



BEE CAVE
TEXAS

AGENDA

Regular Meeting

Planning and Zoning Commission

Tuesday, December 3, 2024

6:00 PM, City Hall

4000 Galleria Parkway

Bee Cave, Texas 78738-3104

A quorum of the Bee Cave City Council may be present.

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. Consider approval of minutes of the regular meeting conducted on September 17, 2024.
5. Consider approval of minutes of the regular meeting conducted on October 15, 2024.
6. Discuss and consider action on the Final Plat of Sanctuary at Spanish Oaks, a 21.80-acre tract located at 13025 Flowering Senna Bend, Bee Cave, Texas.
7. Agenda Planning
8. Adjournment

The Commission 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 Commission 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.



*Planning and Zoning Commission Meeting
12/3/2024
Agenda Item Transmittal*

Agenda Item: 3.

Agenda Title: Consider approval of minutes of the regular meeting conducted on September 17, 2024.

Commission Action: Consider approval

Department: Planning and Development

Staff Contact: Sean Lapano, City Planner

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	Type
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MINUTES OF THE MEETING OF THE
PLANNING AND ZONING COMMISSION
CITY OF BEE CAVE
4000 Galleria Parkway
Bee Cave, Texas 78738
September 17, 2024

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

Lori Wakefield, Vice Chair (Acting Chair)
Kirk Wright, Commissioner
Steven Schmidt, Commissioner
Petra Reynolds, Commissioner
Blake Sbrocco, Commissioner

Absent:

Julie DaSilva, Commissioner
Kit Crumbley, Chair
Steven Schmidt, Commissioner

City Staff:

Julie Oakley, City Manager
Carly Pearson, Planning and Development Director

Call to Order and Announce a Quorum is Present

With a quorum present, the meeting of the Bee Cave Planning and Zoning Commission was called to order by Chair Wakefield at 6:04 p.m. on Tuesday, September 17th, 2024, in the Council Chambers of Bee Cave City Hall.

The Pledge of Allegiance.

Public hearing, discussion, and possible action on Ordinance to amend Article 3 of the Unified Development Code (UDC) to add a new zoning district, Golf and Amenity, and update all related UDC sections in accordance with this new district.

The public hearing was opened at 6:17p.m.

The public hearing was closed at 6:17p.m.

MOTION: A motion to approve as presented with the addition of Section B, Part II to say; clubhouse with or without a private lounge and with or without the capacity to serve alcohol was

made by Commissioner Loomer and the motion was seconded by Commissioner Wright to amend Article 3 of the Unified Development Code (UDC) to add a new zoning district, Golf and Amenity, and update all related UDC sections in accordance with this new district.

The vote was taken on the motion with the following result:

Voting Aye: Lori Wakefield, Vice Chair (Acting Chair), Commissioner Kirk Wright, Commissioner Steven Schmidt, Commissioner Petra Reynolds, and Commissioner Blake Sbrocco.

Voting Nay: None

Abstained: None

Absent: Commissioner Julie DaSilva, Chair Kit Crumbley, Commissioner Steven Schmidt

The motion carried.

The Planning and Zoning Commission adjourned the meeting at 6:19 p.m.

PASSED AND APPROVED THIS ____ DAY OF _____, 2024.

ATTEST

Jo Ann Touchstone, City Secretary

Lori Wakefield, Acting Chair



*Planning and Zoning Commission Meeting
12/3/2024
Agenda Item Transmittal*

Agenda Item: 4.

Agenda Title: Consider approval of minutes of the regular meeting conducted on October 15, 2024.

Commission Action: Consider approval

Department: Planning and Development

Staff Contact: Sean Lapano, City Planner

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	Type
-------------	------

MINUTES OF THE MEETING OF THE
PLANNING AND ZONING COMMISSION
CITY OF BEE CAVE
4000 Galleria Parkway
Bee Cave, Texas 78738
October 15, 2024

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

Kit Crumbley, Chair
Lori Wakefield, Vice Chair
Kirk Wright, Commissioner
Steven Schmidt, Commissioner
Petra Reynolds, Commissioner
Blake Sbrocco, Commissioner
Valorie Loomer, Commissioner

Absent:

Leslie Mitchell, Commissioner

City Staff:

Carly Pearson, Planning and Development Director
Sean Lapano, Senior Planner

Call to Order and Announce a Quorum is Present

With a quorum present, the meeting of the Bee Cave Planning and Zoning Commission was **called to order by Chair Crumbley at 6:02 p.m.** on Tuesday October 15th, 2024, in the Council Chambers of Bee Cave City Hall.

The Pledge of Allegiance.

Chairman Crumbley opens agenda items 4, 5, and 6 to consider the approval of minutes on May 7th, May 21st, and August 20th meetings. Chair Wakefield moved to approve the minutes and Commissioner Wright seconded the motion. A vote was taken and unanimously approved. On the August 20th minutes – they were approved without Commissioner DeSilva comment.

Public Hearing, discussion, and possible action on an amendment to the City Zoning Map on a one- hundred, ninety-six-acre tract known as Falconhead Golf Club.

The public hearing opened at 6:06 p.m.

The public hearing closed at 6:06 p.m.

Citizen spoke – unable to get name or address. He just wanted to understand why this motion was being presented now.

MOTION: A motion was made by Commissioner Sbrocco to amend the City Zoning Map for approximately a one-hundred, ninety-six-acre tract known as Falconhead Golf Club. Chair Wakefield seconded the motion.

The vote was taken on the motion with the following result:

Voting Aye: Kit Crumbley, Chair, Lori Wakefield, Vice Chair, Kirk Wright, Commissioner Steven Schmidt, Commissioner, Petra Reynolds, Commissioner, Blake Sbrocco, Commissioner, Valorie Loomer, Commissioner

Voting Nay: None

Abstained: None

Absent: Leslie Mitchell, Commissioner

The motion carried.

Public hearing, discussion, and possible action on a request for a Specific Use Permit (SUP) to allow a private club – specifically, a retail cigar lounge – within the Town Center Mixed-Use zoning district.

Applicant, Jeff Beal presented. No citizens spoke.

The public hearing opened at 6:17pm

The public hearing closed at 6:18pm

MOTION: A motion was made by Chair Crumbley to approve the request for a Specific Use Permit (SUP) to allow a private club – specifically, a retail cigar lounge – within the Town Center Mixed-Use zoning district. Commissioner Wright seconded the motion.

The vote was taken on the motion with the following result:

Voting Aye: Kit Crumbley, Chair, Lori Wakefield, Vice Chair, Kirk Wright, Commissioner Steven Schmidt, Commissioner, Petra Reynolds, Commissioner, Blake Sbrocco, Commissioner, Valorie Loomer, Commissioner

Voting Nay: None

Abstained: None

Absent: Leslie Mitchell, Commissioner

The motion carried.

The parking will be tabled for a workshop. No agenda planning at this time – there will be a plat by the end of the year according to Planning & Development Director, Carly Pearson. Dates for availability will be offered in the future.

The Planning and Zoning Commission adjourned the meeting at 6:23 p.m.

PASSED AND APPROVED THIS _____ DAY OF _____, 2024.

Kit Crumbley, Chair

ATTEST

Jo Ann Touchstone, City Secretary



*Planning and Zoning Commission Meeting
12/3/2024
Agenda Item Transmittal*

Agenda Item: 5.

Agenda Title: Discuss and consider action on the Final Plat of Sanctuary at Spanish Oaks, a 21.80-acre tract located at 13025 Flowering Senna Bend, Bee Cave, Texas.

Commission Action: Discuss and consider action

Department: Planning and Development

Staff Contact: Sean Lapano, Senior Planner

1. INTRODUCTION/PURPOSE

See attached TL

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

- ▣ Transmittal Letter
- ▣ Consent Agreement
- ▣ November 8, 2022 Minutes
- ▣ Preliminary Plat Transmittal Letter
- ▣ Final Plat

Type

- Backup Material
- Backup Material
- Backup Material
- Backup Material
- Backup Material

***Planning and Zoning Commission Meeting
December 3, 2024
Agenda Item Transmittal***

Agenda Title: Discuss and consider action on the Final Plat of Sanctuary at Spanish Oaks, a 21.80-acre tract located at 13025 Flowering Senna Bend, Bee Cave, Texas.

Commission Action: Discuss and Consider Action

Department: Planning & Development

Staff Contact: Sean Lapano, Senior Planner

1. INTRODUCTION/PURPOSE

Final Plat of Sanctuary at Spanish Oaks, a 21.80-acre tract located at 13025 Flowering Senna Bend, generally south of the Shops at the Galleria and north of the Spanish Oaks Golf Club.

2. DESCRIPTION/ JUSTIFICATION

a) Background

This property is subject to the Cassandra Interests Consent Agreement, approved by City Council on January 12, 2021. The Consent Agreement stipulates that the development shall comply with ordinances adopted on October 1, 2022, except for modifications listed in the attached materials.

In July 2022, City Council approved the post-annexation rezoning of the 92.425-acre tract from Agriculture (Ag) to Suburban Residential (R-2) [formally known as the SF-20 zoning district], consistent with the terms of the Consent Agreement.

The applicant is proposing to subdivide a 21.80-acre portion of the annexed tract, to create a 10-lot subdivision including 8 large single-family lots, 1 private street lot (lot 10) and 1 drainage/open space lot (lot 9). The single-family lots will compromise a total of 19.21 acres with all the lots being greater than 1 acre and meeting all standards within the (R-2) SF-20 zoning district and Consent Agreement.

City Council approved the preliminary plat on the November 8th, 2022 meeting and the applicant has met all conditions. The subdivision construction plans were administratively approved, and all fees have been paid.

b) Issues and Analysis

The Final Plat has been reviewed and determined consistent with the Preliminary Plat, approved by Council on November 8, 2022. Staff does not have any additional comments.

3. Financial Budget

N/A

4. Timeline Considerations

This subdivision plat application is subject to Section 212.009 of the Texas Local Government Code, which states that “The municipal authority responsible for approving plats shall approve, approve with conditions, or disapprove a plat within 30 days after the date the plat is filed. A plat is approved by the municipal authority unless it is disapproved within that period and in accordance with Section [212.0091.](#)”

The application was filed and deemed complete on September 6, 2024

5. Files

Attached:

- Consent Agreement between the City of Bee Cave, Texas and Cassandra Interests, LTD
- Preliminary Plat Approved meeting minutes from 11.08.2022 City Council Meeting
- Preliminary Plat Transmittal Letter
- Sanctuary at Spanish Oaks Final Plat



CONSENT AGREEMENT

BETWEEN THE CITY OF BEE CAVE, TEXAS AND CASSANDRA INTERESTS, LTD

Little Barton Creek Tract Development Project

Whereas, the Subject Property (“Property”), as described in Special Warranty Deed 2010054722 in the Official Public Records of Travis County, Texas and which metes and bounds description is attached in **Exhibit A**, and which is depicted in a sketch in **Exhibit A-1**, is subject to the Cassandra Interests Development Agreement between Cassandra Interests, LTD, who was and remains as of the date of this Consent Agreement (“Agreement”) the Property Owner, and the City of Bee Cave, Texas. The Development Agreement, recorded under document number 2017005834 of the Official Public Records of Travis County, Texas, specifies that, upon submission of a development application, the City will initiate annexation proceedings with the voluntary consent of the Subject Property owner at the time of application, and, upon annexation, the Property will be zoned “Single-Family 20”; and

Whereas, on April 23, 2020 the Property Owner submitted a Vested Rights Claim under Chapter 245 of the Texas Local Government Code referencing grandfathering protections under the CCNG Development Agreement, which was approved by the City of Bee Cave on April 13, 1999 and a copy of which is on file with the City Secretary. The City Manager deemed the application to be administratively incomplete on May 8, 2020; and

Whereas, Property Owner provided the City additional documentation in June 2020 in response to determination of incompleteness; and

Whereas, the City Manager made a determination of denial of the vested rights claim on July 23, 2020; the referenced correspondence between the Property Owner and the City between April 23, 2020 and July 23, 2020 is attached as **Exhibit B**; and

Whereas, pursuant to 30.01.007(f)(8), the landowner appealed staff’s decision to City Council in July 2020; and

Whereas, on August 11, 2020, pursuant to 30.01.007(d)(9), City Council directed staff to attempt to negotiate a consent agreement in an effort to avoid potential litigation and use taxpayer dollars in a fiscally responsible manner.

Now Therefore, the following Agreement is intended to summarize the key terms and provisions for development of a single-family residential project, to be formalized and superseded by final platting, and is entered into by Cassandra Interests, Ltd. or its successor (“Property Owner”) and the City of Bee Cave, Texas (the “City”). This Agreement is applicable to the property described in **Exhibit A**, an approximately 126-acre property located north and south of Little Barton Creek, generally north of the Spanish Oaks Golf Course and southwest of the Shops at the Galleria. This Agreement is non-binding until it is reviewed and approved by the City Council for the City. This Agreement will terminate at the time of final platting or within five years of the date of City approval of this Agreement, whichever occurs first. In the event an application is submitted to develop the property in any manner other than a 30 lot or fewer, single family residential subdivision, as described herein, this Agreement and any claims to vested rights will automatically terminate and this Agreement will be of no effect.

Property Owner	Cassandra Interests, Ltd.
Project Description	<p>The project is proposed to have 30 residential lots with an average size of 26,000 sf and a minimum size of no less than 19,000 sf; each lot shall have a maximum of one unit. The project proposes private streets and shared access driveways to be constructed at the property owner's expense and maintained by a property owners association; and to be connected to adjacent properties via private drives located generally northwest and southeast of the residential lots.</p> <p>The development is permitted up to 40% impervious cover.</p> <p>Pursuant to the Cassandra Development Agreement executed in late 2016 and recorded in early 2017 under document number 2017005834 OPRTCT, upon annexation, the property will be zoned Single-Family 20 ("SF-20"). See Subsection 2(3) of the Agreement.</p>
Applicable Codes & Regulations	
General	The proposed project will comply with Bee Cave Code of Ordinances, as adopted, on October 1, 2020, except for modifications listed below.
Zoning (§32)	<p>32.03.004(d)(1)(A) Minimum Lot Area</p> <p>Lots designated as residential shall average 26,000 square feet or greater. No lot shall be less than 19,000 sf feet.</p>
Subdivision (§30)	<p>30.03.001 (c) (10) (C) Private Streets: Access Onto Public Thoroughfare.</p> <p>The private street subdivision shall provide a number of access points that complies with the International Fire Code and amendments, as applicable, adopted by the City of Bee Cave and in effect at the time of Preliminary Plat approval. Restricted access entrances shall not be allowed. Right-of-way width for the streets shall be a minimum of fifty feet (50') with a minimum of twenty-six feet (26') of pavement width.</p> <p>30.03.001 (o) Block Length</p> <p>The maximum length of any block or street segment shall be two thousand four hundred feet (2,400'), as measured along the street centerline and between the point(s) of intersection with other through, not dead-end or cul-de-sac, streets and there shall be no minimum length of any block or street segment.</p> <p>30.03.001 (p) Cul-de-sac Design.</p> <p>A cul-de-sac street shall not be longer than eight hundred and fifty feet (850'), and at the closed end shall have a turnaround bulb with an outside pavement diameter of at least eighty feet (80') and a right-of-way diameter of at least one hundred feet (100'). The length of a cul-de-sac shall be measured from the centerline of the intersecting street to the centerline of the cul-de-sac bulb.</p>

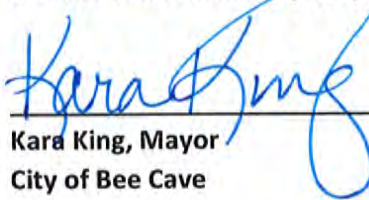
<p>Non-Point Source Pollution</p> <p>(§20.04)</p>	<p>20.04.045(a) & (b) Water Quality Buffer Zones</p> <p>(a) All development activities, including temporary construction activities and landscaping activities, shall be restricted from the WQBZ, except</p> <p>(1) the following development activities, which shall be allowed</p> <p>(A) Up to six (6) residential lots, each of which may have up to a maximum of 20 percent impervious cover. All impervious cover must be a minimum of 100 feet from the two-year floodplain; and</p> <p>(B) Water Quality controls utilized for compliance with § 20.04.050. Controls must be located a minimum of 100 feet from the two-year floodplain and comply with all other standards in City Code and the City's adopted Technical Construction Standards and Specifications Manual, including those related to location.</p> <p>(2) and the following development activities, which may be allowed if approved by the city:</p> <p>(A) Roadway and driveway crossings;</p> <p>(B) Hike and bike trails in accordance with the comprehensive plan;</p> <p>(C) Maintenance and restoration of natural vegetation;</p> <p>(D) Water quality control monitoring devices;</p> <p>(E) Removal of trash, debris, and pollutants;</p> <p>(F) Utilities, as subject to the restrictions of subsection (b) of this section;</p> <p>(G) Fences that do not obstruct flood flows;</p> <p>(H) Public and private parks and open space, with development in the parks and open space limited to hiking, jogging, or walking trails, and excluding stables and corrals for animals;</p> <p>(I) Private drives to allow access to property not otherwise accessible.</p> <p>(b) All utilities, roads, and joint access drives shall be located a minimum of one hundred feet (100') from the two year floodplain. Wastewater lift stations shall be located outside the WQBZ. On-site wastewater disposal systems shall be located outside the WQBZ. Wastewater trunk lines and lateral lines shall be located outside the WQBZ to the maximum extent practical except for crossings. All wastewater trunk lines located in the WQBZ shall meet design standards and construction specifications of testing to a zero (0) leakage allowable.</p>
<p>Permitting Review and Assistance</p>	<p>The project is required to follow the review process and fee schedule in effect at the time the respective application submittal or as otherwise prescribed by State law.</p> <p>The exceptions to Code noted above shall be memorialized as notes on the</p>

	Preliminary and Final Plat.
Performance Metrics	<p>The Developer and City will develop mutually acceptable performance covenants, including without limitation the following:</p> <p>Execution of this consent agreement will be considered a development application pursuant to Section (2)(3) of the development agreement and will be considered a request to initiate annexation proceedings for the portion of the property that is in the Extraterritorial Jurisdiction. Property will be zoned SF-20 upon annexation.</p> <p>Submit preliminary and final plats, and Subdivision Construction Plans.</p>

APPROVED AND EXECUTED THIS THE 10th February DAY OF ~~JANUARY~~ 2021.



CASSANDRA INTERESTS, LTD.
A Texas Limited Liability Corporation



Kara King, Mayor
City of Bee Cave


ATTEST:




Kaylynn Holloway, City Secretary

APPROVED AS TO FORM:

William P. McLean
McLean & Howard, L.L.P.


Charles E. Zech, City Attorney
Denton Navarro Rocha Bernal & Zech

	Preliminary and Final Plat.
Performance Metrics	<p>The Developer and City will develop mutually acceptable performance covenants, including without limitation the following:</p> <p>Execution of this consent agreement will be considered a development application pursuant to Section (2)(3) of the development agreement and will be considered a request to initiate annexation proceedings for the portion of the property that is in the Extraterritorial Jurisdiction. Property will be zoned SF-20 upon annexation.</p> <p>Submit preliminary and final plats, and Subdivision Construction Plans.</p>

APPROVED AND EXECUTED THIS THE 10th DAY OF February 2021.

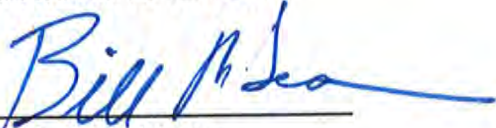
CASSANDRA INTERESTS, LTD.
 A Texas Limited Liability Corporation

Kara King, Mayor
City of Bee Cave

ATTEST:

Kaylynn Holloway, City Secretary

APPROVED AS TO FORM:



William P. McLean
McLean & Howard, L.L.P.

Charles E. Zech, City Attorney
Denton Navarro Rocha Bernal & Zech

EXHIBIT "A"

Property Description

FIELD NOTES DESCRIPTION

METES AND BOUNDS DESCRIPTION OF 126.55 ACRES OF LAND, MORE OR LESS, BEING A PORTION OF THE FOLLOWING SURVEYS, ALL IN TRAVIS COUNTY, TEXAS: A PORTION OF THE MATTHEW WILLIAMS SURVEY NO. 900, ABSTRACT NO. 823; A PORTION OF THE D. BOHLS SURVEY NO. 905, ABSTRACT NO. 129; A PORTION OF THE I. & G. N. R.R. CO. SURVEY NO. 57, ABSTRACT NO. 2109; A PORTION OF THE FREDRICH C. PECHT SURVEY NO. 68, ABSTRACT NO. 635; A PORTION OF THE JARRETT MEDLIN SURVEY NO. 520, ABSTRACT NO. 539; AND A PORTION OF THE ORRAN WADE SURVEY NO. 540, ABSTRACT NO. 811, SAID 126.55 ACRES OF LAND, MORE OR LESS, BEING ALL OF THAT 126.55 ACRE TRACT DESCRIBED IN A WARRANTY DEED FROM DANIEL B. PORTER TO 126 BEE CAVE INVESTMENTS, LP IN DOCUMENT NO. 2003202592, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 126.55 ACRE TRACT, MORE OR LESS, BEING ALL OR A PORTION OF THE FOLLOWING TRACTS OF LAND, ALL IN TRAVIS COUNTY, TEXAS: A PORTION OF THAT 230.92 ACRE TRACT, A PORTION OF THE SAID MATTHEW WILLIAMS SURVEY NO. 900, AND OTHERS, AS DESCRIBED IN A WARRANTY DEED FROM THE NELLIE HAMPE PARTNERSHIP I, LTD. TO DANIEL B. PORTER IN VOLUME 13212, PAGE 2535, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; ALL OF THAT 2.000 ACRE TRACT, A PORTION OF THE SAID MATTHEW WILLIAMS SURVEY NO. 900, AS DESCRIBED IN A SPECIAL WARRANTY DEED FROM CCNG DEVELOPMENT COMPANY, L.P. TO DANIEL B. PORTER IN DOCUMENT NUMBER 2000013836, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; ALL OF THAT 10.548 ACRE TRACT, A PORTION OF THE SAID MATTHEW WILLIAMS SURVEY NO. 900 AND A PORTION OF THE SAID D. BOHLS SURVEY NO. 905, AS DESCRIBED IN A SPECIAL WARRANTY DEED FROM CCNG PROPERTIES, L.P. TO DANIEL B. PORTER IN DOCUMENT NUMBER 2001047244, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 10.548 ACRE TRACT NOW BEING ALL OF LOT 27, BLOCK "A", 11505 TX 71, PHASE ONE, A SUBDIVISION OF A PORTION OF THE SAID D. BOHLS SURVEY NO. 905, AND OTHERS, IN TRAVIS COUNTY, TEXAS, OF RECORD IN DOCUMENT NO. 200100286, OFFICIAL PUBLIC (PLAT) RECORDS OF TRAVIS COUNTY, TEXAS; ALL OF THAT 20.975 ACRE TRACT, A PORTION OF THE SAID ORRAN WADE SURVEY NO. 540, AND OTHERS, AS DESCRIBED IN A SPECIAL WARRANTY DEED FROM CCNG DEVELOPMENT COMPANY, L.P. TO DANIEL B. PORTER IN DOCUMENT NUMBER 2001047246, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; AND A PORTION OF THAT 10.44 ACRE TRACT, A PORTION OF THE SAID MATTHEW WILLIAMS SURVEY NO. 900, AS DESCRIBED IN A SPECIAL WARRANTY DEED FROM CCNG DEVELOPMENT COMPANY, L.P. TO DANIEL B. PORTER IN DOCUMENT NUMBER 2001082946, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AS PREPARED FOR DANIEL B. PORTER BY METCALFE & SANDERS, INC., LAND SURVEYORS, AND REVISED FOR 126 BEE CAVE INVESTMENTS, LP BY LOOMIS PARTNERS, SAID 126.55 ACRES OF LAND, MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Beginning at a 1/2" steel pin in rock found at the most easterly corner of that 230.92 acre tract, a portion of the Matthew Williams Survey No. 900, and others, in Travis County, Texas, as described in a Warranty Deed from the Nellie Hampe Partnership I, Ltd. to Daniel B. Porter in Volume 13212, Page 2535, Real Property Records of Travis County, Texas, and the south corner of that 7.5 acre tract, a portion of the said Matthew Williams Survey No. 900, in Travis County, Texas, as described in a General Warranty Deed from Nellie Moehring to Terry E. Boothe in Volume 12227, Page 343, Real Property Records of Travis County, Texas, said 1/2" steel pin in rock found being also the most southerly west corner of that 47.81 acre tract, a portion of the said Matthew Williams Survey No. 900, and others, in Travis County, Texas, designated as Tract 1 and described in a Special Warranty Deed from NAJD II Corp. to Limestone Springs Properties L.P. in Volume 12661, Page 42, Real Property Records of Travis County, Texas, and the most westerly north corner of that 10.548 acre tract, a portion of the said Matthew Williams Survey No. 900, and others, in Travis County, Texas, as described in a Special Warranty Deed from CCNG Properties, L.P. to Daniel B. Porter in Document Number 2001047244, Official Public Records of Travis County, Texas, said 1/2" steel pin in rock found being also the most westerly north corner of Lot 27, Block "A", 11505 TX 71, Phase One, a subdivision of a portion of the D. Bohls Survey No. 905, Abstract No. 129, and others, in

Travis County, Texas, of record in Document No. 200100286, Official Public (Plat) Records of Travis County, Texas, for the POINT OF BEGINNING of the herein described tract;

THENCE with a northeast, north, northwest, west and north line of the said Porter 10.548 acre tract and a northeast, north, northwest, west and north line of said Lot 27, Block "A", 11505 TX 71, Phase One, being also with a southwest, south, southeast, east and south line of the said Limestone Springs Properties L.P. Tract 1 of 47.81 acres, courses numbered 1 through 8 inclusive as follows:

- (1) S 39°55'30" E 26.54 feet to a calculated point;
- (2) S 44°47'20" E 389.72 feet to a calculated point;
- (3) S 60°02'20" E 202.67 feet to a calculated point;
- (4) S 74°38'20" E 185.51 feet to a calculated point;
- (5) N 54°23'40" E 137.36 feet to a calculated point;
- (6) N 35°14'40" E 158.10 feet to a calculated point;
- (7) N 15°44'40" E 179.73 feet to a calculated point at the most easterly northwest corner of the

said Porter 10.548 acre tract and the most easterly northwest corner of said Lot 27, Block "A", 11505 TX 71, Phase One, said calculated point being also an interior corner of the said Limestone Springs Properties L.P. Tract 1 of 47.81 acres, for the most easterly northwest corner of the herein described tract;

(8) S 79°33'20" E 139.10 feet to a calculated point at the most easterly northeast corner of the said Porter 10.548 acre tract and the most easterly northeast corner of said Lot 27, Block "A", 11505 TX 71, Phase One, said calculated point being also the northwest corner of Lot 1, Block "A" of said 11505 TX 71, Phase One, for the most easterly northeast corner of the herein described tract;

THENCE with an east, southeast, south, southwest, south, southeast, east, northeast, southeast, southwest and east line of the said Porter 10.548 acre tract and an east, southeast, south, southwest, south, southeast, east, northeast, southeast, southwest and east line of said Lot 27, Block "A", 11505 TX 71, Phase One, being also with the west line of said Lot 1, Block "A", 11505 TX 71, Phase One, the west line of Lot 2, Block "A" of said 11505 TX 71, Phase One, the northwest line of Lots 3 and 4, Block "A" of said 11505 TX 71, Phase One, the north line of Lots 11 and 12, Block "A" of said 11505 TX 71, Phase One, the north and northeast line of Lots 17, Block "A" of said 11505 TX 71, Phase One, the northeast line of Lot 18, Block "A" of said 11505 TX 71, Phase One, the northeast, north, northwest and west line of Lot 19, Block "A" of said 11505 TX 71, Phase One, the west line of Lots 20 and 21, Block "A" of said 11505 TX 71, Phase One, the west and southwest line of Lot 22, Block "A" of said 11505 TX 71, Phase One, the curving northwest line of La Barzola Bend, said La Barzola Bend being a portion of Lot 1, Block "H" (Private Street, Electric, Access, Drainage, Water and Wastewater Easement) of said 11505 TX 71, Phase One, the northeast and west line of Lot 23, Block "A" of said 11505 TX 71, Phase One and the west line of Lot 24, Block "A" of said 11505 TX 71, Phase One, courses numbered 9 through 21 inclusive as follows:

(9) S 28°16'40" W 118.63 feet to a calculated point at the most westerly corner of said Lot 1 and the most northerly corner of said Lot 2, Block "A", 11505 TX 71, Phase One;

(10) S 33°44'50" W 291.48 feet to a calculated point at the most westerly corner of said Lot 2 and the most northerly corner of said Lot 3, Block "A", 11505 TX 71, Phase One;

(11) S 47°55'30" W 263.03 feet to a calculated point at the most westerly corner of said Lot 4 and the most northerly or northeast corner of said Lot 11, Block "A", 11505 TX 71, Phase One;

(12) S 85°49'40" W 441.43 feet to a calculated point;

(13) N 64°24'30" W 436.02 feet to a calculated point;

(14) S 65°52'10" W 55.24 feet to a calculated point;

(15) S 26°40'00" W 84.22 feet to a calculated point;

(16) S 8°49'10" W 283.28 feet to a calculated point at the most westerly corner of said Lot 21 and the most northerly corner of said Lot 22, Block "A", 11505 TX 71, Phase One;

(17) S 23°53'10" W 125.57 feet to a calculated point at an interior corner of the said Porter 10.548 acre tract and an interior corner of said Lot 27, Block "A", 11505 TX 71, Phase One, said calculated point being also the most westerly corner of said Lot 22, Block "A", 11505 TX 71, Phase One, for an interior corner of the herein described tract;

(18) S 56°06'30" E 208.67 feet to a calculated point in the curving northwest line of La Barzola Bend (Lot 1, Block "H", 11505 TX 71, Phase One) at an east corner of the said Porter 10.548 acre tract and

an east corner of said Lot 27, Block "A", 11505 TX 71, Phase One, said calculated point being also the most southerly corner of said Lot 22, Block "A", 11505 TX 71, Phase One, for an east corner of the herein described tract;

(19) with a curve to the left an arc distance of 25.02 feet, said curve having a radius of 430.00 feet, a central angle of 3°20'03" and a chord of which bears S 36°08'40" W 25.02 feet to a calculated point at a south corner of the said Porter 10.548 acre tract and a south corner of said Lot 27, Block "A", 11505 TX 71, Phase One, said calculated point being also the most easterly corner of said Lot 23, Block "A", 11505 TX 71, Phase One, for a south corner of the herein described tract;

(20) N 56°06'30" W 203.28 feet to a calculated point at an interior corner of the said Porter 10.548 acre tract and an interior corner of said Lot 27, Block "A", 11505 TX 71, Phase One, said calculated point being also the most northerly corner of said Lot 23, Block "A", 11505 TX 71, Phase One, for an interior corner of the herein described tract;

(21) S 23°53'10" W 235.62 feet to a calculated point at the most southerly corner of the said Porter 10.548 acre tract and the most southerly corner of said Lot 27, Block "A", 11505 TX 71, Phase One, said calculated point being also the southwest corner of said Lot 24, Block "A", 11505 TX 71, Phase One and the northwest corner of Lot 25, Block "A" of said 11505 TX 71, Phase One, for the most southerly corner of the herein described tract;

THENCE with a west line of the said Porter 10.548 acre tract and a west line of said Lot 27, Block "A", 11505 TX 71, Phase One, courses numbered 22 through 23 inclusive as follows:

(22) N 18°05'50" W 47.80 feet to a calculated point;

(23) N 13°05'50" E 282.40 feet to a calculated point in the southwest line of that 0.2000 of one acre tract, a portion of the said D. Bohls Survey No. 905, in Travis County, Texas, as described in a Special Warranty Deed from CCNG Properties, L.P. to Ronald J. Freeman in Document Number 2000052980, Official Public Records of Travis County, Texas, at a northwest corner of the said Porter 10.548 acre tract and a northwest corner of said Lot 27, Block "A", 11505 TX 71, Phase One, for a northwest corner of the herein described tract;

THENCE with a northeast, west and southwest line of the said Porter 10.548 acre tract and a northeast, west and southwest line of said Lot 27, Block "A", 11505 TX 71, Phase One, being also with the southwest and east line of the said Ronald J. Freeman 0.2000 of one acre tract, the east line of that 0.2000 of one acre tract, a portion of the said D. Bohls Survey No. 905, in Travis County, Texas, as described in a Special Warranty Deed from Lawson Boothe to Stephen Karp in Document Number 2002239384, Official Public Records of Travis County, Texas, the east line of that 0.2000 of one acre tract, a portion of the said D. Bohls Survey No. 905, in Travis County, Texas, as described in a Special Warranty Deed from Mark Peters to Chris McKay in Document Number 2002239385, Official Public Records of Travis County, Texas, the east line of that 0.2000 of one acre tract, a portion of the said D. Bohls Survey No. 905, in Travis County, Texas, as described in a Special Warranty Deed from CCNG Properties, L.P. to Eric Woormer in Document Number 2000052984, Official Public Records of Travis County, Texas, and the east and northeast line of that 0.2000 of one acre tract, a portion of the said D. Bohls Survey No. 905, in Travis County, Texas, as described in a Special Warranty Deed from CCNG Properties, L.P. to David Ruhlman in Document Number 2000052981, Official Public Records of Travis County, Texas, courses numbered 24 through 26 inclusive as follows:

(24) S 57°41'30" E 66.58 feet to a calculated point at an interior corner of the said Porter 10.548 acre tract and an interior corner of said Lot 27, Block "A", 11505 TX 71, Phase One, said calculated point being also the southeast corner of the said Ronald J. Freeman 0.2000 of one acre tract, for an interior corner of the herein described tract;

(25) N 8°49'00" E 300.00 feet to a calculated point at an interior corner of the said Porter 10.548 acre tract and an interior corner of said Lot 27, Block "A", 11505 TX 71, Phase One, said calculated point being also the northeast corner of the said David Ruhlman 0.2000 of one acre tract, for an interior corner of the herein described tract;

(26) N 57°41'30" W 95.02 feet to a calculated point at a southwest corner of the said Porter 10.548 acre tract and a southwest corner of said Lot 27, Block "A", 11505 TX 71, Phase One, for a southwest corner of the herein described tract;

(27) THENCE with a west line of the said Porter 10.548 acre tract and a west line of said Lot 27, Block "A", 11505 TX 71, Phase One, N 12°02'20" E 313.72 feet to a calculated point in a southeast line of that 144.45 acre, save and except 10.500 acres of land, 0.1548 of one acre of land (Parcel "A" WTC Mud #7), 0.1548 of one acre of land (Parcel "B" WTC Mud #7), 0.1547 of one acre of land (Parcel "C" WTC Mud #7), 0.1547 of one acre of land (Parcel "D" WTC Mud #7) and 0.1549 of one acre of land (Parcel "E" WTC Mud #7), a portion of the I. & G. N. R.R. Co. Survey No. 57, Abstract No. 2109, and others, in Travis County, Texas, as described in a Corrected Special Warranty Deed from Daniel B. Porter to CCNG Properties, L.P. in Document Number 2001125785, Official Public Records of Travis County, Texas (CCNG Properties, L.P. 133.18 acre tract) at a northwest corner of the said Porter 10.548 acre tract and a northwest corner of said Lot 27, Block "A", 11505 TX 71, Phase One, for a northwest corner of the herein described tract;

(28) THENCE with a northwest line of the said Porter 10.548 acre tract and a northwest line of said Lot 27, Block "A", 11505 TX 71, Phase One, being also with a southeast line of the said CCNG Properties, L.P. 133.18 acre tract, N 59°47'20" E 87.45 feet to a 1/2" steel pin with plastic cap previously set for the most easterly corner of the said CCNG Properties, L.P. 133.18 acre tract, for an interior corner of the herein described tract;

THENCE with a northeast, north and west line of the said CCNG Properties, L.P. 133.18 acre tract, courses numbered 29 through 37 inclusive as follows:

- (29) N 30°12'40" W 85.08 feet to a 1/2" steel pin with plastic cap previously set;
- (30) N 49°20'40" W 136.63 feet to a 1/2" steel pin with plastic cap previously set;
- (31) N 36°33'00" W 195.96 feet to a 1/2" steel pin with plastic cap previously set in rock;
- (32) N 46°33'50" W 225.56 feet to a 1/2" steel pin with plastic cap previously set in rock;
- (33) N 34°28'00" W 148.83 feet to a 1/2" steel pin with plastic cap previously set;
- (34) N 52°11'50" W 90.70 feet to a 1/2" steel pin with plastic cap previously set in rock;
- (35) N 76°47'00" W 159.22 feet to a 1/2" steel pin with plastic cap previously set;
- (36) S 58°38'20" W 62.11 feet to a 1/2" steel pin with plastic cap previously set in rock at the

most easterly northwest corner of the said CCNG Properties, L.P. 133.18 acre tract, for an interior corner of the herein described tract;

(37) S 21°59'20" E 86.88 feet to a 1/2" steel pin with plastic cap previously set at a northeast corner of that 183.74 acre, save and except 0.1458 of one acre of land and 4.4490 acres of land, a portion of the said I. & G. N. R.R. Co. Survey No. 57, and others, in Travis County, Texas, as described in a Special Warranty Deed from CCNG Properties, L.P. to Spanish Oaks Golf Club, L.P. in Document Number 2001215837, Official Public Records of Travis County, Texas (Spanish Oaks Golf Club, L.P. 179.15 acre tract), for a southeast corner of the herein described tract;

THENCE with a north, east and north line of the said Spanish Oaks Golf Club, L.P. 179.15 acre tract, courses numbered 38 through 59 inclusive as follows:

- (38) S 82°53'40" W 237.22 feet to a 1/2" steel pin with plastic cap previously set;
- (39) N 89°27'50" W 192.72 feet to a 1/2" steel pin with plastic cap previously set in rock;
- (40) S 80°02'30" W 286.47 feet to a 1/2" steel pin with plastic cap previously set;
- (41) N 77°36'30" W 110.59 feet to a 1/2" steel pin with plastic cap previously set;
- (42) S 88°50'10" W 135.67 feet to a 1/2" steel pin with plastic cap previously set;
- (43) S 66°45'10" W 115.95 feet to a 1/2" steel pin with plastic cap previously set;
- (44) S 41°55'20" W 82.48 feet to a 1/2" steel pin with plastic cap previously set;
- (45) S 65°48'40" W 237.59 feet to a 1/2" steel pin with plastic cap previously set;
- (46) S 40°00'50" W 104.94 feet to a 1/2" steel pin with plastic cap previously set;
- (47) S 23°48'10" W 47.13 feet to a 1/2" steel pin with plastic cap previously set for an interior

corner of the said Spanish Oaks Golf Club, L.P. 179.15 acre tract, for a southeast corner of the herein described tract;

(48) N 65°10'20" W 99.27 feet to a 1/2" steel pin with plastic cap previously set for an interior corner of the said Spanish Oaks Golf Club, L.P. 179.15 acre tract, for a southwest corner of the herein described tract;

(49) N 6°17'10" E 58.04 feet to a 1/2" steel pin with plastic cap previously set;
(50) N 9°52'50" W 188.04 feet to a 1/2" steel pin with plastic cap previously set;
(51) N 0°34'20" W 151.61 feet to a 1/2" steel pin with plastic cap previously set;
(52) N 32°38'50" W 222.66 feet to a 1/2" steel pin with plastic cap previously set;
(53) N 5°02'20" W 66.52 feet to a 1/2" steel pin with plastic cap previously set;
(54) N 12°14'00" W 132.54 feet to a 1/2" steel pin with plastic cap previously set;
(55) N 25°38'20" W 75.19 feet to a 1/2" steel pin with plastic cap previously set;
(56) N 7°35'30" W 253.14 feet to a 1/2" steel pin with plastic cap previously set;
(57) N 17°07'00" W 70.47 feet to a 1/2" steel pin with plastic cap previously set;
(58) N 26°43'10" W 88.42 feet to a 1/2" steel pin with plastic cap previously set;
(59) N 60°19'30" W 55.75 feet to a 1/2" steel pin with plastic cap previously set, for a west corner of the herein described tract;

THENCE crossing the said Porter 230.92 acre tract, courses numbered 60 through 65 inclusive as follows:

(60) N 55°46'00" E 149.78 feet to a 1/2" steel pin with plastic cap previously set, for an interior corner of the herein described tract;
(61) N 21°52'20" W 115.44 feet to a 1/2" steel pin with plastic cap previously set;
(62) N 29°52'40" W 210.32 feet to a 1/2" steel pin with plastic cap previously set, for an interior corner of the herein described tract;
(63) S 63°50'10" W 149.12 feet to a 1/2" steel pin with plastic cap previously set;
(64) S 32°32'00" W 135.99 feet to a 1/2" steel pin with plastic cap previously set;
(65) S 0°04'00" E 123.06 feet to a 1/2" steel pin with plastic cap previously set in a north line of the said Spanish Oaks Golf Club, L.P. 179.15 acre tract, for a southeast corner of the herein described tract;

THENCE with a north line of the said Spanish Oaks Golf Club, L.P. 179.15 acre tract, courses numbered 66 through 67 inclusive as follows:

(66) S 65°09'10" W 129.48 feet to a 1/2" steel pin with plastic cap previously set;
(67) N 86°17'20" W 80.86 feet to a 1/2" steel pin with plastic cap previously set in a west line of the said Porter 230.92 acre tract for an interior corner of the said Spanish Oaks Golf Club, L.P. 179.15 acre tract, for the most westerly southwest corner of the herein described tract;

THENCE with a west line of the said Porter 230.92 acre tract and an east line of the said Spanish Oaks Golf Club, L.P. 179.15 acre tract, courses numbered 68 through 70 inclusive as follows:

(68) N 2°43'10" E 301.02 feet to a 2" metal fence post found;
(69) N 0°57'00" W 19.54 feet to a 1/2" steel pin found;
(70) N 16°14'10" E 55.86 feet to a 1/2" steel pin with plastic cap previously set in rock for a northeast corner of the said Spanish Oaks Golf Club, L.P. 179.15 acre tract, said 1/2" steel pin with plastic cap previously set in rock being also in an east line of that 300.800 acre tract, a portion of the Jarrett Medlin Survey No. 520, Abstract No. 539, and others, in Travis County, Texas, designated as Tract One and described in a Warranty Deed With Vendor's Lien With Correction from Limestone Cooper Properties L.P., et al to CCNG Properties, L.P. in Document Number 2001021869, Official Public Records of Travis County, Texas;

(71) THENCE with a west line of the said Porter 230.92 acre tract and an east line of the said CCNG Properties, L.P. Tract One of 300.800 acres, N 16°14'10" E 84.61 feet to a 1/2" steel pin with plastic cap previously set for the southwest corner of that 0.2000 of one acre tract, a portion of the said Orran Wade Survey No. 540 and a portion of the Jarrett Medlin Survey No. 520, Abstract No. 539, in Travis County, Texas, as described in a Special Warranty Deed With Vendor's Lien from Daniel B. Porter to Thomas Philip Reilly in Document Number 2003009502, Official Public Records of Travis County, Texas, for a northwest corner of the herein described tract;

THENCE with the south and east line of the said Thomas Philip Reilly 0.2000 of one acre tract and the east line of that 0.2000 of one acre tract, a portion of the said Orran Wade Survey No. 540 and a portion of the said Jarrett Medlin Survey No. 520, in Travis County, Texas, as described in a Special Warranty Deed With Vendor's Lien from Daniel B. Porter to Jodi Wellborn Zipp in Document Number 2002239382, Official Public Records of Travis County, Texas, being also with the east line of that 0.2000 of one acre tract, a portion of the said Orran Wade Survey No. 540 and a portion of the said Jarrett Medlin Survey No. 520, in Travis County, Texas, as described in a Special Warranty Deed With Vendor's Lien from Daniel B. Porter to Sara Woomer in Document Number 2002239380, Official Public Records of Travis County, Texas, the east line of that 0.2000 of one acre tract, a portion of the said Orran Wade Survey No. 540 and a portion of the said Jarrett Medlin Survey No. 520, in Travis County, Texas, as described in a Special Warranty Deed With Vendor's Lien from Daniel B. Porter to John L. Briggs in Document Number 2002239378, Official Public Records of Travis County, Texas, and the east line of that 0.2000 of one acre tract, a portion of the said Orran Wade Survey No. 540 and a portion of the said Jarrett Medlin Survey No. 520, in Travis County, Texas, as described in a Special Warranty Deed With Vendor's Lien from Daniel B. Porter to Bryan McMurrey in Document Number 2002239376, Official Public Records of Travis County, Texas, courses numbered 72 through 73 inclusive as follows:

(72) S 73°45'50" E 108.12 feet to a 1/2" steel pin with plastic cap previously set for the southeast corner of the said Thomas Philip Reilly 0.2000 of one acre tract, for an interior corner of the herein described tract;

(73) N 16°14'10" E 415.83 feet to a 1/2" iron pipe found at an interior corner of the said Porter 230.92 acre tract and a southeast corner of the said CCNG Properties, L.P. Tract One of 300.800 acres, said 1/2" iron pipe found being also the northeast corner of the said Bryan McMurrey 0.2000 of one acre tract;

(74) THENCE with a west line of the said Porter 230.92 acre tract and an east line of the said CCNG Properties, L.P. Tract One of 300.800 acres, N 2°19'40" W 60.32 feet to a 1/2" steel pin in rock found in the approximate center line of Little Barton Creek at a northwest corner of the said Porter 230.92 acre tract and the most westerly southwest corner of that 20.975 acre tract, a portion of the said Orran Wade Survey No. 540, and others, in Travis County, Texas, as described in a Special Warranty Deed from CCNG Development Company, L.P. to Daniel B. Porter in Document Number 2001047246, Official Public Records of Travis County, Texas, said 1/2" steel pin in rock found being also a southeast corner of that 122.35 acre, save and except 0.3701 of one acre tract, a portion of the said Orran Wade Survey No. 540, and others, in Travis County, Texas, as described in a Correction Special Warranty Deed from CCNG Development Company, L.P. and CCNG Properties, L.P. to Spanish Oaks Commercial Partnership, L.P. in Document Number 2002082879, Official Public Records of Travis County, Texas (Spanish Oaks Commercial Partnership, L.P. 121.98 acre tract);

THENCE with the most westerly west line of the said Porter 20.975 acre tract and an east line of the said Spanish Oaks Commercial Partnership, L.P. 121.98 acre tract, courses numbered 75 through 76 inclusive as follows:

(75) N 2°19'40" W 30.82 feet to a 1/2" steel pin set in rock found;

(76) N 9°01'20" W 73.48 feet to a 1/2" steel pin found at the most westerly northwest corner of the said Porter 20.975 acre tract and an interior corner of the said Spanish Oaks Commercial Partnership, L.P. 121.98 acre tract, for a northwest corner of the herein described tract;

THENCE with a north, west, north, west, south, west and north line of the said Porter 20.975 acre tract and a south, east, south, east, north, east and south line of the said Spanish Oaks Commercial Partnership, L.P. 121.98 acre tract, courses numbered 77 through 89 inclusive as follows:

(77) S 77°22'10" E 354.86 feet to a 1/2" steel pin with plastic cap found at an interior corner of the said Porter 20.975 acre tract and a southeast corner of the said Spanish Oaks Commercial Partnership, L.P. 121.98 acre tract, for an interior corner of the herein described tract;

(78) N 14°25'30" W 242.13 feet to a 1/2" steel pin with plastic cap found;

(79) N 35°33'00" W 61.34 feet to a 1/2" steel pin with plastic cap found at a northwest corner of the said Porter 20,975 acre tract and an interior corner of the said Spanish Oaks Commercial Partnership, L.P. 121.98 acre tract, for a northwest corner of the herein described tract;

(80) S 56°20'00" E 292.74 feet to a 1/2" steel pin with plastic cap found;

(81) S 60°38'20" E 229.39 feet to a 1/2" steel pin with plastic cap found;

(82) S 62°54'10" E 254.02 feet to a 1/2" steel pin with plastic cap found;

(83) S 75°32'30" E 320.48 feet to a 1/2" steel pin with plastic cap found;

(84) N 64°33'00" E 182.21 feet to a 1/2" steel pin with plastic cap found;

(85) N 11°38'30" E 229.76 feet to a 1/2" steel pin with plastic cap found;

(86) N 1°45'20" E 112.71 feet to a 1/2" steel pin with plastic cap found at an interior corner of the said Porter 20,975 acre tract and a northeast corner of the said Spanish Oaks Commercial Partnership, L.P. 121.98 acre tract, for an interior corner of the herein described tract;

(87) N 85°20'50" W 60.78 feet to a PK nail found set in the concrete ring of an electric manhole at the most northerly southwest corner of the said Porter 20,975 acre tract and an interior corner of the said Spanish Oaks Commercial Partnership, L.P. 121.98 acre tract, for the most northerly southwest corner of the herein described tract;

(88) N 21°00'00" W 13.05 feet to a 1/2" steel pin with plastic cap found at a northwest corner of the said Porter 20,975 acre tract and an interior corner of the said Spanish Oaks Commercial Partnership, L.P. 121.98 acre tract, for a northwest corner of the herein described tract;

(89) with a curve to the left an arc distance of 25.05 feet, said curve having a radius of 113.58 feet, a central angle of 12°38'12" and a chord of which bears N 62°41'00" E 25.00 feet to a 1/2" steel pin with plastic cap found at a corner of the said Porter 20,975 acre tract and the southwest corner of that 4.029 acre tract, a portion of the said Matthew Williams Survey No. 900 and a portion of the said Orran Wade Survey No. 540, in Travis County, Texas, designated as Tract 1 and described in a deed from The Estate of Nellie Marie Boothe Moehring, Deceased to Terry Boothe in Document Number 2000032029, Official Public Records of Travis County, Texas,

THENCE with a north, northeast, east and northeast line of the said Porter 20,975 acre tract and a south, southwest, west and southwest line of the said Boothe Tract 1 of 4.029 acres, courses numbered 90 through 93 inclusive as follows:

(90) S 85°20'50" E 286.26 feet to a 1/2" steel pin previously set in rock found;

(91) S 50°14'20" E 195.91 feet to a 1/2" steel pin previously set in rock found;

(92) S 34°03'30" W 105.98 feet to a 1/2" steel pin found;

(93) S 52°15'40" E 15.92 feet to a 1" steel pin found in the approximate center line of Little Barton Creek in the top of a concrete structure at a northeast corner of the said Porter 20,975 acre tract and the most southerly corner of the said Boothe Tract 1 of 4.029 acres, said 1" steel pin found being also a corner of that 2.000 acre tract, a portion of the said Matthew Williams Survey No. 900, in Travis County, Texas, as described in a Special Warranty Deed from CCNG Development Company, L.P. to Daniel B. Porter in Document Number 2000013836, Official Public Records of Travis County, Texas, for an interior corner of the herein described tract;

(94) THENCE with the northwest line of the said Porter 2.000 acre tract and the southeast line of the said Boothe Tract 1 of 4.029 acres, and being also with the approximate center line of Little Barton Creek, N 45°07'00" E 208.25 feet to a 5/8" steel pin set in rock found at the most easterly corner of the said Boothe Tract 1 of 4.029 acres and a south corner of the said Spanish Oaks Commercial Partnership, L.P. 121.98 acre tract;

(95) THENCE with the northwest line of the said Porter 2.000 acre tract and a southeast line of the said Spanish Oaks Commercial Partnership, L.P. 121.98 acre tract, and being also with the approximate center line of Little Barton Creek, N 50°01'40" E 135.83 feet to a 5/8" steel pin found at the north corner of the said Porter 2.000 acre tract and a west corner of the said Porter 230.92 acre tract;

THENCE with a northwest, north, northeast and east line of the said Porter 230.92 acre tract and a southeast, south, southwest and west line of the said Spanish Oaks Commercial Partnership, L.P. 121.98

acre tract, and being also with the approximate center line of Little Barton Creek, courses numbered 96 through 103 inclusive as follows:

- (96) N 80°44'50" E 25.82 feet to a 5/8" steel pin found;
- (97) N 41°57'50" E 43.22 feet to a calculated point;
- (98) N 49°15'10" E 49.09 feet to a calculated point;
- (99) N 68°10'10" E 56.13 feet to a calculated point;
- (100) S 86°54'50" E 131.21 feet to a 5/8" steel pin found;
- (101) S 78°01'00" E 132.47 feet to a 1/2" steel pin previously set in rock found;
- (102) S 56°50'30" E 110.16 feet to a 1/2" steel pin previously set in rock found;
- (103) S 28°20'00" E 60.04 feet to a 1/2" steel pin with plastic cap set in rock found at the most

easterly south corner of the said Spanish Oaks Commercial Partnership, L.P. 121.98 acre tract and at an angle point in the most northerly west line of that 10.44 acre tract, a portion of the said Matthew Williams Survey No. 900, in Travis County, Texas, as described in a Special Warranty Deed from CCNG Development Company, L.P. to Daniel B. Porter in Document Number 2001082946, Official Public Records of Travis County, Texas, for an interior corner of the herein described tract;

(104) THENCE with the most northerly west line of the said Porter 10.44 acre tract and the most easterly east line of the said Spanish Oaks Commercial Partnership, L.P. 121.98 acre tract, N 32°44'20" E 195.24 feet to a 1/2" steel pin with plastic cap found at the most northerly corner of the said Porter 10.44 acre tract and a west corner of Lot 2, Block A, Los Robles Addition, a subdivision of a portion of the said Matthew Williams Survey No. 900, in Travis County, Texas, of record in Document No. 200100338, Official Public (Plat) Records of Travis County, Texas, for the most easterly north corner of the herein described tract;

THENCE with a northeast, east and southeast line of the said Porter 10.44 acre tract and a southwest, west and northwest line of said Lot 2, Block A, Los Robles Addition, courses numbered 105 through 110 inclusive as follows:

- (105) S 44°51'00" E 102.39 feet to a 1/2" steel pin with plastic cap previously set;
- (106) S 26°20'00" E 103.00 feet to a 1/2" steel pin with plastic cap previously set;
- (107) S 6°50'20" W 304.80 feet to a 1/2" steel pin with plastic cap previously set;
- (108) S 14°17'40" W 438.56 feet to a 1/2" steel pin with plastic cap previously set;
- (109) S 35°54'00" W 124.49 feet to a 1/2" steel pin with plastic cap previously set;
- (110) S 65°15'20" W 121.27 feet to a 1/2" steel pin with plastic cap previously set;

THENCE with a northwest and west line of said Lot 2, Block A, Los Robles Addition, courses numbered 111 through 114 inclusive as follows:

- (111) S 65°15'20" W 28.45 feet to a calculated point;
- (112) S 12°54'30" W 347.10 feet to a calculated point;
- (113) S 2°13'50" W 107.04 feet to a calculated point;
- (114) S 20°43'20" E 343.52 feet to a 1/2" steel pin with plastic cap previously set in a north line of

that 1.8432 acre tract, a portion of the said Matthew Williams Survey No. 900, in Travis County, Texas, as described in a Special Warranty Deed from CCNG Development Company, L.P. to Terry Boothe in Document Number 2001040747, Official Public Records of Travis County, Texas, for a southeast corner of the said Porter 10.44 acre tract and a southwest corner of said Lot 2, Block A, Los Robles Addition, for a southeast corner of the herein described tract;

THENCE with a south and east line of the said Porter 10.44 acre tract and a north and west line of the said Boothe 1.8432 acre tract, courses numbered 115 through 118 inclusive as follows:

- (115) S 73°36'40" W 44.38 feet to a 1/2" steel pin with plastic cap found;
- (116) S 64°54'10" W 136.60 feet to a 1/2" steel pin with plastic cap found;
- (117) S 10°12'30" W 103.90 feet to a 1/2" steel pin with plastic cap found;
- (118) S 9°02'40" E 33.75 feet to a 1/2" steel pin with plastic cap found in the northwest line of

that 0.8510 of one acre tract, a portion of the said Matthew Williams Survey No. 900, in Travis County, Texas, designated as Tract 3 and described in said deed from The Estate of Nellie Marie Boothe Moehring,

Deceased to Terry Boothe in Document Number 2000032029, Official Public Records of Travis County, Texas, for a corner of the said Porter 10.44 acre tract and the most westerly south corner of the said Boothe 1.8432 acre tract;

(119) THENCE with a southeast line of the said Porter 10.44 acre tract and the northwest line of the said Boothe Tract 3 of 0.8510 of one acre, S 44°42'40" W 25.23 feet to a calculated point at the most southerly corner of the said Porter 10.44 acre tract and the most westerly corner of the said Boothe Tract 3 of 0.8510 of one acre, said calculated point being also in a northeast line of the said Porter 230.92 acre tract and in the approximate center line of Little Barton Creek, for an interior corner of the herein described tract;

(120) THENCE with a northeast line of the said Porter 230.92 acre tract and a southwest line of the said Boothe Tract 3 of 0.8510 of one acre, and with the approximate center line of Little Barton Creek, S 51°10'40" E 30.33 feet to a 5/8" steel pin found;

(121) THENCE with a north line of the said Porter 230.92 acre tract and a south line of the said Boothe Tract 3 of 0.8510 of one acre, N 70°14'40" E 68.80 feet to a 1/2" steel pin found in the approximate center line of Little Barton Creek;

THENCE with a north and northeast line of the said Porter 230.92 acre tract and a south and southwest line of the said Boothe Tract 3 of 0.8510 of one acre, and with the approximate center line of Little Barton Creek, courses numbered 122 through 127 inclusive as follows:

(122) S 83°02'30" E 91.26 feet to a 1/2" steel pin found;

(123) S 49°14'50" E 130.01 feet to a 1/2" steel pin found;

(124) S 69°01'20" E 119.41 feet to a 1/2" steel pin previously set in rock found;

(125) S 56°05'20" E 175.64 feet to a 1/2" steel pin previously set in rock found;

(126) S 40°29'50" E 153.43 feet to a 1/2" steel pin previously set in rock found;

(127) S 49°31'40" E 115.51 feet to a 1/2" steel pin found in a southwest line of the said Boothe 7.5 acre tract at the east corner of the said Boothe Tract 3 of 0.8510 of one acre;

(128) THENCE with a northeast line of the said Porter 230.92 acre tract and a southwest line of the said Boothe 7.5 acre tract, and with the approximate center line of Little Barton Creek, S 44°33'00" E 142.20 feet to the POINT OF BEGINNING of the herein described tract, containing 126.55 acres of land, more or less.

Note: The plastic caps on the steel pins denoted as being previously set or found are inscribed with "M & S 1838".

Bearing basis is Grid North, NAD 27, Texas Plane Coordinate System, Central Zone, as per GPS control provided by Capital Surveying Company, Inc.

Metes and Bounds Description Prepared July 11, 2003
From Previous Surveys and Record Information
By Metcalfe & Sanders, Inc., Land Surveyors, and
Revised February 19, 2010 By Loomis Partners, Inc.

Metcalfe & Sanders, Inc.

Ref: Plan 7839F
Plan 7839G
Plan 7839J
Plan 7839L
Plan 7839Q
Plan 7839R
Plan 7839S.2
Plan 7839U

Job No. 1002001.T (Loomis)

EXHIBIT "A-1 "

Property Sketch

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.



1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25

DATE	11/19/2018
PROJECT NO.	R222015459

HARRIS KAFFIE
KAFFIE TRACT - BEE CAVE

SURVEY EXHIBIT
 OF A 126.56 ACRE TRACT OF LAND OUT OF THE MATTHEW WILLIAMS SURVEY NO. 900, THE D. BOHLS SURVEY NO. 905, THE I & G N.R.R. CO. SURVEY NO. 57, THE FRIEDRICH C. PECHT SURVEY NO. 68, THE JARRETT MEDLIN SURVEY NO. 520 AND THE GRAM WARE SURVEY NO. 540, SITUATED IN TRAVIS COUNTY, TEXAS, TOGETHER WITH LOT 27, BLOCK A OF 11505 IX 71, PHASE ONE, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED UNDER DOCUMENT NO. 200102286 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

Stantec
 221 West Bank Street, Suite 618
 Austin, Texas 78751
 Tel: (512) 335-5171 Fax: (512) 335-8225
 TSP# 87-4324 TRS# 87-104220
 Copyright © 2018

EXHIBIT "B "

***City Manager Vesting Determination and preceding correspondence
between City staff and Property Owner***



July 23, 2020

delivery via email: bmclean@mcleanhowardlaw.com
hakaffie@gmail.com
twr@rileymclean.com
SMearig@bgeinc.com

Mr. William McLean
McLean & Howard, L.L.P.
901 South MoPac Expy, Ste 225
Austin, Texas 78746

RE: City Manager's Final Determination of Vested Rights for Bee Cave Commercial Park

Dear Mr. McLean,

On April 23, 2020 you submitted via email documentation requesting a Chapter 245 vested rights determination for "Cassandra Interests" (Attachment A). On May 8, 2020 the City issued via email a written notification of missing and incomplete items (Attachment B). On June 8, 2020, you transmitted to the City via email documentation that provided the missing and incomplete items (Attachment C).

Based on my review of the documentation, I am making a determination that your application for vested rights under Chapter 245 is denied.

According to Code provision 30.01.007(f)(8), you are eligible to appeal a final determination of the City Manager to the City Council within 10 calendar days of my decision. The City may enter into a consent agreement with the applicant that is intended to resolve a good-faith dispute concerning development rights and applicable regulations in order to avoid the cost and uncertainty of litigation to both parties.

Sincerely,

Clint Garza
City Manager

CC: Harris Kaffie, land owner
Tim Reilly, land owner's representative, Riley McLean Land
Seth Mearig, land owner's engineer, BGE Inc

Attachment A

From: [Catherine Bacon](#)
To: [Lindsey A. Oskoui](#)
Cc: [hakaffie@gmail.com](#); [lwr@rileymclean.com](#); [Clint Garza](#); [Megan Will](#); [Bill Mclean](#)
Subject: Cassandra Interests, Ltd. and the Little Barton Creek Tract
Date: Thursday, April 23, 2020 1:10:50 PM
Attachments: [image003.jpg](#)
[ltr_re Vested Rights 042320 wpm \(with exhibits\).pdf](#)

Good afternoon,

Please find attached a letter from William P. McLean, Attorney for Cassandra Interests, Ltd., in regards to the Little Barton Creek Tract.

Thank you,
Catherine

Catherine Bacon

LEGAL SECRETARY
cbacon@mcleanhowardlaw.com

Barton Oaks Plaza, Building II
901 South MoPac Expy | Ste 225
[Austin, Texas 78746](#)
512.328.2008 phone
512.328.2409 fax
www.mcleanhowardlaw.com



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Austin, Texas 78746
phone 512.328.2008
fax 512.328.2409
www.mcleandhowardlaw.com

April 23, 2020

Lindsey Oskoui
Director of Planning and Development
City of Bee Cave
4000 Galleria Parkway
Bee Cave, Texas 78738

[via email: loskoui@beecavetexas.gov](mailto:loskoui@beecavetexas.gov)

RE: Little Barton Creek Tract (the "Property"); Cassandra Interests, Ltd. ("Cassandra")

Dear Lindsey:

I hope that you and the rest of City staff are staying safe and healthy. Hopefully, we'll be through this pandemic soon and back to work in our offices. I am writing to follow up from our meeting on 2/25. As you know, Cassandra wishes to enter into a development agreement (the Development Agreement) with the City of Bee Cave allowing for development of the Property in general accordance with the attached Concept Plan containing 30 lots, 6 of which are in the City's Water Quality Buffer Zone (the WQBZ). As part of the Development Agreement, Cassandra will agree to allow open space and pedestrian trails on the north side of the creek at the rear of the Shops at the Galleria. There are two reasons why we believe the City should be compelled to enter the Development Agreement: 1.) the Property has vested rights under Chapter 245 of the Texas Local Government Code (Chapter 245); and 2.) application of the WQBZ to the Property represents a regulatory taking of the Property. We believe the proposed 30 lot project is a more than reasonable compromise on the part of Cassandra.

1. Applicable History of the Property

The Spanish Oaks Development Agreement (the Original DA) was entered into between the City and CCNG Development Company, L.P. (CCNG) in late April of 1999 establishing certain rules and agreements for the development of the Spanish Oaks project (the "Project"). The Property was included in the 983-acre tract covered by the Original DA and was designated as "Single Family" on the Exhibit "B" concept plan attached to the Original DA, a copy of which is included. The Original DA allowed for development of the land included therein at a density of up to three LUE's per acre. The Original DA clearly describes the agreement and acknowledgement of the Project's vested rights under Section 8.02, specifically including the character of land uses, the number of LUE's, the general location of roadways, the design standards for streets and roadways, and development of the Bee Cave Area in accordance with the standards and criteria set forth in the Agreement and applicable Bee Cave ordinances in existence at the time of the Original DA.

Following the execution of the Original DA, CCNG embarked on a long-standing development project that has proceeded on a phase by phase basis and continues to this day. CCNG broke ground in February of 2020 with the 18-hole golf course and continued with the completion of extensive infrastructure, 485 single-family lots and homes, 293 apartment units, 72 townhome units, the Shops at Galleria Power Center (Lowes) and other project improvements and amenities. Along the way, it formed three municipal utility districts, entered numerous utility and other development-related agreements and filed and received approvals for countless development permits. Currently, CCNG is completing the Hillside section of Spanish Oaks and has submitted plats and plans for the Villages at Spanish Oaks. The current assessed value of the developed land and improvements within the Spanish Oaks MUD's is \$842 million. In short, this massive Project has proceeded continuously since the date of Original DA, all taking place on land covered by the Original DA, as amended. As with any large, master-planned development, portions of the Project, including the Property, have been held for future development as demand warranted. Well after commencement of the Project and years of continuous development activity, the City changed its Code to provide for Water Quality Buffer Zone (WQBZ) setbacks. The term of the Original DA ended in 2014.

Cassandra is an entity that was created by one of the principals of CCNG to take ownership of the Property in 2010. When the City sought to annex the Property in 2016, the City presented Cassandra the option to either accept annexation or enter into a non-annexation development agreement in accordance with Chapter 43 of the Texas Local Government Code (TLGC). This was not a "voluntary" process for Cassandra nor was the non-annexation development agreement a negotiated document. The agreement and any language therein is not a reflection of Cassandra's intent with respect to use or development of the Property, but, instead a reflection of the requirements of Chapter 43 of the TLGC and the lesser of two unattractive options for Cassandra.

2. Chapter 245 Vested Rights

Chapter 245 generally provides that a development "project" will be governed by the rules and regulations of a city in effect on the date on which the first application for a "permit" is filed for the project. *Tex. Loc. Gov't Code §245.002*. The Original DA, by its own terms, is the initial permit for the Spanish Oaks project. Once an application for the first "permit" is filed for a "project", the rules and regulations are effectively "frozen" and the city is prohibited from enforcing subsequent regulations (with certain exceptions). *Harper Park Two v. City of Austin*, 359 S.W. 3d 247, 248 (Tex. App.—Austin 2011, writ denied). Vested rights provided by Chapter 245 apply as long as the project has not become dormant. *Id.* at 248-49; *Tex. Loc. Gov't Code §245.005*. The Texas Attorney General has stated that under the statutory definition of "project," "it is irrelevant whether the owner who files the original application for the first permit retains the property for the duration of the project or conveys the property." Att'y Gen. No. JC-0425 (2001). Vested rights attach to the "project," not to a particular property owner or permit holder and, as such, "follow" any conveyances or transfers of rights related to the project, provided the project remains the same. Provided that Cassandra does not change the proposed use of the Property from "Single Family" as provided in the Original DA, it would be entitled to the protections of Chapter 245. In *Harper Park Two*, the Court stated that "the project includes the entire process, not the discrete components" *Harper Park Two*, at 256. In applying that concept,

the Court recognized that the relevant "project" under chapter 245 is the Harper Park subdivision as a whole, as reflected in the 1985 preliminary plan application, not the six-acre lot viewed in isolation. *Id.*

The City has argued that the expiration of the Original DA eliminates Cassandra's vested rights with respect to the Property. Chapter 245 makes a clear distinction between expiration of permits and termination of projects. While City's may impose expiration dates on permits, projects may continue if "progress toward completion" under Chapter 245 is made to avoid becoming "dormant". *Tex. Loc. Gov't Code Section §245.005*. Even the City's own code recognizes this concept by providing that "an expiration occurs unless progress towards completion of the project has occurred." *Bee Cave City Code §30.01.007* Under state law and City Code, progression of development activities within Spanish Oaks constitutes "progress towards completion" and the Spanish Oaks project in this case should not be "dormant". *Tex. Loc. Gov't Code §245.005(c)(1); Bee Cave City Code §30.01.007(D)(3)(A)*. As stated above, virtually all of the activities described in Section 245.005(c) have occurred within Spanish Oaks, including filing of final plats, posting of fiscal, payment of impact fees, expenditure of millions of dollars on development of infrastructure, lots, homes apartments, townhomes, commercial development and other improvements. For Bee Cave's argument to prevail, it would have to isolate the Property from the rest of the Spanish Oaks project, a concept that was rejected by the Court in the *Harper Park Two* case.

Since the Spanish Oaks project has proceeded in massive scale without cessation since 1999, the expiration of the Original DA is irrelevant as the "project" itself has held the protections of Chapter 245 in place, including those portions of the project that have been held for future development as infrastructure progresses and demand is warranted.

3. Regulatory Taking

In addition to its vested rights, Cassandra is protected from application of the City's WQBZ requirements based on state and federal law pertaining to regulatory takings. Even if a governmental action substantially advances a legitimate state interest, "[a] compensable regulatory taking can also occur when governmental agencies impose restrictions that either (1) deny landowners of all economically viable use of their property, or (2) unreasonably interfere with landowners' rights to use and enjoy their property." *Lingle v. Chevron USA, Inc*, 544 U.S. 528 (2005). The Texas Supreme Court in *Mayhew* held that "[e]ven if the governmental regulation has not entirely destroyed the property's value, a taking can occur if the regulation has a severe enough economic impact and the regulation interferes with distinct investment-backed expectations." *Mayhew v. Town of Sunnyvale*, 964 S.W.2d 922, 937 (Tex. 1996).

Cassandra's owner, Harris Kaffie, was also a founding principal owner in CCNG from the beginning of the Spanish Oaks project and he remained in an ownership position for 30 years. The result is that he has made a substantial investment and expenditures related to Spanish Oaks and the Property since project inception and well before adoption of the City's WQBZ requirements. According to our engineer's calculations, the Bee Cave WQBZ requirement results in approximately 98.5 acres of undevelopable acreage on the Property, leaving only approximately

Lindsey Oskoui
April 23, 2020
Page 4

25 acres of developable land, much of which is not contiguous or serviceable by common infrastructure. A site constraints map depicting the impact of the WQBZ is attached. Under prior rules, about 76 acres of the Property was developable. Given the limited amount of allowable density and the costs associated with developing the Property, imposition of the CWQZ on the Property represents denial of all economically viable use of the Property and an unreasonable interference with Cassandra's investment-backed expectations.

4. Conclusion

We believe that Cassandra has valid claims both for vested rights and regulatory taking. If Cassandra proceeds with a permit application that conforms to the "project" as originally conceived, then the protections of Chapter 245 would apply and Cassandra would be entitled to develop up to 75 acres of the Property. Alternatively, Cassandra could pursue compensation for the devaluation of the Property as a result of the WQBZ. Instead of pursuing either of these controversial and costly alternatives, Cassandra prefers to reach a reasonable compromise through the execution of a new development agreement as described herein.

I look forward to hearing back from you after you've had the chance to review this letter with fellow staff and your attorney.

Sincerely,



William P. McLean

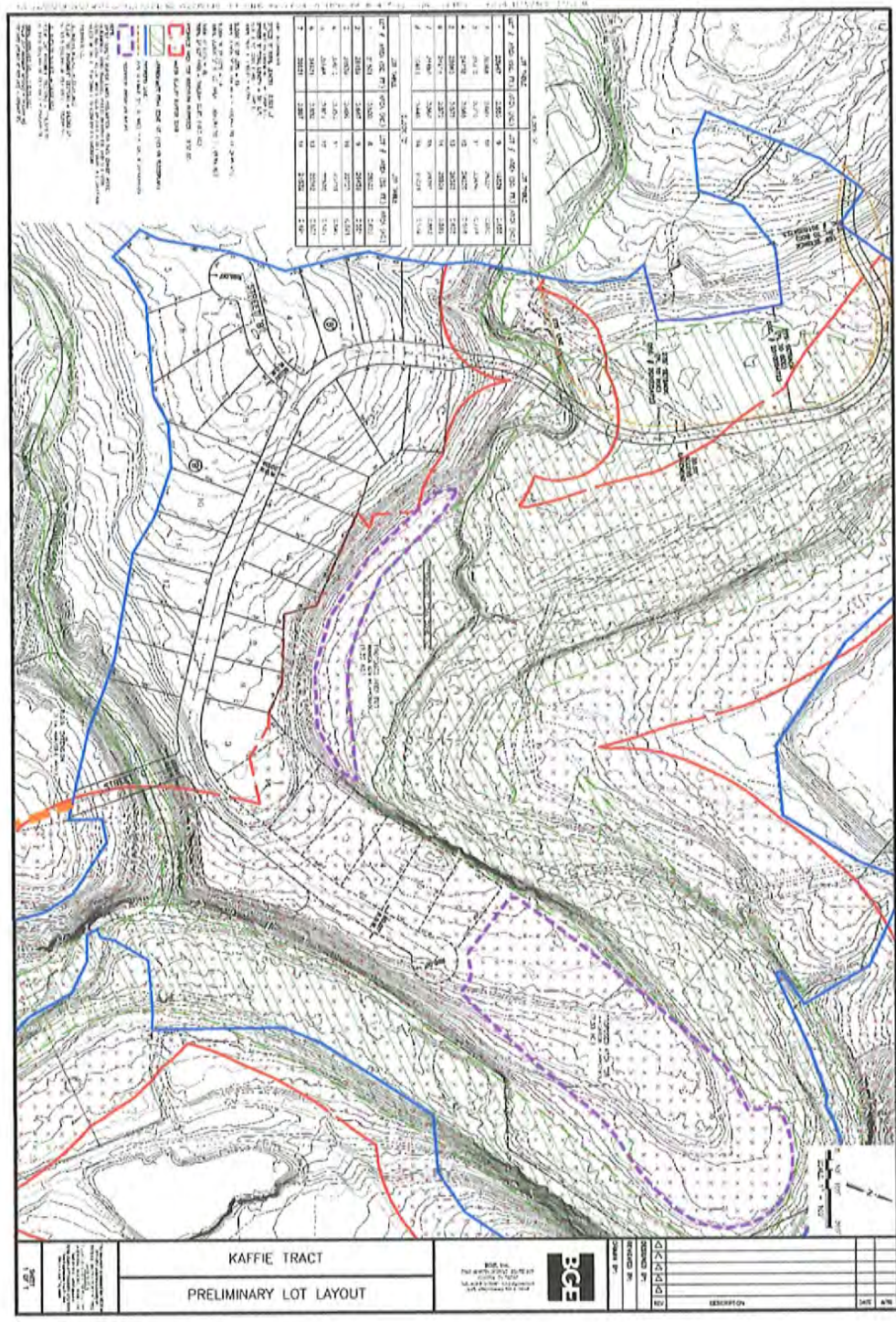
Attachments:
Proposed Concept Plan
Concept Plan from the Original DA
Site Constraints Map



Harris Kaffie
Tim Riley
Clint Garza
Megan Will

via e-mail: hakaffie@gmail.com
via e-mail: twr@rileymclean.com
via e-mail: cgarza@beecavetexas.gov
via e-mail: mwill@beecavetexas.gov

ATTACHMENT 1

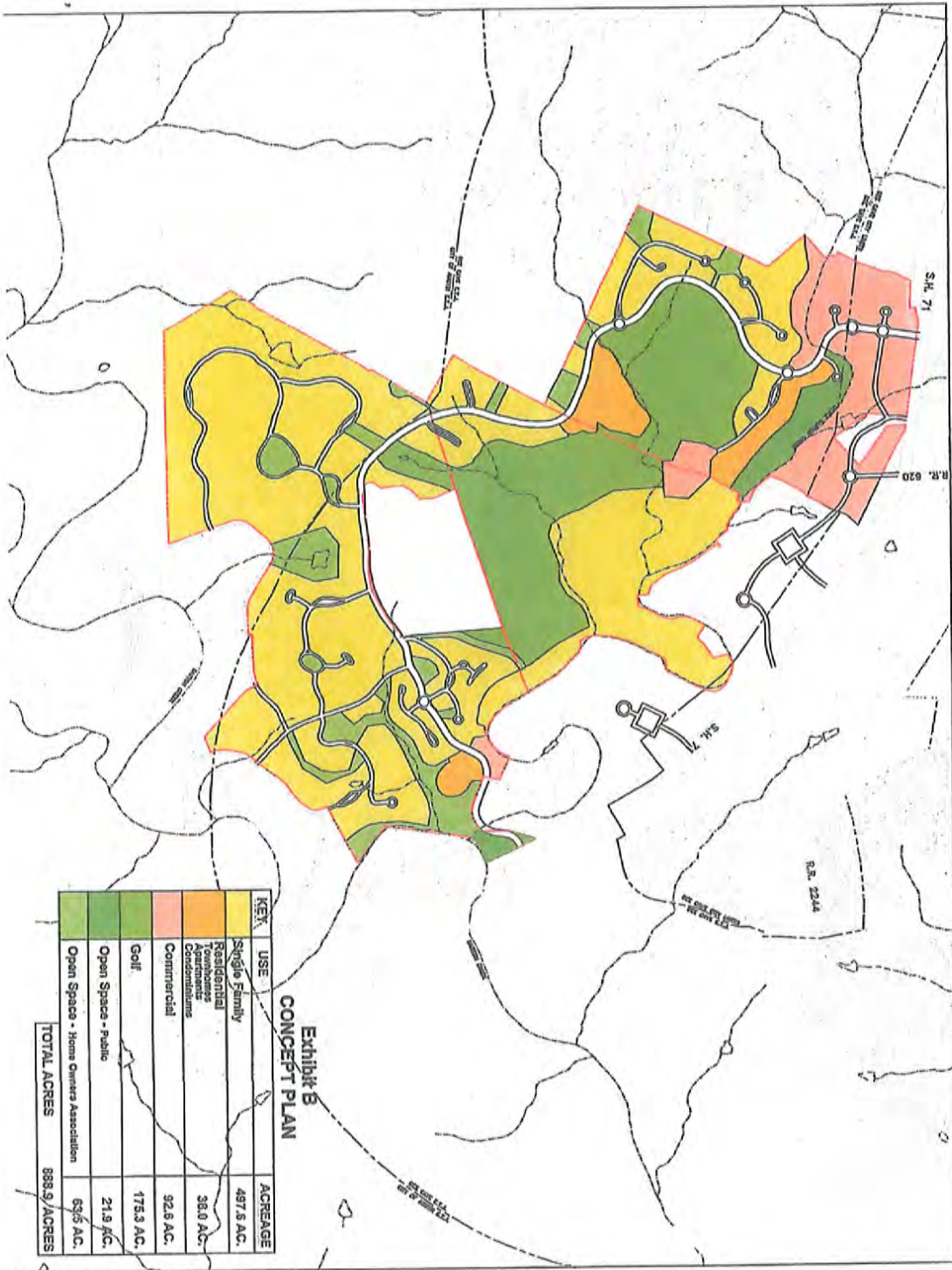
PROPOSED CONCEPT PLAN



	<p>KAFFIE TRACT</p> <p>PRELIMINARY LOT LAYOUT</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;">NO.</th> <th style="width: 75%;">DESCRIPTION</th> <th style="width: 10%;">DATE</th> <th style="width: 10%;">BY</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DESCRIPTION	DATE	BY												
NO.	DESCRIPTION	DATE	BY																

ATTACHMENT 2

CONCEPT PLAN FROM THE ORIGINAL DA



Attachment B

From: [Lindsey A. Oskoui](#)
To: [Bill Mclean](#)
Cc: [hakaffie@gmail.com](#); [twr@rileymclean.com](#); [Clint Garza](#); [Megan Will](#); [Catherine Bacon](#); [megan.santee@rampage-
aus.com](#)
Subject: RE: Cassandra Interests, Ltd. and the Little Barton Creek Tract
Date: Friday, May 8, 2020 3:47:00 PM
Attachments: [image001.jpg](#)
[Chapter 245 Cassandra Interests Determination of Administrative Completeness 20200508.pdf](#)

Mr. McClean,

Please see attached determination of administrative completeness.

Have a good weekend and talk to you soon,

Lindsey

From: Catherine Bacon <cbacon@mcleanhowardlaw.com>
Sent: Thursday, April 23, 2020 1:13 PM
To: Lindsey A. Oskoui <loskoui@beecavetexas.gov>
Cc: [hakaffie@gmail.com](#); [twr@rileymclean.com](#); [Clint Garza](#) <cgarza@beecavetexas.gov>; [Megan Will](#) <mwill@beecavetexas.gov>; [Bill Mclean](#) <bmclean@mcleanhowardlaw.com>
Subject: Cassandra Interests, Ltd. and the Little Barton Creek Tract

Good afternoon,

Please find attached a letter from William P. McLean, Attorney for Cassandra Interests, Ltd., in regards to the Little Barton Creek Tract.

Thank you,
Catherine

Catherine Bacon

LEGAL SECRETARY
cbacon@mcleanhowardlaw.com

Barton Oaks Plaza, Building II
901 South MoPac Expy | Ste 225
[Austin, Texas 78746](#)
512.328.2008 phone
512.328.2409 fax
www.mcleanhowardlaw.com



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recipient of this information, you are notified that any use, dissemination, distribution, or copying of the communication is strictly prohibited.



May 8, 2020

delivery via email: bmclean@mcleanhowardlaw.com
cbacon@mcleanhowardlaw.com

Mr. William P. McLean
McLean & Howard, L.L.P.
901 South MoPac Expy, Ste 225
Austin, Texas 78746

RE: Vested Rights Determination for Little Barton Creek Tract (the "Project"); Cassandra Interests, Ltd. ("Cassandra")

Dear Mr. McLean,

This letter is in reply to your recent letter requesting a determination of vested rights for the property known as Little Barton Creek tract. We have begun the process of reviewing your request for a vested rights determination pursuant to Chapter 245 of the Texas Local Government Code and the City's Code of Ordinances, Chapter 30.01.007.

Section 245.003 of the Local Government Code states that Chapter 245 applies only to a project in progress after September 1, 1997. See § 245.003(1) and (2). Additionally, Section 245.005 allows a City to enact an ordinance that places an expiration date on a permit if the project has become dormant. See § 245.005(a) and (b). In conformance with this statute, the City enacted Section 30.01.007 Chapter 245 Determinations in 2007.

Please provide the following clarification and documentation:

1. Higher resolution attachments 1 and 3 (namely textual content)
2. Clarification of date on Page 2, first paragraph – "CCNG broke ground in February of 2020..."
3. CWQZ reference on Page 4, first paragraph – Is this intended to be WQBZ and if not, then what?
4. Documentation of rules referenced on Page 4, first paragraph - "Under prior rules...."

At this time, your application is deemed incomplete and is rejected according to Section 30.01.007(d)(5). The City will reevaluate your request upon submission of the above referenced documentation and any additional information that you wish to submit that would support your request.

Should you have any additional questions or concerns, please don't hesitate to contact me.

Sincerely,

Clint Garza

City Manager

Attachment C

From: [Bill Mclean](#)
To: [Lindsey A. Oskoui](#)
Cc: [Clint Garza](#); [Megan Will](#); megan.santee@rampage-aus.com
Subject: RE: Cassandra Interests, Ltd. and the Little Barton Creek Tract
Date: Monday, June 8, 2020 2:23:30 PM
Attachments: [Image001.jpg](#)
[Chapter 245 Cassandra Interests Determination of Administrative Completeness 20200508.pdf](#)
[Little Barton Creek-Option "H-2" \(30 Lots\).pdf](#)
[Bury CONSTRAINTS MAP-Layout1.pdf](#)

Lindsey: Thank you for the attached response letter. Please see the responses below to the 4 items listed therein.

Item 1: see the attached higher resolution copies

Item 2: this is the date that construction work on the project commenced according to Jack Creveling

Item 3: the reference to "CWQZ" is in error and should be "WQBZ"

Item 4: I'm not entirely clear on this request. If you are asking if I can provide copies of the rules in effect when the project commenced, I do not have those available. I would be happy to research the City's archives when convenient so I can reference the specific code version.

I would also like to respond on some of the statements in the response letter. It seems the case is being made that expiration of a permit causes the expiration of the project, without regard to progress toward completion. As noted in my letter, the provisions of Chapter 245 and Texas caselaw instead provide that Chapter 245 protections remain in place for projects even after permit expiration if progress toward completion of the project is made. In the case of Spanish Oaks, there is no question that progress toward completion has occurred continuously since project inception.

Even the City's Code recognizes this distinction by separating "expiration of permits" from "expiration of projects" in Sections 30.01.007(b) and (c). Every single situation described in those subsections includes the qualifier of "unless progress toward completion has been made" or similar language limiting situations where project termination occurs. Section 30.01.007(a)(2) recognizes that applicants have the option to seek Chapter 245 protection after permit expiration, by providing: "The second type of Chapter 245 determination involves a demonstration by the applicant that a project or permit is entitled to be reviewed in accordance with the regulations of the city in effect on the date that the original application for the first permit in the series of permits was filed because progress toward the completion of the project has been made by the applicant *even though the permit and/or project time limits have expired*", which describes our situation.

I look forward to hearing back from you. Please let me know if you need anything further from me.

-Bill

William P. McLean

Partner

bmclean@mcleanhowardlaw.com

[Click here to send me files](#)

Barton Oaks Plaza, Building II

901 South MoPac Expy | Ste 225
Austin, Texas 78746
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From: Lindsey A. Oskoui <loskoui@beecavetexas.gov>
Sent: Friday, May 8, 2020 3:47 PM
To: Bill Mclean <bmclean@mcleanhowardlaw.com>
Cc: hakaffie@gmail.com; twr@rileymclean.com; Clint Garza <cgarza@beecavetexas.gov>; Megan Will <mwill@beecavetexas.gov>; Catherine Bacon <cbacon@mcleanhowardlaw.com>; megan.santee@rampage-aus.com
Subject: RE: Cassandra Interests, Ltd. and the Little Barton Creek Tract

Mr. McClean,

Please see attached determination of administrative completeness.

Have a good weekend and talk to you soon,

Lindsey

From: Catherine Bacon <cbacon@mcleanhowardlaw.com>
Sent: Thursday, April 23, 2020 1:13 PM
To: Lindsey A. Oskoui <loskoui@beecavetexas.gov>
Cc: hakaffie@gmail.com; twr@rileymclean.com; Clint Garza <cgarza@beecavetexas.gov>; Megan Will <mwill@beecavetexas.gov>; Bill Mclean <bmclean@mcleanhowardlaw.com>
Subject: Cassandra Interests, Ltd. and the Little Barton Creek Tract

Good afternoon,

Please find attached a letter from William P. McLean, Attorney for Cassandra Interests, Ltd., in regards to the Little Barton Creek Tract.

Thank you,
Catherine

Catherine Bacon

LEGAL SECRETARY

cbacon@mcleanhowardlaw.com

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[901 South MoPac Expy](#) | Ste 225
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After recording return to:

Kaylynn Holloway
City Secretary
City of Bee Cave
4000 Galleria Parkway
Bee Cave, Texas 78738

Recorders Memorandum—At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.



2021076323

**FILED AND RECORDED
OFFICIAL PUBLIC RECORDS**

Dana DeBeauvoir

Dana DeBeauvoir, County Clerk
Travis County, Texas

Apr 07, 2021 01:16 PM

Fee: \$174.00

MEDINAE

MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL
CITY OF BEE CAVE
November 8, 2022

STATE OF TEXAS §
COUNTY OF TRAVIS §

Present:

Kara King, Mayor
Andrew Clark, Mayor Pro Tem
Kevin Hight, Council Member
Andrew Rebber, Council Member
Andrea Willott, Council Member

Absent:

Courtney Hohl, Council Member

City Staff:

Clint Garza, City Manager
Megan Santee, City Attorney
Kaylynn Holloway, City Secretary
Lindsey Oskoui, Assistant City Manager
Brian Jones, Police Chief
Megan Will, Planning and Development Director
Kevin Sawtelle, City Engineer
Jenny Hoff, Communications Director
Sean Lapano, City Planning
Logan Maurer, Engineer

Call to Order and Announce a Quorum is Present

With a quorum present, the regular meeting of the Bee Cave City Council was called to order by Mayor King at 6:00 p.m. on Tuesday, November 8, 2022.

Citizen Comments.

There were not any citizen comments at this time.

Consent Agenda.

- A. Consider approval of the minutes of the Regular Session conducted on October 11, 2022.
- B. Consider approval of the Financial and Investment Reports. (September).

MOTION: A motion was made by Council Member Willott, seconded by Council Member Hight, to approve the consent agenda.

The vote was taken on the motion with the following result:

Voting Aye: Mayor King, Mayor Pro Tem Clark, Council Members Hight, Rebber and Willott
Voting Nay: None
Absent: Council Member Hohl

The motion carried 5-0.

Discuss and consider action regarding an application from the Special Olympics of Texas for use of Hotel Occupancy Tax Funds.

City Manager Clint Garza presented this item.

Chad Eason of the Special Olympics Texas, Inc. also spoke on this item.

MOTION: A motion was made by Council Member Hight, seconded by Council Member Willott, to approve Hotel Occupancy Tax Funds in the amount of \$200,000 for the Special Olympics of Texas.

The vote was taken on the motion with the following result:

Voting Aye: Mayor King, Mayor Pro Tem Clark, Council Members Hight, Rebber and Willott
Voting Nay: None
Absent: Council Member Hohl

The motion carried 5-0.

Mayor Pro Tem Clark left the meeting at 6:42 p.m.

Discuss and consider action on authorizing the Law Office of Ryan Henry, PLLC to prepare an Ethics Ordinance for the City.

MOTION: A motion was made by Council Member Rebber, seconded by Council Member Hight, to authorize the City Manager to execute an agreement with the Law Office of Ryan Henry to prepare an Ethics Ordinance for the City.

The vote was taken on the motion with the following result:

Voting Aye: Mayor King, Council Members Hight, Rebber and Willott
Voting Nay: None
Absent: Mayor Pro Tem Clark and Council Member Hohl

The motion carried 4-0.

Discuss and consider action on the selection of qualified firms for on-call professional engineering & consulting services and authorize staff to negotiate contracts.

City Engineer Kevin Sawtelle presented this item.

MOTION: A motion was made by Mayor King, seconded by Council Member Rebber, to authorize the City Manager to negotiate contracts with the nine Engineering firms listed below for on-call and as needed basis:

- Freese and Nichols
- Doucet
- Beacon
- Pape-Dawson
- Kimley-Horn
- MWM
- Walter P. Moore
- K. Friese
- RTG

The vote was taken on the motion with the following result:

Voting Aye: Mayor King, Council Members Hight, Rebber and Willott
Voting Nay: None
Absent: Mayor Pro Tem Clark and Council Member Hohl

The motion carried 4-0.

Public hearing, discussion, and possible action on Ordinance No. 494 to rezone the property located at 13925 W State Hwy 71 from Residential Estate (R-1) and Neighborhood Mixed-Use (MU-N) to Neighborhood Mixed-Use (MU-N) to correct a scrivener's error.

Planning and Development Director Megan Will presented this item.

Mayor King opened the public hearing at 6:47 p.m.

There being no person wishing to provide public testimony, the public hearing closed at 6:47 p.m.

MOTION: A motion was made by Council Member Hight, seconded by Council Member Willott, to approve Ordinance No. 494 to rezone the property located at 13925 W State Hwy 71 from Residential Estate (R-1) and Neighborhood Mixed-Use (MU-N) to Neighborhood Mixed-Use (MU-N) to correct a scrivener’s error.

The vote was taken on the motion with the following result:

Voting Aye: Mayor King, Council Members Hight, Rebber and Willott
Voting Nay: None
Absent: Mayor Pro Tem Clark and Council Member Hohl

The motion carried 4-0.

Discuss and consider action on the Preliminary Plat of Sanctuary at Spanish Oaks, a 21.80 acre tract located at 13025 Flowering Senna Bend, Bee Cave, Texas.

City Planner Sean Lapano presented this item.

MOTION: A motion was made by Council Member Rebber, seconded by Mayor King, to approve the Preliminary Plat of Sanctuary at Spanish Oaks, a 21.80 acre tract located at 13025 Flowering Senna Bend, Bee Cave, Texas with the following conditions and detailed in the Platting Review Checklist:

Item #2 30.07.001(a)
Item #24 30.03.001(b)
Item #52 30.03.001(r) – pending approval of exception request
Items #77, #78, and #79 30.03.005(a) – pending approval of exception request
Item #125 30.03.010(i)
Item #126 30.03.010(j)
Items #132, #133, and #134 30.04.003(a)
Item #138 30.04.003(c)(9)
Item #161 30.05.001(c) – pending approval of exception from 30.03.005(a) Walkways
Section 30.03.001(r) – Dead End Streets.
Section 30.03.005(a)- Walkways

The vote was taken on the motion with the following result:

Voting Aye: Mayor King, Council Members Hight, Rebber and Willott
Voting Nay: None
Absent: Mayor Pro Tem Clark and Council Member Hohl

The motion carried 4-0.

Discuss and consider action on Resolution No. 2022-11 related to authorizing and directing the City Manager to execute an agreement with TxDOT to assume operation and maintenance of certain signal and traffic control devices.

Mr. Sawtelle presented this item.

MOTION: A motion was made by Mayor King, seconded by Council Member Willott, to approve Resolution No. 2022-11 related to authorizing and directing the City Manager to execute an agreement with TxDOT to assume operation and maintenance of certain signal and traffic control devices.

The vote was taken on the motion with the following result:

Voting Aye: Mayor King, Council Members Hight, Rebber and Willott
Voting Nay: None
Absent: Mayor Pro Tem Clark and Council Member Hohl

The motion carried 4-0.

Discuss and consider action on the reappointment of Quinn Gormley and Tony Lockridge to the Bee Cave Development Board.

MOTION: A motion was made by Council Member Rebber, seconded by Council Member Hight, to reappoint Quinn Gormley and Tony Lockridge to the Bee Cave Development Board.

The vote was taken on the motion with the following result:

Voting Aye: Mayor King, Council Members Hight, Rebber and Willott
Voting Nay: None
Absent: Mayor Pro Tem Clark and Council Member Hohl

The motion carried 4-0.

Executive Session:

The City Council closed the Open Session at 6:56 p.m. to convene in Executive Session.

At this point in the meeting, Mayor King publicly announced that a closed, executive session would be held and identified the section of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551.072 – Deliberation regarding real property. A quorum of the City Council will be present for the executive session.

- A. Deliberation regarding the potential acquisition of real property for public purposes.

The City Council closed the Executive Session at 7:39 p.m. and reconvened in Regular Session.

Adjournment:

MOTION: A motion was made by Council Member Hight, seconded by Council Member Rebber, to adjourn.

The vote was taken on the motion with the following result:

Voting Aye: Mayor King, Council Members Hight, Rebber and Willott

Voting Nay: None

Absent: Mayor Pro Tem Clark and Council Member Hohl

The motion carried 4-0.

The City Council meeting adjourned at 7:39 p.m.

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

Kara King, Mayor

ATTEST:

Kaylynn Holloway, City Secretary

City Council
November 8, 2022
Agenda Item Transmittal

Agenda Item: 6

Agenda Title: Discuss and consider action on the Preliminary Plat of Sanctuary at Spanish Oaks, a 21.80-acre tract located at 13025 Flowering Senna Bend, Bee Cave, Texas.

Council Action: Discussion, Consider Action

Department: Planning & Development

Staff Contact: Sean Lapano, City Planner

1. INTRODUCTION/PURPOSE

Preliminary Plat of Sanctuary at Spanish Oaks, a 21.80-acre tract located at 13025 Flowering Senna Bend, generally south of the Shops at the Galleria and north of the Spanish Oaks Golf Club.

2. DESCRIPTION/ JUSTIFICATION

a) Background

In December 2016, the city entered into a Development Agreement with Cassandra Interests, Ltd. for a 92.425 acre tract of land generally located southeast of the Shops at the Galleria. The terms of the DA provide that in the event the “Owners file any type of subdivision plat, permit application or related development document (except for permit applications related to agricultural, wildlife management or timber purposes) for the Property, or a portion of the Property, with a governmental entity that has jurisdiction over the Property or such portion, regardless of how the Property is appraised for ad valorem tax purposes, that in addition to the City’s other remedies, such action will constitute a petition for voluntary annexation by the Owners and the Property or such portion, will be immediately subject to annexation at the discretion of City Council.”

In April 2020, the property owner submitted a Chapter 245 vested rights determination for the property. This determination was denied by the City Manager in May 2020 and pursuant to Code provision 30.01.007(d)(8), the landowner submitted an appeal of the determination of the City Manager to the City Council. On August 11, 2020, City Council directed staff to work with the applicant toward preparing a Consent Agreement with the intent of resolving the dispute concerning development rights and applicable regulations in order to avoid the cost and uncertainty of litigation to both parties (per Code Sec. 30.01.007(d)(9)). On January 12, 2021, City Council approved a Consent Agreement.

The Consent Agreement stipulates that the development shall comply with ordinances adopted on October 1, 2022, except for modifications listed below:

Zoning	<p>32.03.004(d)(1)(A) Minimum Lot Area</p> <p>Lots designated as residential shall average 26,000 square feet or greater. No lot shall be less than 19,000 sf feet.</p>
Subdivision	<p>30.03.001 (c) (10) (C) Private Streets: Access onto Public Thoroughfare.</p> <p>The private street subdivision shall provide a number of access points that complies with the International Fire Code and amendments, as applicable, adopted by the City of Bee Cave and in effect at the time of Preliminary Plat approval. Restricted access entrances shall not be allowed. Right-of-way width for the streets shall be a minimum of fifty feet (50') with a minimum of twenty-six feet (26') of pavement width.</p> <p>30.03.001 (o) Block Length</p> <p>The maximum length of any block or street segment shall be two thousand four hundred feet (2,400'), as measured along the street centerline and between the point(s) of intersection with other through, not dead-end or cul-de-sac, streets and there shall be no minimum length of any block or street segment.</p> <p>30.03.001 (p) Cul-de-sac Design.</p> <p>A cul-de-sac street shall not be longer than eight hundred and fifty feet (850'), and at the closed end shall have a turnaround bulb with an outside pavement diameter of at least eighty feet (80') and a right-of-way diameter of at least one hundred feet (100'). The length of a cul-de-sac shall be measured from the centerline of the intersecting street to the centerline of the cul-de-sac bulb.</p>
Non-point Source Pollution	<p>20.04.045(a) & (b) Water Quality Buffer Zones</p> <p>(a) All development activities, including temporary construction activities and landscaping activities, shall be restricted from the WQBZ, except</p> <ul style="list-style-type: none"> (1) the following development activities, which shall be allowed <ul style="list-style-type: none"> (A) Up to six (6) residential lots, each of which may have up to a maximum of 20 percent impervious cover. All impervious cover must be a minimum of 100 feet from the two-year floodplain; and (B) Water Quality controls utilized for compliance with § 20.04.050. Controls must be located a minimum of 100 feet from the two-year floodplain and comply with all other standards in City Code and the City's adopted Technical Construction Standards and Specifications Manual, including those related to location. (2) and the following development activities, which may be allowed if approved by the city:

	<p>(A) Roadway and driveway crossings;</p> <p>(B) Hike and bike trails in accordance with the comprehensive plan;</p> <p>(C) Maintenance and restoration of natural vegetation;</p> <p>(D) Water quality control monitoring devices;</p> <p>(E) Removal of trash, debris, and pollutants;</p> <p>(F) Utilities, as subject to the restrictions of subsection (b) of this section;</p> <p>(G) Fences that do not obstruct flood flows;</p> <p>(H) Public and private parks and open space, with development in the parks and open space limited to hiking, jogging, or walking trails, and excluding stables and corrals for animals;</p> <p>(I) Private drives to allow access to property not otherwise accessible.</p> <p>(b) All utilities, roads, and joint access drives shall be located a minimum of one hundred feet (100') from the two-year floodplain. Wastewater lift stations shall be located outside the WQBZ. On-site wastewater disposal systems shall be located outside the WQBZ. Wastewater trunk lines and lateral lines shall be located outside the WQBZ to the maximum extent practical except for crossings. All wastewater trunk lines located in the WQBZ shall meet design standards and construction specifications of testing to a zero (0) leakage allowable.</p>
Permitting Review and Assistance	<p>The project is required to follow the review process and fee schedule in effect at the time the respective application submittal or as otherwise prescribed by State law.</p> <p>The exceptions to Code noted above shall be memorialized as notes on the Preliminary and Final Plat.</p>
Performance Metrics	<p>The Developer and City will develop mutually acceptable performance covenants, including without limitation the following:</p> <p>Execution of this consent agreement will be considered a development application pursuant to Section (2)(3) of the development agreement and will be considered a request to initiate annexation proceedings for the portion of the property that is in the Extraterritorial Jurisdiction. Property will be zoned SF-20 upon annexation.</p> <p>Submit preliminary and final plats, and Subdivision Construction Plans</p>

At the June 28, 2022, City Council Meeting, City Council approved Ord. 482 authorizing the annexation of the 92.425-acre tract of land.

In July 2022, City Council approved the post-annexation rezoning of the 92.425-acre tract from Agriculture (Ag) to Suburban Residential (R-2) [formally known as the SF-20 zoning district], consistent with the terms of the Consent Agreement.

The applicant is proposing to subdivide a 21.80-acre portion of the annexed tract, , to create a 10-lot subdivision including 8 large single-family lots, 1 private street lot (lot 10) and 1 drainage/open space lot (lot 9). The single family lots will compromise a total of 19.21 acres with all the lots being greater than 1 acre and meeting all standards within the (R-2) SF-20 zoning district and Consent Agreement.

b) Issues and Analysis

Project Summary

Location:	Located south of the Shops at the Galleria and north of the Spanish Oaks Golf Club and comprised of Travis County Appraisal District Parcel No. 563801 and 495044.
Scope:	<ul style="list-style-type: none">• Approximately 23.24 acre tract• 10 total lots<ul style="list-style-type: none">◦ 8 single-family lots◦ 1 drainage/ open space easement lots◦ 1 private access lot• All SF lots exceed one (1) acre in area
Adjacent Neighbors:	<ul style="list-style-type: none">• North – Shops at the Galleria, Town Center Mixed Use (TC-MU)• West – ETJ (Spanish Oaks)• East – East Village, Multifamily Residential District (R-5)• South – ETJ (Spanish Oaks Golf Club)
Future Land Use:	<ul style="list-style-type: none">• Urban Neighborhood
Current Zoning:	<ul style="list-style-type: none">• R-2 but subject to SF-20 per Consent Agreement<ul style="list-style-type: none">◦ SF-20 Development Standards are listed here.
Existing Use:	<ul style="list-style-type: none">• Undeveloped/vacant

Existing Conditions

- **Hydrology:** The subject tract is an undeveloped tract located on a moderately sloped area with slopes typically between 10 and 15 percent. The soil classification is Brackett Soils (Hydrologic Group D), Volente Soils (Hydrologic Group C), and Eckrant Clay (Hydrologic Group D).
- **Watershed:** Little Barton Creek
- **Topography:** The tract has a highpoint in the southwestern region which slopes at 10-15% towards Little Barton Creek which bounds the property on the northern, southern, and eastern sides.
- **Vegetation:** A large portion of the site consists of tree coverage with general open areas of dense vegetation and brush in the vicinity of the highpoint.
- **Critical Environmental Features:** There are no noted critical environmental features.

Uses

- **Types:** Single-family residential – consistent with R-2 (SF-20) zoning.
- **Maximum Building Height:** Primary Structures: 2.5 stories and up to 35'. Accessory buildings including detached garages and accessory dwellings: 25'

Lot Configuration

- **Average/Median residential lot size:** 2.4 acres. All residential lots are 1+ acre. (SF-20: min. 20,000 SF)
 - **Typical Residential Lot Width:** All residential lots meet the lot width requirements. (SF-20: min. 100’).
 - **Typical Residential Lot Depth:** All residential lots meet the minimum lot depth requirement. (SF-20: min. 150’)

Setbacks & Landscape Buffers

- **Front Setback:** 40’ (SF-20: min. 40’)
- **Rear Setback:** 25’ (SF-20: min 25’, min 10’ from a main building to an accessory building)
- **Side Setback:** Min 25’ (SF-20: 10% of the lot width, but need not exceed 25’)

Vehicular Circulation

- **Access:** The Subject tract will take access to the Spanish Oaks Subdivision by Flowering Senna Bend. The Subdivision will only have one point of access. Per the Consent Agreement the subdivision shall provide a number of access points that complies with the International Fire Code (IFC) and amendments; the 2015 IFC stipulates developments of one- or two-family dwellings where the number of *dwelling units* exceeds 30 shall be provided with two separate and *approved* fire apparatus access roads, there are only eight residential lots proposed so a single point of access is acceptable.
- **Private Roads:** The development proposes a single private roadway, an extension of Flowering Senna Bend, a roadway located behind the gate of Spanish Oaks.. A property owners association will be formed at the time of final plat that will be responsible for maintenance of the private street.
- **Road Section / Design:** One private road proposed, an extension of Flowering Senna Bend. The right-of-way width is proposed to be 60 feet. The width of pavement from back of curb from back of curb is 25 feet. Per the Consent Agreement a pavement width of 26 ft. is required, correction of this item is a condition of approval.

Pedestrian Circulation

- **Sidewalks:** The applicant is not proposing any roadside sidewalks within the development. This requires an exception to be granted by City Council. This exception request is further detailed below.

Open Space & Trees

- **Parkland Dedication:** Per Sec 30.04.004, the subtract tract will be required to provide 1.5 acres per 100 dwelling units of parkland. This would result in total of 0.12 acres for the subject tract. The applicant shall be required to pay fee-in-lieu for the entire tract. Per Section 30.04.0004 (d) the City may accept fee-in-lieu in instances where the amount of parkland required to be dedicated is 3 acres or less.

Drainage, Water Quality Treatment, and Stormwater Detention

The project proposes just 17.1% impervious cover across the 21.8 acre site. Bee Cave City Ordinances do not require structural water quality controls for single-family residential developments which propose less than 20% impervious cover. Although the City does not require water quality controls, TCEQ may still require water quality treatment to satisfy pollutant removal requirements associated with an Edwards Aquifer Contributing Zone Plan; however, TCEQ removal requirements only require removal of 80% of total suspended solids.

Buffer zones, in compliance with the City of Bee Cave's ordinances, have been shown on the plan and there are no crossings. The portion of single family lots encroaching on buffer zones will be restricted from placing any improvements within the buffer via a note on the final plat requiring placement of a fence along the water quality buffer zone.

As part of the development plan, a hydrologic and hydraulic analysis of Little Barton Creek was undertaken to determine the extents of the Atlas 14 100-year floodplain. A portion of the project is within the boundaries of the 100-year floodplain as shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Map Number #48453C0415J and 48453C0420J, dated January 22, 2020 for Travis County, Texas. All proposed development with exception of the Flowering Senna Bend private street extension will be outside of the FEMA 100-year floodplain and the calculated Atlas-14 floodplain. The stormwater modeling indicates no stormwater detention is required for the Little Barton Creek watershed development due to the project being downstream of the watershed and the timing of the stormwater runoff peaks being released from the site versus the flow in Little Barton Creek. Free release of the stormwater from the proposed site results in a decrease in peak flow for the 25 and 100 year storm events in Little Barton Creek at the study area.

Phasing

Development is proposed to be constructed in a single phase.

Utilities

Water and wastewater service is to be provided by the West Travis County Public Utility Agency (WTCPUA). Austin Energy will provide electric service and gas service will be provided by Texas Gas.

Requested Subdivision Exceptions

The applicant has requested the following exceptions from the City of Bee Cave Code of Ordinances:

30.03.005(a) Walkways: 4' sidewalks required on at least one side of street

30.03.004(b) Blocks: This exception is unnecessary because the block length is addressed via 30.03.001(o) that was modified by the Consent Agreement.

30.03.001(o) Streets (Block Length): This exception is unnecessary because this was modified by the Consent Agreement.

30.03.001(r) Streets (Dead-end Streets): Except in unusual cases, no dead-end streets will be approved unless such dead-end streets are provided to connect with future streets on adjacent land.

30.03.001(u) Streets (Two Points of Access): This exception is unnecessary because the minimum number of points of access are addressed via 30.03.001(c)(10)(C) that was modified by the Consent Agreement. The plat conforms to the minimum points of access required by the International Fire Code.

3. TIMELINE CONSIDERATIONS

In September 2019, House Bill 3167 went into effect. HB 3167 has several implications on the process for approving plats, among which is the requirement for the governing bodies responsible for approving plats to 1) approve; 2) approve with conditions; or 3) deny plats based on their conformance with applicable ordinances within 30 days from the date the plat was filed; this application was filed on July 19th, 2021. If action is not taken by the Planning & Zoning Commission within 30 days, the plat is automatically approved. In the event the body approves with conditions or denies, it must "provide a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulate each specific condition of the conditional approval or reason for disapproval. "Each condition or reason must 1) be directly related to the requirement under the State Statute 212 of the Local Government Code; 2) include a citation to the law, including a statement or municipal ordinance, that is the basis for the conditional approval or disapproval; and 3) may not be arbitrary.

Because local ordinances also list City Council as an approval body for plats, City Council must take action on the plat within 30 days of P&Z's action – if they do not, the plat is automatically approved. Alternately, at the applicant's election, the applicant may request one extension up to a maximum of 30 days to address conditions; however, the applicant has not requested an extension.

4. RECOMMENDATION

Planning and Zoning Commission and Staff recommend approval with conditions, as listed below, and detailed in the attached Platting Review Checklist:

- Item #2 30.07.001(a)
- Item #24 30.03.001(b)
- Item #52 30.03.001(r) – pending approval of exception request
- Items #77, #78, and #79 30.03.005(a) – pending approval of exception request
- Item #125 30.03.010(i)
- Item #126 30.03.010(j)
- Items #132, #133, and #134 30.04.003(a)
- Item #138 30.04.003(c)(9)
- Item #161 30.05.001(c) – pending approval of exception from 30.03.005(a) Walkways
- Address the general comments listed on page 6.

Planning and Zoning Commission and Staff recommends approval of the requested exception listed below:

- Section 30.03.001(r) – Dead End Streets.

Additionally, Planning and Zoning Commission recommends approval of the requested exception listed below:

- 30.03.005(a)- Walkways.

5. REFERENCE FILES

1. Sanctuary at Spanish Oaks Preliminary Plat
2. Engineers Summary Letter
3. Technical Review Memo & Platting Review Checklist
4. Consent Agreement between the City of Bee Cave, Texas and Cassandra Interests, LTD
5. Development Agreement No. 2017005834

OWNER'S CERTIFICATION:
THE STATE OF TEXAS
COUNTY OF TRAVIS

FINAL PLAT
THE SANCTUARY AT SPANISH OAKS

KNOW ALL MEN BY THESE PRESENTS THAT WE: SYNCHRO REALTY, L.L.C., A TEXAS LIMITED LIABILITY CORPORATION, ACTING BY AND THROUGH ITS MANAGER, DANIEL B. PORTER, BEING THE OWNER OF THAT CERTAIN CALLED 2.20 ACRES OF LAND IN THE MATTHEW WILLIAMS SURVEY NO. 900, ABSTRACT NO. 823 AND THE D. BOHLS SURVEY NO. 905, ABSTRACT NO. 129, IN TRAVIS COUNTY, TEXAS, DESCRIBED AS 2.20 ACRES SAVE AND EXCEPT - TRACT 2 (FUTURE LOT 8, THE SANCTUARY AT SPANISH OAKS), IN THE SPECIAL WARRANTY DEED WITH VENDOR'S LIEN TO THE SANCTUARY AT SPANISH OAKS, L.P., OF RECORD IN DOCUMENT NO. 2022123331, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THE CERTAIN CALLED 126.55 ACRE TRACT OF LAND DESCRIBED AS TRACT 1 IN THE SPECIAL WARRANTY DEED TO SYNCHRO REALTY, L.L.C. OF RECORD IN DOCUMENT NO. 2021101039, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS,

AND THE SANCTUARY AT SPANISH OAKS, L.P., A TEXAS LIMITED PARTNERSHIP, ACTING BY AND THROUGH ITS GENERAL PARTNER, ELEV8 CAPITAL, L.L.C. A TEXAS LIMITED LIABILITY COMPANY, ACTING BY AND THROUGH ITS MANAGERS, MONIKA LITTLE AND CHRISTOPHER LITTLE, BEING THE OWNER OF 19.60 ACRES OF LAND IN THE MATTHEW WILLIAMS SURVEY NO. 900, ABSTRACT NO. 823, THE D. BOHLS SURVEY NO. 905, ABSTRACT NO. 129 AND THE I. & G. N. R.R. CO. SURVEY NO. 57, ABSTRACT NO. 2109, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN CALLED 21.80 ACRE TRACT OF LAND DESCRIBED AS TRACT 1 IN THE SAID SPECIAL WARRANTY DEED WITH VENDOR'S LIEN OF RECORD IN DOCUMENT NO. 2022123331, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS,

DO HEREBY SUBDIVIDE SAID 2.20 ACRES AND SAID 19.60 ACRES, CONTAINING A TOTAL OF 21.80 ACRES, AS SHOWN ON THIS PLAT AND DESIGNATED HEREIN TO BE KNOWN AS:

"THE SANCTUARY AT SPANISH OAKS"

SUBJECT TO THE COVENANTS AND RESTRICTIONS SHOWN HEREON, DO HEREBY DEDICATE TO THE PUBLIC THE USE OF ALL PUBLIC STREETS AND EASEMENTS SHOWN HEREON, AND FURTHERMORE HEREBY DEDICATE TO THE OWNERS OF LOTS IN THE SUBDIVISION, EMERGENCY SERVICE PROVIDERS WITH JURISDICTION, AND PUBLIC SERVICE AGENCIES, THE USE OF THE SURFACE OF ALL THE PRIVATE STREETS AND THE USE OF OTHER EASEMENTS SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED.

THE SANCTUARY AT SPANISH OAKS, L.P.
2121 LOHMANS CROSSING ROAD, SUITE 504-295
AUSTIN, TEXAS 78734

CHRIS LITTLE

THE STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED DANIEL B. PORTER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO IN THE FOREGOING INSTRUMENT OF WRITING, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE _____ DAY OF _____, 2023, A.D.

NOTARY PUBLIC FOR THE STATE OF TEXAS

THE SANCTUARY AT SPANISH OAKS, L.P.
BY: ELEV8 CAPITAL, L.L.C. ITS GENERAL PARTNER
13443 HIGHWAY 71 WEST, BEE CAVE, TX. 78738

MONIKA LITTLE, MANAGER

CHRISTOPHER LITTLE, MANAGER

THE STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED MONIKA LITTLE, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO IN THE FOREGOING INSTRUMENT OF WRITING, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE _____ DAY OF _____, 2023, A.D.

NOTARY PUBLIC FOR THE STATE OF TEXAS

THE STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED CHRISTOPHER LITTLE, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO IN THE FOREGOING INSTRUMENT OF WRITING, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE _____ DAY OF _____, 2023, A.D.

NOTARY PUBLIC FOR THE STATE OF TEXAS

ENGINEER'S CERTIFICATION:

I, THE UNDERSIGNED, A LICENSED PROFESSIONAL ENGINEER, LICENSED IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THE PROPER ENGINEERING CONSIDERATIONS HAVE BEEN GIVEN TO THIS PLAT AND IT MEETS THE REQUIREMENTS OF THE SUBDIVISION ORDINANCE OF THE CITY OF BEE CAVE, TEXAS.

S. DANNY MILLER _____ DATE _____
LICENSED PROFESSIONAL ENGINEER NO. 82725
LJA ENGINEERING, INC.
5316 HIGHWAY 290, SUITE 150
AUSTIN, TEXAS 78735

FLOODPLAIN CERTIFICATION:

NO PORTION OF THIS PROPERTY IS LOCATED WITHIN THE 100-YEAR FLOODPLAIN, ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 48453C0415J AND 48453C0420J EFFECTIVE DATE JANUARY 01, 2020.

S. DANNY MILLER _____ DATE _____
LICENSED PROFESSIONAL ENGINEER NO. 82725
LJA ENGINEERING, INC.
5316 HIGHWAY 290, SUITE 150
AUSTIN, TEXAS 78735

SURVEYOR'S CERTIFICATION:

STATE OF TEXAS
COUNTY OF TRAVIS

I, JASON E. PARKER, THE UNDERSIGNED PROFESSIONAL SURVEYOR, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THE NOTES, INFORMATION, AND PROVISIONS CONTAINED ON THIS PLAT COMPLY WITH THE DEVELOPMENT ORDINANCES ADOPTED BY THE CITY OF BEE CAVE, AND WAS PREPARED FROM A SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION.

JASON E. PARKER _____ DATE _____
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 6643-STATE OF TEXAS
BOWMAN CONSULTING GROUP, LTD.
1120 SOUTH CAPITAL OF TEXAS HWY,
BUILDING 3, SUITE 220
AUSTIN, TEXAS 78746

COUNTY CLERK CERTIFICATION:

THE STATE OF TEXAS
THE COUNTY OF TRAVIS

I, DYANA LIMON-MERCADO, CLERK OF TRAVIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND ITS

CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE _____ DAY OF _____, 2023, A.D.

AT _____ O'CLOCK _____M., AND DULY RECORDED ON THE _____ DAY OF _____, 2023, A.D.

AT _____ O'CLOCK _____M., OFFICIAL PUBLIC RECORDS OF SAID COUNTY IN DOCUMENT NO. _____.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THE _____ DAY OF _____, 2023, A.D.
DYANA LIMON-MERCADO, COUNTY CLERK TRAVIS COUNTY, TEXAS.

BY: _____
DEPUTY, COUNTY CLERK
TRAVIS COUNTY, TEXAS

NOTES:

1. THIS SUBDIVISION IS LOCATED WITHIN THE CITY LIMITS OF BEE CAVE AND IS SUBJECT TO APPLICABLE CITY OF BEE CAVE ORDINANCES.
2. THIS SUBDIVISION IS LOCATED WITHIN THE LITTLE BARTON CREEK WATERSHED.
3. THIS SUBDIVISION IS LOCATED WITHIN THE EDWARDS AQUIFER CONTRIBUTING ZONE.
4. ELECTRIC SERVICE WILL BE PROVIDED BY AUSTIN ENERGY. THIS SUBDIVISION IS ENCUMBERED BY A BLANKET ELECTRIC DISTRIBUTION UTILITY EASEMENT TO AUSTIN ENERGY RECORDED AS DOC. NO. # _____ O.P.R.T.C.
5. AUSTIN ENERGY HAS THE RIGHT TO PRUNE AND/OR REMOVE TREES, SHRUBBERY, AND OTHER OBSTRUCTIONS TO THE EXTENT NECESSARY TO KEEP THE EASEMENTS CLEAR. AUSTIN ENERGY WILL PERFORM ALL TREE WORK IN COMPLIANCE WITH THE LAND DEVELOPMENT CODE AND THE CITY OF BEE CAVE OAK WILT REGULATIONS.
6. THE OWNERS OF THIS SUBDIVISION SHALL PROVIDE AUSTIN ENERGY WITH AN EASEMENT AND/OR ACCESS REQUIRED IN ADDITION TO THOSE INDICATED, EXCLUSIVELY FOR THE INSTALLMENT AND ONGOING MAINTENANCE OF FACILITIES FOR IMPROVEMENTS TO THIS SUBDIVISION AND FOR NO OTHER PURPOSE. THESE EASEMENTS AND/OR ACCESS ARE REQUIRED TO PROVIDE ELECTRICAL SERVICE TO THE BUILDING AND WILL NOT BE LOCATED SO AS TO CAUSE THE SITE TO BE OUT OF COMPLIANCE WITH THE LAND DEVELOPMENT CODE.
7. THE OWNER SHALL BE RESPONSIBLE FOR INSTALLATION OF TEMPORARY EROSION CONTROL, REVEGETATION AND TREE PROTECTION. IN ADDITION, THE OWNER SHALL BE RESPONSIBLE FOR ANY INITIAL TREE PRUNING AND TREE REMOVAL THAT IS WITHIN TEN FEET OF THE CENTER LINE OF THE PROPOSED OVERHEAD ELECTRICAL FACILITIES DESIGNED TO PROVIDE ELECTRIC SERVICE TO THIS PROJECT. THE OWNER SHALL INCLUDE AUSTIN ENERGY'S WORK WITHIN THE LIMITS OF CONSTRUCTION FOR THIS PROJECT.
8. THE OWNER OF THE PROPERTY OR HIS/HER ASSIGNS IS RESPONSIBLE FOR MAINTAINING CLEARANCES REQUIRED BY THE NATIONAL ELECTRIC SAFETY CODE, THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (O.S.H.A) REGULATIONS, AUSTIN ENERGY RULES AND REGULATIONS AND STATE LAWS PERTAINING TO CLEARANCES WHEN WORKING IN CLOSE PROXIMITY TO OVERHEAD POWERLINES AND EQUIPMENT. AUSTIN ENERGY WILL NOT RENDER ELECTRIC SERVICES UNLESS REQUIRED CLEARANCES ARE MAINTAINED. ALL COSTS INCURRED BECAUSE OF FAILURE TO COMPLY WITH THE REQUIRED CLEARANCES WILL BE CHARGED TO THE OWNER.
9. WATER AND WASTEWATER WILL BE PROVIDED BY WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY (WTC PUA).
10. NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO AN APPROVED PUBLIC WATER AND WASTEWATER SYSTEM.
11. WATER SATISFACTORY FOR HUMAN CONSUMPTION SHALL BE AVAILABLE TO EACH LOT IN THE PROPOSED SUBDIVISION FROM A SOURCE ON THE LAND, A COMMUNITY SOURCE, OR A PUBLIC UTILITY SOURCE, IN ADEQUATE AND SUFFICIENT SUPPLY FOR THE INTENDED USES ON EACH LOT WITHIN THE SUBDIVISION.
12. THE PROPERTY OWNER IS RESPONSIBLE FOR ESTABLISHING EASEMENTS ACCORDING TO THE WATER/WASTEWATER PLANS ACCEPTED BY THE WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY (WTC PUA).
13. A SIXTEEN FOOT (16) WIDE PUBLIC UTILITY EASEMENT (P.U.E.) IS DEDICATED FOR USE FOR PUBLIC UTILITIES ADJACENT TO ALL STREET SIDE PROPERTY LINES OF ALL LOTS SHOWN ON THIS PLAT. IN ADDITION, ALL STREETS ARE DEDICATED AS P.U.E.S. ALL SUCH P.U.E.S MAY BE USED BY TEXAS GAS SERVICE OR ITS ASSIGNS FOR THE PROVISION OF NATURAL GAS SERVICE OR A COMMUNITYWIDE PROPANE PROVIDER WHO HAS ENTERED INTO A CONTRACT WITH (E. G. DEVELOPER OR HOA) FOR THE PROVISION OF SUCH PROPANE GAS.
14. THE WATER SYSTEM FOR THIS SUBDIVISION SHALL BE DESIGNED TO SUPPLY THE FIRE FLOWS AS REQUIRED BY ORDINANCE 2010-1 ENACTED BY TRAVIS COUNTY EMERGENCY SERVICES DISTRICT NO. 6. PLANS SHALL BE REVIEWED AND APPROVED BY TRAVIS COUNTY EMERGENCY SERVICES DISTRICT NO. 6 FOR CONSTRUCTION OF THE SUBDIVISION IMPROVEMENTS AND SITE DEVELOPMENT OF ALL LOTS, EXCEPT SINGLE FAMILY.
15. IN APPROVING THIS PLAT, THE CITY OF BEE CAVE, TEXAS ASSUMES NO OBLIGATION TO BUILD STREETS OR ROADS SHOWN ON THIS PLAT OR BUILD ANY BRIDGES, CULVERTS OR DRAINAGE STRUCTURES IN CONNECTION THEREWITH, OR PROVIDE ANY TRAFFIC CONTROL DEVICES OR SIGNS IN CONNECTION THEREWITH. THE BUILDING OF ALL STREETS OR ROADS SHOWN ON THIS PLAT, AND ALL BRIDGES, CULVERTS, DRAINAGE STRUCTURES CONSTRUCTED OR IN PLACE IN SUCH STREETS OR ROADS OR IN CONNECTION THEREWITH IS THE RESPONSIBILITY OF THE OWNER AND/OR DEVELOPER OF THE TRACT OF LAND COVERED BY THIS PLAT IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS PRESCRIBED BY THE CITY OF BEE CAVE, TEXAS.
16. THE SUBDIVISION HAS DIRECT ACCESS TO FLOWERING SENNA BEND BY A JOINT ACCESS EASEMENT MAINTENANCE OF JOINT ACCESS EASEMENT SHALL BE IN ACCORDANCE WITH THE DECLARATION OF RESTRICTIONS AND EASEMENTS, RECORDED IN DOC. NO. 201800222, OF THE O.P.R.T.C.
17. WAIVER OF SERVICES. CITY SERVICES SHALL NOT BE PROVIDED FOR PRIVATE STREET SUBDIVISIONS. AMONG THE SERVICES WHICH WILL NOT BE PROVIDED ARE: ROUTINE LAW ENFORCEMENT PATROLS, ENFORCEMENT OF TRAFFIC AND PARKING REGULATIONS, AND PREPARATION OF ACCIDENT REPORTS. DEPENDING UPON THE CHARACTERISTICS OF THE DEVELOPMENT AND UPON ACCESS LIMITATIONS POSED BY THE DESIGN OF ENTRANCES INTO THE SUBDIVISION, OTHER SERVICES, SUCH AS SANITATION, ALSO MAY NOT BE PROVIDED.
18. HOLD HARMLESS. THE PROPERTY OWNERS' ASSOCIATION, AS OWNER OF THE PRIVATE STREETS AND APPURTENANCES, AGREES TO RELEASE, INDEMNIFY, DEFEND AND HOLD HARMLESS THE CITY, ANY OTHER GOVERNMENTAL ENTITY, AND ANY PUBLIC UTILITY ENTITY FOR DAMAGES TO THE PRIVATE STREETS THAT MAY BE OCCASIONED BY THE REASONABLE USE OF THE PRIVATE STREETS BY SAME, AND FOR DAMAGES AND INJURY, INCLUDING DEATH, ARISING FROM THE CONDITION OF THE PRIVATE STREETS, OUT OF ANY USE OF ACCESS GATES OR CROSS ARMS, OR OUT OF ANY USE OF THE SUBDIVISION BY THE CITY OR GOVERNMENTAL OR UTILITY ENTITY.
19. DRAINAGE AND WATER QUALITY EASEMENTS ARE FOR THE PROTECTION OF THE ENVIRONMENT BY IMPROVING THE QUALITY OF STORM WATER RUNOFF FROM DEVELOPED LANDS. THE NATIVE LAND OR MANAGEMENT PRACTICES WITHIN THESE EASEMENTS ARE TO HELP MAINTAIN CLEAN WATER IN CREEKS, RIVERS, AND LAKES. NO STRUCTURE OR IMPROVEMENTS, OTHER THAN NATIVE PLANT ENHANCEMENTS, OR WATER QUALITY CONTROL IMPROVEMENTS IN ACCORDANCE WITH THE NONPOINT SOURCE POLLUTION CONTROL PERMIT FOR THE SUBDIVISION, OR MAINTENANCE TO THE AREAS IN ACCORDANCE WITH THE NON-POINT SOURCE POLLUTION CONTROL PERMIT FOR THE SUBDIVISION MAY BE PLACED OR PERFORMED WITHIN THESE EASEMENTS WITHOUT PRIOR AUTHORIZATION AND APPROVAL IN WRITING FROM THE CITY OF BEE CAVE. THESE EASEMENTS SHALL BE MAINTAINED BY THE OWNER OR ITS APPROVED ASSIGNS IN ACCORDANCE WITH THE MAINTENANCE PLAN OF THE NON-POINT SOURCE POLLUTION CONTROL PERMIT APPLICABLE TO THE LOT. THESE EASEMENTS MAY NOT BE AMENDED OR ALTERED EXCEPT BY EXPRESS WRITTEN AGREEMENT OF THE CITY.
20. PROPERTY OWNER AND/OR HIS/HER ASSIGNS SHALL PROVIDE FOR ACCESS TO DRAINAGE EASEMENTS/STORM SEWER EASEMENTS AS MAY BE NECESSARY AND SHALL NOT PROHIBIT ACCESS BY THE CITY OF BEE CAVE FOR INSPECTION OR MAINTENANCE OF SAID EASEMENTS.
21. DEVELOPMENT OF THIS PROPERTY SHALL NOT COMMENCE UNTIL A NON-POINT SOURCE POLLUTION CONTROL PERMIT AS REQUIRED BY THE CITY OF BEE CAVE, TEXAS HAS BEEN ISSUED BY THE CITY OF BEE CAVE, TEXAS.
22. ALL PROPERTY HEREIN IS SUBJECT TO THE CITY OF BEE CAVE NON-POINT SOURCE POLLUTION CONTROL PERMIT FOR THIS SUBDIVISION. SHOULD THE USE OF THIS PROPERTY CHANGE, ALTER, OR AMEND THE USE AS PERMITTED IN THE NON-POINT SOURCE POLLUTION CONTROL PERMIT, THEN AN AMENDED NON-SOURCE POLLUTION CONTROL PERMIT SHALL BE REQUIRED.
23. SELLING A PORTION OF THIS LAND BY METES AND BOUNDS IS A VIOLATION OF THE CITY OF BEE CAVE ORDINANCES AND STATE LAW, AND IS SUBJECT TO FINES AND THE WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
24. NO CONVEYANCE OR SALES OF ANY PORTION OR LOT OF THIS PROPERTY MAY OCCUR UNTIL AFTER THE FINAL PLAT IS RECORDED WITH THE CLERK OF TRAVIS COUNTY, TEXAS.
25. THIS SUBDIVISION IS SUBJECT TO THE SECOND AMENDED AND RESTATED MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, AS AMENDED AND RECORDED IN DOCUMENT NO. 2005181423, O.P.R.T.C.TX., AND INCORPORATED INTO THE DEVELOPMENT AREA IN DOCUMENT NO. 2022121751, O.P.R.T.C.TX.
26. ALL LANDSCAPE IMPROVEMENTS COMMON TO THE SUBDIVISION WILL BE MAINTAINED BY THE PROPERTY OWNERS' ASSOCIATION OR ITS ASSIGNS.
27. AN INTEGRATED PEST MANAGEMENT PLAN SHALL BE PROVIDED AT THE SITE AND NPS PLAN STATE TO THE CITY OF BEE CAVE.
28. THIS SUBDIVISION IS SUBJECT TO THE CONSENT AGREEMENT NO. 2021076323, APPROVED BY THE BEE CAVE CITY COUNCIL ON JANUARY 12, 2021.
29. ALL DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE CITY OF BEE CAVE SIGN ORDINANCE.
30. THE APPROVAL BY THE BEE CAVE PLANNING AND ZONING COMMISSION OF THIS PLAT SHALL NOT, IN AND OF ITSELF, BE DEEMED TO CONSTITUTE OR IMPLY THE ACCEPTANCE BY THE CITY OF BEE CAVE OF ANY STREET, PUBLIC AREA, EASEMENT OR PARK SHOWN ON THE PLAT.
31. THE SUBDIVISION IS GRANTED AND APPROVED EXCEPTION TO CITY CODE 30.03.001(R) & 30.03.005(A) BY CITY COUNCIL.
32. BLOCK A, LOT 9 IS THE SMALLEST LOT IN THE SUBDIVISION AT 0.55 ACRES.
33. 6 LOTS IN THIS SUBDIVISION CONTAIN USFWS STREAM BUFFERS AND/OR SENSITIVE BUFFER ZONES.

CITY OF BEE CAVE APPROVAL

THIS PLAT TYPE IS APPROVED BY THE CITY OF BEE CAVE FOR THE FILING AT THE OFFICE OF THE COUNTY CLERK OF TRAVIS COUNTY, TEXAS.

APPROVED BY: PLANNING AND ZONING COMMISSION CITY OF BEE CAVE, TEXAS.

I, THE UNDERSIGNED PLANNING & DEVELOPMENT DIRECTOR OF THE CITY OF BEE CAVE, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY AND HEREBY AUTHORIZED AND APPROVED FOR RECORDING IN THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

PLANNING & DEVELOPMENT DIRECTOR _____ DATE _____

CHAIRPERSON _____ DATE _____

ATTEST:

CITY SECRETARY _____ DATE _____

CITY SECRETARY _____

THIS PROPERTY IS LOCATED IN THE CORPORATE LIMITS OR EXTRATERRITORIAL JURISDICTION OF THE CITY LIMITS OF BEE CAVE, TRAVIS COUNTY, TEXAS.

PLANNING & DEVELOPEMENT DIRECTOR _____ DATE _____

ATTEST:

CITY SECRETARY _____

FILE: P:\005562 - Spanish Oaks\005562-01-002 (SUR) \Survey\Working\Cassandra 126 Ac \2023 Sanctuary Plat\Sanctuary Final Plat

DATE: 07-17-2023 DRAWN BY: GT/CM/SKH CREW: QW, MK, CC, BE, JG, ML
SCALE: N.T.S. CHECKED BY: J.P. FB #: 460, 461A, 485
JOB #: 005562-04-002 DRAWING #: FINAL PLAT PLAN #: 1255

NO. REVISION BY DATE

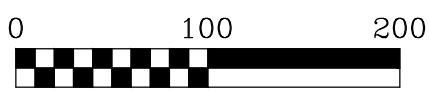
PLOT DATE: Jul 17, 2023-12:02pm



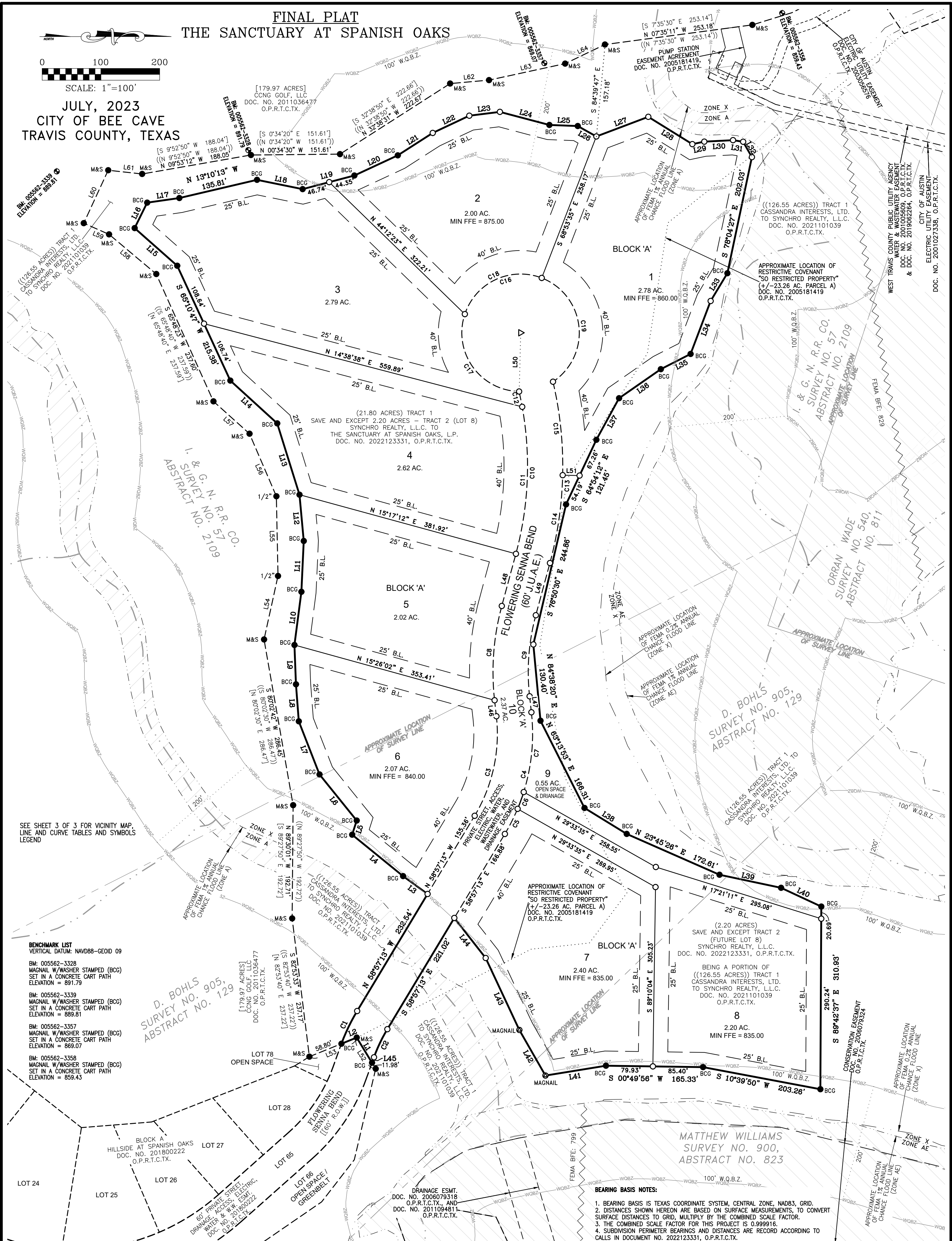
Bowman Consulting Group, Ltd.
1120 South Capital of Texas Hwy, Bldg 3, Suite 220, Austin, Texas 78746
Phone: (512) 327-1180 Fax: (512) 327-4062
www.bowman.com © Bowman Consulting Group, Ltd.

TBPE Firm No. F-14309 | TBPELS Firm No. 101206-00

FINAL PLAT THE SANCTUARY AT SPANISH OAKS



SCALE: 1"=100'
JULY, 2023
CITY OF BEE CAVE
TRAVIS COUNTY, TEXAS



SEE SHEET 3 OF 3 FOR VICINITY MAP, LINE AND CURVE TABLES AND SYMBOLS LEGEND

- BENCHMARK LIST**
VERTICAL DATUM: NAVD88-GEOID 09
- BM: 005562-3328
MAGNAIL W/WASHER STAMPED (BCG)
SET IN A CONCRETE CART PATH
ELEVATION = 891.79
 - BM: 005562-3339
MAGNAIL W/WASHER STAMPED (BCG)
SET IN A CONCRETE CART PATH
ELEVATION = 889.81
 - BM: 005562-3357
MAGNAIL W/WASHER STAMPED (BCG)
SET IN A CONCRETE CART PATH
ELEVATION = 869.07
 - BM: 005562-3358
MAGNAIL W/WASHER STAMPED (BCG)
SET IN A CONCRETE CART PATH
ELEVATION = 859.43

D. BOHLS
SURVEY NO. 905,
ABSTRACT NO. 129

- BEARING BASIS NOTES:**
1. BEARING BASIS IS TEXAS COORDINATE SYSTEM, CENTRAL ZONE, NAD83, GRID.
 2. DISTANCES SHOWN HEREON ARE BASED ON SURFACE MEASUREMENTS, TO CONVERT SURFACE DISTANCES TO GRID, MULTIPLY BY THE COMBINED SCALE FACTOR.
 3. THE COMBINED SCALE FACTOR FOR THIS PROJECT IS 0.9999916.
 4. SUBDIVISION PERIMETER BEARINGS AND DISTANCES ARE RECORD ACCORDING TO CALLS IN DOCUMENT NO. 2022123331, O.P.R.T.C.T.X.

FILE: P:\005562 - Spanish Oaks\005562-01-002 (SUR) \Survey\Working\Cassandra 126 Ac\2023 Sanctuary Plat\Sanctuary Final Plat			
DATE: 07-17-2023	DRAWN BY: GT/CM/SKH	CREW: QW, MK, CC, BE, JG, ML	
SCALE: 1"=100'	CHECKED BY: J.P.	FB #: 460, 461A, 485	
JOB #: 005562-04-002	DRAWING #: FINAL PLAT	PLAN #: 1255	
NO.	REVISION	BY	DATE

Bowman CONSULTING

Bowman Consulting Group, Ltd.
1120 South Capital of Texas Hwy, Bldg 3, Suite 220, Austin, Texas 78746
Phone: (512) 327-1180 Fax: (512) 327-4066
www.bowman.com © Bowman Consulting Group, Ltd.

TBPE Firm No. F-14309 | TBPELS Firm No. 101206-00

PLOT DATE: Jul 17, 2023-12:02pm

FINAL PLAT
THE SANCTUARY AT SPANISH OAKS

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S 58°39'09" W	50.14'
	[[N 58°38'34" E]]	[[50.14']]
L2	S 21°58'33" E	28.08'
	[[N 21°58'13" W]]	[[28.10']]
L3	S 36°04'42" W	51.72'
L4	S 39°07'20" W	111.61'
L5	N 72°20'21" W	25.34'
L6	S 51°06'34" W	100.85'
L7	S 68°42'20" W	97.05'
L8	S 85°38'53" W	63.13'
L9	S 87°47'50" W	66.98'
L10	N 82°35'13" W	91.38'
L11	N 87°22'25" W	86.53'
L12	S 84°47'07" W	79.14'
L13	S 72°38'26" W	127.19'
L14	S 42°23'09" W	108.06'
L15	S 41°29'00" W	96.75'
L16	N 63°47'35" W	48.27'
L17	N 08°10'14" W	55.35'
L18	N 11°29'33" E	79.20'
L19	N 14°41'19" W	91.09'
L20	N 24°57'34" W	81.47'
L21	N 32°41'24" W	70.70'
L22	N 25°11'29" W	68.79'
L23	N 07°05'49" W	52.53'
L24	N 14°46'23" E	87.12'
L25	N 02°11'08" E	48.30'
L26	N 29°15'16" E	36.33'
L27	N 20°42'23" W	94.54'
L28	N 31°47'04" E	88.21'
L29	N 11°46'31" W	20.76'
L30	N 02°53'16" W	49.01'
L31	N 08°49'41" E	17.41'
L32	N 60°18'46" E	30.10'
L33	S 58°56'50" E	55.19'
L34	S 69°15'22" E	96.40'
L35	S 27°01'53" E	56.94'
L36	S 34°50'28" E	86.59'
L37	S 61°19'49" E	80.60'
L38	N 31°33'02" E	84.34'
L39	N 11°57'12" E	107.16'
L40	N 25°00'18" E	75.58'
L41	S 09°13'37" E	104.39'
L42	S 60°14'10" W	89.41'
L43	S 64°54'26" W	135.22'
L44	S 51°55'24" W	86.62'
L45	S 70°12'57" E	9.78'
L46	S 83°35'12" W	27.42'
L47	N 83°35'12" E	27.42'
L48	N 74°50'44" W	91.98'
L49	S 74°50'44" E	91.98'
L50	N 88°33'52" W	100.00'
L51	S 01°21'47" W	28.75'
L52	S 58°39'09" W	62.12'
	(((S 58°38'20" W)))	(((62.11')))
L53	[[N 58°38'34" E]]	[[62.21']]
	(((S 21°59'20" E)))	(((86.88')))
L54	[[N 21°58'13" W]]	[[86.87']]
	(((N 77°36'30" W)))	(((110.59')))
L55	[[S 77°36'30" E]]	[[110.59']]
	(((S 88°50'10" W)))	(((135.67')))
L56	[[N 88°50'10" E]]	[[135.67']]
	(((S 66°45'10" W)))	(((115.95')))
L57	[[N 66°45'10" E]]	[[115.95']]
	(((S 41°54'43" W)))	(((82.46')))
L58	[[N 41°55'20" E]]	[[82.46']]
	(((S 40°02'09" W)))	(((104.94')))
L59	[[N 40°00'50" E]]	[[104.94']]
	(((S 23°48'13" W)))	(((47.13')))
L60	[[N 23°48'10" E]]	[[47.13']]
	(((N 65°10'36" W)))	(((99.27')))
L61	[[S 65°10'20" E]]	[[99.27']]
	(((N 06°17'04" E)))	(((58.04')))
L62	[[S 6°17'10" W]]	[[58.04']]
	(((N 05°02'47" W)))	(((66.52')))
L63	[[N 5°02'20" E]]	[[66.52']]
	(((N 12°13'37" W)))	(((132.55')))
L64	[[S 5°02'20" E]]	[[66.52']]
	(((N 12°14'00" W)))	(((132.54')))
L64	[[S 12°14'00" E]]	[[132.54']]
	(((N 25°38'11" W)))	(((75.17')))
L64	[[N 25°38'20" W]]	[[75.19']]
	[[S 25°38'20" E]]	[[75.19']]

CURVE TABLE				
CURVE #	RADIUS	ARC DISTANCE	CHORD BEARING	CHORD DISTANCE
C1	330.00'	61.88'	N 64°19'32" W	61.79'
C2	270.00'	53.07'	S 64°35'05" E	52.99'
C3	270.00'	176.52'	N 77°41'01" W	173.40'
C4	330.00'	215.75'	S 77°41'01" E	211.93'
C5	330.00'	47.94'	N 63°06'57" W	47.90'
C6	330.00'	30.43'	N 69°55'09" W	30.42'
C7	330.00'	137.38'	N 84°29'13" W	136.39'
C8	430.00'	161.86'	N 85°37'46" W	160.91'
C9	370.00'	139.28'	S 85°37'46" E	138.46'
C10	570.00'	279.19'	N 88°52'40" W	276.41'
C11	570.00'	252.55'	S 87°32'20" E	250.49'
C12	570.00'	26.64'	N 78°25'45" E	26.64'
C13	630.00'	311.87'	S 89°01'38" E	308.70'
C14	630.00'	151.54'	N 81°44'11" W	151.17'
C15	630.00'	160.33'	S 84°04'55" W	159.90'
C16	100.00'	567.29'	N 16°02'48" W	60.08'
C17	100.00'	186.84'	N 54°57'42" E	160.83'
C18	100.00'	161.69'	S 25°11'32" E	144.64'
C19	100.00'	218.77'	S 83°47'58" W	177.68'

LOT TABULATION		
LOT	BLOCK	AREA
1	A	2.78
2	A	2.00
3	A	2.79
4	A	2.62
5	A	2.02
6	A	2.07
7	A	2.40
8	A	2.20
9	A	0.55
10	A/ROW	2.37
BLOCK A TOTAL:		2.37

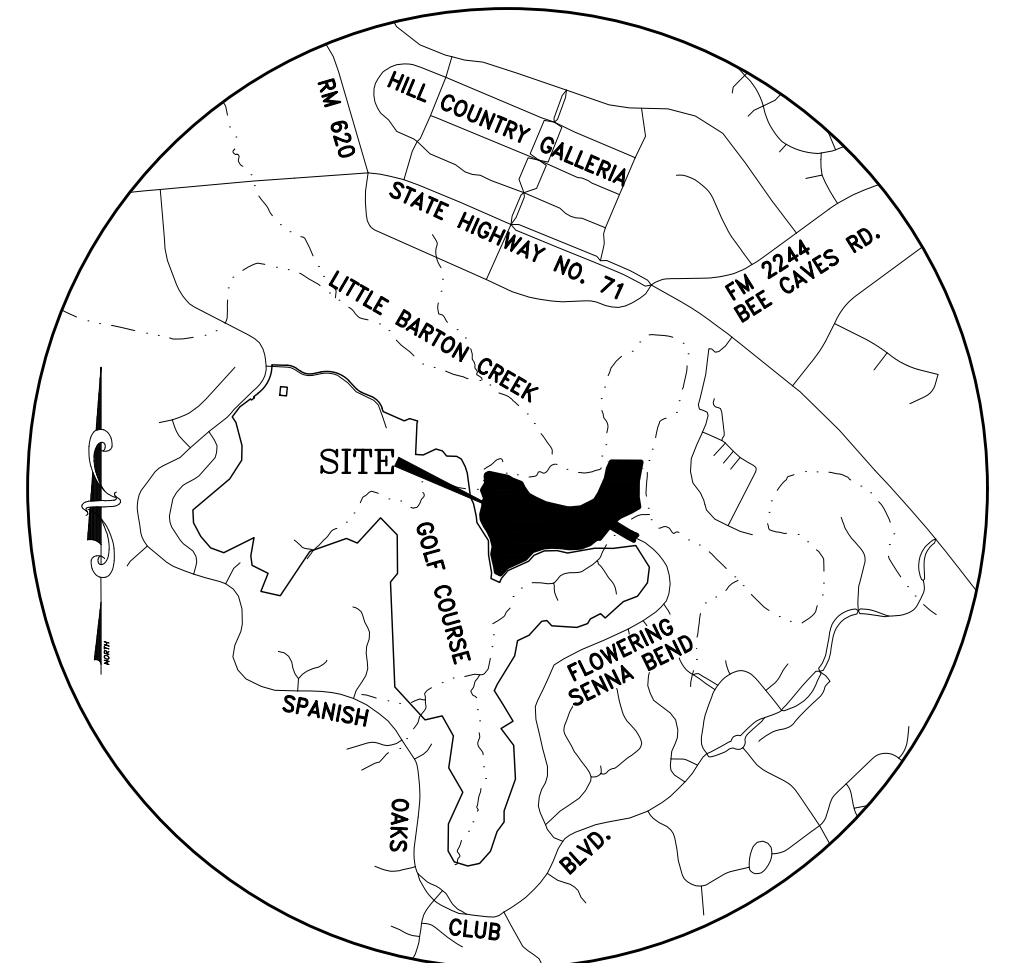
REFERENCES:

BOWMAN CONSULTING FIELD NOTES: FN2754-R1(gt)

BOWMAN CONSULTING PLAN 3307B

LOOMIS PARTNERS PLAN 3307

METCALFE & SANDERS, INC. PLANS:
7839F
7839G
7839J
7839L
7839Q
7839R
7839S.2
7839U



VICINITY MAP
(1"=2000')

LEGEND

- IRON ROD FOUND (SIZE NOTED)
- M&S 1/2" IRON ROD WITH PLASTIC CAP STAMPED "M&S 1838" FOUND
- BCG 1/2" IRON ROD WITH PLASTIC CAP STAMPED "BCG" PREVIOUSLY SET
- 1/2" IRON ROD W/PLASTIC CAP STAMPED "BCG 10120600" SET
- ⊙ MAGNAIL SET
- △ CALCULATED POINT
- ⊕ BENCHMARK
- O.P.R.T.C.TX OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
- () RECORD INFORMATION PER DOC. NO. 2022123331, O.P.R.T.C.TX.
- (()) RECORD INFORMATION PER DOC. NO. 2021101039, O.P.R.T.C.TX
- [] RECORD INFORMATION PER DOC. NO. 2011036477, O.P.R.T.C.TX
- [[]] RECORD INFORMATION PER DOC. NO. 201800222, O.P.R.T.C.TX
- B.L. BUILDING SETBACK LINE
- MIN FFE= MINIMUM FINISHED FLOOR ELEVATION
- FEMA BFE= FEMA BASE FLOOD ELEVATION
- W.Q.B.Z. WATER QUALITY BUFFER ZONE DRAINAGE EASEMENT

FILE: P:\005562 - Spanish Oaks\005562-01-002 (SUR) \Survey\Working\Cassandra 126 Ac\2023 Sanctuary Plat\Sanctuary Final Plat
DATE: 07-17-2023 DRAWN BY: GT/CM/SKH CREW: QW, MK, CC, BE, JG, ML
SCALE: N.T.S. CHECKED BY: J.P. FB #: 460, 461A, 485
JOB #: 005562-04-002 DRAWING #: FINAL PLAT PLAN #: 1255

NO.	REVISION	BY	DATE

PLOT DATE: Jul 17, 2023-12:02pm

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TBPE Firm No. F-14309 | TBPELS Firm No. 101206-00

SHEET 3 OF 3
FINAL PLAT
THE SANCTUARY AT SPANISH OAKS
CITY OF BEE CAVE, TRAVIS COUNTY, TEXAS

PLAN #: 1255



Planning and Zoning Commission Meeting
12/3/2024
Agenda Item Transmittal