

ORDINANCE NO. 64

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT PURSUANT TO ORDINANCE NO. 01-03-13 TO AUTHORIZE THE RETAIL SALE OF ALCOHOL FOR PROPERTY IN UPLANDS VILLAGE (RESACA PLAZA), 11701 BEE CAVES ROAD, SUITE 102, BEE CAVE, TEXAS; WHICH PROPERTY IS ZONED PLANNED DEVELOPMENT DISTRICT WITH A BASE RETAIL DISTRICT ZONING; PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR CERTAIN CONDITIONS;

WHEREAS, the zoning of the property subject to this Ordinance is governed by Ordinance No. 01-03-13 dated March 13, 2001 and pursuant to that ordinance has previously been zoned as a Planned Development District with a base zoning of Retail District;

WHEREAS, the property owner is requesting a Conditional Use Permit for the retail sale of alcohol in Suite 102 of Lot 12, Uplands Village ("Resaca Plaza");

WHEREAS, the property owner has submitted a site plan depicting Suite 102 of the Resaca Plaza located at 11701 Bee Cave Road (the "Property") Plaza and has otherwise complied with the requirements of the City of Bee Cave Ordinances and Ordinance No. 01-03-13 for issuance of a Conditional Use Permit;

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

WHEREAS, the Planning and Zoning Commission and the City Council has each conducted Public Hearings on the Application for the Conditional Use Permit wherein public comment was received and considered on the Application;

WHEREAS, the City Council finds that the use of the Property for the retail sale of alcohol with the conditions listed below, are appropriate uses for the Property.

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

Section 1. The City Council finds that the information submitted in the Application for a Conditional Use Permit Applicant meets the requirements of the City of Bee Cave Zoning Ordinance and underlying zoning Ordinance No. 01-03-13, for the Property located in Resaca Plaza, Suite 102, 11701 Bee Cave Road, Bee Cave, Texas.

Section 2. Uses. A Conditional Use Permit is hereby granted, subject to the conditions listed in Section 4, to authorize the retail sale of alcohol within Suite 102 of the Property.

Section 3. Site Plan. The site plan depicting the retail sale of alcohol use into Suite 102 is contained in Exhibit "A", attached hereto, and is hereby approved contingent upon the property owner meeting the conditions contained within Section 4;

Section 4. Conditions of Approval. The City Council hereby approves the Conditional Use Permit to the property owner (hereinafter "Permittee") upon the following terms and conditions:

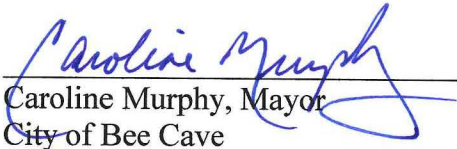
1. Permittee shall not commence development until it has secured all building permits and has received any other approvals as required by the City of Bee Cave Ordinances;
2. This Conditional Use Permit, authorizes additional development of the subject property only as represented in the Permittee's application and only to the extent such development is depicted in the site plan or other plans contained in Exhibit "A", attached hereto, and only to the extent authorized herein. If portions of the development of the subject property requested in the application are not approved herein by the Council, or are not depicted in Exhibit "A", then that portion of Permittee's application is specifically denied;
3. Permittee shall obtain and maintain all necessary Texas Alcohol Beverage Commission permits for the retail sale of alcohol for the area depicted in Exhibit "A";
4. The operational hours for the Property shall be from 11 am to midnight Monday through Friday and on Sunday, and from 11am to 1 am on Saturday.
5. Additional Conditions:
 - a) Outdoor music shall not be authorized.
 - b) Patrons shall not be seated in any outdoor seating area.

Section 5. 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 City's Zoning Ordinance or Map as a whole.

Section 6. This Ordinance shall take effect immediately from and after its passage and publication as required by law.

PASSED AND APPROVED this 9th day of November, 2010.

APPROVED:

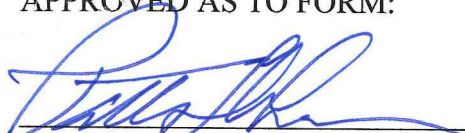

Caroline Murphy, Mayor
City of Bee Cave

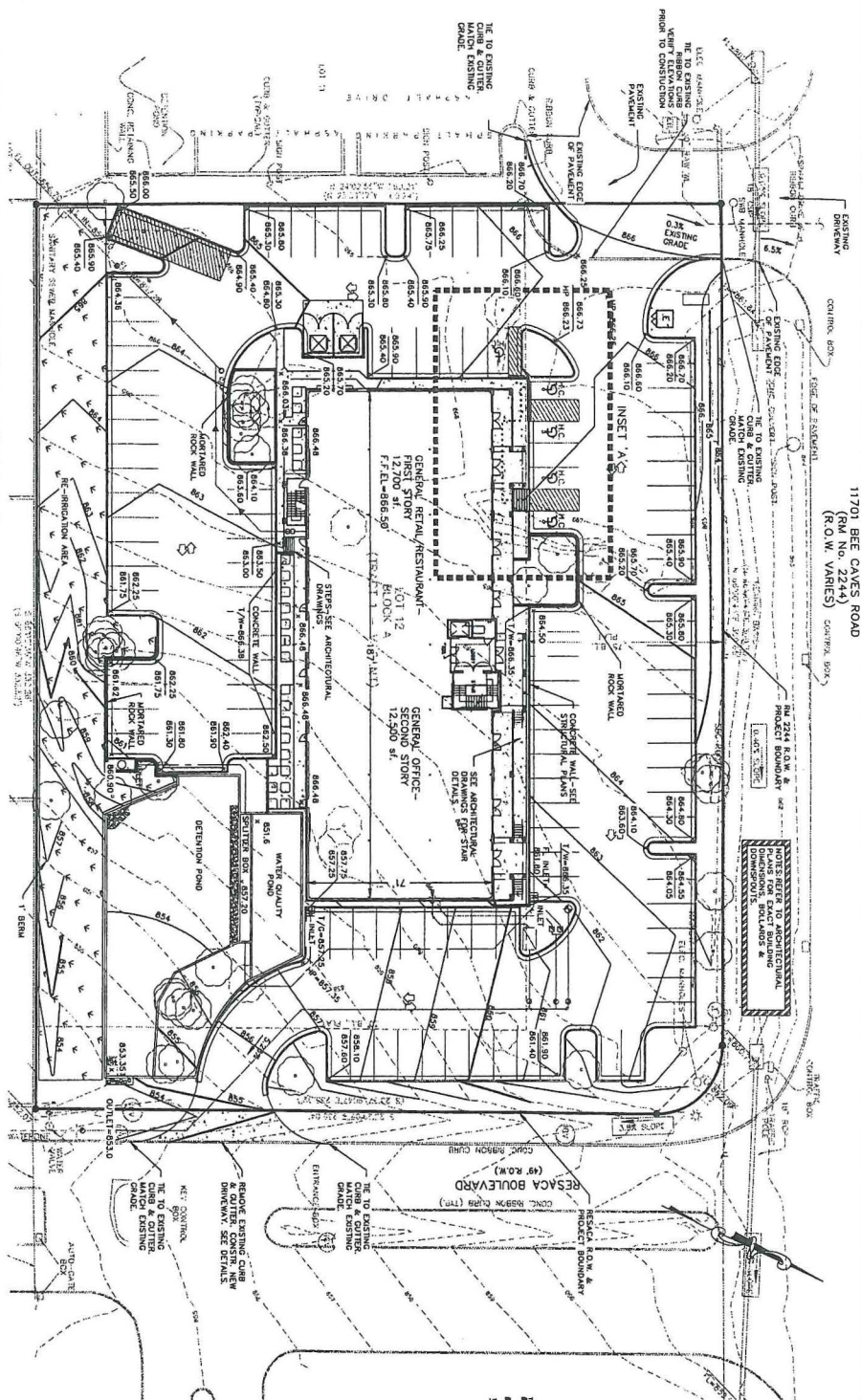
ATTEST:


Kaylynn Holloway, City Secretary
City of Bee Cave, Texas

[SEAL]

APPROVED AS TO FORM:


Patty L. Akers, City Attorney

[illegible]

SCALE: 1"=20'

LEGEND



THE UPLANDS PHASE TWO

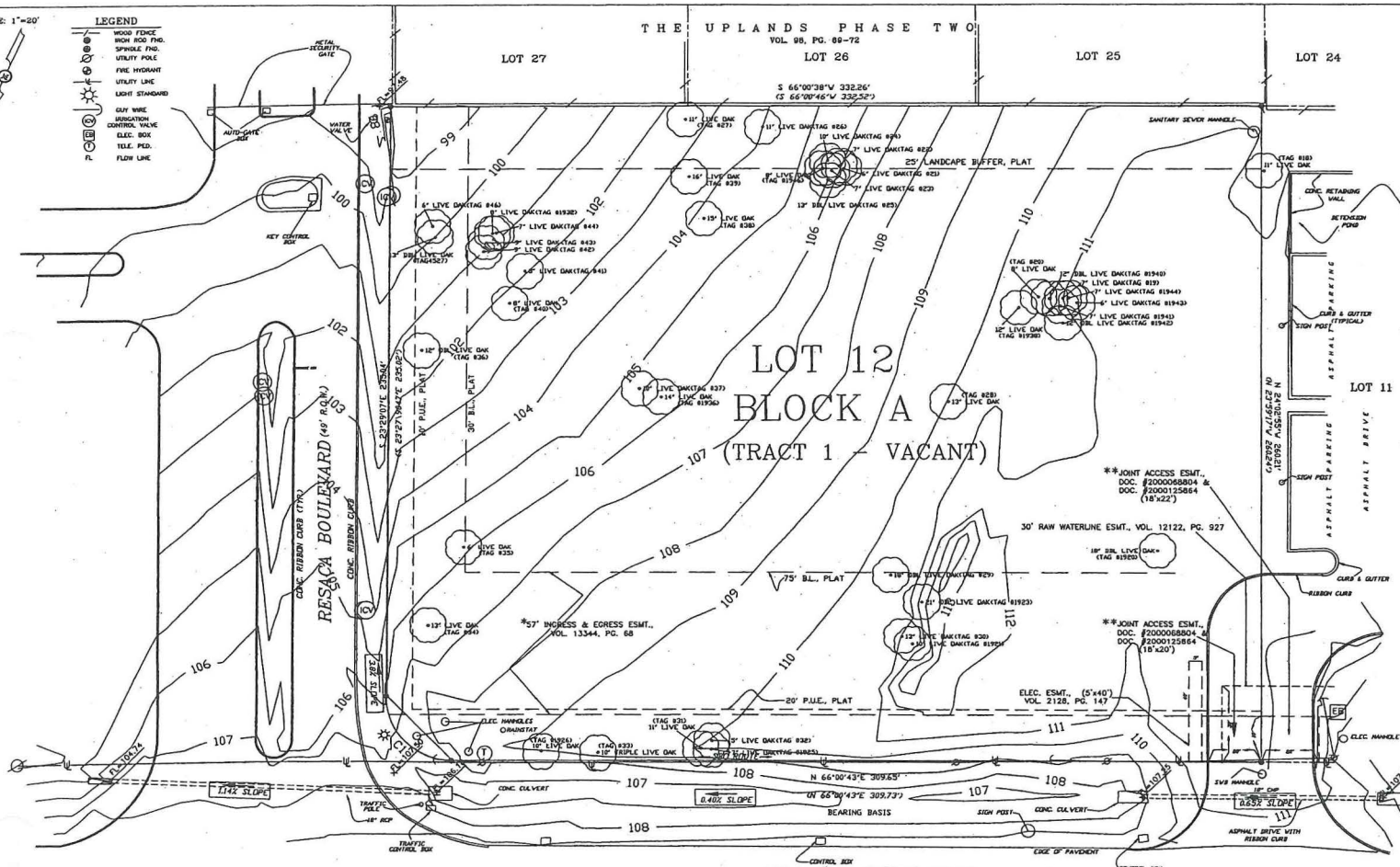
LOT 27

LOT 26

LOT 25

LOT 24

ROLL MAP
1724
FILE NUMBER



Curve	Radius	Length	Chord	Chord Bear.
C1	25.00'	35.38'	35.43'	S 88°44'11" E
C2	125.00'	(39.50')	(25.59')	(S 88°44'11" E)

LOT	TRACT	PHASE	SUBDIVISION / INTEREST	UPLANDS VILLAGE
LOT 12	TRACT 1	PHASE 1	Block 112	11701 BEE CAVES ROAD
TRACT	COUNTY, TEXAS	STAKE ADDRESS	DEVELOPER	DEVELOPER
TO THE	TO THE	TO THE	TO THE	TO THE

The undersigned certifies that this survey was made by me or under my supervision on the ground and the true and correct dimensions and bearings of the lines and corners of the land shown on this map were taken and reduced to mean sea level and that the survey is correct in the field and the undersigned, his heirs and assigns, shall defend the title of the land shown on this map.



ALL POINTS SURVEYING
611 SOUTH CONGRESS AVENUE - SUITE 100
AUSTIN, TX 78704
TEL: (512) 440-0071 - FAX: (512) 440-0109

TRACT 2: EASEMENT ESTATE ONLY.

57' FT. WIDE INGRESS/EGRESS EASEMENT OVER AND ACROSS THE FOLLOWING LOTS:
1) 8 & 11, BLOCK A, UPLANDS VILLAGE, BOL. 99, PG. 112, PLAT RECORDS;
2) 2B, 3B, 4B AND 5B, BLOCK A, AMENDED PLAT OF LOTS 2, 3 & 4, BLOCK A, UPLANDS VILLAGE AND LOT 5A, AMENDED PLAT OF LOTS 5 & 6, BLOCK A, UPLANDS VILLAGE, DOC. #200100071, OFFICIAL PUBLIC RECORDS;
3) 6A, BLOCK A, AMENDED PLAT OF LOTS 5 & 6, UPLANDS VILLAGE, VOL. 101, PG. 45, PLAT RECORDS;
4) 7A & 7B, BLOCK A, AMENDED PLAT OF LOTS 7A & 7B, BLOCK A, UPLANDS VILLAGE, VOL. 102, PG. 239, PLAT RECORDS;
5) 9A AND 10A, BLOCK A, AMENDED PLAT OF LOTS 9 & 10, BLOCK A, UPLANDS VILLAGE, DOC. #200000184, OFFICIAL PUBLIC RECORDS.
**TRACT 3: EASEMENT ESTATE ONLY.
57' WIDE INGRESS/EGRESS EASEMENT OVER AND ACROSS LOTS 11 AND 12, UPLANDS VILLAGE, RECORDED IN VOL. 99, PG. 112, PLAT RECORDS PER DOC. #2000125864, OFFICIAL PUBLIC RECORDS. (SHOWN HEREON).

SURVEYOR'S NOTES

() DENOTES RECORD INFORMATION
NO LOCAL JURISDICTION BUILDING LINES ARE SHOWN. INTERESTED PARTIES SHOULD CONTACT GOVERNING JURISDICTION FOR BUILDING LINE INFORMATION PRIOR TO CONSTRUCTION.
ACCORDING TO ALAMO TITLE COMPANY TITLE COMMITMENT (C.F. #07-762875) LOT 12 IS SUBJECT TO THE ESM. RIGHTS, BUILDING LINES & RESTRICTIONS AS STATED IN:
VOL. 84, PG. 137, VOL. 84, PG. 69, VOL. 99, PG. 112, VOL. 9248, PG. 130, VOL. 12122, PG. 812, VOL. 12465, PG. 1169, PG. 12911, PG. 1051, VOL. 13344, PG. 66, DOC. #2001140060 AND DOC. #2002022872.
ESM. RESEARCH PERFORMED BY ALL POINTS AND THE UNDERSIGNED SURVEYOR WAS LIMITED TO INFORMATION SUPPLIED BY ALAMO TITLE COMPANY TITLE COMMITMENT (C.F. #07-762875) PARAGRAPH 10.
ALL POINTS DOES NOT MAKE OR WARRANT ANY FLOOD ZONE DETERMINATION.