

**ORDINANCE NO. 299**

**AN ORDINANCE OF THE CITY OF BEE CAVE, TEXAS ("CITY") AMENDING THE ZONING OF REAL PROPERTY, IN CONFORMANCE WITH THE CITY OF BEE CAVE COMPREHENSIVE PLAN, SECTION EIGHT, FUTURE LAND USE PLAN, FROM CURRENT ZONING AS AN AGRICULTURAL DISTRICT TO SINGLE-FAMILY ATTACHED (TOWN HOMES) DISTRICT FOR THE 8.042 ACRE PROPERTY SITUATED IN THE BEN WIGHTMAN SURVEY 55 AND THE I&G.N. RAILROAD COMPANY SURVEY 56 IN TRAVIS COUNTY, TEXAS AND IS A PORTION OF THE 10.0 ACRE PROPERTY DESCRIBED AND RECORDED AS DOCUMENT NO. 2001126099 IN THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; AND WHICH LAND IS DEPICTED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR FINDINGS OF FACT, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.**

**WHEREAS**, the City of Bee Cave is lawfully incorporated as a Home-Rule municipality and the City Council is the governing body of the City; and,

**WHEREAS**, the City Council seeks to provide for the orderly development of land and use of property within its corporate limits; and,

**WHEREAS**, the City is empowered by Section 211.005 (Districts) of the Texas Local Government Code to divide the municipality into districts of a number, shape, and size the City Council considers best for carrying out the zoning purposes under state law; and within each district, the City Council may regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land; and,

**WHEREAS**, the zoning regulations must be uniform for each class or kind of building in a district, but the regulations may vary from district to district; and shall be adopted with reasonable consideration, among other things, for the character of each district and its peculiar suitability for particular uses, with a view of conserving the value of buildings and encouraging the most appropriate use of land in the municipality; and,

**WHEREAS**, the Property proposed for rezoning pursuant to this Ordinance is unique in that it has limited access to Highway 71 and the Property is long and narrow and will have difficulty accommodating ingress and egress and the setback requirements of the zoning regulations and for this reason the density requirements normally allowed in conjunction with Single Family Attached Residential Districts should be reduced to the density requirements normally associated with Single Family-Patio Homes;

**WHEREAS**, the City recognizes its responsibility and authority to impose ordinances and controls that are necessary for the government of the City, its interest, welfare, and good order of the City as a body politic.

**WHEREAS**, pursuant to the City of Bee Cave Code of Ordinances, Chapter 32, "Zoning," section 32.03.002, territory that has been newly annexed into the City is initially zoned as Agriculture, and it is anticipated that agriculture zoned land will eventually be rezoned to another more permanent, urban zoning classification in the future;

**WHEREAS**, Section 32.03.006 of the Zoning Ordinance provides that the purpose of a Single-Family Attached Residential District is intended to promote stable, quality, attached-occupancy residential development on individual lots, or by condominium units.

**WHEREAS**, the City of Bee Cave Comprehensive Plan ("Comprehensive Plan"), Section Eight, Future Land Use Plan provides that it shall serve as a guide for future land use patterns and all aspects of the Comprehensive Plan "are implemented primarily through development regulations (zoning and subdivision ordinances)"; and

**WHEREAS**, re-designating the zoning classification of the subject property described herein, in conjunction with the reduced density requirement, will protect the integrity and continuity of the Comprehensive Plan and such proposed land uses are consistent with the Comprehensive Plan and current land uses associated with adjoining property; and

**WHEREAS**, the City of Bee Cave Planning and Zoning Commission and the City of Bee Cave City Council ("City Council"), in compliance with the City of Bee Cave Code of Ordinances section 32.02.004, Texas Local Government Code section 211.006(a), et seq., and all applicable laws of the State of Texas, have given the requisite notices by publication and otherwise, and have held two public 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 is of the opinion and finds that a zoning change as described herein should be granted and that the Comprehensive Zoning Ordinance and Map should be amended as set forth herein; and

**WHEREAS**, any protest made against the proposed change of Zoning Classification has been duly considered by the City Council; and

**WHEREAS**, the City Council finds that re-designating the real property described herein is prudent and, in accordance with Texas Local Government Code Section 211.004(a)(3), will promote the health and general welfare of the City of Bee Cave and its citizens;

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

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

**SECTION 2.** Amendment. That the City Zoning Ordinance and Map of the City of Bee Cave, Texas, be and the same are hereby, amended so as to grant a change of zoning from Agricultural District to Single-Family Attached Residential District for the real property hereinafter described, and depicted in Exhibit "A," attached hereto:

A 10.00 acre tract of land in the I&G R R Company Survey 56 Travis County, Texas and being a part of the remainder of that 196.5 acre tract (First Tract) as described in Deed of Trust recorder in Volume 405, Page 341 of the Deed Records of Travis County, Texas

**SECTION 3.** Additional Requirements. In addition to the development requirements associated with Single-Family Attached Residential set out in Section 32.03.006, the Property shall be developed so that the minimum lot size is 4500 square feet and no more than 10 residential units per acre are developed on the Property.

**SECTION 4.** Severability. 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 part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of Chapter 32, Zoning, of the City of Bee Cave Code of Ordinances and Map as a whole.

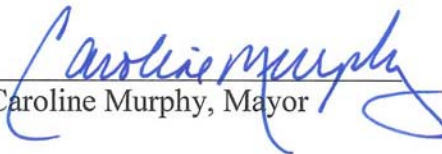
**SECTION 5:** Repealer. All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

**SECTION 6.** Notice and Meeting Clause. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

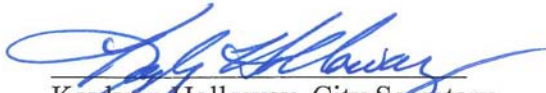
**SECTION 7.** Effective Date. That this Ordinance shall take effect immediately from and after its passage.

**PASSED AND APPROVED** by the City Council of the City of Bee Cave, Texas, on the 14<sup>th</sup> day of June, 2016.

**CITY OF BEE CAVE, TEXAS**

  
Caroline Murphy, Mayor

**ATTEST:**

  
Kaylynn Holloway, City Secretary

**APPROVED AS TO FORM:**

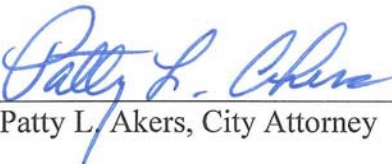
  
Patty L. Akers, City Attorney

Exhibit "A"

**Property Description**

STATE OF TEXAS       §  
                                  §  
COUNTY OF TRAVIS   §

FIELDNOTE DESCRIPTION of a 10 000 acre tract of land in the I & G R R Company Survey No 56 Travis County, Texas and being a part of the remainder of that 196 5 acre tract (First Tract) as described in Deed of Trust recorded in Volume 405, Page 341 of the Deed Records of Travis County, Texas, said 10 000 acre tract of land is more particularly described by metes and bounds as follows

BEGINNING at a ½" iron rod found on the northerly right-of-way line of State Highway No 71 (variable width right-of-way at this point) at the intersection with the westerly line of the aforesaid 196 5 acre tract and also being the southeast corner of that 23 27 acre tract of land conveyed to the City of Austin by deed recorded in Volume 9777, Page 239 of the Deed Records of Travis County, Texas, from which a found highway right-of-way marker bears N77°31'03"W, 179 96 feet),

THENCE, N26°25'58"E, leaving the northerly right-of-way line of State Highway No 71 with the common westerly line of said 196 5 acre tract and easterly line of said 23 27 acre tract, a distance of 621 77 feet to a ½" iron rod set for the northwest corner of the herein described tract,

THENCE, leaving the common westerly line of said 196 5 acre tract and easterly line of said 23 27 acre tract, across the 196 5 acre tract, the following two (2) courses

- 1) S63°34'02"E, a distance of 846 28 feet to a ½" iron rod set for the northeast corner of the herein described tract,
- 2) S27°31'56"W, a distance of 413 59 feet to a ½" iron rod set for the southeast corner of the herein described tract on the northerly right-of-way line of State Highway No 71 (140 00 feet wide right-of-way at this point) from which a ½" iron rod set at the intersection of the easterly line of the aforesaid 196 5 acre tract with said northerly right-of-way line, bears S77°31'03E, 62 13 feet,

THENCE, N77°31'03"W, with the northerly right-of-way line of Sate Highway No 71, a distance of 863 82 feet to the POINT OF BEGINNING, CONTAINING within these metes and bounds 10 000 acres of land area

I, George Hopkins, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and was determined by a survey made on the ground under my direction and supervision All ½" iron rods set with "Capital Surveying Co, Inc" plastic cap

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 28  
day of NOVEMBER, 2000



*George E Hopkins*  
GEORGE E HOPKINS  
Registered Professional Land Surveyor  
No 4685 State of Texas

STATE OF TEXAS           §  
                                  §  
COUNTY OF TRAVIS       §

FIELDNOTE DESCRIPTION of a 9 9983 acre tract of land in the J Beck Survey No 91, Travis County, Texas and being a part of the remainder of that 160 acre tract (Third Tract) as described in Deed of Trust recorded in Volume 403, Page 341 of the Deed Records of Travis County, Texas, said 9 9983 acre tract of land is more particularly described by metes and bounds as follows

COMMENCING at a highway right-of-way monument found on the southwesterly right-of-way line of RM 620 (variable width right-of-way) at the intersection with the southeasterly line of the aforesaid 160 acre tract,

THENCE, leaving the southwesterly right-of-way line of RM 620, with the southeasterly line of said 150 acre tract, the following three (3) courses

- 1) S64°00'06"W, a distance of 141 47 feet to a ½" iron rod found for an angle point,
- 2) S67°01'57"W, a distance of 252 29 feet to a ½" iron rod found for an angle point,
- 3) S63°12'31"W, a distance of 411 39 feet to a ½" iron rod set for the POINT OF BEGINNING of the herein described tract

THENCE, S63°12'31"W, continuing with the southeasterly line of said 160 acre tract, same being the northwesterly line of that 36 171 acre tract conveyed to Kenneth C Margolis, Trustee by deed recorded in Volume 8370, Page 729 of the Deed Records of Travis County, Texas, a distance of 886 72 feet to a ½" iron rod set for the southwest corner of the herein described tract,

THENCE, leaving the common southeasterly line of said 160 acre tract and northwesterly line of said 36 171 acre tract, across the 160 acre tract, the following two (2) courses

- 1) N20°40'49"W, a distance of 235 01 feet to a ½" iron rod set for an angle point,
- 2) N40°13'59"W, a distance of 110 23 feet to a point of intersection with the northeasterly line of that 7 00 acre tract of land conveyed to J Frank Spillman and Noel Spillman by deed recorded in Volume 5571, Page 2266 of the Deed Records of Travis County, Texas,

THENCE, N08°25'33"W, with the northeasterly line of said 7 00 acre tract, a distance of 20 59 feet to a ¾" iron pipe found for the most northerly corner of the 7 00 acre tract,

THENCE, S30°58'40"W, with the northwesterly line of said 7 00 acre tract a distance of 11 46 feet to a point for corner,

THENCE, leaving the northwesterly line of said 7 00 acre tract, across the aforesaid 160 acre tract the following eight (8) courses


- 1) N40°13'59"W, a distance of 39 50 feet to a ½" iron rod set for an angle point,

- 2) N27°54'52"W, a distance of 103 44 feet to a ½" iron rod set for the northwest corner of the herein described tract,
- 3) Northeasterly with a non-tangent curve to the left having a radius of 2370 00 feet and a central angle of 09°06'04" (chord bears N58°14'10"E, 376 07 feet) for an arc distance of 376 46 feet to a ½" iron rod set for corner,
- 4) N37°02'23"W, with a line non-tangent to the previous curved course, a distance of 30 00 feet to a ½" iron rod set for corner,
- 5) Northeasterly with a non-tangent curve to the left having a radius of 2340 00 feet and a central angle of 01°28'09" (chord bears N52°57'37"E, 60 00 feet) for an arc distance of 60 00 feet to a ½" iron rod set for corner,
- 6) S37°02'23"E, with a line non-tangent to the previous curved course, a distance of 30 00 feet to a ½" iron rod set for corner,
- 7) Northeasterly with a non-tangent curve to the left, having a radius of 2370 00 feet and a central angle of 07°18'54" (chord bears N48°34'39"E, 302 37 feet) for an arc distance of 302 58 feet to a ½" iron rod set for the northeast corner of the herein described tract,
- 8) S42°41'49"E, a distance of 640 31 feet to the POINT OF BEGINNING, CONTAINING within these metes and bounds 9 9983 acres of land area

I, George Hopkins, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and was determined by a survey made on the ground under my direction and supervision. All ½" iron rods set with "Capital Surveying Co, Inc" plastic cap

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 28  
day of NOVEMBER, 2000



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

STATE OF TEXAS       §  
                                  §  
COUNTY OF TRAVIS   §

FIELDNOTE DESCRIPTION of a 0 0017 acre tract of land in the J Beck Survey Travis County, Texas and being a part of that called 7 00 acre tract described in deed to J Frank Spillman and Noel Spillman recorded in Volume 5571, Page 2266 of the Deed Records of Travis County, Texas, said 0 0017 acre tract of land is more particularly described by metes and bounds as follows

BEGINNING at a ¾" iron pipe found for the most northerly corner of the aforesaid 7 00 acre tract,

THENCE, S08°25'33"E, with the northeasterly line of said 7 00 acre tract, a distance of 20 59 feet to a point for the most southerly corner of the herein described tract,

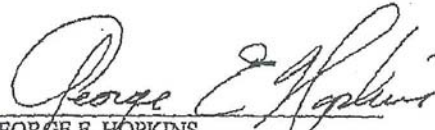
THENCE, N40°13'59"W, across said 7 00 acre tract, a distance of 13 80 feet to a point on the northwesterly line of the 7 00 acre tract being the most westerly corner of the herein described tract,

THENCE, N30°58'40"E, with the northwesterly line of said 7 00 acre tract, a distance of 11 46 feet to the POINT OF BEGINNING, CONTAINING within these metes and bounds 0 0017 acres of land area

I, George Hopkins, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and was determined by a survey made on the ground under my direction and supervision. All ¼" iron rods set with "Capital Surveying Co, Inc" plastic cap

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 28  
day of NOVEMBER, 2000



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

STATE OF TEXAS           §  
                                  §  
COUNTY OF TRAVIS       §

FIELDNOTE DESCRIPTION of a 10 000 acre tract of land in the I & G R R Company Survey No 56 and the Ben Wightman Survey No 55 Travis County, Texas and being a part of the remainder of that 196 5 acre tract (First Tract) and that 177 acre tract (Second Tract) as both are described in Deed of Trust recorded in Volume 403, Page 341 of the Deed Records of Travis County, Texas, said 10 000 acre tract of land is more particularly described by metes and bounds as follows

BEGINNING at a ½" iron rod set on the northerly right-of-way line of State Highway No 71 (140 0 feet wide right-of-way at this point) at the intersection with the easterly line of the aforesaid 196 5 acre tract, from which a found highway right-of-way marker bears S77°31'03"E, 3398 10 feet,

THENCE, N77°31'03"W, with the northerly right-of-way line of State Highway No 71, a distance of 62 13 feet to a ½" iron rod set for corner,

THENCE, leaving the northerly right-of-way line of State Highway No 71, across said 196 5 acre tract, the following two (2) courses

- 1) N27°31'56"E, a distance of 413 59 feet to a ½" iron rod set for an "el" corner,
- 2) N63°34'02"W, a distance of 846 28 feet to a ½" iron rod set for corner on the westerly line of the 196 5 acre tract, same being the easterly line of that 23 27 acre tract of land conveyed to the City of Austin by deed recorded in Volume 9777, Page 239 of the Deed Records of Travis County Texas,

THENCE, with the westerly line of said 196 5 acre tract, the following two (2) courses

- 1) N26°25'58"E, with the easterly line of said 23 27 acre tract, a distance of 144 56 feet to a ½" iron rod found for corner,
- 2) N62°03'34"W, with the northerly line of said 23 27 acre tract, a distance of 1103 57 feet to a ½" iron rod set for corner,

THENCE, leaving the common westerly line of said 196.5 acre tract and northerly line of said 23 27 acre tract, across the 196 5 acre tract and the aforesaid 177 acre tract, the following five (5) courses

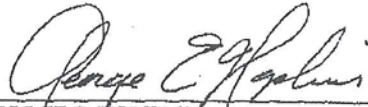
- 1) N02°06'46"W, a distance of 197 54 feet to a ½" iron rod set for the most westerly corner of the herein described tract,
- 2) N65°06'00"E, a distance of 116 34 feet to a ½" iron rod set for corner,
- 3) S69°54'00"E, a distance of 513 96 feet to a ½" iron rod set for corner,
- 4) S43°07'00"E, a distance of 1244 00 feet to a ½" iron rod set for corner,
- 5) S63°34'02"E, a distance of 355 91 feet to a ½" iron rod set for corner on the easterly line of the 196 5 acre tract, from which a ½" iron pipe found for an angle point in said line bears N27°31'56"E, 594 38 feet,

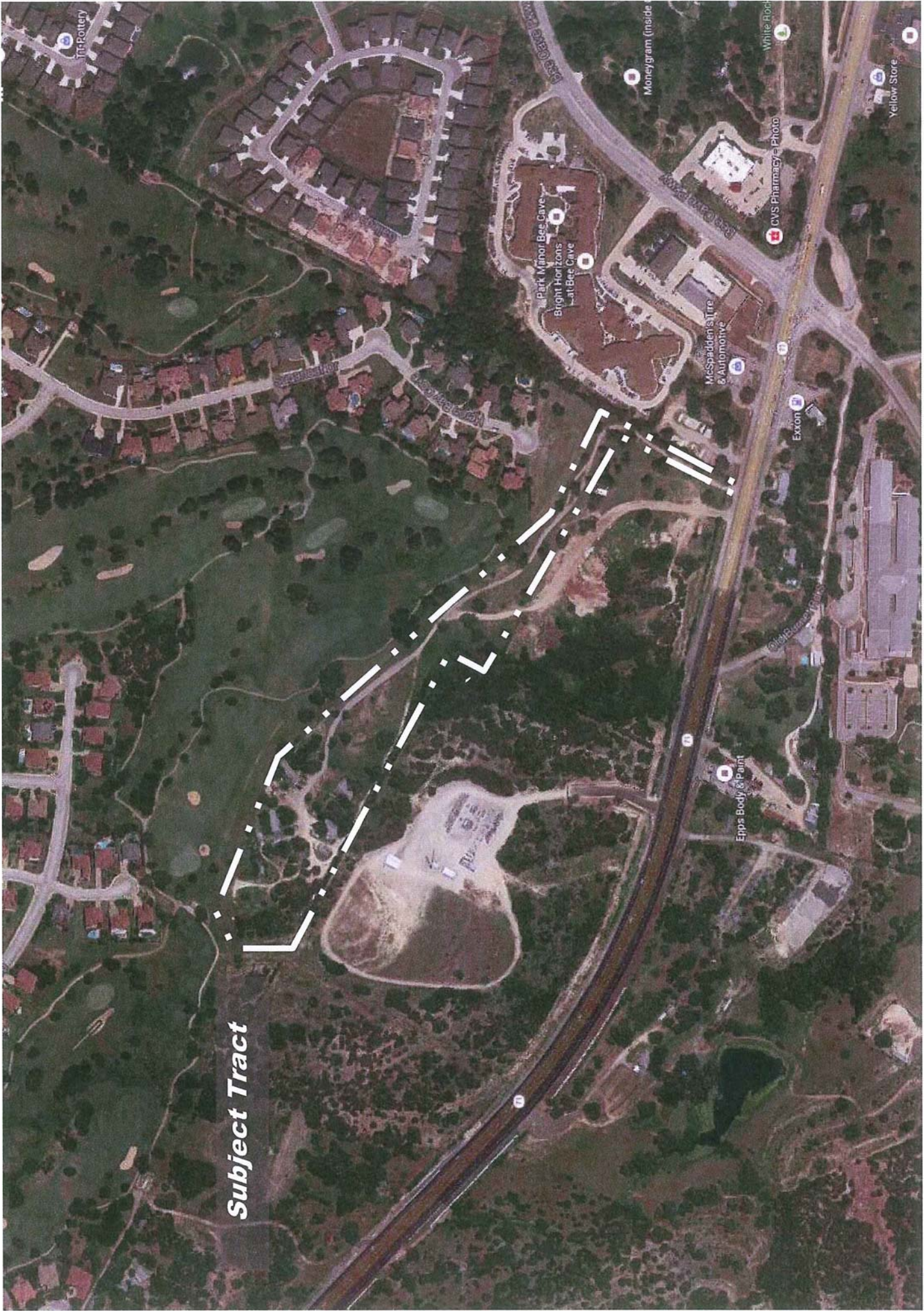
THENCE, S27°31'56"W, at 156 50 feet passing a ¼" iron pipe found 0 10 feet west,  
at 458 27 feet passing a found ½" iron rod, for a total distance of 458 62 feet to the POINT  
OF BEGINNING, CONTAINING within these metes and bounds 10 000 acres of land area

I, George Hopkins, a Registered Professional Land Surveyor, do hereby certify that  
the above description is true and correct to the best of my knowledge and was determined by  
a survey made on the ground under my direction and supervision All ½" iron rods set with  
"Capital Surveying Co , Inc " plastic cap

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



**Subject Tract**

# Ordinance 299: Exhibit A

*Boundaries are approximate. Refer to preceding metes and bounds description included in Exhibit A.*