

ORDINANCE NO. 151

AN ORDINANCE OF THE CITY OF BEE CAVE, TEXAS, AMENDING THE TOWN CENTER PLANNED DEVELOPMENT ZONING DISTRICT CREATED BY ORDINANCE NO. 04-04-13 (ADOPTED APRIL 13, 2004), AND AMENDED BY ORDINANCE NO. 04-05-25D (ADOPTED MAY 25, 2004), AND AMENDED BY ORDINANCE NO. 07-10-09-B (ADOPTED OCTOBER 9, 2007) AND AMENDED BY ORDINANCE NO. 88 (ADOPTED MAY 24, 2011) AND AMENDED BY ORDINANCE NO. 110 (ADOPTED APRIL 24, 2012) FOR A PORTION OF THE DEVELOPMENT KNOWN AS THE SHOPS AT THE GALLERIA FOR THE PURPOSE OF ALLOWING SPECIAL EVENTS AND ACTIVITIES ON THE PROPERTY DESCRIBED IN EXHIBIT "A" AND ALLOWING FARMER'S MARKETS AND ADDITIONAL OUTDOOR STORAGE WITH CONDITIONS FOR THE PROPERTY DESCRIBED IN EXHIBIT "A1"; AND FOR THE PURPOSE OF APPROVING AN AMENDMENT TO THE CONCEPT PLAN, EXHIBIT "B" AND THE DEVELOPMENT STANDARDS, EXHIBIT "C" ATTACHED HERETO FOR SUCH PROJECT 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, City Ordinance No. 07-10-9-B, adopted October 9, 2007 amended the Project by reallocating impervious cover from one portion of the Project to different portions of the Project;

WHEREAS, City Ordinance No. 88, adopted May 24, 2011 amended the Project by amended building elevations and parking for building 3 for a portion of the Project;

WHEREAS, City Ordinance No. 110, adopted April 24, 2012 amended the Project by changed the footprint of an outparcel building and associated impervious cover calculations;

WHEREAS, in the interest of attracting the highest quality occupants for the Shops, the applicant requests the authorization and approval to allow the property

described in Exhibit "A" to conduct certain special events from time to time in accordance with the requirements and conditions set out in Exhibit "C" attached hereto, (the "Amended Development Standards") and at the locations set out in Exhibit "B" attached hereto (the "Amended Concept Plan");

WHEREAS, in addition, the applicant has requested that the uses allowed on the property described in Exhibit "A1", attached hereto, (the "Lowes Lot") be amended to include use of the Lowes Lot as a Farmers Market and to expand the outdoor storage areas by 20' horizontally in certain locales and to allow therein overnight outdoor storage and display of plants, grills, lawnmowers, patio furniture, wheel barrows, and a pergola as well as to provide a specified outdoor sales area for the display of sheds and playscape structures and a seasonal outdoor sales area for bagged mulch, fertilizers, soils and walkway pavers in the areas shown on Exhibit "B", the amended Concept Plan.

WHEREAS, the Planning and Zoning Commission of the City of Bee Cave and the City Council of the City of Bee Cave, in compliance with the laws of the State of Texas, with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have held two hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and the City Council of the City of Bee Cave is of the opinion and finds that this zoning change should be granted.

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

Section 1. All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Bee Cave and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. 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 and amended by Ordinance No. 07-10-9-B and amended by Ordinance No. 88 and amended by Ordinance No. 110 be and the same are hereby amended as to that portion of the Shops as described in Exhibits "A" and "A1" so as to grant a change of use as described herein and to amend the development standards of said ordinances for the portion of the Project only that are described in Exhibit "A" and "A1" and in accordance with the development standards.

Section 3. The amended Concept Plan attached hereto as Exhibit "B" is hereby approved. Any signage depicted on the amended Concept Plan is not approved as part of the approval of this ordinance.

Section 4. The amended Development Standards attached hereto as Exhibit "C" is hereby approved but only as to the property described in Exhibits "A" and "A1" as applicable.

Section 5. The Property is currently subject to Impervious Cover Standards as per Ordinance No. 04-04-13, Ordinance No. 07-10-9-B and Ordinance No. 110. There shall be no change in the total impervious cover approved for the Shops as defined in the Impervious Cover Standards described therein;

Section 6. That 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 as a whole or any party or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the City of Bee Cave Zoning Ordinance or Zoning Map as a whole.

Section 7. That this ordinance shall take effect immediately from and after its passage and the publication as required by law.

PASSED AND APPROVED by the City Council of the City of Bee Cave, Texas on the 9th day of July, 2013.

Title: Caroline Murphy
Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway
Kaylynn Holloway, 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

Exhibit A

LEGAL DESCRIPTION

Lots 2, 8 and 9, Block A; Lots 1, 2 and 3, Block B; and Lot 1, Block C of the Shops at the Galleria, a subdivision in Travis County Texas, according to the map or plat thereof recorded under Document Number 200600169 of the Real Property Records of Travis County, Texas.

Lot 1, Amended Plat of Lots 1 and 2, Trading Post Subdivision, a subdivision in Travis County, Texas, recorded in Volume 99, Page 135, Plat Records of Travis County, Texas;

Lots 1, 4, 5 and 10, Block A and Lot 4, Block B of the Shops at the Galleria, a subdivision in Travis County Texas, according to the map or plat thereof recorded under Document Number 200600169 of the Official Property Records of Travis County, Texas; SAVE & EXCEPT that 5.520 acre portion of Lot 4, Block A that was conveyed to West Travis County Municipal Utility District No. 8 by Deed dated February 26, 2008, recorded under Document No. 2008033406 of the Official Public Records of Travis County, Texas.

Lot 6A, Block A of Lot 6A, Replat of Lots 6 and 7, Block A, the Shops at the Galleria, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded under Document No. 200800082 of the Official Public Records of Travis County, Texas.

Approximately 0.994 acre tract, being a remainder portion of that 87.620 acre tract described in Document Number 2003286366, Official Public Records, Travis County, Texas, now known as Chin Subdivision, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded under Document No. 200800091 of the Official Public Records of Travis County, Texas

Exhibit "A1" (the Lowes Lot)

Exhibit A1

LEGAL DESCRIPTION (LOWES)

Lot 9, Block A of the Shops at the Galleria, a subdivision in Travis County, Texas, according to the map or plat thereof recorded under Document Number 200600169 of the Real Property Records of Travis County, Texas.

Exhibit "B"- Amended Concept Plan

Exhibit B

Lowes Parking and Storage Area Exhibit

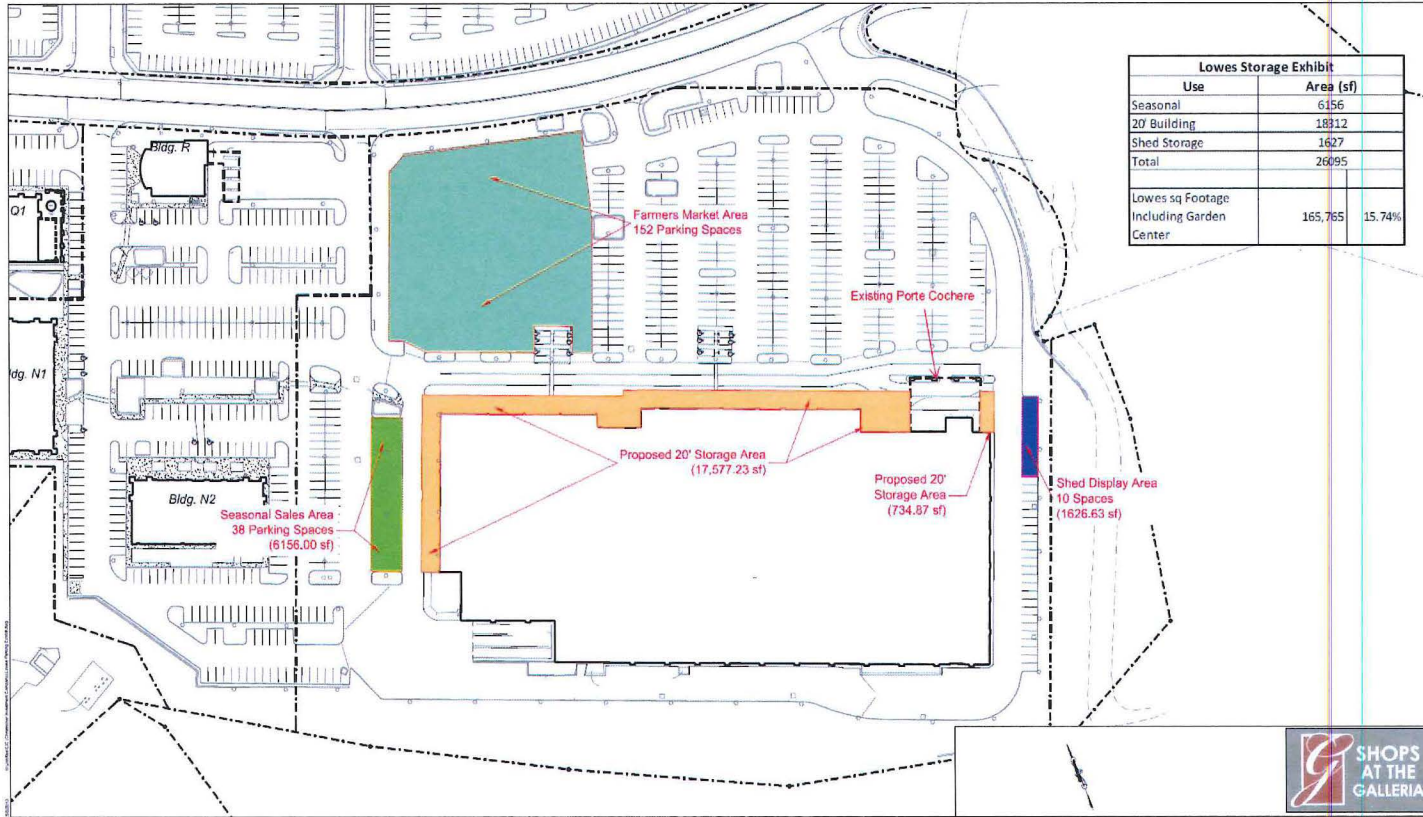
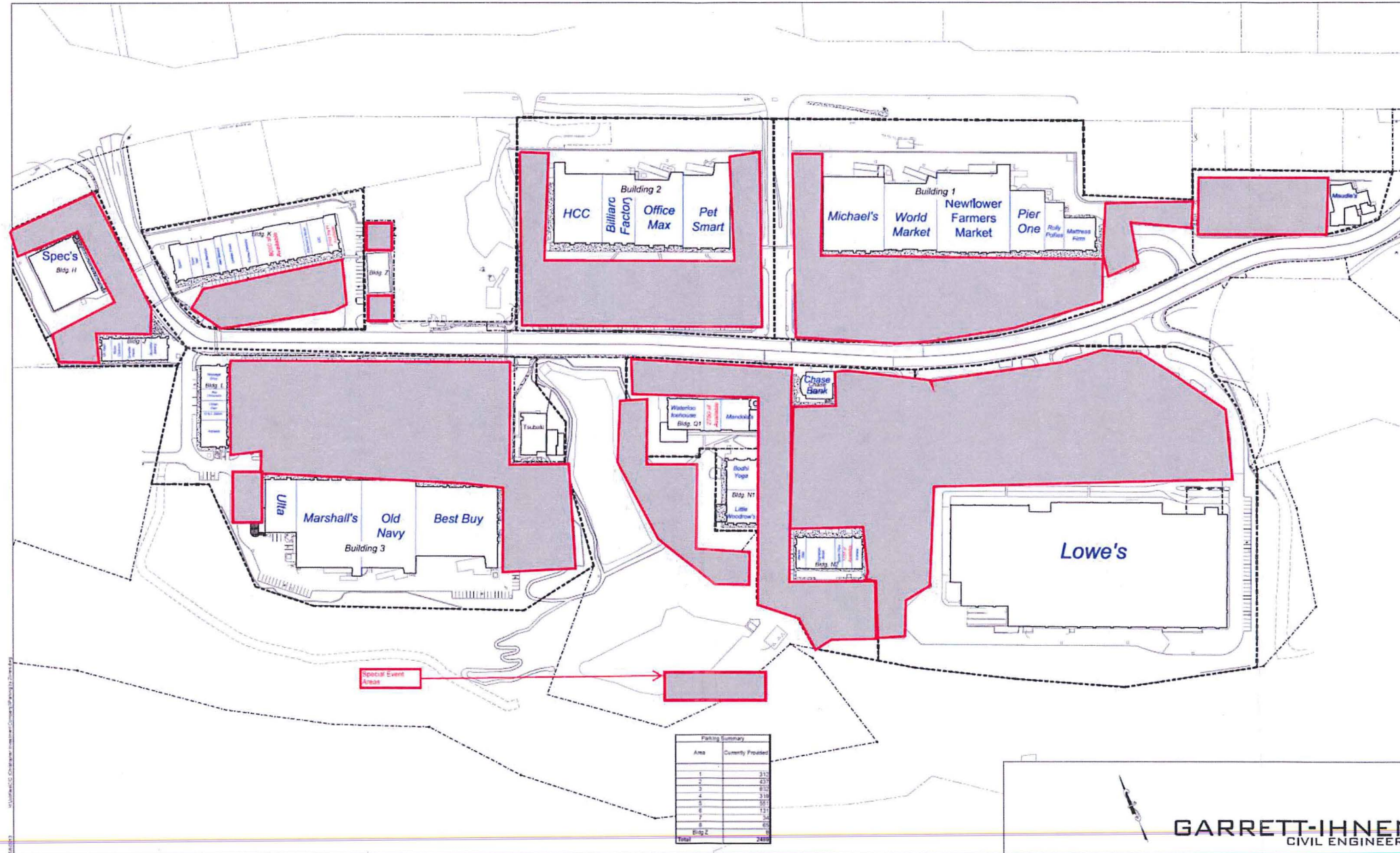


Exhibit B

Shops at the Galleria
 Parking
 05-08-13



Area	Currently Provided
1	2,170
2	87
3	815
4	2,188
5	781
6	1,111
7	14
8	25
9	25
10	25
11	25
12	25
13	25
14	25
15	25
16	25
17	25
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99	25
100	25

GARRETT-IHNEN
 CIVIL ENGINEERS

Exhibit "C"
SHOPS AT THE GALLERIA
PLANNED DEVELOPMENT STANDARDS AS AMENDED BY
ORDINANCE NO. 151

The following amended development standards shall only be applicable to the portion of the Project described in Exhibit A and Exhibit A1. To the extent that any of the following standards conflict with other City Ordinances, the following shall control. Except as otherwise described herein, all development activity undertaken on the Property, shall comply with the development standards for TC – Town Center Base Zoning District in effect on May 18, 2004 ("The Applicable Town Center Development Standards"), except as modified herein and as same may have been modified in previous Shops at the Galleria Planned Development District Ordinances and amendments and not inconsistent herewith.

1. The following development standards apply to the portion of the Project described in Exhibit "A1" (the Lowe's Lot).

(a) Outside Storage and Outside Displays for the Lowe's Lot ("Exterior Storage and Display") shall be conducted only at the locations depicted in Exhibit B, the amended Concept Plan, and must comply with the following conditions and requirements.

- (i) Only live plants, barbeque grills, lawnmowers, patio furniture, wheel barrows, and a single pergola/outdoor living display may be placed or located within the twenty feet (20') area depicted in Exhibit "B" and immediately adjacent to the northern and western exposures of the main building or garden center. No Exterior Storage and Display shall be allowed within the twenty feet (20') on the eastern or southern exposures of the main building or garden center.
- (ii) The above described items and materials shall not occupy any of the parking spaces that are required by the Project for parking purposes.
- (iii) Parking spaces may be occupied as delineated in Exhibit "B" for use as a "Seasonal Sales Area" during March 1 through September 30 for outdoor display and sales of bagged mulch, bagged fertilizers, bagged soils, and walkway pavers only.
- (iv) The Seasonal Sales Area will be screened on the northern, southern, and western boundaries - leaving only the east side (the side facing the garden center) open. The Seasonal Sales Area will be screened at all times while the Seasonal Sales Area is in use. Temporary fencing with shade screens attached on each side of the

metal screen, substantially similar to that attached hereto as Exhibit "D" will be utilized.

- (v) The display of storage sheds or playscape structures shall not occupy any of the parking spaces that are required by the Project, except for that area delineated on Exhibit "B" as the "Shed Display Area."
- (vi) All outdoor storage, display and sales activities shall not pose a safety or visibility hazard nor impede public vehicular or pedestrian circulation, either on-site or off-site in any way, shall not extend into any public right-of-way or onto adjacent property and shall not be located within a loading zone, handicapped accessible parking space(s) or fire safety zone.
- (vii) All outdoor storage, displays and sales activities shall be stored/displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner. Broken or discarded merchandise or materials shall be immediately cleaned up and removed from the storage and display areas and properly repackaged or disposed.
- (viii) The above provisions are only authorized in conjunction with a home improvement store.
- (vix) All items and material described above may be kept outside over night, provided strict adherence with items (i) through (viii) above.

(b) The Lowe's Lot shall be authorized to conduct an outdoor Farmer's Market as an additional use in accordance with the following terms and conditions:

- (i) The Farmer's Market may be conducted weekly year round and shall be open to the public for not more than six (6) consecutive hours ("Operating Hours") only on Saturdays and/or Sundays ("Operating Days"), which Operating Days must be consecutive. Additional days of operation may be approved by the City Manager;
- (ii) All vendors at the Farmer's Market shall comply with all applicable health code regulations and health code permitting requirements;
- (iii) Public access to restrooms shall be available and may be provided by Lowe's or by organizers who shall maintain four (4)

portable/temporary toilets during event hours, one of which shall be ADA compliant;

- (iv) At least two (2) portable hand washing stations shall be provided;
- (v) 10' x 10' pop-up style canopies are allowed;
- (vi) maximum number of vendors shall be seventy-five (75);
- (viii) at least eighty percent (80%) of vendors must offer food based products;
- (ix) children's activities, cooking and/or gardening classes are allowed in conjunction with the event;
- (x) All activities conducted in conjunction with the Farmer's Market shall comply with all applicable noise regulations whether or not live music is offered;
- (xi) The Operating Hours for the Farmer's Market must fall between the daylight hours of 8:00 a.m. and 5:00 p.m.;
- (xii) Signage for the Farmer's Market shall be allowed in accordance with the approved Shops at the Galleria Comprehensive Sign Package;
- (xiii) All Farmer's Market activities shall be contained within that area delineated as Farmer's Market Area on Exhibit "B"; and
- (xiv) The applicant will require the organizer of the Farmer's Market ("Market Proprietor") to name the City of Bee Cave as an additional insured under Market Proprietor's liability insurance and proof of such coverage shall be supplied to the City of Bee Cave upon request.

2. The following development standards apply to the portion of the Project described in Exhibit "A".

(a) Developer shall be allowed to conduct activities otherwise considered "temporary special event(s)" under Article 6.03, Section 6.03.001 of the code of Ordinances for the City of Bee Cave consisting of charitable events, fundraisers, art shows, concerts, holiday festivities, photographic shoots, video photography and motion picture filming (hereinafter "Project Special Event(s)"), upon the administrative approval of the City Manager or his designee and according to the following conditions and requirements:

- (i) Developer shall provide adequate assurance that a Project Special Event will not materially and adversely interrupt the flow of traffic on public thoroughfares adjacent to the Project and Developer shall make a good faith effort to mitigate any adverse impacts to adjoining neighborhoods created by the Project Special Event;
- (ii) If required by the City, Developer shall arrange and provide in advance for adequate and sufficient numbers of police and/or private security personnel to be present;
- (iii) Developer shall provide for and arrange in advance for adequate and sufficient numbers of sanitation facilities to be available;
- (iv) Developer shall ensure that a Project Special Event complies with all noise regulations whether or not live music is offered;
- (v) Signage for the Project Special Event shall be allowed in accordance with the approved Shops at the Galleria Comprehensive Sign Package;
- (vi) Developer shall submit an application to the City Manager or his designee and the Chief of Police at least fourteen (14) days in advance of the date of a proposed Project Special Event and obtain a Special Event Permit from the City Manager. The application shall be accompanied by the information required in Article 6.03 of the Code of Ordinances, as amended from time to time and issuance of the Permit will be subject to the requirements of the City's Special Events ordinance except as expressly stated herein;
- (vii) Project Special Events may be held in any parking field, including the Lowe's Lot or within any open areas of the Project described in Exhibit "A", and within the area depicted in Exhibit "B";

- (viii) No more than one Project Special Event may occur at any one time. For purposes of this section, no Project Special Event may occur while the Farmer's Market is operating;
- (ix) The maximum number of Project Special Events, excluding the Farmer's Market that may occur during any calendar year shall be twelve (12);
- (x) The maximum number of days a single Project Special Event may last is three (3) consecutive days;
- (xi) Hours of operation for a Project Special Event shall be between 9:00am and 9:00pm unless otherwise approved by the City Manager.
- (x) The maximum number of vendors shall be seventy-five (75) and the maximum number of events stages shall be three (3) for any given Special Event unless otherwise approved by the City Manager;
- (xi) Only 10' x 10' pop-up style canopies are allowed hereunder, larger tenting may be approved by the City Manager if consistent with the City's Code or Ordinances;
- (xii) The Developer shall ensure that the organizer of any given special event ("Special Event Proprietor") name the City of Bee Cave as an additional insured under the Special Event Proprietor's liability insurance and proof of such coverage shall be supplied to the City of Bee Cave upon request.

Exhibit "D"
Fencing for Outdoor Storage (Lowe's Lot)

Exhibit D

Temporary Fencing



FABRIC TO BE ON BOTH SIDES OF FENCING