

ORDINANCE NO. 345

AN ORDINANCE AMENDING HILL COUNTRY INDOOR ZONING ORDINANCE NO. 113 (ADOPTED ON MAY 22, 2012) AND ORDINANCE NO. 201 (ADOPTED JULY 22, 2014) FOR THE PROPERTY DESCRIBED IN EXHIBIT "A", A TRACT OF LAND BEING APPROXIMATELY 8.60 ACRES, WHICH LAND IS LOCATED GENERALLY NORTH OF HIGHWAY 71 AND WEST OF HIGHWAY 620 AND SOUTH OF BEE CAVE PARKWAY IN THE CITY OF BEE CAVE AND WHICH PROPERTY IS ZONED PLANNED DEVELOPMENT DISTRICT, WITH RETAIL AS THE BASE ZONING DISTRICT; AMENDING THE CONCEPT PLAN IN ORDINANCE NO. 113 AND ORDINANCE NO. 201 TO ADD A PARKING GARAGE AT THE LOCATION DEPICTED IN EXHIBIT "B" IN ACCORDANCE WITH THE ELEVATIONS DEPICTED IN EXHIBIT "B1"; AMENDING THE DEVELOPMENT STANDARDS CONTAINED IN ORDINANCE NO. 113 AND ORDINANCE NO. 201 AS DESCRIBED IN EXHIBIT "C", WHICH EXHIBITS ARE ALL ATTACHED HERETO; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR FINDINGS OF FACT; PROVIDING AN EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the Planning and Zoning Commission and the City Council of the City, in compliance with the 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 of the City is of the opinion and finds that said zoning amendments should be granted and that Zoning Ordinance No. 113, Ordinance No. 201 and City Zoning Map should be amended as set forth herein; and

WHEREAS, the development proposed by the zoning applicant complies with the current City Ordinances except as modified by the Planned Development Standards contained in this Ordinance, Ordinance No. 113 Ordinance No. 201; and

WHEREAS, any protest made against the proposed Zoning amendment has been duly considered by the City Council; and

WHEREAS, Sec. 32.03.015 of the City 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 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, one of the purposes of Planned Development District zoning is to provide for amenities or features that would be of special benefit to the property users or community and

increased recreation opportunities provided by this Development will further this objective within the City;

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 all remaining terms, provisions and requirements of Ordinance No. 113 and Ordinance No. 201 shall remain in full force and effect as to the Property described in Exhibit "A" except as same may be amended by this Ordinance. This Ordinance shall not be interpreted to amend previous Development Standards by implication, but shall only amend such previous Development Standards if such standards are expressly stated herein and in Exhibit "C", attached hereto. No development that is shown on the amended Concept Plan attached hereto as Exhibit "B" and which has not been previously approved by Ordinance No. 113, or Ordinance No. 201 or which is not expressly approved herein and referenced in Exhibit "C" with specific development standards related thereto is approved by this Ordinance. Approval of this Ordinance, or of any attached Concept Plan, does not constitute approval that the development may be constructed as shown. Such proposed development shall be required at site plan approval to demonstrate compliance with the development standards of this Ordinance, prior ordinances affecting the Property and city ordinances, to the extent not inconsistent with the express development standards described in Exhibit "C", attached hereto.

SECTION 3. Concept Plan. That the amended Concept Plan (Exhibit "B" and "B1") for this Planned Development District which is attached hereto and made a part hereof for all purposes is hereby approved subject to the terms and conditions set out herein. Any proposed use or development depicted on the Concept Plan shall not be deemed authorized or approved by the City of Bee Cave until a final site plan ("Site Plan") is approved for such use and/or development in accordance with the terms and conditions of Chapter 32 of the Code of Ordinances as same may be modified by the applicable Development Standards.

SECTION 4. Development. That the Property shall be developed and operated in compliance with Ordinance No. 113, 201 and this Ordinance, the amended Concept Plan, attached as Exhibit "B" and "B1", and the terms and conditions of the City's Code of Ordinances, except as modified by Ordinance No. 113, Ordinance 201 and the Planned Development Standards attached hereto as Exhibit "C."

SECTION 5. Uses. Only those uses specifically described herein shall be authorized uses in accordance with the Concept Plan. Any other uses ordinarily allowed in a Retail District shall only be authorized if described in Exhibit "C". Because of the less stringent set back requirements, the size and height of the facilities and the other favorable Development Standards afforded to this Project, the authority granted by Ordinance No. 113, Ordinance No. 201 and as same are amended by this Ordinance, is therefore specific to this Project, and any subsequent changes in use or operation shall require an amendment to this Ordinance or unless such changes are authorized by Exhibit "C" to this Ordinance.

SECTION 6. Amendments to Development Standards. As referenced in Section 5, all changes, relocations, reconfigurations or expansions of uses authorized for the Project require an amendment to this Ordinance, to the Concept Plan and to the Development Standards. However, any changes in the Development Standards, not associated with a change in use, relocation, reconfiguration or expansion of a use, and that are approved by City Council in a subsequent site plan or plat approvals shall not require an amendment to this Ordinance. In such cases, Developer shall provide City with updated and accurate Concept Plans reflecting such changes.

SECTION 7. Expiration. In the event that construction of the Parking Garage is not commenced and diligently pursued to completion prior to December 31, 2019, the changes to the Project authorized by this Ordinance shall terminate and the zoning, concept plans and development standards applicable for the Property shall become those that were approved in Ordinance No. 113 and Ordinance No. 201. In such event, the Concept Plan and any other approvals associated with this Ordinance shall terminate and be of no further force or effect.

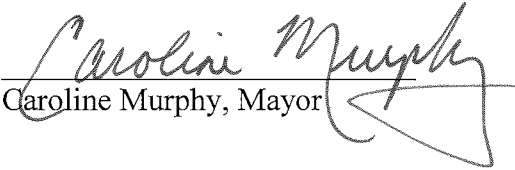
SECTION 8. Severability. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjusted or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part 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 9. Effective Date. That this Ordinance shall take effect immediately from and after its passage.

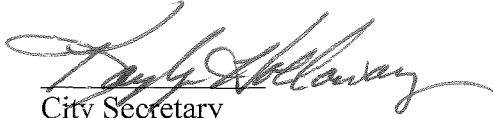
SECTION 10. Notice and Meeting Clause. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED by the City Council of the City of Bee Cave, Texas, on the 27th day of June, 2017.

CITY OF BEE CAVE, TEXAS


Caroline Murphy, Mayor

ATTEST:


City Secretary

[SEAL]

APPROVED AS TO FORM:

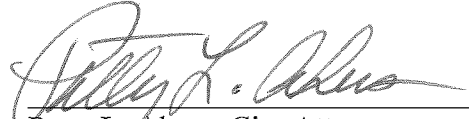

Patty L. Akers, City Attorney

Exhibit "A"

Property Description

Final Plat of Lot 1, Block A, HCI Subdivision, City of Bee Cave, Travis County, Texas, as recorded in document number 201300022 of the official public records of Travis County, Texas.

Exhibit "B"

Amended Concept Plan



W. R. Barineau and Associates
 ARCHITECTS AND LAND PLANNERS
 1000 West Loop West, Suite 1000, Houston, Texas 77027
Langle Design & Const. Mgmt. L.L.C.
 1000 West Loop West, Suite 1000, Houston, Texas 77027

REVISIONS

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| 4/27/2017 | |
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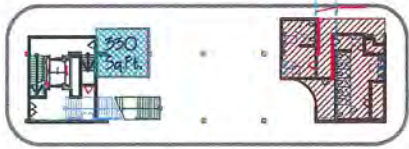
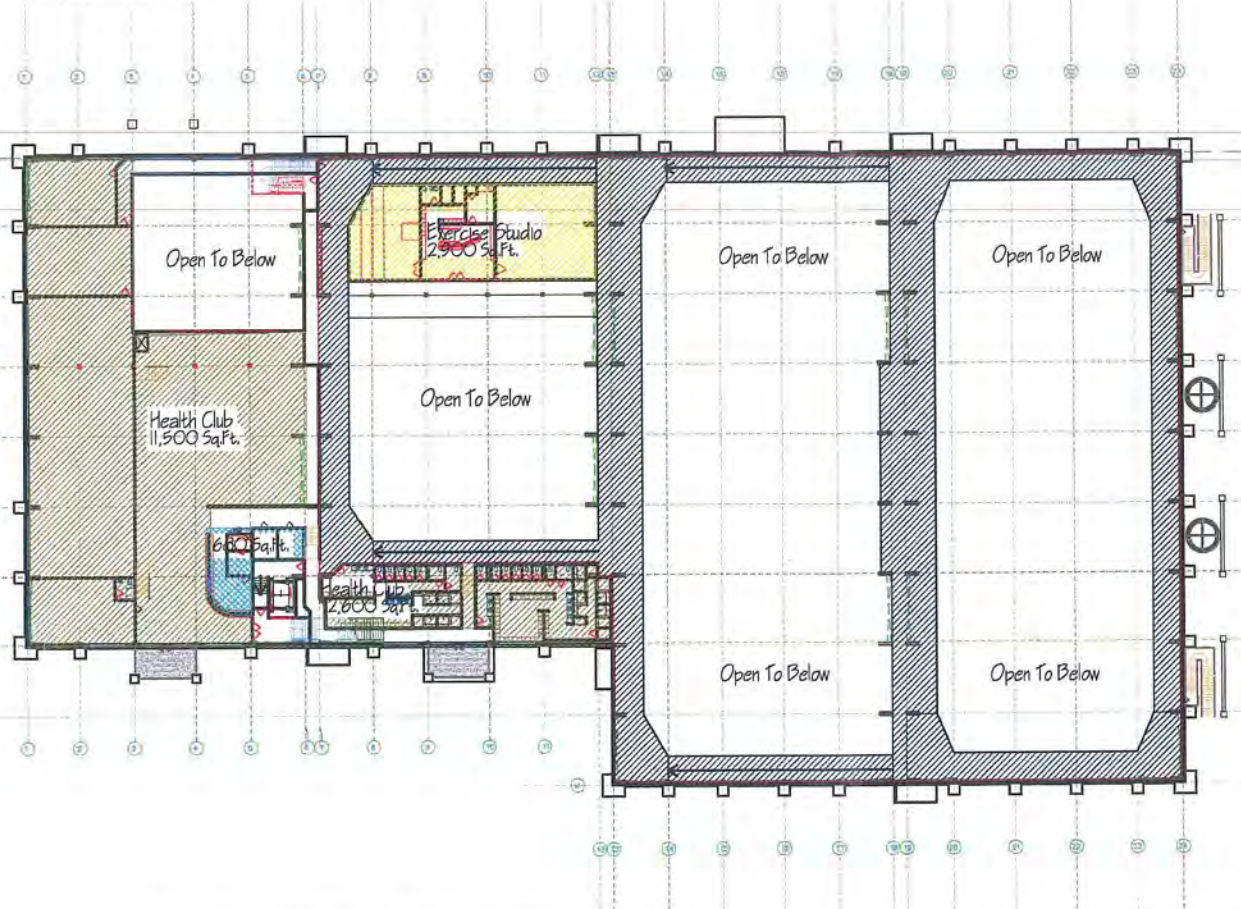
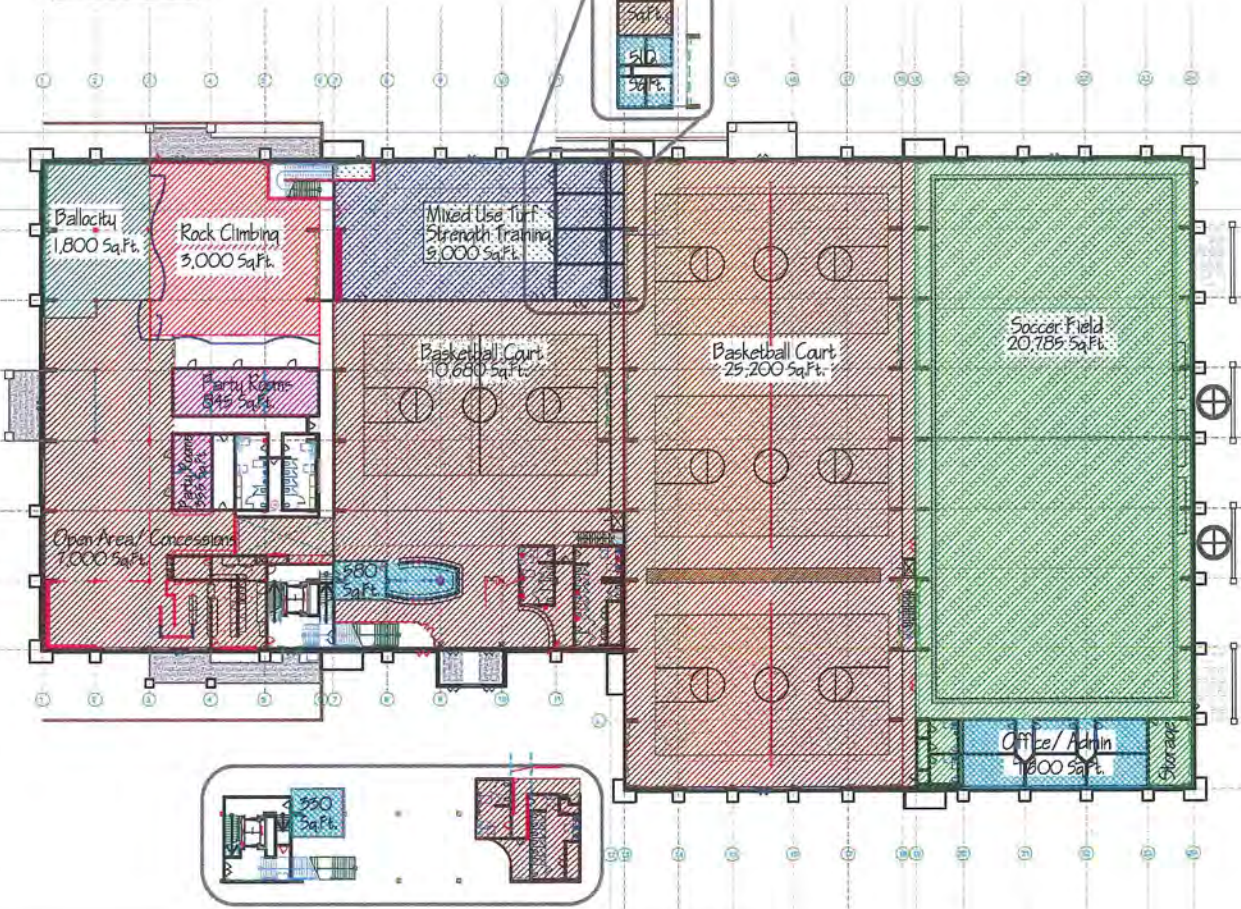


TCHMALL SPORTS L.L.C.
HILL COUNTRY INDOOR
SPORTS & RECREATION
 8.603 ACRES, LOT 1, BLOCK A, HCI SUBDIVISION
 4317 SKAGGS DRIVE, BEE CAVE, TEXAS 78738

Project No. HCI-2015
 Sheet No.
Parking
 Sheet Title
 Parking Breakdown

Main Level

Upper Level



HCI Possible Future Growth Project Calculations

Recreational Sports Center Parking Calculations

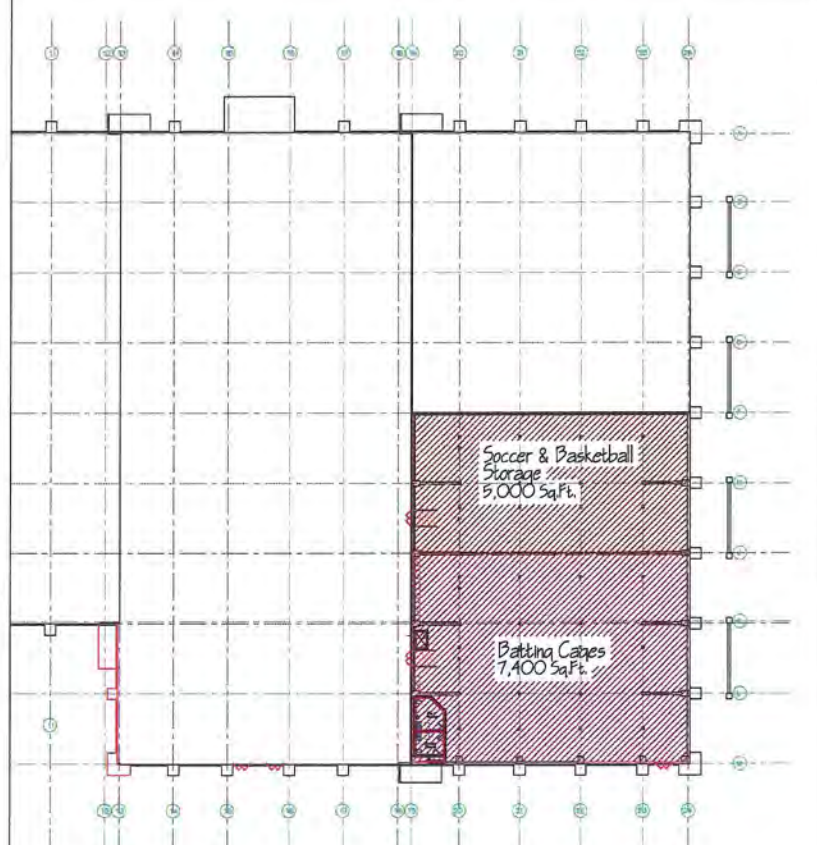
| | # of fields/courts | # Participants/venue* | Vehicle count** | Square Footage | City Code 32.05.001(f)(35) Table |
|---|----------------------------|-----------------------|-----------------|----------------|--|
| Indoor Soccer | 1 | 25 | 25 | 20,785 | 37.5 Per Field |
| Basketball | 4 | 25 | 100 | 42,880 | 37.5 Per Field |
| Batting Cages | 4 | 4 | 16 | 7,400 | 6 per cage |
| Soccer / Basketball Equipment Storage | | | | 5,000 | |
| Total Participants: | | | 141 | | |
| ***Multiplier 1.5 | | | 211.5 | | |
| Health Club - Upper Level Fitness | 14,100 Sq.Ft. / 150 Sq.Ft. | 94 | 94 | 14,100 | Health Club - 1 per 150 Sq.Ft. |
| Exercise Studio (Prev. Gymnastics / Retail) | 2,900 Sq.Ft. / 100 Sq.Ft. | 29 | 29 | 2,900 | Exercise Studio - 1 per 100 Sq.Ft. |
| Ballicity - Kids Play Area (Prev. Gymnastics) | 1,800 Sq.Ft. / 100 Sq.Ft. | 18 | 18 | 1,800 | Amusement Area - 1 Per 100 Sq.Ft. |
| Kids Play Area - Party Rooms (Prev. Gymnastics) | 1,200 Sq.Ft. / 100 Sq.Ft. | 12 | 12 | 1,200 | Amusement Area - 1 Per 100 Sq.Ft. |
| Rock Climbing Wall (Prev. Gymnastics / Retail) | 3,000 Sq.Ft. / 100 Sq.Ft. | 30 | 30 | 3,000 | Amusement Area - 1 Per 100 Sq.Ft. |
| Strength Training / Weight Lifting | 5,000 Sq.Ft. / 100 Sq.Ft. | 50 | 50 | 5,000 | Weight Room - 1 Per 100 Sq.Ft. |
| Running Track | 1350 Lineal Feet/100 | 13.5 | 13.5 | 16,800 | Running Track - 1 per 100 L.F. |
| Office / Admin / Entry | 3,700 Sq.Ft. / 150 Sq.Ft. | 25 | 25 | 3,700 | Office/Admin/Employee - 1 Per 150 Sq.Ft. |
| Mech Rooms / Open Area Buildings 1,2,3,4 | | | | 3,688 | |
| Total Participants | | | 271.5 | 128,253 | |

* includes officials and coaches
 ** spectators arrive with participants
 *** Multiply by 1.5 for venue turnover

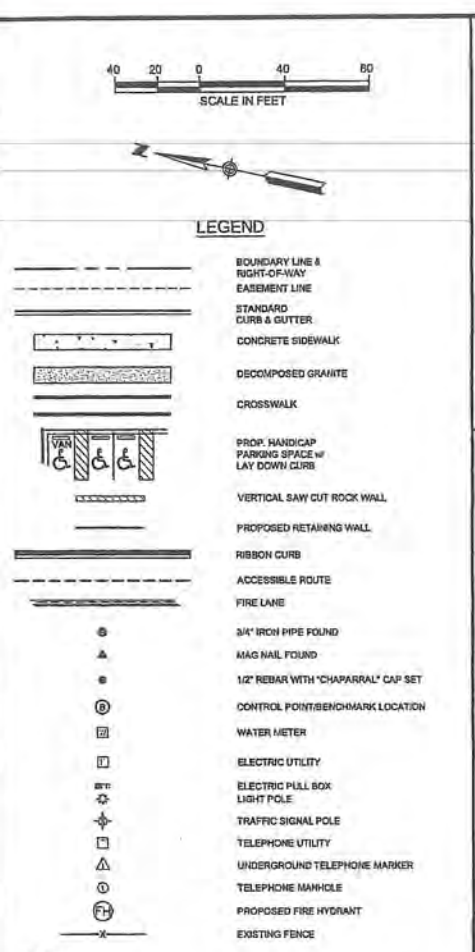
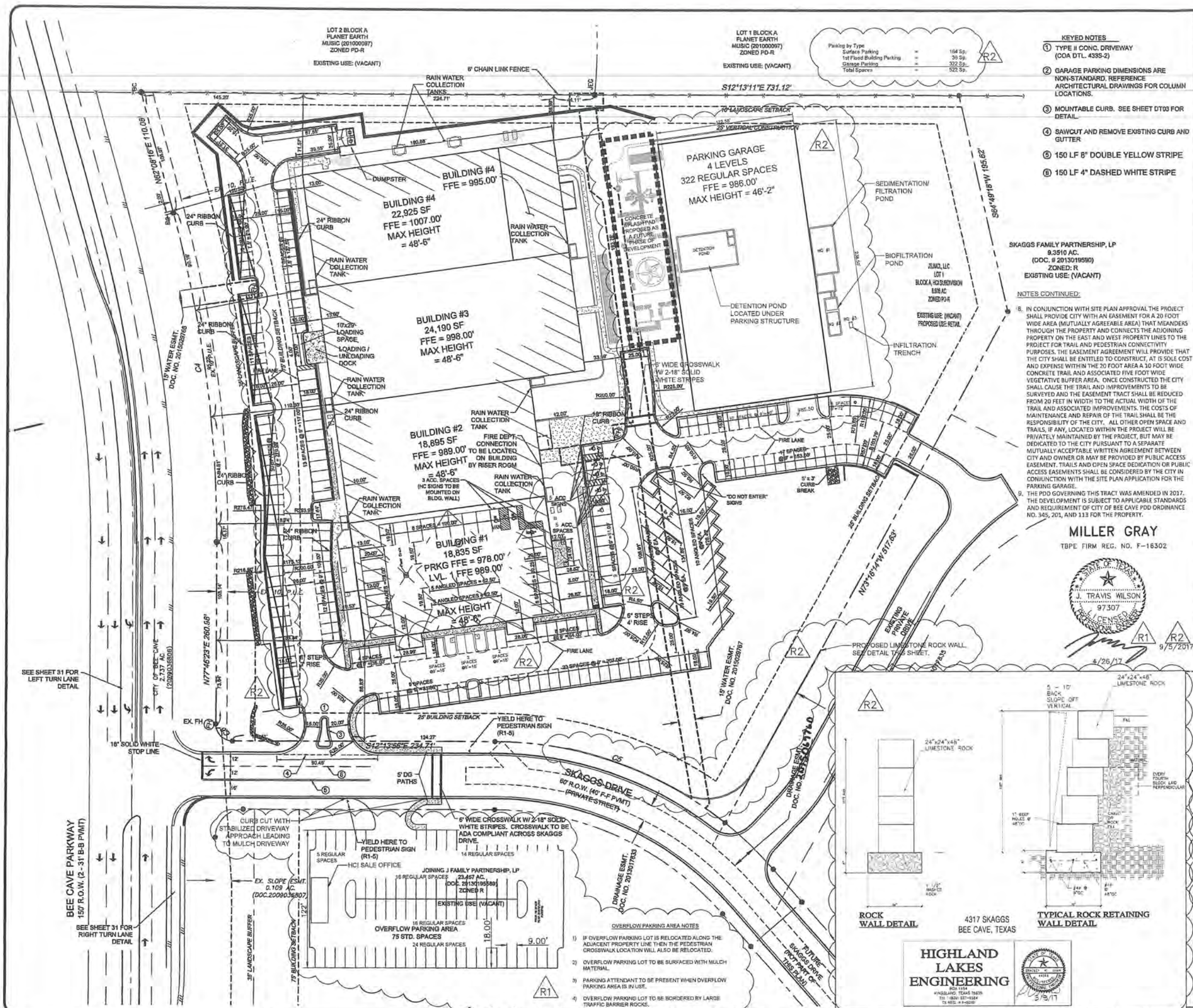
Project Totals:

| | |
|--|-------|
| Total Participants: | 412.5 |
| Total Required Parking Spots: | 483 |
| Proposed Onsite Parking(322 Parking Garage): | 522 |
| Surplus: | 39 |
| Offsite Overflow Parking : | 75 |

Batting Cages Under Main Level



\\NTPS\file\County\Inventor\Mapdata\landmark\Drawings\2017-401-3011.dwg
 User: jtw
 Date: 10/15/17
 Plot Date: 10/15/17
 Plot Size: 11x17.5



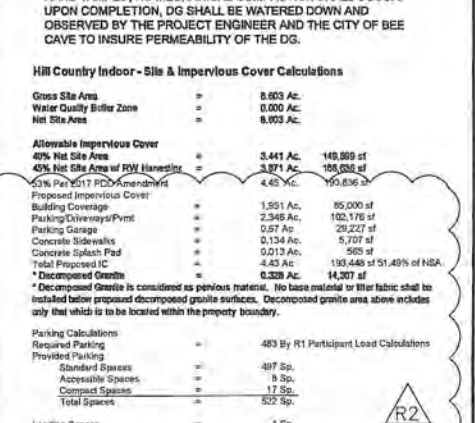
Hill Country Indoor - Site & Impervious Cover Calculations

| | | |
|----------------------------|---|-------------------------------------|
| Gross Site Area | = | 8,693 Ac. |
| Water Quality Buffer Zone | = | 0,000 Ac. |
| Net Site Area | = | 8,693 Ac. |
| Allowable Impervious Cover | = | 3,411 Ac. 148,899 sf |
| 40% Net Site Area | = | 3,477 Ac. 150,981 sf |
| 50% Net Site Area | = | 4,347 Ac. 188,853 sf |
| 60% Net Site Area | = | 5,216 Ac. 227,520 sf |
| Proposed Impervious Cover | = | 1,551 Ac. 68,000 sf |
| Building Coverage | = | 2,346 Ac. 102,176 sf |
| Parking/Driveways/Private | = | 0.87 Ac. 38,227 sf |
| Parking Garage | = | 0.13 Ac. 5,707 sf |
| Concrete Sidewalks | = | 0.013 Ac. 565 sf |
| Concrete Splash Pad | = | 0.013 Ac. 565 sf |
| Total Proposed IC | = | 4.43 Ac. 193,448 sf (51.49% of NSA) |
| Decomposed Granite | = | 0.328 Ac. 14,307 sf |

* Decomposed Granite is considered as porous material. No base material or filter fabric shall be installed below proposed decomposed granite surfaces. Decomposed granite area above includes only that which is to be located within the property boundary.

Parking Calculations:

| | | |
|-------------------|---|---|
| Required Parking | = | 483 By R1 Participant Lead Calculations |
| Provided Parking | = | 497 Sp. |
| Standard Spaces | = | 8 Sp. |
| Accessible Spaces | = | 17 Sp. |
| Compact Spaces | = | 322 Sp. |
| Total Spaces | = | 466 Sp. |
| Loading Spaces | = | 1 Sp. |



HIGHLAND LAKES ENGINEERING

4317 SKAGGS BEE CAVE, TEXAS

811
 Know what's below.
 Call before you dig.

LOCATION OF EXISTING UNDERGROUND AND OVERHEAD UTILITIES ARE APPROXIMATE LOCATIONS ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES PRIOR TO BEGINNING WORK AND SHALL BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT OCCUR.

HILL COUNTRY INDOOR SITE DEVELOPMENT PLANS / NPS PLAN SITE PLAN

| NO. | DATE | BY | DESCRIPTION |
|-----|----------|-----|---|
| R1 | 4/26/17 | JTW | RELOCATING SALES OFFICE TO OVERFLOW PARKING LOT |
| R2 | 9/5/2017 | JTW | ADDED PARKING GARAGE, MODIFIED SURFACE PARKING |

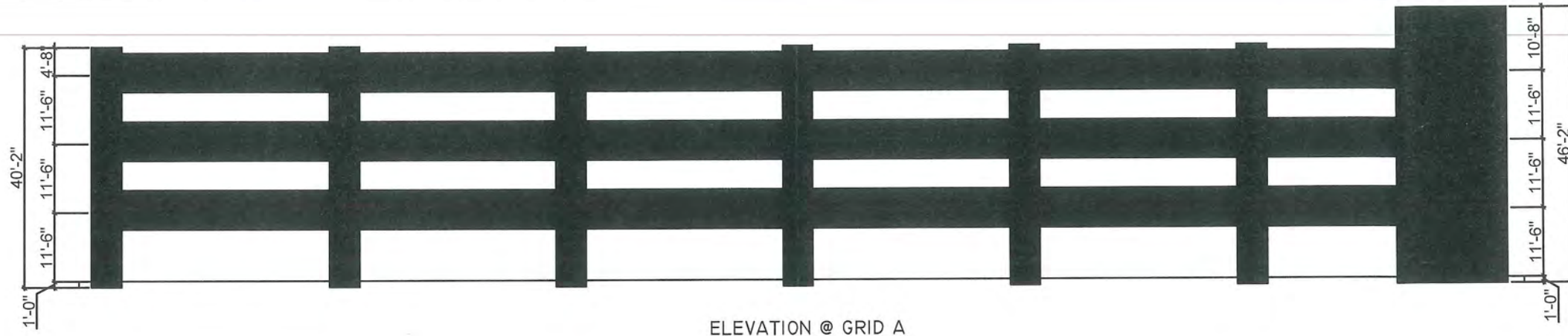
DESIGNED BY: JTW
 DRAWN BY: JTW
 CHECKED BY: JTW
 DRAWING NAME: HILL COUNTRY INDOOR SITE DEVELOPMENT PLANS / NPS PLAN

JJA Engineering, Inc.
 5316 Highway 290 West
 Suite 150
 Austin, Texas 78735
 Phone 512.438.4700
 Fax 512.438.4716
 FRN - F-1386

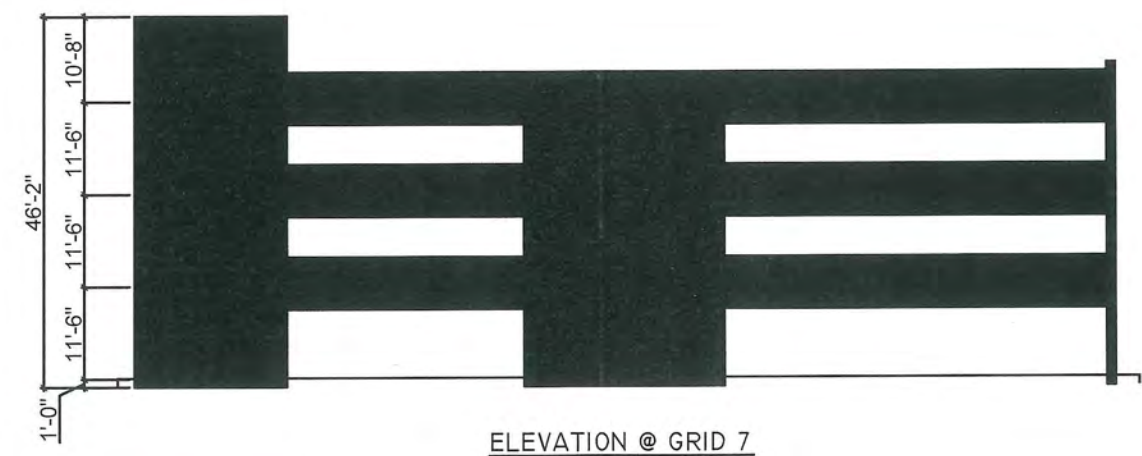
JOB NUMBER: A279-401
 SP01
 SHEET NO. 6 OF 42 SHEETS

Exhibit "B1"

Parking Garage Elevations

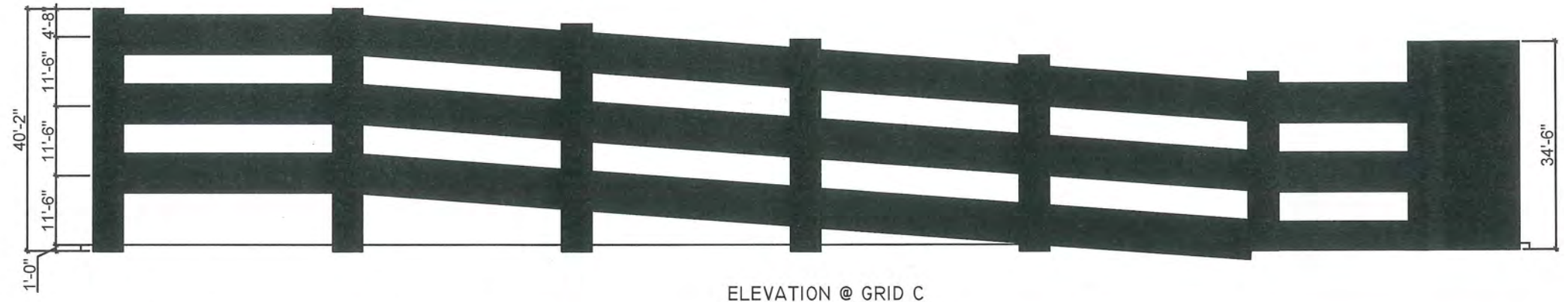


ELEVATION @ GRID A
(SOUTH ELEVATION)

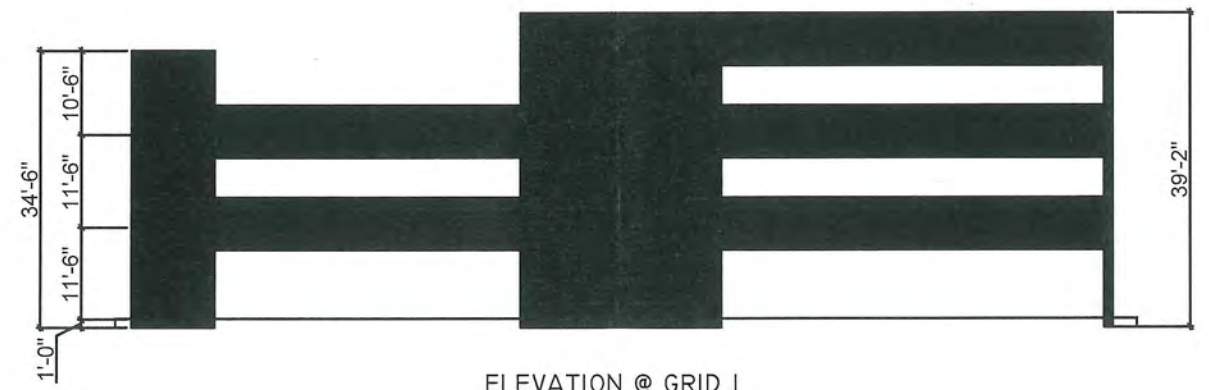


ELEVATION @ GRID 7
(EAST ELEVATION)

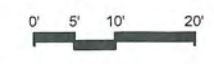




ELEVATION @ GRID C
(NORTH ELEVATION)



ELEVATION @ GRID I
(WEST ELEVATION)

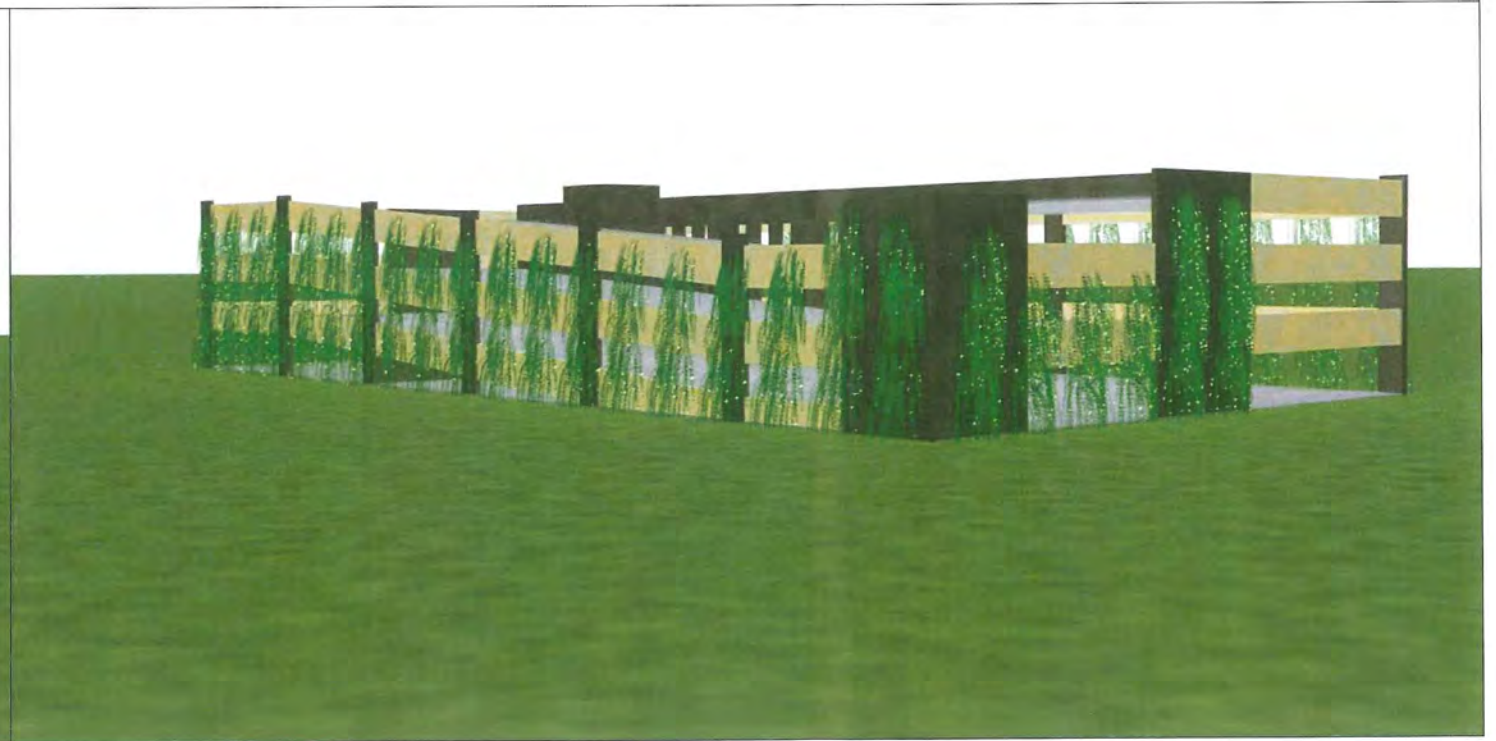
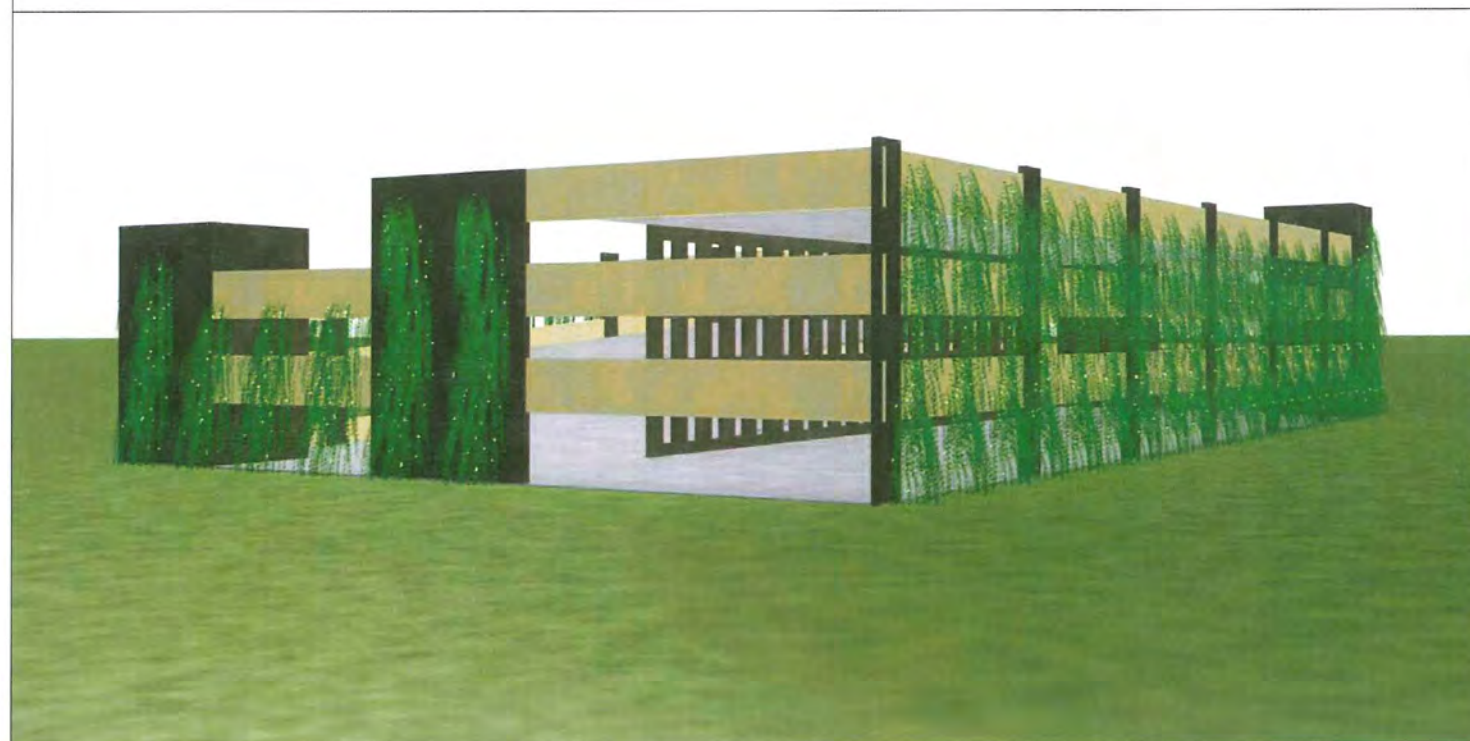




LANGLE DESIGN
CONSTRUCTION MANAGEMENT



SCREENING CONCEPT





PARKWAY
PERSPECTIVE

HCl
PROPOSED
GARAGE

HWY 71
PERSPECTIVE

HILLSIDE
PERSPECTIVE



VIEW: HIGHWAY 71



LANGLE DESIGN
CONSTRUCTION MANAGEMENT



VIEW: BEE CAVE PARKWAY
& LADERA DRIVE

LANGLE DESIGN
CONSTRUCTION MANAGEMENT

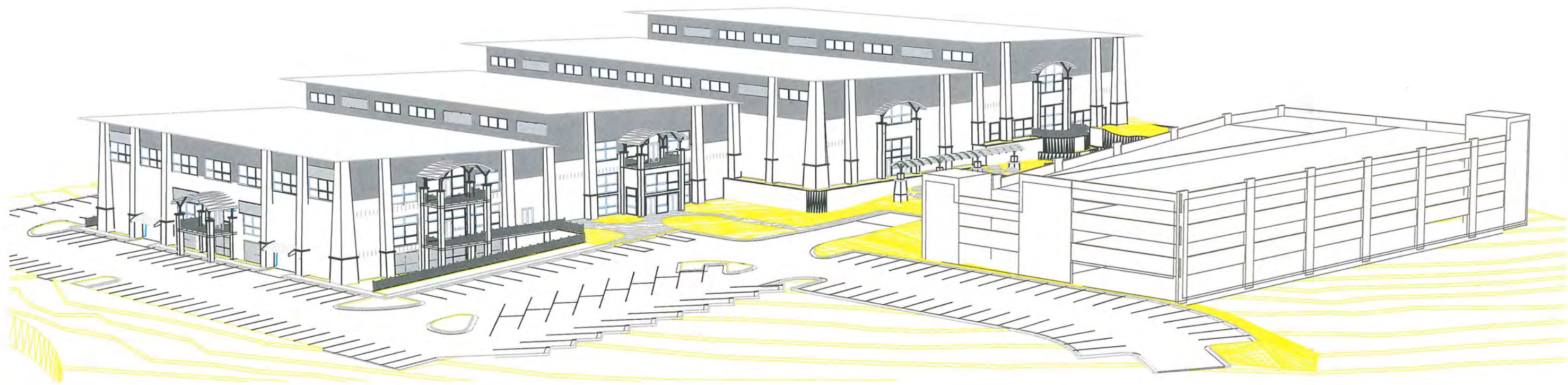




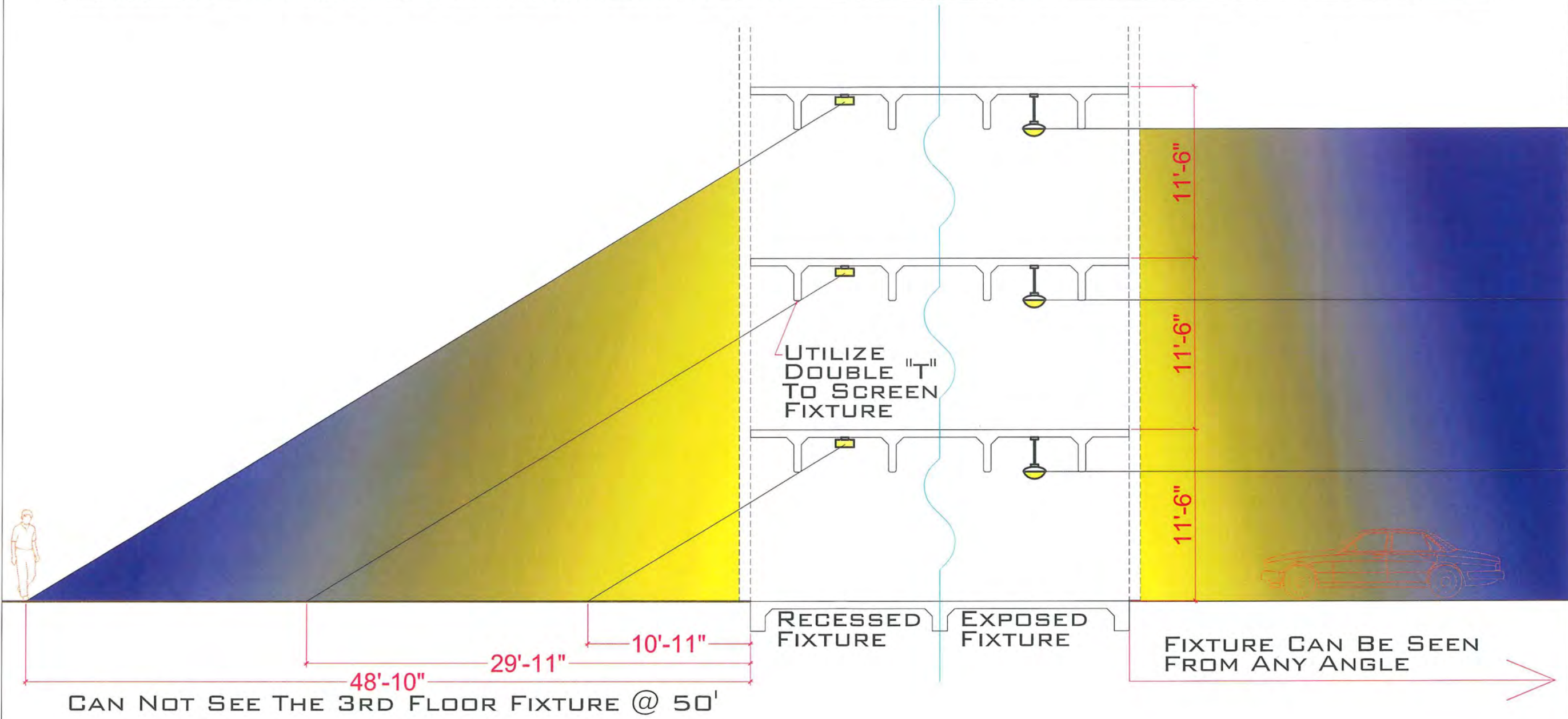
VIEW: HILLSIDE

LANGLE DESIGN
CONSTRUCTION MANAGEMENT





PARKING GARAGE COMPARISON BETWEEN RECESSED & EXPOSED FIXTURE



W. R. Barrineau and Associates
 ARCHITECTS AND LAND PLANNERS
 10000 W. Loop West, Suite 1000
 Houston, Texas 77042
 Langle Design & Const. Mgmt. L.L.C.
 10000 W. Loop West, Suite 1000
 Houston, Texas 77042

REVISIONS

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| 4/27/2017 | |
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TCHMALL SPORTS L.L.C.
 HILL COUNTRY INDOOR
 SPORTS & RECREATION
 8.603 ACRES, LOT 1, BLOCK A, HCI SUBDIVISION
 4317 SKAGGS DRIVE, BEE CAVE, TEXAS 78738

Project No.
 HCI-2015
 Sheet No.
PG-Light
 Sheet Title
 Parking Garage Lighting
 Comparison

Exhibit "C"

Amended Development Standards- HCI

Exhibit “C”

PLANNED DEVELOPMENT STANDARDS

The following amended Planned Development Standards together with the Development Standards contained in Ordinance No. 113 and Ordinance No. 201, to the extent not inconsistent herewith, shall be applicable within this Planned Development District. To the extent that any of the following standards conflict with other City Ordinances, the following shall control. All development activity undertaken on the Property, including but not limited to the indoor sports venue and other authorized activities (as described below) (the "Project"), shall comply with the development standards for Retail Zoning District (R) for the Property in effect as of May 22, 2012, and with all other City zoning, subdivision and construction codes and requirements, except as modified by Ordinance No. 113, Ordinance 201 and this Ordinance. Capitalized terms shall be defined as indicated in these Planned Development Standards, as reflected on the Concept Plan or as defined in the City of Bee Cave Code of Ordinances ("Code"), depending upon context.

1. General Project Overview and Purpose of Amendment

The Property is an approximate 8.6 acres generally located north of Highway 71 and west of Highway 620 and south of Bee Cave Parkway. The Project as approved in Ordinance No. 113 and 201 consisted of, among other things, an indoor sports facility 50 feet in height and consisting of a building footprint of 85,000 square feet. That portion of the Project has already been constructed and is nearing completion. The primary objective of this proposed PDD Amendment is to increase the maximum participant load established by the preceding Ordinance No. 201 from 198 to 413 participants. Related to that intent, adjustments to the square footage allocation of uses within the primary building will occur and a new parking garage facility shall be constructed to accommodate the increase in participants.

Indoor sports and activities are generally the same as authorized previously but the 9,000 square foot retail space and a portion of the support space is being converted to accommodate a larger health club use and other fitness-related components, thereby creating a second primary use to the sport courts uses. Some surface parking will still be provided on site and overflow parking remains the same.

2. Uses

A. The following indoor uses are authorized for the Project as depicted in the Concept Plan:

1 soccer/lacrosse/football field; 4 basketball/volleyball courts

4 batting cages

14,100 square foot health club/fitness center

2900 square foot exercise studio

5000 square foot strength training/weights

1200 square foot Party room/day care-flex space for use by teams for day rental for bags and equipment storage or before or after game strategy and accessory day care. Flex space may also be used for rental for birthday parties by members of the facility upon subsequent approval of a conditional use permit.

1800 square foot indoor (“Ballocity”) playscape

3000 square foot rock climbing wall

1350 linear foot running track

7000 square foot open area/lounge/concession area (concession area shall be an incidental use with limited food preparation and shall not be eligible for a CO for a restaurant)

3700 square foot administrative offices

3688 square foot miscellaneous storage areas

Underground parking

B. Outdoor uses are as follows:

Outdoor play scape and seating area. A Site Plan Amendment with an updated layout is to be submitted and approved prior to a Certificate of Occupancy being issued for the primary building. Splash pad is required to be constructed within two years of issuance of the first Temporary or Permanent Certificate of Occupancy

480 square foot membership trailer temporary use located off-site until expiration of License agreement with the City.

Surface Parking, parking garage, open space and trails connecting adjoining property as depicted in the Concept Plan. City shall be authorized to reduce participants and Developer shall reduce the number of participants to the facilities in the event that available on-site parking and overflow (off-site) parking is insufficient to accommodate

the parking needs of participants and visitors. Developer shall provide City with written authority (in conjunction with site plan approval) to enforce parking restrictions. Developer shall require members as a condition of membership to park only in the garage and surface parking within marked spaces.

- C. Special Events- any activity or use which would exceed the maximum participant limit of 413 participants shall require approval by a separate Special Event Permit (as required in previous ordinances).
- D. Notwithstanding any other provision to the contrary the participant limit shall be 198 participants until such time as the City issues a Certificate of Occupancy ("CO") for the Parking Garage. Upon issuance of the Parking Garage CO the participant limit shall be 413 participants. Until such time as the Parking Garage is issued a CO, the portions of the indoor facilities (approximately 22,000 square feet) intended for health club/fitness use shall not receive a final CO and shall not be open for any use. The term Participants shall mean all occupants of the facility at a given time, including but not limited to those using and arriving to use the fields (players, coaches, referees, etc.), spectators arriving separately from the primary field user, gym/fitness area patrons, lounge and concession area patrons, party room patrons, and staff.

3. **Parking Garage/Parking**

- A. The Parking Garage building shall consist of four (4) levels of parking and a maximum of 322 full size parking spaces. The height shall not exceed 47 feet from finished grade including any fixtures or other structures located on the parking garage. Provided however, that the northeastern portion of the Parking Garage shall be constructed a minimum of 8 feet below natural grade. The Parking Garage shall be constructed at the location depicted in Exhibit "B" and according to the elevations depicted in Exhibit "B1". The Parking Garage shall be located a minimum of 25 feet from the eastern property line. The footprint of the Parking Garage shall not exceed 30,000 square feet. Screening of the Parking Garage shall be provided on all four sides and maintained with all-season, drought, and heat tolerant vines such as creeping fig as depicted in Exhibit "B1". A minimum of five (5) shade/large canopy trees shall be planted on the south side of the garage and a minimum of ten (10) shade/large canopy trees shall be planted on the east side of the garage. Lighting within the Parking garage shall be shielded and constructed flush with the ceiling, comply with city ordinances, the dark skies policy and utilize the fixtures depicted in the diagram attached hereto as Exhibit "B-3". Low wattage bollards and wall packs instead of light poles shall provide lighting on the upper deck of the Parking Garage. Lighting within the Parking Garage shall only be illuminated during the hours of operation of the indoor facilities.

- B. All impervious cover created by construction of the Parking Garage and transferred from the Reese Tract shall be subject to water quality controls, treatment standards and best management practices as required by the City's Code of Ordinances and shall not be dependent upon or utilize the water quality pond located on adjacent property (Skaggs). Use of the Skaggs property water quality treatment facilities shall be limited to 40 % of the Project's impervious cover.
- C. Similarly, any additional storm water run-off created by impervious cover which exceeds 40% shall be contained and managed on-site by the developer and not discharged into the water quality or storm water ponds located on adjacent (Skaggs or City) property.
- D. The Project shall now have 522 total on-site parking spaces via a combination of 148 surface spots, the same 52 spots under the Sports Building, and the new 322 space parking garage. The proposed layout as depicted in Exhibit "B" removes a row of approximately 50 parking spaces between Bee Cave Parkway and the northern side of the building.

3. Additional Traffic Impacts

- A. In conjunction with site plan approval for the Parking Garage and in addition to the Developer's requirement to provide its pro rata share of traffic improvements required by Ordinance No. 201, Developer shall contribute its pro rata share of thirty three (33%) percent of the costs and expenses of designing, constructing, relocating utilities (if necessary), survey costs and right of way acquisitions costs (if necessary) for a second dedicated left turn lane from Bee Cave Parkway to RR 620 as described in Exhibit "B4" and for any realignment of Bee Cave Parkway on the opposite side of the intersection.

In conjunction with site plan approval for the Parking Garage and in addition to the Developer's requirement in the preceding paragraph, Developer shall contribute its pro rata share of thirteen (13%) percent of the costs and expenses of designing, constructing, relocating utilities (if necessary), survey costs and right of way acquisitions costs (if necessary) for a second, eastbound, left turn lane on Hwy 71 (Hamilton Pool Rd intersection) to Bee Cave Parkway as described in Exhibit "B4".

- B. For purposes of determining the costs associated with the pro rata share addressed in this Ordinance and associated with the traffic improvement described above (being those mitigation costs required in addition to the traffic mitigation requirements of Ordinance No. 201), the costs shall mean and include all cost associated with the implementation of the traffic mitigations identified in the 2015 TIA and shall include costs of design, construction, surveying, utility relocation (if any), additional right of way acquisition (if

needed), restriping, realignment of streets and any other associated costs but such costs shall not exceed sixty five thousand dollars (\$65,000.00).

4. Additional Tree Mitigation

Some of the trees previously preserved in Ordinance No. 201 will be removed with construction of the Parking Garage. In accordance with the Code of Ordinances, Developer shall provide an additional 515 caliper inches to the Project above what was approved in Ordinance No. 201 to maintain the minimum 60% preservation requirement. Developer has not requested and is not authorized by this Ordinance to utilize off site trees toward mitigation of the number of caliper inches needed for compliance. However, Developer can request mitigation in conjunction with Site Plan approval of the Parking Garage which may include the addition of trees on the adjoining property if sufficient space is not available on the Project and the City approves of same in conjunction with Site Plan approval.

5. Impervious Cover Transfer/Maximum Impervious Cover/Water Quality/Storm Water

A. Developer is authorized to transfer thirty thousand (30,000) square feet of impervious cover from the Reese Tract to the Property and will receive 1 to 1 credit for the transfer. Developer shall provide the City with a satisfactory deed restriction document for the Reese Tract to be recorded in conjunction with Site Plan approval for the Parking Garage. Including the amount of transferred impervious cover the total impervious cover for the Project shall not exceed fifty three percent (53%) or one hundred ninety three thousand eight hundred thirty six (193,836) square feet.

B. Water Quality treatment for the 30,000 square feet of impervious cover transferred from the Reese Tract is proposed (but not approved herein) via an extended detention pond on the first floor of the Parking Garage. Preliminary calculations indicate that Developer can slow storm water flows to pre-development conditions to avoid needing a drainage easement on an adjacent property. Developer shall be required to demonstrate compliance with the City's Code of Ordinances for both water quality and storm water management in conjunction with Site Plan approval of the Parking Garage. Alternatives to the proposed water quality treatment and storm water management may be required by the City.

6. Other

- A. No wall or fence between the Property and the City's adjoining property shall be constructed unless it shall have been approved in advance by the City prior to construction.
- B. In conjunction with Site Plan approval the Project shall provide City with an easement for a 20 foot wide area (mutually agreeable area) that meanders through the property and connects the adjoining property on the east and west property lines to the Project for trail and pedestrian connectivity purposes. The easement agreement will provide that the city shall be entitled to construct, at its sole cost and expense within the 20 foot area a 10 foot wide concrete trail and associated five foot wide vegetative buffer area. Once constructed the city shall cause the trail and improvements to be surveyed and the easement tract shall be reduced from 20 feet in width to the actual width of the trail and associated improvements. The costs of maintenance and repair of the trail shall be the responsibility of the City. All other open space and trails, if any, located within the Project will be privately maintained by the Project, but may be dedicated to the City pursuant to a separate mutually acceptable written agreement between City and Owner or may be provided by public access easement. Trails and open space dedication or public access easements shall be considered by the City in conjunction with the Site Plan application for the Parking Garage.
- C. Additional traffic control and event security may be required by the City in conjunction with Special Events.
- D. Developer is authorized in conjunction with a site plan amendment (but not prior to one year from the date of issuance of the CO for the Parking Garage) to seek an increase in the participant limit in the event that parking is demonstrated to exceed what is required for 413 participants.
- E. All other procedures, requirements, exhibits or development standards adopted pursuant to Ordinance No. 113, Ordinance No. 201 or an associated site plan and not inconsistent with these Development Standards shall continue to govern the development of this Project. However, any and all previous development standards or City approvals associated with construction and operation of an outdoor sports field are not intended to be carried over with this Ordinance and shall not be considered as approved for this Project without a future amendment hereto.