sentences, paragraphs, or sections.

IV.

PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted 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

V.

EFFECTIVE DATE

This ordinance shall be effective upon passage and publication as required by state and

local law.

DULY PASSED AND APPROVED, on the day of ,
2024 at a regular meeting of the City Council of the City of Bee Cave, Texas, which was held in
compliance with the Open Meetings Act, Gov't. Code §551.001, et. Seq. at which meeting a
quorum was present and voting.

CITY OF BEE CAVE:

Kara King, Mayor

ATTEST: _____

Jo Ann Touchstone, City Secretary

[SEAL]

APPROVED AS TO FORM:

City Attorney: _____

Ryan Henry, Law Offices of Ryan Henry, PLL



City Council Meeting
8/27/2024
Agenda Item Transmittal

Agenda Item: 11.

Agenda Title: Discuss and take possible action on Ordinance No. 544, amending Section 16.03.006 to prohibit street cuts except for emergencies or with special permission.

Council Action: Discuss and consider action

Department: Planning and Development

Staff Contact: Carly Pearson, Director of Planning and Development

1. INTRODUCTION/PURPOSE

The purpose of this agenda items is for the City Council to discuss, review, and consider approval of an Amendment to Chapter 16 (Streets, Sidewalks, and other Public Ways and Places) of the Code of Ordinances, regarding pavement cut standards in the City of Bee Cave.

2. DESCRIPTION/JUSTIFICATION

a) Background

A business owner came to the city with concerns about a street cut in front of their place of business. The City of Bee Cave has an ordinance governing work in the public rights-of-way. Staff reviewed the ordinance and found that the Code needs improvements. Street cuts may compromise the integrity of an existing street, causing a decrease in the street’s lifespan. Once a street is cut, repair work may not be installed correctly, cause uneven roads, or be unsightly unless the appropriate engineering review is performed.

b) Issues and Analysis

After review of the current Chapter 16 of the Code of Ordinances, it was found to be in need of minor additional language to ensure that utility repair and installation are bored when possible, that exceptions are available when needed due to geographical, topographical or other circumstances, and that repairs of cuts to public rights-of-ways (if approved) are to the appropriate engineering specifications so that a public street is restored to its original condition.

3. FINANCIAL/BUDGET

Amount Requested	Fund/Account No.
Cert. Obligation	GO Funds
Other source	Grant title

Addtl tracking info

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

Staff recommends consideration of and action on the ordinance as presented.

ATTACHMENTS:

Description	Type
☐ Ordinance No. 544	Backup Material

ORDINANCE NO. 544

AN ORDINANCE OF THE CITY OF BEE CAVE, TEXAS, AMENDING SECTION 16.03.006, CITY OF BEE CAVE CODE OF ORDINANCES, TO PROHIBIT STREET CUTS EXCEPT FOR EMERGENCIES OR WITH SPECIAL PERMISSION; AND PROVIDING FOR FINDINGS OF FACT, A CUMULATIVE CLAUSE, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, the City of Bee Cave is a Texas home rule municipality that has codified its regulations and enforcement; and

WHEREAS, the City of Bee Cave, as a home rule municipality, derives its powers exclusively from its home rule charter and is limited in authority only by express provisions of the Texas Constitution and the State statutes; and

WHEREAS, the City of Bee Cave has exclusive control over the roadways within its boundaries pursuant to Texas Transportation Code § 311.002; and

WHEREAS, the City Council of the City of Bee Cave desires to amend Section 16.03.006, Code of Ordinances of the City of Bee Cave to prohibit street cuts except for emergencies or with special permission; and

WHEREAS, the City Council finds and determines that adoption of this Ordinance promotes the health, safety, and welfare of the public; and

WHEREAS, the City Council of the City of Bee Cave finds and determines 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 Texas Open Meetings Act, Chapter 551, Texas Government Code;

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

I. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

II. ENACTMENT

Section 16.03.006, Code of Ordinances, City Bee Cave, Texas is amended to add Subsection 15 as set forth below, with insertions indicated by underlines (e.g. underlines) and deletions indicated by strikethroughs (e.g. ~~strikethroughs~~):

(15) Cutting or excavating streets is prohibited except in accordance with the following:

- (A) Cutting or excavating streets, including open cutting for utility crossings, may only be conducted for emergency repairs or with permission granted by the city manager or designee thereof for special circumstances.
- (B) All cutting or excavation of streets, and any repairs thereafter, must be completed as expeditiously as possible with a minimum of obstruction to city street traffic.
- (C) All public rights-of-way, including but not limited to sidewalks, must be restored to the condition prior to excavation in accordance with this code of ordinances and any other engineering or technical manual or other city requirements as adopted or amended from time to time.
- (D) Special circumstances that may allow for permission to excavate or cut a street include but are not limited to:
 - (1) Topographic constraints or physical obstacles make boring impractical.
 - (2) Topographic constraints or physical obstacles prevent utility installation or other construction in and along an unimproved city right-of-way.
 - (3) Boring would be detrimental to slope stability, the effectiveness of existing drainageways, or the aesthetic quality of city right-of-way.
 - (4) Boring would encroach onto private property.
 - (5) The street cut or excavation would be in a street section that is in poor condition and the street cut or excavation and repair would actually be beneficial to the quality of the roadway.
- (E) Any person that cuts or excavates a street for an emergency repair shall notify the city immediately, and in no event later than two hours, after the commencement of the cut or excavation. Within two (2) business days of completion of the work, the person shall provide the city with a written, reasonably detailed description of emergency repair work performed in the public rights-of-way and an updated map of any facilities that were relocated.

III. CUMULATIVE CLAUSE

This Ordinance is cumulative of all provisions of the City of Bee Cave, except where the provisions of this Ordinance are in direct conflict with the provisions of such other ordinance, in which event the conflicting provisions of such other ordinance are hereby repealed, while leaving the remainder of such other ordinance intact. To the extent of any conflict, this Ordinance is controlling.

IV. SEVERABILITY

The phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional or invalid by final judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional or invalid phrases, sentences, paragraphs, or sections.

**V.
EFFECTIVE DATE**

This Ordinance is effective as of the date of adoption.

DULY PASSED AND APPROVED, on the _____ day of _____, 2024 at a regular meeting of the City Council of the City of Bee Cave, Texas, which was held in compliance with the Texas Open Meetings Act, Chapter 551, Texas Government Code, at which meeting a quorum was present and voting.

CITY OF BEE CAVE, TEXAS:

Kara King, Mayor

ATTEST:

City Secretary, Jo Ann Touchstone

APPROVED:

City Attorney, Ryan Henry



City Council Meeting
8/27/2024
Agenda Item Transmittal

Agenda Item: 12.

Agenda Title: Discuss and consider action on a WTCPUA 1080 Waterline Easement.

Council Action: Discuss and consider action

Department: Planning and Development

Staff Contact: Carly Pearson, Director of Planning and Development

1. INTRODUCTION/PURPOSE

The purpose of this agenda item is for Council to discuss and consider granting of Utility Pipeline (waterline) and Temporary Construction Easements on City owned property (the “Skaggs Tract”) to the West Travis County Public Utility Agency (PUA).

Per the project engineer's summary letter:

The 1080 Transmission Main – Segment ‘B’ is a proposed 24” water line beginning in Bee Cave Parkway, 418 feet east of the intersection of Skaggs Drive and Bee Cave Parkway, extending approximately 9,300 feet west, generally through easements, currently being negotiated with parcel owners. The line will parallel Bee Cave Parkway, then traverse the Morgan Farm Road ROW between Bee Cave Parkway and Highway 71, crossing Highway 71 near White Rock Cemetery. After crossing Highway 71, it will remain parallel while heading west on Highway 71 where it will then parallel Hamilton Pool Road through easements and PUEs along the frontage road, with the exception of crossing Twin Acres Drive, then proceed northwest through easements along property boundaries paralleling and sharing most of the existing 16 inch transmission main 20 foot easement, terminating at the West Bee Cave Pump Station. The transmission main will be owned and operated by the West Travis County Public Utility Agency. In addition to this scope, a 12" waterline connection will be made to the "1080" line in the vicinity of the intersection of Bee Cave Parkway and RR 620 to provide adequate service to the Pearl multi-family development.

2. DESCRIPTION/JUSTIFICATION

a) Background

b) Issues and Analysis

Installation of these 24" and 12" water mains will require various easements from the City and other private

property owners. The PUA is requesting waterline easement along the Bee Cave Parkway frontage of the City-owned “Skaggs Tract” also know as Parcel 21. The WTCPUA has already received a temporary construction easement on the subject tract. (see attached easement documents for more detail). The easement will be non-exclusive in that the city may allow other utilities to utilize the easement in the future provided, however, the City obtains approval from the WTCPUA which may not be unreasonably withheld. The easement was drafted previously to grant the WTCPUA the easement for only nominal legal consideration of ten dollars (\$10.00).

3. FINANCIAL/BUDGET

Amount Requested	Fund/Account No.
Cert. Obligation	GO Funds
Other source	Grant title
Addtl tracking info	

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

This item may need to be pulled. Staff is working obtain the metes and bounds description correction on the easement document.

ATTACHMENTS:

Description	Type
☐ Easement	Backup Material

UTILITY PIPELINE AND RIGHT-OF-WAY EASEMENT

STATE OF TEXAS
COUNTY OF TRAVIS

DATE: _____, 2024

GRANTOR: City of Bee Cave, Texas

GRANTOR'S ADDRESS: 4000 Galleria Pkwy, Bee Cave, Texas, 78738-6370

GRANTEE: West Travis County Public Utility Agency
(WTCPUA), a publicly owned Water and
Wastewater utility and a political subdivision in the
State of Texas

GRANTEE'S ADDRESS: 13215 Bee Cave Pkwy, Building B, Ste 110
Bee Cave, Travis County, Texas 78738

EASEMENT PROPERTY: A tract of land consisting of 0.4419 acres, more or
less, situated in Travis County, Texas, and described
in the attached **Exhibit A**, which is incorporated in
and made a part of this instrument for all purposes.

GRANTOR, for Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, sell and convey to GRANTEE, its successors and assigns, a perpetual, non-exclusive utility and right-of-way easement upon, within, over, under and across that portion of the Easement Property bounded and described on Exhibit A, attached hereto and incorporated herein (the "Easement.")

The Easement Property may be used by GRANTEE for the purposes of constructing, installing, operating, repairing, maintaining, replacing, inspecting, upgrading, and activities related thereto underground water lines and related facilities and equipment, including connections therewith (the "Utility Facilities") upon, over, under and across the Easement Property, together with the right of ingress and egress over, along, and across the Easement Property and further including the right to cut and trim trees and shrubbery and to remove obstructions that may encroach on the Easement Property. Should GRANTEE cease to use the Easement Property for the purposes outlined herein, then all rights and interests granted to GRANTEE herein shall revert back to GRANTOR.

GRANTOR may not place or erect upon, within, over, under, or across the Easement Property any structure of any kind in such proximity to the Utility Facilities as would constitute a violation of the National Electric Safety Code in effect at the time the structure is erected. GRANTOR may not place or erect upon, within, over, under, or across the

Easement Property any structure or improvement including but not limited to improvements related to the use of the property as a park; habitable structures, such as bathrooms, barns, and sheds; drainage, filtration, or detention ponds; or make changes in grade, elevation, or contour of the land without GRANTEE's prior written consent, which such consent shall not be unreasonably withheld by GRANTEE so long as the structure, improvement, or grading does not constitute a violation of the GRANTEE's authorization to operate the Utility Facilities or prevent access to the GRANTEE's Utility Facilities. For such improvements by the GRANTOR that would impact the GRANTEE's access to the Utility Facilities, but not prevent it, GRANTEE may not withhold consent. GRANTOR agrees, after its execution of this Easement, to not grant a temporary or permanent easement in all or any portion of the Easement Property to any third party without the prior written consent of GRANTEE, which such consent shall not be unreasonably withheld by GRANTEE so long as the proposed temporary or permanent easement does not constitute a violation of the GRANTEE's authorization to operate the Utility Facilities or prevent access to the GRANTEE's Utility Facilities. All oil, gas, and other mineral rights remain with GRANTOR, including but not limited to gas strata, uranium, and other fissionable materials in, on and under the Easement Property; provided, however, GRANTOR shall not be permitted to drill or operate equipment for the production of minerals on the Easement Property, but they will be permitted to extract the oil, gas, and other minerals from and under the Easement Property by directional drilling and other means, so long as GRANTEE's use of the Easement Property is not disturbed.

Upon completion of initial construction or any subsequent work of the Utility Facilities in or on the Easement Property, GRANTEE shall repair, at its expense, any material damage to the Easement Property including, but not limited to, filling trenches, removing rock, construction spoils and debris, repairing or replacing fencing, and pedestrian path improvements, so as to restore same to substantially the same condition it was in prior to commencement of the work, but GRANTEE shall not be required to replace any trees, shrubbery, or obstructions which GRANTEE removed due to interference with its use of the Easement Property

GRANTOR shall be responsible for payment of any ad valorem taxes due on the Easement Property.

TO HAVE AND HOLD the same perpetually unto GRANTEE and to its successors and assigns, together with the right and privilege at any reasonable time or times to enter upon and cross the Easement Property to the extent necessary for the foregoing purposes.

Save and except for any current and validly existing property rights evidenced of record in Travis County, including, but not limited to, any pre-existing covenants, easements, rights of way, or other claims, and only to the extent permitted by Texas law, GRANTOR does hereby covenant and bind itself, its heirs, successors, assigns, and legal representatives to warrant and forever defend the title to the Easement Property unto GRANTEE, its successors and assigns, against every person whomsoever lawfully claiming or to claim the Easement Property or any part thereof when the claim is by, through, or under GRANTOR, but not otherwise. Such rights and Easement shall be covenants running with the land and

shall be binding upon the GRANTOR, its personal representatives, heirs, executors, administrators, successors, and assigns.

Where the context requires, singular terms include the plural.

IN WITNESS WHEREOF, the undersigned has executed this instrument as of the date first stated below.

[Signatures and acknowledgements on following page]

Executed this _____ day of _____, 20__.

Signature of Grantor

Printed name, title

ACKNOWLEDGMENT

STATE OF TEXAS
COUNTY OF _____

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he/she executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the ___ day of _____, 20__.

Notary Public, State of Texas

(SPACE RESERVED FOR RECORDING INFORMATION)

AFTER RECORDING RETURN TO:

WTCPUA
13215 Bee Cave Pkwy, Building B, Ste 110
Bee Cave, Travis County, Texas 78738

EXHIBIT A
DESCRIPTION OF THE
EASEMENT AREA

Exhibit A - Page 1

Project: West Travis County Public Utility Agency 1080 Line

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

FIELDNOTE DESCRIPTION, of a tract or parcel of land containing 0.4419 acre situated in the I & G.N.R.R. Survey No. 56, Abstract No. 2108, Travis County, Texas, being a portion of that 21.067 acre tract, described as Exhibit A-2, conveyed to City of Bee Cave by deed recorded in Document No. 2016049435 of the Official Public Records of Travis County, Texas; the said 0.4419 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a ½” iron rod, with aluminum cap, found on the southerly right-of-way line of Bee Cave Parkway (150’ R.O.W.) for the common northwest corner of said 21.067 acre tract and the northeast corner of that 1.36 acre, described as Tract 2, being a Non-exclusive Access Easement conveyed to Taylor Morrison of Texas, Inc. by deed recorded in Document No. 2011095482 of the said Official Public Records, and being also known as a Roadway dedicated to the public (no acceptance information found) by instrument recorded in Volume 4216, Page 2254 of the Deed Records of Travis County, Texas;

THENCE, N77°51’16”E, leaving the easterly line of the said 1.36 acre tract, with the common northerly line of said 21.067 acre tract and southerly right-of-way line of Bee Cave Parkway, a distance of 942.07 feet to the calculated point of curvature of a curve to the right, for the northwest corner of Skaggs Drive (Private Road-60’ R.O.W.) as dedicated in HCI Subdivision, a subdivision recorded in Document No. 201300022 of the said Official Public Records, conveyed to Joining J Family Partnership, LP by deed recorded in Document No. 2013019589 of the said Official Public Records, and from which a ½” iron rod, with yellow cap, found, bears N00°40’16”W, 1.27 feet;

THENCE, with the common easterly line of aforesaid 21.067 acre tract and westerly right-of-way line of Skaggs Drive (Lot 2, Block A), with said curve to the right, having a central angle of 79°20’51”, a radius of 25.00 feet, a long chord of 31.92 feet (chord bears S63°20’58”E), for an arc distance of 34.62 feet to the calculated southeast corner of the herein described tract, from which a ½” iron rod, with aluminum cap, found, bears a chord distance of S19°33’00”E, 3.60 feet;

THENCE, S77°51’16”W, leaving the westerly right-of-way line of Skaggs Drive, across the said 21.067 acre tract, with a line being 20.00 feet south of and parallel to the north line of the aforesaid 21.067 acre tract, a distance of 970.26 feet to a calculated point on the common westerly line of aforesaid 21.067 acre tract and easterly line of said 1.36 acre tract, for the southwest corner of the herein described tract;

THENCE, N02°43'39"W, with the said common westerly line of aforesaid 21.067 acre tract and easterly line of said 1.36 acre tract, a distance of 20.27 feet to the POINT OF BEGINNING, CONTAINING within these metes and bounds 0.4419 acre of land area.

The Bearings shown hereon are grid bearings base on the Texas State Plane Coordinate System, Central Zone, NAD83, derived by GPS observation.

I, Gregory A. Way, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this the 20th day of May, 2022.





Gregory A. Way
Registered Professional Land Surveyor
No. 4567 - State of Texas

**SURVEY OF A 0.4419 ACRE
WATERLINE EASEMENT**

OUT OF THE

I & G.N.R.R. CO. SURVEY No. 56

ABSTRACT No. 2108

TRAVIS COUNTY, TEXAS

**BEE CAVE PARKWAY
(150' R.O.W.)**

(N77°46'33"E 942.32')
N77°51'16"E 942.07'

**POINT OF
BEGINNING**

S77°41'47"W 127.93'

L2

L3

0.3328 AC.
TEMPORARY
CONSTRUCTION
EASEMENT

SLOPE EASEMENT #1
0.176 AC.
DOC. NO. 2009036807
O.P.R.T.C.

1.36 AC.
TRACT 2
NON-EXCLUSIVE
ACCESS EASEMENT
TAYLOR MORRISON
OF TEXAS, INC.
DOC. NO. 2011095482
O.P.R.T.C.

ROADWAY DEDICATION
TO THE PUBLIC
V. 4216, P. 2254
T.C.D.R.

MORGAN FARM ROAD

21.067 AC.
EXHIBIT A-2
(TRACT 2)
CITY OF BEE CAVE
DOC. NO. 2016049435
O.P.R.T.C.

SEE SHEET
4 OF 6
MATCHLINE

S77°51'16"W 912.46'

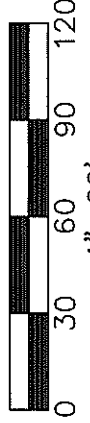
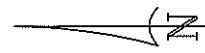
NOTES:

- 1) BASIS OF BEARING IS THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83.
- 2) UNLESS OTHERWISE SHOWN, RECORD INFORMATION IS THE SAME AS FOUND.
- 3) LEGEND AND LINE TABLE ON SHEET 5 OF 6.
- 4) TITLE COMMITMENT ON SHEET 6 OF 6.

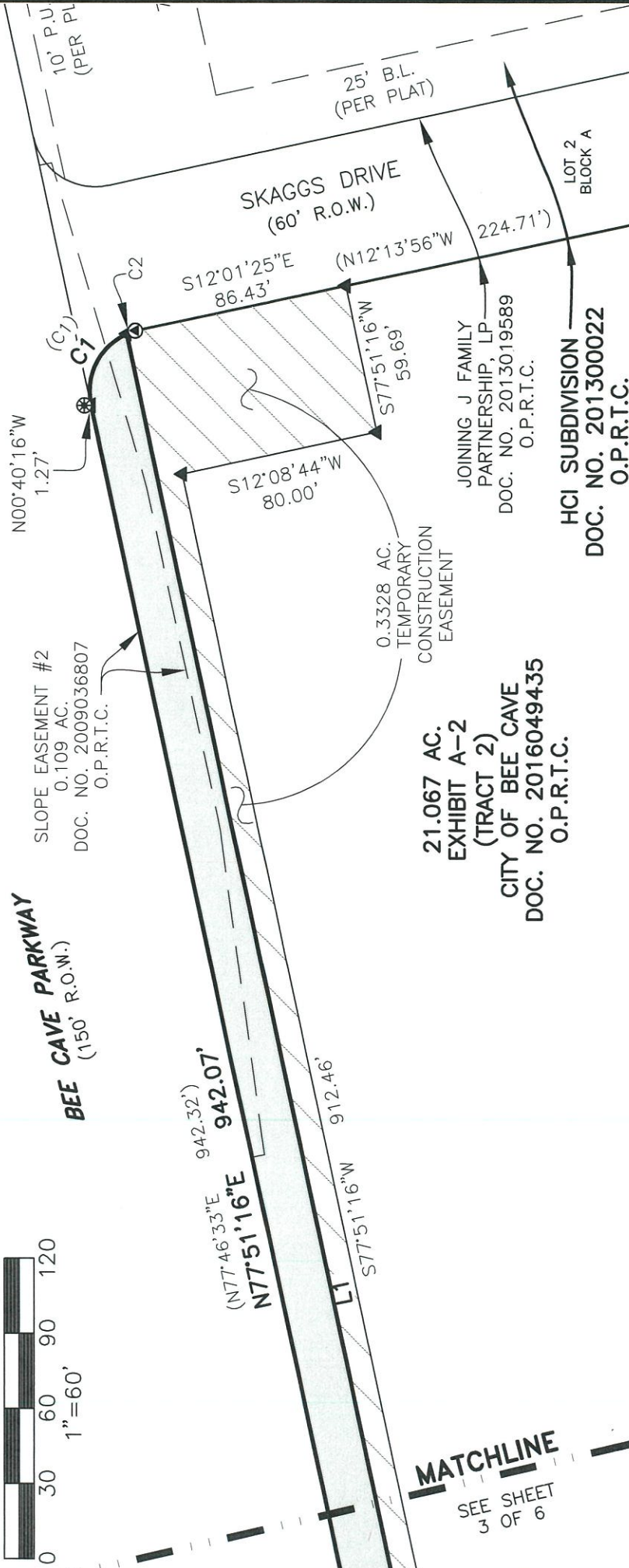
Dwg. # 18530E15 CRD # 18530 SHEET 3 OF 6



025 Capital of Texas Highway South
Building B, Suite 115
Aurora, Texas 76716
(512) 327-4006



**SURVEY OF A 0.4419 ACRE
WATERLINE EASEMENT
OUT OF THE
I & G.N.R.R. CO. SURVEY No. 56
ABSTRACT No. 2108
TRAVIS COUNTY, TEXAS**



MATCHLINE
SEE SHEET
3 OF 6

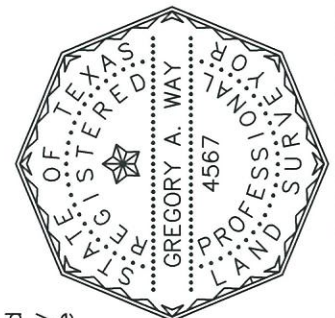
**21.067 AC.
EXHIBIT A-2
(TRACT 2)
CITY OF BEE CAVE
DOC. NO. 2016049435
O.P.R.T.C.**

**JOINING J FAMILY
PARTNERSHIP, LP
DOC. NO. 2013019589
O.P.R.T.C.**

**HCI SUBDIVISION
DOC. NO. 201300022
O.P.R.T.C.**

NOTES:

- 1) BASIS OF BEARING IS THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83.
- 2) UNLESS OTHERWISE SHOWN, RECORD INFORMATION IS THE SAME AS FOUND.
- 3) LEGEND, CURVE AND LINE TABLE ON SHEET 5 OF 6.
- 4) TITLE COMMITMENT ON SHEET 6 OF 6.



I, Gregory A. Way, a Registered Professional Land Surveyor do hereby certify that the above map or plat is true and correct to the best of my knowledge and that the property shown hereon was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 20th day of May 2022, A.D.

Gregory A. Way
Gregory A. Way
Registered Professional Land Surveyor
No. 4567 - State of Texas

Dwg. # 18530E15 CRD # 18530 SHEET 4 OF 6

CSI
CAPITAL
SURVEYING
COMPANY
INCORPORATED
FIRM REGISTRATION
No. 101267-0

925 Capital of Texas Highway South
Building B, Suite 115
Austin, Texas 78746
(512) 327-4006

**SURVEY OF A 0.4419 ACRE
WATERLINE EASEMENT
OUT OF THE
I & G.N.R.R. CO. SURVEY No. 56
ABSTRACT No. 2108
TRAVIS COUNTY, TEXAS**

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CHORD	CH. BEARING
C1	79°20'51"	25.00'	34.62'	31.92'	S63°20'58"E
(C1)	(90°01'31")	(25.00')	(39.28')	(35.36')	(S57°14'24"W)
C2	08°15'04"	25.00'	3.60'	3.60'	S19°33'00"E

LINE TABLE		
LINE	BEARING	LENGTH
L1	S77°51'16"W	970.26'
L2	N02°43'39"W	20.27'
L3	N02°43'39"W	10.13'

LEGEND

- O.P.R.T.C. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY
- T.C.D.R. TRAVIS COUNTY DEED RECORDS
- T.C.P.R. TRAVIS COUNTY PLAT RECORDS
- R.O.W. RIGHT-OF-WAY
- () RECORD INFORMATION
- 1/2" IRON ROD SET WITH PLASTIC CAP
STAMPED "CAPITAL SURVEYING CO., INC."
- 1/2" IRON ROD, WITHOUT CAP, FOUND
- ⊕ 1/2" IRON ROD, WITH YELLOW CAP, FOUND
- ⊙ 1/2" IRON ROD, WITH ALUMINUM CAP, FOUND
- ⊗ FENCE CORNER POST FOUND
- ▲ CALCULATED POINT

Dwg. # 18530E15 CRD # 18530 SHEET 5 OF 6



925 Capital of Texas Highway South
Building B, Suite 115
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(512) 327-4006
FIRM REGISTRATION
No. 101267-0

**SURVEY OF A 0.4419 ACRE
WATERLINE EASEMENT
OUT OF THE
I & G.N.R.R. CO. SURVEY No. 56
ABSTRACT No. 2108
TRAVIS COUNTY, TEXAS**

TITLE COMMITMENT NOTE

THIS SURVEY WAS PREPARED USING THE INFORMATION CONTAINED IN THE TITLE COMMITMENT ISSUED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, GF No. 42973 DATED MAY 25 2022. THIS SURVEY SHOWS THE TITLE INFORMATION CONTAINED THEREIN WITH THE FOLLOWING CLARIFICATIONS AND EXCEPTIONS.

1. The following restrictive covenants of record itemized below:
 - As set forth in instrument filed for recorded under Travis County Clerk's File No. 2013019595 amended and restated by 2016049439.
 - 10e) Any portion of subject property that lies within the boundaries of any public or private roadway or used in connection therewith,
 - 10f) Wastewater easements granted to Lower Colorado River Authority by instrument dated May 15, 2002, recorded under Document No. 2002092191, as modified, affected or amended by instruments, recorded under Document Nos. 2012090187 and 2012106239 of the Official Public Records of Travis County, Texas. {Does not affect}
 - 10g) Lateral support (slope) easement granted to the City of Bee Cave. by instrument dated January 29, 2009, recorded under Document No. 2009036807, as modified, affected or amended under Document No. 2009188978 of the Official Public Records of Travis County, Texas. {Affects as shown}
 - 10h) The terms, conditions and stipulations of that certain Offsite Parking Easement Agreement dated January 28, 2013, recorded under Document No. 2013017832, as modified, affected or amended by instruments recorded under Document Nos. 2013019595 and 2015109186 of the Official Public Records of Travis County, Texas. {Does not affect}
 - 10i) The terms, conditions, and stipulations of that certain Stormwater Drainage Facility Easement dated January 28, 2013, recorded under Document No. 2013017833, as modified, affected or amended by instruments recorded under Document Nos. 2013019595 and 20151069760 of the Official Public Records of Travis County, Texas. {Does not affect}
 - 10j) The terms, conditions, and stipulations of that certain Stormwater Detention Facility Easement dated January 28, 2013, recorded under Document No. 2013017834, as modified, affected or amended by instrument recorded under Document No. 2013019595 of the Official Public Records of Travis County, Texas. {Does not affect}
 - 10k) The terms, conditions and stipulations of that certain Joint Access Easement and Driveway Construction Agreement dated January 28, 2013, recorded under Document No. 2013017835, as modified, affected or amended by instrument recorded under Document Nos. 2013019595 of the Official Public Records of Travis County, Texas. {Does not affect}
 - 10l) The terms, conditions and stipulations of that certain Water Quality Facility Construction and Drainage Easement dated January 28, 2013, recorded under Document No. 2013017836, as modified, affected or amended by instrument recorded under Document No. 2013019595 of the Official Public Records of Travis County, Texas. {Does not affect}
 - 10m) Wastewater Easement granted to West Travis Public Utility Agency by instrument dated January 28, 2013, recorded under Document No. 2013017837 of the Official Public Records of Travis County, Texas. {Does not affect}
 - 10p) Stormwater Drainage Easement as granted to Skaggs Family Partnership, a Texas limited partnership, Timothy Paul Skaggs and Brenda Fay Skaggs, as Trustee of the Tim and Brenda Skaggs Revocable Trust dated April 30, 2013, Jacquelyn Lee Troutt, Timothy P. Skaggs and Brenda Skaggs, TCHMALL Sports, L.L.C. and City of Bee Cave by document filed under Travis County Clerk's File No. 2016049440. {Does not affect}

Dwg. # 18530E15 CRD # 18530 SHEET 6 OF 6



CAPITAL
SURVEYING
COMPANY
INCORPORATED

925 Capital of Texas Highway South
Building B, Suite 115
Austin, Texas 78746
(512) 327-4006

FIRM REGISTRATION
No. 101267-0



City Council Meeting
8/27/2024
Agenda Item Transmittal

Agenda Item: 13.

Agenda Title: **Discuss and consider action on Resolution No. 2024-20 approving a contract between the Bee Cave Development Corporation and Butler Snow.**

Council Action: **Discussion and possible action**

Department: **Administration**

Staff Contact: **Dori Kelley**

1. INTRODUCTION/PURPOSE

Butler Snow’s Texas Real Estate Practice provides advisory, compliance and transaction services related to real estate and economic development. They represent government and corporate users of economic development tools.

Butler Snow assists clients in seeking public private partnerships and economic development assistance for development projects. Headquarters, residential multifamily, office, retail, mixed-use and industrial projects benefit from Butler Snow’s experience in drafting and negotiating tax abatement agreements, tax increment financing documents, Chapters 380 and 381 agreements, municipal management districts and other special district arrangements, and other forms of development agreements (including public facility corporations and housing finance corporations). Their team advises clients on public private partnerships with local government entities, the legal form and content of the documentation and the successful navigation through the political process. Their real estate consulting advisory team works with clients to understand their corporate real estate objectives. Then, they identify and evaluate improvement opportunities and provide advice and action plans for meeting the client's short-term and long-term goals.

Their services are designed to institute an efficient development process through the creation of a Public Facility Corporation, Municipal Management District, and/or Housing Finance Corporation.

The engagement with this consulting firm was to ensure a robust framework, ensuring the city's workforce housing goals were accomplished while accelerating the overall development process.

2. DESCRIPTION/JUSTIFICATION

a) Background

In its commitment to advancing Workforce Housing and road developments, the Bee Cave Development

Corporation heard a presentation from Butler Snow at their January 2024 Board Meeting. On January 29th the Bee Cave Development Corporation voted to execute a contract with Butler Snow's municipal consultants - Esme Thoman and Carley Butler.

b) Issues and Analysis

On July 9, 2024, the Bee Cave City Council unanimously voted to reject all the Workforce Housing RFP responses to give city staff time to provide more specifics regarding project design, financing and to update the city's comprehensive plan. This decision does not stop the project or lessen the city's commitment to providing a solution for workforce housing. Instead, it helps to ensure the development process is as efficient as possible resulting in a smoother way forward for this important project. Since the vote, Butler Snow's team have not been as involved with ongoing Bee Cave Development Corporation projects.

3. FINANCIAL/BUDGET

Amount Requested	\$4,000 per month, plus any necessary legal fees billed at an hourly rate.	Fund/Account No.
Cert. Obligation		GO Funds
Other source		Grant title
Addtl tracking info		

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

ATTACHMENTS:

Description	Type
☐ Butler Snow Contract	Cover Memo



BUTLER | SNOW

December 6, 2023

LAW ELEVATED



PROPOSAL FOR CONSULTING AND REAL ESTATE ADVISORY SERVICES

Thank you for the opportunity to assist The City of Bee Cave Economic Development Corporation. We appreciate your confidence. This proposal describes the basis on which we will provide consulting, real estate advisory, and transactional services to The City of Bee Cave Economic Development Corporation to form and advise on the creation of a public facility corporation and other economic development tools.

In today's real estate marketplace, realizing the potential of those assets—economically and strategically—requires the insight and expertise of a dedicated real estate advisory team. Butler Snow's Texas Real Estate Practice provides advisory and transaction services related to real estate and economic development and has experience representing municipalities, economic development corporations, investors, national developers, syndicators, REITs, construction firms and development management companies. We help our clients navigate federal, state, and local development incentives available and how best to take advantage of them.

Butler Snow has a long and rich history of representing government and corporate users of economic development tools. In connection with such representation, the Butler Snow team connects stakeholders, strategic partners, public and private entities in a meaningful and measurable way to effectively impact economic development efforts.


BACKGROUND AND RELEVANT EXPERTISE

Butler Snow assists clients in seeking public private partnerships and economic development assistance for development projects. Headquarters, residential multifamily, office, retail, mixed-use and industrial projects benefit from Butler Snow's experience in drafting and negotiating tax abatement agreements, tax increment financing documents, Chapters 380 and 381 agreements, municipal management districts and other special district arrangements, and other forms of development agreements (including public facility corporations and housing finance corporations). Our team advises clients on public private partnerships, the legal form and content of the documentation and the successful navigation through the process. Our real estate consulting advisory team works with our clients to understand your real estate and economic development objectives. Then, we identify and evaluate opportunities and provide advice and action plans for meeting your short- and long-term goals.

Public Facility Corporations. The Public Facility Corporation (PFC) structure is an essential tool to promote the development of public facilities including high-quality, mixed-income housing in Texas. Created as an economic development tool, PFCs can be used to provide workforce housing for middle-income families that are not currently served by housing tax credits or market-rate developments, while also stimulating growth and revitalization.

A sponsor of a public facility corporation can be a municipality, county, school district, housing authority, or special district. Sponsoring entities can create a PFC that, in exchange for contracting with developers to create mixed-income housing, can provide a 100% property tax exemption to private developers.

The PFC then leases the land and any buildings on the land (including those built in the future) back to a developer's limited partnership. The local government entity gets paid to participate in the venture.



Recent legislation significantly updated the Texas Local Government Code Chapter 303 and the way public facility corporations own and operate multifamily developments. The updated statute imposes additional eligibility requirements that must be met for a multifamily housing development to receive a property tax exemption including deeper affordability, local government approvals, and state oversight. The new PFC provisions were implemented to address the concern that sufficient public benefit was generated in exchange for the tax exemption provided.

PROPOSED AGREEMENT

This agreement is made between The City of Bee Cave Economic Development Corporation, 4000 Galleria Parkway, Bee Cave, Texas, 78738, and Butler Snow LLP (“Butler Snow”), 1400 Lavaca Street, Suite 1000, Austin, TX 78701.

Term of Contract. This contract shall be effective as February 1, 2024, and shall remain effective through February 1, 2025. It may be renewed or extended upon mutual consent of the parties.

Scope of Work & Duties of Firm. Butler Snow will provide consulting, real estate advisory, and transactional services to The City of Bee Cave Economic Development Corporation to form and advise on the creation of a public facility corporation and other economic development tools.

Client agrees to hire the Firm for real estate consulting, advisory and legal services. The Firm will represent Client in development and execution of a strategy to utilize Chapter 303.042(f) (PFCs) and Chapter 375 (MMDs) of the Texas Local Government Code. As an initial matter, Butler Snow will provide real estate consulting, advisory and legal services related to establishing a public facility corporation under Section 303.042(f) of the Texas Local Government Code. Additionally, Butler Snow will provide compliance monitoring and advisory assistance for any public facility corporation or special district created. Our team will assist in identifying and evaluating qualified development partners and advise you on negotiations, the legal form and content of the documentation and the successful navigation through the process.

Fees. Recognizing that the Client is interested in establishing and managing a public facility corporation under Section 303.042(f) of the Texas Local Government Code and other special districts and economic development tools, we propose a fee arrangement of \$4,000 per month, plus any necessary legal fees billed at an hourly rate.

Confidentiality. The Firm acknowledges that it will become informed of, and have access to, valuable and confidential information of Client. Except as expressly authorized by Client, the Firm shall not at any time during or after the term of this Contract use, reveal, report, publish, transfer, or otherwise disclose to any person, corporation, or other entity, any of the Confidential Information or the terms of this contract. Upon termination of this Contract or at any time upon written request of Client, the Firm shall promptly return or certify the destruction of, at Client’s discretion, all Confidential Information.

Termination. At the sole and exclusive discretion of either party, this Contract may be terminated, upon Thirty (30) days advance written notice. Such notice of termination shall provide the other party with written notice of the date of this Contract’s termination (“Termination Date”). Neither party shall have any further obligation pursuant to this Contract as of the Termination Date. Client shall pay Butler Snow all fees due to the Termination Date, which shall be deemed fully earned as of Termination Date.

Entire Agreement. This contract constitutes the entire agreement and understanding between the parties, and any amendment thereto shall be in writing signed by both parties.



Governing Law and Forum Selection. The validity, interpretation, performance, and enforcement of this agreement will be governed by Texas law. In the event of any dispute regarding this Agreement, the Parties each agree to submit such dispute to mediation before an experienced mediator in Travis County, Texas.

Butler Snow LLP

By: Esme Thoman
Title: Senior Advisor

Date: December 15, 2023

The City of Bee Cave Economic Dev. Corporation

By:
Title: Authorized Representative

Date: 1.29.24

YOUR BUTLER SNOW TEAM



Esme Thoman serves as a Senior Advisor for the Regulatory and Government Relations group and Texas Real Estate Practice. She is a governmental affairs expert with over 15 years of experience in Texas government affairs and politics, providing strategic counsel for a wide arrange of industries. As a Certified Public Accountant, Esme draws upon her corporate background in accounting and finance to provide a nuanced viewpoint when creating and implementing client-focused governmental affairs strategies to Fortune 100 companies, non-profit organizations, and private companies. Her practice is focused on public affairs, governmental relations, and public-private partnerships.

Esme specializes in strategic advisory related to multifamily and commercial development, financial services, environmental and healthcare matters. Prior to joining Butler Snow LLP to assist in their expansion into Texas, Esme co-founded a boutique public affairs firm, Thoman & Butler, LLC. Her practice includes advocacy and advice on contested issues with policymakers, federal and state agencies, public-private partnerships, and business transactions with public bodies. Esme obtained her Master of Public Administration and Bachelor of Business Administration in Finance and Accounting from the University of Texas at Austin. She is a Finance Committee Board Member for Texas Exes.

Contact Information | Phone: (512) 653-5951 | **Email:** Esme.Thoman@butlersnow.com



Carley Butler serves as a Senior Advisor for the Regulatory and Government Relations group and Texas Real Estate Practice. She is a governmental affairs expert with 20 years of experience advancing clients' interests through legislation and regulatory initiatives.

Prior to joining Butler Snow LLP to assist in their expansion into Texas, Carley co-founded a boutique public affairs firm, Thoman & Butler, LLC. Carley leverages her experience in mortgage and banking to bring insight when creating client strategies. Her practice is focused on government relations, public relations, and public-private partnerships for clients involved in banking, multifamily housing development, gaming, technology, environmental, agriculture, electricity, oil and gas, and healthcare industries. She has represented clients in real estate development, technology, healthcare, and gaming across the nation to secure their position in the Texas market. Carley provides businesses and organizations tailored political and governmental guidance to accomplish their goals. Carley obtained her Bachelor of Business Administration in Management from Stephen F. Austin University.

Contact Information | Phone: (512) 709-8405 | **Email:** Carley.Butler@butlersnow.com



Marshall A. Bowen is an attorney at Butler Snow LLP in Austin, Texas, where he practices civil appellate law, commercial litigation, and government and regulatory affairs. Prior to joining Butler Snow, Marshall served as a judicial law clerk at the Texas Court of Criminal Appeals and the Supreme Court of Texas. Marshall's practice focuses on representing governmental entities, businesses, and individuals at all stages of litigation, including pre-litigation strategy. In addition, Marshall has advised governmental and private clients on navigating administrative regulations and agency rules at the local and state levels.

Marshall also has broad experience in public policy and non-profit leadership. An active member of his community, Marshall serves on the Board of the Shield-Ayres Foundation, the Shield Ranch Foundation, the Texas Agricultural Land Trust, and the Texas Advocacy Project. He has previously served as a Commissioner on the City of Austin's Electric Utility Commission. Marshall holds a B.A. in political science from Texas A&M University, a M.A. in theology from St. Mary's University, and a J.D. from St. Mary's University School of Law.

Contact Information | Phone: (737) 802-1782 | **Email:** Marshall.bowen@butlersnow.com



Mike Busada is an experienced public finance and economic development attorney representing local governments, school districts, 501(c)(3)s, and major companies. Mike serves as the Chair of the National Association of Bonds Lawyers' (NABL) Governmental Affairs Committee and is a member of Louisiana's Committee of 100 for Economic Development and the Louisiana Industrial Development Executives Association. In 2022, Mike wrote the law establishing Louisiana's mega-site economic development program. Mike Busada started his career practicing under some of the state's preeminent bond finance and economic development attorneys. Over the 14 years, he has represented government bodies throughout the state as bond counsel and investment banks as underwriter's counsel. Mike serves as the Chair of the National Association of Bonds Lawyers' (NABL) Governmental Affairs Committee and

served on NABL's 2022 nominating committee.

Mike's focus also includes economic development financing law. He works with economic development agencies, 501(c)(3) organizations, private developers, governments and some of the nation's largest companies on economic development projects utilizing a variety of tools such as Economic Development Districts/TIFs, PILOTS, tax credits and performance grants. Mike's experience includes representing clients in two of the largest non-industrial economic development projects in Louisiana history, totaling over \$400,000,000 in capital investment. In 2010, Mike was instrumental in working with the state legislature to amend the state's Payment In Lieu of Taxes (PILOT) economic development law to provide for more security to local governmental bodies. Recently, Mike wrote the law establishing Louisiana's mega site economic development program, the Louisiana Competes Regional Economic Development Program.

Mike is a member of the Louisiana Committee of 100 for Economic Development. During the onset of the COVID-19 pandemic, Mike was appointed by Louisiana Governor John Bel Edwards to serve on the Resilient Louisiana Commission's Economic and Community Development Task Force where he advocated for the expanded use of tax-exempt bond financing to aid in the economic recovery. Mike is active in the community where he serves on numerous boards including the LSU Health Science Center Shreveport Foundation, Shreveport-Bossier Military Affairs Council, Bossier Chamber of Commerce, and the Red River Valley Association. He was appointed an Honorary Commander for the US Air Force, 2nd



Bomb Wing, Office of the Staff Judge Advocate at Barksdale Air Force Base and is a past Shreveport-Bossier 40 under 40 class member.

Contact Information | Phone: (318) 703-5122 | **Email:** mike.busada@butlersnow.com



City Council Meeting
8/27/2024
Agenda Item Transmittal

Agenda Item: 14.

Agenda Title: Discuss and consider action on Resolution No. 2024-21 amending the bylaws of the Bee Cave Development Corporation to remove the prohibition against City Council Members that are also members of the Board of Directors and clarify the relationship between City policies and EDB policies.

Council Action: Discuss and consider action

Department: City Secretary

Staff Contact: Julie Oakley

1. INTRODUCTION/PURPOSE

City Staff was asked to bring these changes to the Bee Cave Development Corporation By-Laws for consideration by City Council.

2. DESCRIPTION/JUSTIFICATION

a) Background

The proposed redlined version of the Bee Cave Development Corporation By-Laws is attached for City Council consideration.

b) Issues and Analysis

3. FINANCIAL/BUDGET

Amount Requested
Cert. Obligation
Other source
Addtl tracking info

Fund/Account No.
GO Funds
Grant title

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

ATTACHMENTS:

Description	Type
☐ Res. No. 2024-21	Backup Material

RESOLUTION NO. 2024 - 21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEE CAVE, TEXAS, AMENDING THE BYLAWS OF THE BEE CAVE DEVELOPMENT CORPORATION TO REMOVE THE PROHIBITION AGAINST CITY COUNCIL MEMBERS THAT ARE ALSO MEMBERS OF THE BOARD OF DIRECTORS AND CLARIFY THE RELATIONSHIP BETWEEN CITY POLICIES AND EDB POLICIES

WHEREAS, the City of Bee Cave is a home-rule municipality located within Travis County, Texas; and

WHEREAS, pursuant to Chapters 501 and 505, Texas Local Government Code, the City of Bee Cave, Texas (the “*City*”), formed the Bee Cave Development Corporation, commonly referred to as the Bee Cave Economic Development Board (the “*EDB*”), a Texas Type B economic development corporation;

WHEREAS, Article IV, Section 5, of the Bylaws of the Bee Cave Development Corporation (the “*Bylaws*”), provides that the City Council of the City of Bee Cave may amend the Bylaws in its sole discretion at any time without the approval of the EDB; and

WHEREAS, the City of Bee Cave desires to amend the Bylaws to remove the prohibition against city council members that are also members of the EDB board of directors from serving as officers of the EDB and to clarify the relationship between the City’s policies and the policies of the EDB; and

WHEREAS, the Bee Cave City Council finds and determines that the meeting at which this resolution 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 Texas Open Meetings Act, Chapter 551, Texas Government Code;

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

1. The foregoing recitals are incorporated into this resolution by reference as findings of fact as if expressly set forth herein.
2. The Bylaws are amended as set forth below, with deletions indicated by strikethroughs (e.g. ~~strikethrough~~) and insertions indicated by underlines (e.g. underline).
 - (A) Number and Qualifications. Article III, Section 2 is amended as follows:

Section 2. Number and Qualifications.

The Board shall be composed of seven (7) persons who are either a resident of the City or

a resident of Travis County. No more than four (4) of the seven (7) directors may be members of the governing body of the City. ~~Director(s) who are members of the governing body of the City may not serve as an officer in the Corporation.~~

(B) Board’s Relationship to the City. Article III, Section 12, is amended as follows:

Section 12. Board’s Relationship to the City.

In accordance with state law, the Board shall be responsible for the proper discharge of its duties assigned herein. The Board shall determine its policies and directives within the limitations of the duties herein imposed by applicable laws, the Articles of Incorporation, these Bylaws, contracts entered into with the City, ~~and~~ budget and fiduciary responsibilities, and the policies, goals, and vision for the City established by the governing body of the City. The Board’s policies and directives become effective only upon approval by the governing body of the City. All projects and expenditures of the Corporation must conform and comply with the policies adopted by the governing body of the City. The Board or its designee shall make any request for services from City departments and personnel in writing to the City Manager. The City Manager may approve such request for services from the Board when he finds such requested services are available within the City and that the Board has agreed to reimburse the City for such costs as provided in these Bylaws.

3. This resolution is effective as of the date of adoption.

DULY PASSED AND APPROVED, on the _____ day of _____, 2024 at a meeting of the City Council of the City of Bee Cave, Texas, which was held in compliance with the Texas Open Meetings Act, Chapter 551, Texas Government Code, at which meeting a quorum was present and voting.

CITY OF BEE CAVE, TEXAS

Kara King, *Mayor*

ATTEST:

Jo Ann Touchstone, *City Secretary*

APPROVED:

Ryan Henry, *City Attorney*



City Council Meeting
8/27/2024
Agenda Item Transmittal

Agenda Item: 15.
Agenda Title: Fiscal Year 2025 Budget Work Session.
Council Action:
Department: City Manager
Staff Contact: Travis Askey, Director of Finance

1. INTRODUCTION/PURPOSE

2. DESCRIPTION/JUSTIFICATION

a) Background

b) Issues and Analysis

3. FINANCIAL/BUDGET

Amount Requested	Fund/Account No.
Cert. Obligation	GO Funds
Other source	Grant title
Addtl tracking info	

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION