

ORDINANCE NO. 07-10-09-B

AN ORDINANCE OF THE CITY OF BEE CAVE, TEXAS, AMENDING THE PLANNED DEVELOPMENT DISTRICT CREATED BY ORDINANCE NO. 04-04-13 (ADOPTED APRIL 13, 2004), AND AMENDED BY ORDINANCE NO. 04-05-25D (ADOPTED MAY 25, 2004), FOR THE PORTION OF THE DEVELOPMENT KNOWN AS THE SHOPS AT THE GALLERIA MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, FOR THE PURPOSE OF APPROVING SIDEWALK DINING; AND FOR THE PURPOSE OF APPROVING THE TRANSFER AND REALLOCATION OF IMPERVIOUS COVER WITHIN AND BETWEEN CERTAIN PARCELS OF LAND WITHIN SAID PORTION OF THE SHOPS AT THE GALLERIA, BUT WITH NO CHANGE IN TOTAL IMPERVIOUS COVER; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 04-04-13, adopted on April 13, 2004, zoned 88 acres of land in Bee Cave, Texas as a Planned Development District, which land is commonly known as the Shops at the Galleria ("Shops");

WHEREAS, City Ordinance No. 04-05-25D, adopted May 25, 2004, amended and validated permits, approvals and variances for the Shops under Ordinance No. 04-04-13;

WHEREAS, in the interest of attracting the highest quality occupants for the Shops, the owners of the portions of the Shops described in Exhibit "A", attached hereto, request the authorization and approval to create sidewalk dining areas;

WHEREAS, Ordinance No. 04-04-13 contained limitations and restrictions on the total permissible impervious cover for all development at the Shops, as defined therein;

WHEREAS, the majority of the total impervious cover permitted for the Shops has already been constructed at the project, in accordance with all previous ordinances;

WHEREAS, in the interest of attracting the highest quality occupants for the remaining unconstructed improvements at the Shops, the owners of the portions of the Shops request the authorization and approval to transfer and reallocate the existing approved impervious cover within and between different parcels of land at the Shops; and

WHEREAS, the requested transfer and reallocation of impervious cover within and between parcels shall keep the total impervious cover at the Shops in the same

quantity as approved under prior ordinances, and there shall be no increase in impervious cover.

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

Section 1. The current approvals for The Shops at the Galleria project, being originally adopted by Ordinance No. 04-04-13, and amended by Ordinance No. 04-05-25D, be and the same are hereby amended as follows, so as to grant a change from the development standards of said ordinances for those certain tracts of real property described in Exhibit "A" (herein collectively "Property") being a portion of the 88 acres, attached hereto and made a part hereof for all purposes.

Section 2. Applicants shall be permitted to place sidewalk dining tables on walkways adjacent to buildings at the Property (herein "Sidewalk Dining Areas"). All Sidewalk Dining Areas shall be subject to all fire, safety, and access codes.

Section 3. The placement of awning-type covers shall be permitted over any, or all, Sidewalk Dining Areas and Patio Dining Areas.

Section 4. The placement of fencing, or other barriers, shall be permitted to separate the Sidewalk Dining Areas from other areas of the Property, but shall not exceed 45-inches in height.

Section 5. The Property is currently subject to Impervious Cover Standards as per Ordinance No. 04-04-13, Exhibit "C" (herein "Impervious Cover Standards"). There shall be no change in the total impervious cover approved for the Project as defined in the Impervious Cover Standards (herein "Total Impervious Cover").

Section 6. The Total Impervious Cover permitted on the Property includes several categories of impervious cover improvements (herein "Impervious Cover"), including but not limited to:

A. Outdoor patio dining impervious cover (herein "Patio Dining Areas"), as shown in Exhibit "B" attached hereto and made a part hereof for all purposes; and

B. Building structure impervious cover (herein "Building Impervious Cover"), as shown in the Site Plan attached hereto as Exhibit "C" and made a part hereof for all purposes; and

C. Parking lot impervious cover (herein "Parking Impervious Cover"), as shown in the Site Plan attached hereto as Exhibit "C" and made a part hereof for all purposes.

Section 7. Subject to the conditions listed in Section 8, Applicant is hereby permitted to transfer and reallocate the various categories of Impervious Cover within and between

any parcel(s) of land in the Property. The following examples of Impervious Cover transfers and reallocations are provided for illustration purposes only. The examples given are not to be considered exhaustive of, or limited to, the permitted transfers and reallocations of Impervious Cover on the Property:

Example #1: The Patio Dining Area adjacent to "Building P" is 2,320 square feet, and the Patio Dining Area adjacent to "Building N1" is 1,801 square feet, as per Exhibit "B" attached hereto. Applicant is permitted to reduce the Patio Dining Area of "Building P" by 1,000 square feet to 1,320 square feet, and increase the Patio Dining Area of "Building N1" by 1,000 square feet to 2,801 square feet.

Example #2: The Building Impervious Cover for "Building Q1" is 8,500 square feet, and the Building Impervious Cover for "Building Q2" is 7,300 square feet, as per Exhibit "C" attached hereto. Applicant is permitted to reduce the Building Impervious Cover of "Building Q1" by 2,000 square feet to 6,500 square feet, and increase the Building Impervious Cover of "Building Q2" by 2,000 square feet to 9,300 square feet. In the alternative, Applicant is permitted to combine "Building Q1" and "Building Q2" into a single building with a total of 15,800 square feet.

Example #3: The Building Impervious Cover for "Building S" is 5,500 square feet, as per Exhibit "C" attached hereto. Applicant is permitted to reduce the Building Impervious Cover of "Building S" by 2,000 square feet to 3,500 square feet, and increase the Parking Impervious Cover adjacent to "Building S" by 2,000 square feet. In the alternative, Applicant is permitted to reduce the Building Impervious Cover of "Building S" by 2,000 square feet, and create a 2,000 square foot Patio Dining Area adjacent to "Building S".

Section 8. The permitted transfer and reallocation of Impervious Cover shall be subject to the following:

- A. The transfer and reallocation of Impervious Cover shall not increase the Total Impervious Cover.
- B. The cumulative transfer and reallocation of Impervious Cover shall not exceed ten percent (10%) of the Total Impervious Cover.
- C. The transfer and reallocation of Impervious Cover shall be permitted only for Impervious Cover constructed on or after July 15, 2007.
- D. The Site Plan currently includes parking in excess of the requirements of Ordinance No. 04-04-13 and Ordinance No. 04-05-25D. Therefore, the transfer or reallocation of any Impervious Cover into Parking Impervious Cover shall be at the sole option of the Property owners.

E. This ordinance shall be interpreted to provide maximum design flexibility to the Property owners in the transfer and reallocation of Impervious Cover within and between parcels at the Property.

PASSED AND APPROVED by the City Council of the City of Bee Cave, Texas on the 9th day of October, 2007.

Title: Caroline Murphy
Caroline Murphy, Mayor

ATTEST:

Sherry Mashburn
Sherry Mashburn, City Secretary
City of Bee Cave, Texas

APPROVED AS TO FORM

Patty L. Akers
Patty L. Akers, City Attorney
City of Bee Cave

Exhibit "A"-Property:

Lots 1, 2, 5, 6, 7, 8, 9, and 10 in Block A; and, Lots 1, 3, 4 in Block B; and, Lot 1 in Block C, according to the Final Plat, Shops At The Galleria, recorded as Document #200600169, Official Public Records of Travis County, Texas; and

Lot 1, Amended Plat of Lots 1 and 2, Trading Post Subdivision; and

BEING AN 0.994 ACRE TRACT LOCATED IN THE ORRAN WADE SURVEY NUMBER 540 ABSTRACT NUMBER 811, TRAVIS COUNTY, TEXAS, AND BEING A REMAINDER PORTION OF 87.620 ACRES CONVEYED TO HCS HOLDING COMPANY AND DESCRIBED IN DOCUMENT NUMBER 2003286366 OF THE OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID 0.994 ACRE TRACT, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a ½ inch iron rod with "Delta Survey" cap found in a north line of a 126.55 acre tract conveyed to 126 Bee Cave Investments, LP., and described in Document No. 2003202592, Official Public Records, Travis County, Texas, same being a southeast corner of Lot 8, Block A, of the Shops at the Galleria a subdivision of record described in Document No. 200600169, Official Public Records, Travis County, also being the southwest corner of Lot 9, Block A of said Shops at the Galleria, for the **POINT OF COMMENCEMENT** from which a ½ inch iron rod with plastic "M&S" cap found bears N56 degrees 20'23"E a distance of 205.94 feet;

THENCE with a north line of said 126.55 acre tract same being the south line of said Lot 9, Block A, the following four (4) courses and distances:

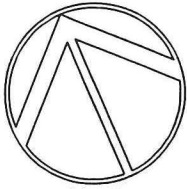
1. S56 degrees 20'23"E a distance of 86.81 feet to a ½ inch iron rod with plastic "M&S" cap found
2. S60 degrees 37'32"E a distance of 229.37 feet to a ½ inch iron rod with plastic "M&S" cap found,
3. S62 degrees 55'12"E a distance of 254.05 feet to a ½ inch iron rod with plastic "M&S" cap found, and
4. S75 degrees 32'23"E a distance of 302.69 feet to a ½ inch iron rod with plastic "Delta Survey" cap found for the southeast corner of said Lot 9, Block A, same being a southwest corner of the subject tract, for the **POINT OF BEGINNING**;

THENCE leaving said common line with an east line of said Lot 9, Block A, same being the west line of the subject tract, N23 degrees 20'40"E a distance of 452.87 feet to a ½ inch iron rod with plastic "Delta Survey" cap found in a south line of said 126.55 acre tract, same being an east corner of said Lot 9, Block A, also being the northwest corner of the subject tract;

THENCE leaving said common line with a south, west and north line of said 126.55 acre tract, same being north, east and south line of the subject tract, the following five (5) courses and distances:

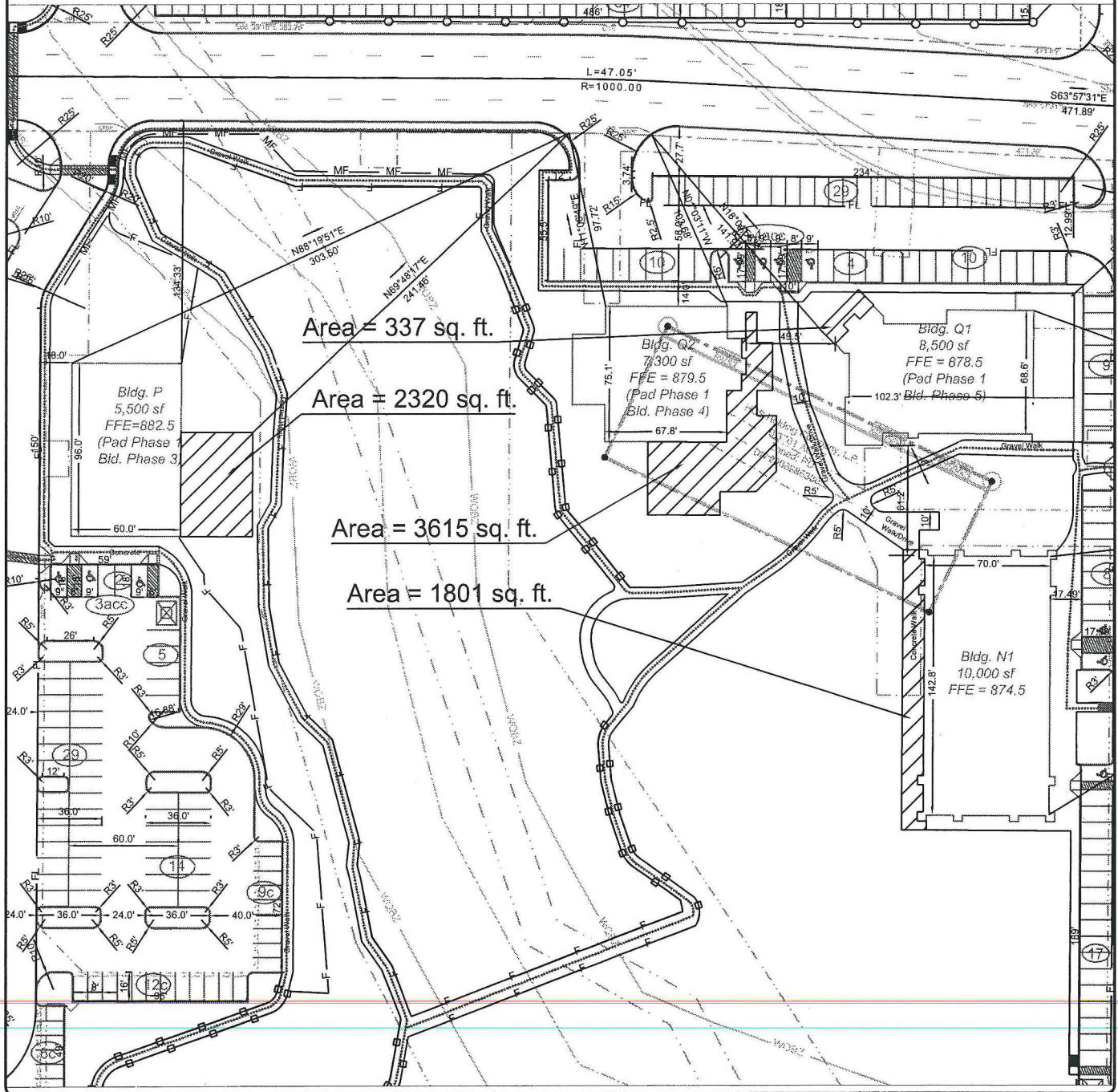
1. S85 degrees 17'40"E a distance of 52.26 feet a ½ inch iron rod with plastic "M&S" cap found,
2. S01 degrees 47'09"W a distance of 112.72 feet a ½ inch iron rod with plastic "M&S" cap found,
3. S11 degrees 37'20"W a distance of 229.69 feet a ½ inch iron rod with plastic "M&S" cap found,
4. S64 degrees 32'04"W a distance of 182.17 feet a ½ inch iron rod with plastic "M&S" cap found,
5. N75 degrees 32'23"W a distance of 17.84 feet to the POINT OF BEGINNING and containing 0.944 acres of land more or less.

Exhibit "B"- Patio Dining Areas



North

Scale: 1" = 80'



GARRETT-IHNEN
CIVIL ENGINEERS

3600 WEST PARMER LANE
SUITE 212
AUSTIN, TEXAS 78727
TELEPHONE: (512) 454-2400
FACSIMILE: (512) 454-2420

Shops @ The Galleria
Areas

Date:
03-09-07

Exhibit "C"- Site Plan

Site Information

SITE INFORMATION
SITE AREA

05.46 ACRES

Area Calculations

ANCHOR STORES

ANCHOR 1 LOWE'S 134,583 SF
OUTSIDE GARDEN AREA 31,202 SF

SUBTOTAL 165,785 SF

JUNIOR ANCHORS

A1 HCC 18,000 SF
A2 BILLIARD FACTORY 12,000 SF
B OFFICE MAX 17,099 SF
C PETSMART 19,084 SF
D MICHAEL'S 23,800 SF
E WORLD MARKET 18,300 SF
F LINEN 'N THINGS 30,800 SF
G1 PIER 1 11,000 SF
O BEST BUY 30,000 SF
TI OLD NAVY 15,000 SF
U MARSHALLS 33,300 SF
V1 FAMOUS FOOTWEAR 7,000 SF

SUBTOTAL 235,393 SF

IN-LINE RETAIL

G2 MATTRESS FIRM 5,145 SF
G3 AVAILABLE 4,480 SF
H AVAILABLE 15,000 SF
J VARIOUS TENANTS 7,500 SF
K VARIOUS TENANTS 30,400 SF
L VARIOUS TENANTS 11,100 SF
N2 VARIOUS TENANTS 10,500 SF
T2 AVAILABLE 7,000 SF
V2 AVAILABLE 1,400 SF

SUBTOTAL 92,525 SF

RESTAURANT SITES

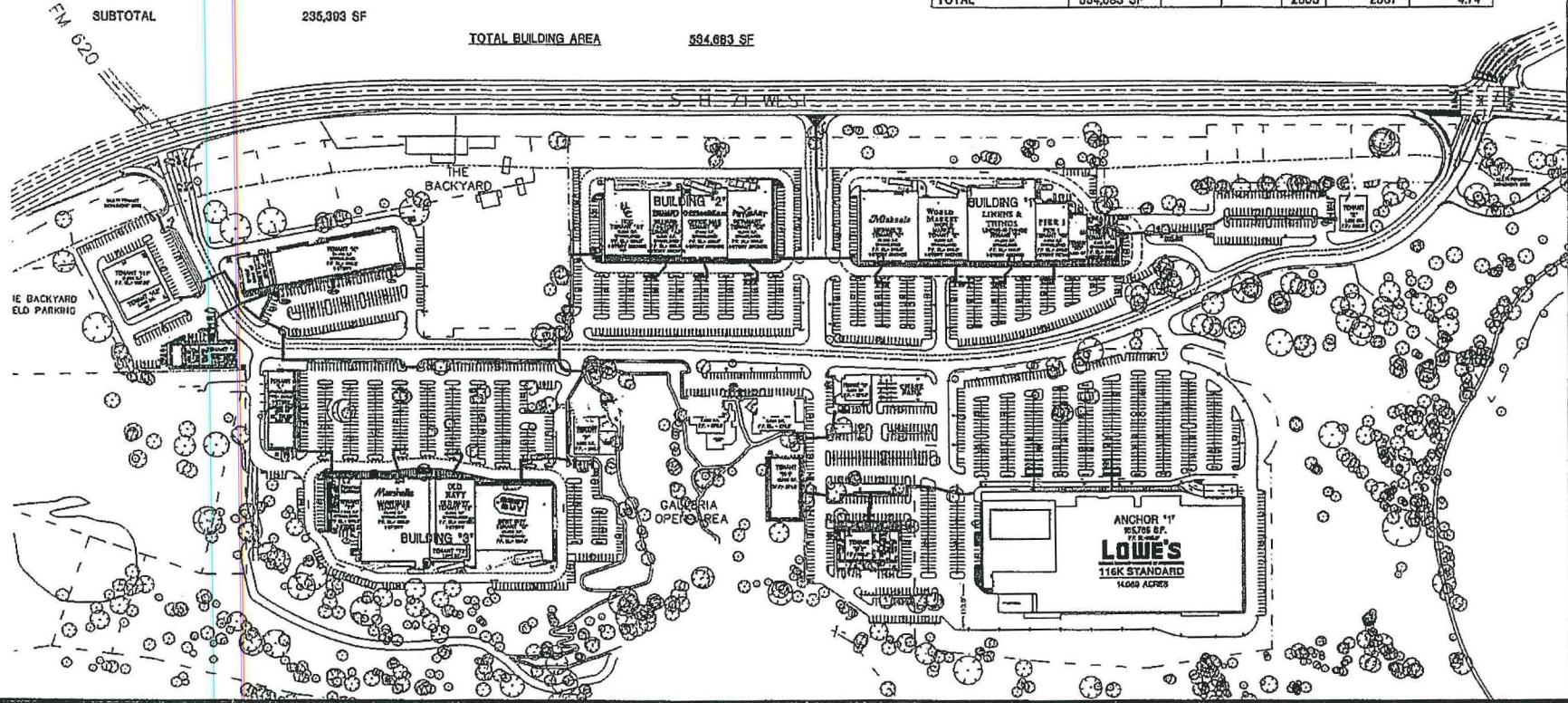
N1 AVAILABLE 10,000 SF
P AVAILABLE 5,500 SF
Q1 AVAILABLE 8,500 SF
Q2 AVAILABLE 7,300 SF
R CHASE BANK 4,200 SF
S AVAILABLE 5,500 SF

SUBTOTAL 41,000 SF

TOTAL BUILDING AREA 594,683 SF

Parking Tabulations

	BLDG. AREA	PKG. REQUIRED			PROVIDED	RATIO SP./1,000 SF
		RET.	REST.	TOT.		
ZONE 1 A,B,C	66,193 SF	285		288	321	4.85
ZONE 2 D,E,F,G,S	99,025 SF	375	55	430	452	4.55
ZONE 3 ANCHOR 1	134,583 SF + 31,202 SF _{ext}	803		603	643	3.88
ZONE 4 H,Q,R	40,500 SF	59	258	317	318	7.85
ZONE 5 L,O,P,T,U,V	110,300 SF	420	55	475	562	5.09
ZONE 6 K	30,400 SF	122		122	130	4.41
ZONE 7 J	7,500 SF	30		30	34	4.53
ZONE 8 H	15,000 SF	60		60	69	4.60
TOTAL	534,683 SF			2305	2637	4.74



THE SHOPS AT THE GALLERIA

