

ORDINANCE NO. 04-10-12

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATE 51.6824 ACRE TRACT OF LAND (SPILLMAN RANCH PHASE 3 AND 4) IN THE VILLAGE OF BEE CAVE, TEXAS, MAKING PROVISION FOR COMPLIANCE WITH THE VILLAGE'S ZONING ORDINANCE AND AUTHORIZING THE VILLAGE ADMINISTRATOR TO ESTABLISH THE ZONING ON THE OFFICIAL ZONING MAP OF THE VILLAGE; PROVIDING AN EFFECTIVE DATE

WHEREAS, the Owner of the land described in Exhibit "A" attached hereto (the "Property") has filed a petition for annexation of that land and has requested that the land be zoned Planned Development Mixed Use District; and

WHEREAS, property annexed into the Village is automatically zoned "Agriculture" until a specific zoning request is made; and

WHEREAS, the Property is a part of the 492.314 acre tract of land described in the Development Agreement entered into by and between the Village of Bee Cave, Texas and Spillman Development Group, Ltd., effective August 22, 2000 (the "Development Agreement"); and

WHEREAS, the notice as required by the Village's Zoning Ordinance has been published in the official newspaper and given to adjacent property owners; and

WHEREAS, public hearings have been held by both the Planning and Zoning Commission and the Board of Aldermen as required by law; and

WHEREAS, there has not been any protest made against the proposed change of Zoning Classification; and

WHEREAS, Sec. 14.127 of the Village Zoning Ordinance provides that the purpose of a Planned Development District is to provide for the development of land as an integral unit for single or mixed use in accordance with a Planned Development Concept Plan ("PD Concept Plan") that may include uses, regulations and other requirements that vary from the provisions of other zoning districts, and to encourage flexible and creative planning to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community; and

WHEREAS, a complete application for the establishment of a Planned Development District, consisting of the Development Agreement and other documents provided by Spillman Ranch Development Group, Ltd. have been submitted to the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF BEE CAVE, TEXAS:

Section 1. Zoning Classification. The Property is hereby declared to be a Planned Development Mixed Use District (the "PD District").

Section 2. Uses. The base zoning district upon which the PD District is based is mixed use. The permitted uses shall be those uses shown on the PD Concept Plan (hereinafter defined) all of which are allowed in a Mixed Use District, including those allowed as Conditional Uses, which shall be "additional uses." These uses shall be distributed throughout the PD District as shown on and in accordance with the PD Concept Plan.

Section 3. Minimum Standards. Standards for residential uses and for non-residential use, including those for structure height and drainage, shall be as stated in the Development Agreement.

Section 4. Open Space Standards. The open space standards including public and private open space, preservation of natural features and open space allocation and preservation shall be as set forth in the Development Agreement.

Section 5. Dimensional and Area Standards. The dimensional and area standards for a commercial district shall not apply. Dimensional and area standards for uses shall be as set forth in the Development Agreement.

Section 6. PD Concept Plan. The PD Concept Plan is the concept plan that was approved in connection with the Development Agreement, and later amended, which is currently on file with the official records of the Village. The PD Concept Plan may be further amended pursuant to the terms of the Development Agreement.

Section 7. Site Plan. The site plan required by Section 12.127(C)(2) of the Village's Zoning Ordinance which were in effect on August 22, 2000, shall be submitted separately for each tract that is to be developed. These site plans shall be reviewed and approved pursuant to the Village's site plan ordinance that was in effect on August 22, 2000 and the Development Agreement. Site plans are not required for any tracts which are utilized for single family residential purposes.

Section 8. PD Development Standards. The PD District Development Standards shall be as set forth in the Development Agreement. But in the event of any conflicts between the development standards applicable to a mixed use district as described in the Village's Zoning Ordinance, including height regulations, area

regulations, yard size, maximum lot coverage, building size and parking regulations, and the development standards permitted by the Development Agreement, the terms of the Development Agreement shall control.

Section 9. Hours of Operation. All permitted uses within the PD District, with the exception of restaurants, healthcare facilities, lodging facilities such as motels and hotels, spas and fitness centers, golf course pro shops, model homes, emergency veterinary services and government and public uses, shall have hours of operation between 8:00 a.m. and 12:00 a.m. This provision supercedes and replaces all provisions and restrictions regarding hours of operation which would otherwise apply to the property within the PD District under the ordinances, rules and/or regulations of the Village.

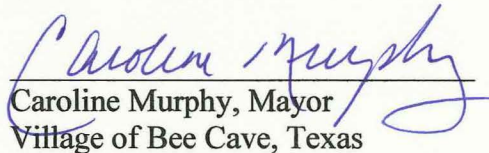
Section 10. This zoning is subject to the terms of the Development Agreement, including without limitation, those provisions which state that the Property will be governed by those ordinances, rules and regulation of the Village which were in effect on August 22, 2000, unless otherwise specifically provided in the Development Agreement.

Section 11. The Village Administrator is hereby authorized and directed to note the zoning change on the official Zoning Map of the Village of Bee Cave, Texas.

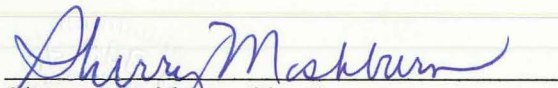
Section 12. Severability. Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance in whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance or Map as a whole.

Section 13. That this Ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED this 12th day of October, 2004.


Caroline Murphy, Mayor
Village of Bee Cave, Texas

ATTEST:


Sherry Mashburn, City Secretary
Village of Bee Cave, Texas

(SEAL)

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

FIELDNOTE DESCRIPTION of a 51.6824 acre tract of land in the Ben Wightman Survey No. 55, Travis County, Texas and being a portion of that 185.602 acre tract conveyed to Palisades Developers, Ltd., by Second Correction Deed recorded as Document Number 2002114465 of the Official Public Records of Travis County, Texas, and being a portion of the remainder of that 464.976 acre tract conveyed to Henry J. Spillman, Golda Lynn Garnett and John Franklin Spillman by Executor's Distribution Deed recorded as Document No. 2001016510 of the Official Public Records of Travis County, Texas, said 51.6824 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod with plastic cap stamped "Capital Surveying Co. Inc." found on the west line of said 185.602 acre tract and being the common westerly corner of Lot 18 and Lot 19, Block "F" of Spillman Ranch, Phase Two, Section One, a subdivision recorded as Document Number 200300324 of the Official Public Records of Travis County, Texas, and being on the easterly line of Lot 5 of Flint Rock Hill Subdivision, according to the plat thereof recorded in Book 87, Page 76A of the Plat Records of Travis County, Texas, from which, a ½" iron rod with plastic cap stamped "Capital Surveying Co. Inc." found for the northwest corner of said 185.602 acre tract bears, N24°56'55"E, a distance of 403.74 feet;

THENCE, leaving the westerly line of said 185.602 acre tract, with the westerly line of said Spillman Ranch, Phase Two Section One, the following four (4) courses;

- 1) S41°54'32"E, a distance of 105.23 feet to a ½" iron rod with plastic cap stamped "Capital Surveying Co. Inc." found;
- 2) S05°27'14"E, a distance of 282.12 feet to a ½" iron rod with plastic cap stamped "Capital Surveying Co. Inc." found on the curving northerly right-of-way line of Spillman Ranch Loop (50' R.O.W.), as dedicated in the aforementioned Spillman Ranch, Phase Two Section One subdivision;
- 3) S22°30'30"E, a distance of 50.11 feet to a ½" iron rod with plastic cap stamped "Capital Surveying Co. Inc." found on the curving southerly right-of-way line of said Spillman Ranch Loop and being the northwest corner of Lot 26, Block "K" of the Spillman Ranch, Phase Two, Section One subdivision;
- 4) S26°28'45"E, with the westerly line of said Lot 26, a distance of 135.00 feet to a ½" iron rod with plastic cap stamped "Capital Surveying Co. Inc." found for the southwest corner of Lot 26, and being on the northerly line of the aforementioned remainder of that 464.976 acre tract;

THENCE, with the northerly and westerly lines of the remainder of said 464.976 acre tract, being an interior line of the aforesaid 185.602 acre tract, the following nine (9) courses;

- 1) S49°44'33"W, a distance of 128.61 feet to a ½" iron rod with plastic cap stamped "Capital Surveying Co. Inc." found;

EXHIBIT "A"

- 2) S22°44'12"W, a distance of 137.89 feet to a ½" iron rod with plastic cap stamped "Capital Surveying Co. Inc." found;
- 3) S15°56'10"W, a distance of 160.00 feet to a ½" iron rod with plastic cap stamped "Capital Surveying Co. Inc." found;
- 4) S40°07'03"E, a distance of 99.31 feet to a ½" iron rod with plastic cap stamped "Capital Surveying Co. Inc." found;
- 5) S29°22'17"E, a distance of 116.70 feet to a ½" iron rod with plastic cap stamped "Capital Surveying Co. Inc." found;
- 6) S10°08'39"E, a distance of 117.11 feet to a ½" iron rod with plastic cap stamped "Capital Surveying Co. Inc." found;
- 7) S00°23'54"E, a distance of 320.00 feet to a ½" iron rod with plastic cap stamped "Capital Surveying Co. Inc." found;
- 8) S14°51'58"E, a distance of 145.34 feet to a ½" iron rod with plastic cap stamped "Capital Surveying Co. Inc." found;
- 9) S20°24'47"E, a distance of 729.97 feet to a ½" iron rod with plastic cap stamped "Capital Surveying Co. Inc." found on the curving northerly right-of-way line of Spillman Ranch Loop (60' R.O.W.), as dedicated in Spillman Ranch, Phase One Section Four, a subdivision recorded as Document Number 200300090 of the Official Public Records of Travis County, Texas;

THENCE, with the common northerly right-of-way line of said Spillman Ranch Loop, and westerly line of said Spillman Ranch, Phase One Section Four subdivision, the following two (2) courses;

- 1) Southwesterly along a curve to the left having a radius of 805.00 feet, a central angle of 03°36'42", (chord bears S73°09'18"W, 50.74 feet) for an arc distance of 50.74 feet to a ½" iron rod with plastic cap stamped "Capital Surveying Co. Inc." found for a point of tangency;
- 2) S71°20'57"W, a distance of 60.16 feet to a ½" iron rod with plastic cap stamped "Capital Surveying Co. Inc." found for the northwest corner of said Spillman Ranch Loop right-of-way;

THENCE, continuing with the westerly line of said Spillman Ranch, Phase One, Section Four, following two (2) courses;

- 1) S03°01'07"W, a distance of 64.56 feet to a ½" iron rod with plastic cap stamped "Capital Surveying Co. Inc." found for the southwest corner of said Spillman Ranch Loop right-of-way, being the northwest corner of Lot 55, Block "E" of said subdivision;

- 2) S18°39'03"E, with the westerly line of said Lot 55, a distance of 135.00 feet to a ½" iron rod with plastic cap stamped "Capital Surveying Co. Inc." found for the southwest corner of Lot 55, Block "E" of said Spillman Ranch, Phase One, Section Four;

THENCE, leaving the westerly line of said Spillman Ranch, Phase One, Section Four, continuing with the westerly line of the remainder of said 464.976 acre tract, same being the southerly line of the aforesaid 185.602 acre tract, the following four (4) courses;

- 1) S71°20'57"W, a distance of 72.17 feet to a ½" iron rod with plastic cap stamped "Capital Surveying Co. Inc." found;
- 2) S29°45'14"E, a distance of 336.66 feet to a ½" iron rod with plastic cap stamped "Capital Surveying Co. Inc." found;
- 3) S02°32'32"E, a distance of 143.88 feet to a ½" iron rod with plastic cap stamped "Capital Surveying Co. Inc." found;
- 4) S27°19'56"W, a distance of 83.17 feet to a ½" iron rod with plastic cap stamped "Capital Surveying Co. Inc." found for a common corner of said 185.602 acre tract and the remainder of said 464.976 acre tract, also being on the northerly line of the Figer Subdivision according to the plat thereof recorded in Volume 80, Page 184 of the Plat Records of Travis County, Texas;

THENCE, with the southerly line of said 185.602 acre tract and the southerly line of the remainder of that 464.976 acre tract, the following five (5) courses:

- 1) N62°40'04"W, a distance of 8.85 feet to a ½" iron rod found for the northwest corner of said Figer Subdivision being the northeast corner of a 1.809 acre tract conveyed to Jon R. and Laura M. Comola, recorded in Volume 11921, Page 1308 of the Deed Records of Travis County, Texas;
- 2) N62°24'19"W, a distance of 184.94 feet to a ½" iron rod found for the northwest corner of said 1.809 acre tract, being the northeast corner of a 5.43 acre tract conveyed to Secure/Comm, Inc., recorded in Volume 12735, Page 673 of the said Deed Records;
- 3) N61°42'21"W, a distance of 488.33 feet to a ½" iron rod found for the common northwest corner of the KSS Subdivision, according to the plat thereof recorded in Volume 92, Page 352 of the Plat Records of Travis County, Texas, and northeast corner of the Darrell Dunten Addition, according to the plat thereof recorded in Volume 83, Page 44 of the Plat Records of Travis County, Texas;
- 4) N61°10'38"W, a distance of 439.35 feet to the northwest corner of the Charles Kullenberg Addition, according to the plat thereof recorded in Volume 80, Page 218 of the Plat Records of Travis County, Texas, being a corner in the easterly line of that 377.46 acre tract conveyed to Lawren E. Bradford, et al, recorded as Document Number 2000133662 of the Official Public Records of Travis County, Texas;

- 5) N61°54'32"W, at a distance of 156.48 feet passing the common line between said 185.602 acre tract and the remainder of that 464.976 acre tract and continuing with the common southerly line of the remainder tract and the easterly line of said 377.46 acre tract, for a total distance of 675.63 feet to a ½" iron rod with plastic cap stamped "Capital Surveying Co. Inc." found for the southwest corner of said remainder tract;

THENCE, with the westerly lines of the remainder of said 464.976 acre tract and said 185.602 acre tract and easterly line of said 377.46 acre tract, the following two (2) courses;

- 1) N27°15'34"E, at a distance of 318.24 feet passing the common line between the remainder of that 464.976 acre tract and said 185.602 acre tract and continuing with the westerly line of the 185.602 acre tract, for a total distance of 1113.00 feet to a ½" iron rod with plastic cap stamped "Capital Surveying Co. Inc." found;
- 2) N28°12'53"E, a distance of 1204.20 feet to a 5/8" iron rod found for the northeast corner of said 377.46 acre tract, being the southeast corner of the aforesaid Lot 5, Flint Rock Subdivision;

THENCE, continuing with the westerly line of said 185.602 acre tract and the easterly line of said Lot 5, the following three (3) courses;

- 1) N25°33'09"E, a distance of 61.33 feet to a ½" iron rod found;
- 2) N24°07'48"E, a distance of 101.10 feet to a ½" iron rod found;
- 3) N24°56'55"E, a distance of 41.88 feet to the POINT OF BEGINNING, CONTAINING 51.6824 acres of land area within these metes and bounds;

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

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 5 day of APRIL, 2004.





GEORGE E. HOPKINS
Registered Professional Land Surveyor
No. 4685 - State of Texas

