ORDINANCE NO. 417

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO ADD CHILD DAYCARE AS A CONDITIONAL USE IN THE OFFICE ZONING DISTRICT FOR THE PROPERTY LOCATED AT 15054 WEST STATE HIGHWY 71, BEE CAVE, TEXAS; DESCRIBED AS LOT 1, CHARLES KULLENBERG ADDITION, AS RECORDED IN DOCUMENT 422164 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; PROVIDING FOR CERTAIN CONDITIONS; PROVIDING FOR PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FINDINGS OF FACT; SEVERABILITY; REPEALER; AND PROPER NOTICE AND MEETING.

WHEREAS, an application has been submitted to add Child Daycare as a Conditional Use to the Office zoning district for a 2.0-acre tract described as Lot 1, Charles Kullenberg Addition, as recorded in Document No. 422164, Official Public Records of Travis County, Texas, and which property is located at 15054 West State Highway 71, Bee Cave, Texas, (the "Property"); and

WHEREAS, the Property is currently zoned as Office and, pursuant to the chart of uses provided under Section 32.04.001, Chapter 32 of the Code of Ordinances of the City of Bee Cave, use of the Property as a Child Daycare is conditional in that zoning district;

WHEREAS, the property owner has submitted a Concept Plan depicting the proposed uses of the Property as a Child Daycare or Day-Care Center, as the term is defined under Section 32.05.014, Chapter 32 of the Code of Ordinances of the City of Bee Cave, and the terms and conditions of this Ordinance are sufficient to make this proposed use compatible with other Office uses on adjacent property;

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 a Conditional Use Permit wherein public comment was received and considered on the Application;

WHEREAS, the City Council finds that the use of the Property as depicted in the Concept Plan and in accordance with this Ordinance as a Child Daycare is an appropriate use for the Property;

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. Findings. The City Council finds that the information submitted in the Application for a Conditional Use Permit submitted by Applicant meets the requirements of the City of Bee Cave Zoning Ordinance for the Property as depicted on the Concept Plan attached hereto and incorporated herein as Exhibit "A".

SECTION 3. Uses. A Conditional Use Permit is hereby granted, subject to the terms and conditions described herein, to authorize a Child Daycare use on the Property and in conjunction with any other permitted uses authorized in Office zoning districts.

SECTION 4. Concept Plan. The Concept Plan attached hereto as Exhibit "A" depicting the Child Daycare use is hereby approved contingent upon the property owner(s) and operator(s) meeting the conditions contained herein and particularly within Section 5.

SECTION 5. Conditional Use Permit. The City Council hereby approves a Conditional Use Permit ("CUP") to the property owner (hereinafter "Permittee") for the Property upon the following terms and conditions:

1. 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.

2. Amendments to development for this Property in the future shall comply with Office zoning except as may be approved by this Conditional Use Permit or as same may be amended.

3. This Conditional Use Permit authorizes development of the subject Property only as a Child Daycare facility.

4. Hours of operation of the Child Daycare facility will be 6:30 a.m. to 6:30 p.m. Monday – Friday; all outdoor playground activity will be limited to after 7:00 a.m.

5. In lieu of providing a pass through and loading/unloading traffic lane, the Child Daycare facility shall comply with the following conditions in order to avoid traffic blocking fire lanes or impeding the circulation and flow of traffic throughout the property.
   a. A minimum of forty-five (45) off-street parking spaces shall be required for the facility; and
   b. The facility shall have signage/striping prohibiting pedestrian loading/unloading except in marked parking spaces; and

c. The facility owner and/or operator shall permit and support the Bee Cave police department with enforcement of parking and fire lane violations within the parking area driveway areas on the property.

6. Impervious cover associated with development of the Child Daycare facility is limited to 40% of the net site area of the subject property, approximately 34,679 SF. Impervious cover may be increased to a maximum of 45% of the net site area of the subject property, approximately 38568 SF, only with of isolation of roof runoff for irrigation in accordance with Code Section 20.04.052 in conjunction with an approved Site Development/NPS Permit.

7. The exterior design of the Child Daycare facility shall be in accordance with the exterior elevations included in the Concept Plan unless alternate elevations are otherwise approved by City Council in conjunction with the Site Development Permit for the facility.

8. All lighting associated with the Child Daycare facility shall comply with City of Bee Cave lighting and glare standards.

9. All signage for the Child Daycare facility shall be permitted in accordance with the City of Bee Cave sign regulations.

10. Owner of the subject Property shall provide an access easement across the Child Daycare facility's driveway to the Bee Cave Self-Storage property. This access easement shall be recorded prior to the issuance of a Site Development Permit for the facility.

11. Owner of the subject Property shall provide an easement over Child Daycare facility's driveway and the portion of the 25' SH-71 setback to the east of the driveway to the City of Bee Cave that allows for access and provides the City the ability to construct a joint-use accessway between the subject Property and the property to the east at a future date. This access and construction easement shall be recorded prior to the issuance of a Site Development Permit for the facility.

12. Owner of the subject Property shall record a 20 ft. blanket easement for trails and pedestrian access within the 25 ft. West State Highway 71 setback prior to issuance of a Site Development Permit for the Child Daycare facility authorized by this Conditional Use Permit.

13. Development and operation of the Child Daycare facility shall comply with the City's Code of Ordinances.

SECTION 6. Penalties. That any person, firm or corporation violating any of the provisions of this Ordinance or Chapter 32, Zoning, of the Code of Ordinances, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Bee Cave, Texas, shall be punished by a fine not to exceed the sum of

two thousand dollars ($2,000.00) for each offense, and each and every day of any such violation shall be deemed to constitute a separate offense, in accordance with Section 1.01.009 of the City's Code of Ordinances.

SECTION 7. Ordinance not invalidated. If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsection, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

SECTION 8. Prior Ordinances Repealed. 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 9. Proper Meeting. It is hereby officially found and determined that the meeting at which this Ordinance was adopted 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 10. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication as required by law.

PASSED, APPROVED and ADOPTED this 12th day of November, 2019.

CITY OF BEE CAVE:

Monty Parker

Monty Parker, Mayor

ATTEST:

Kaylynn Holloway, City Secretary

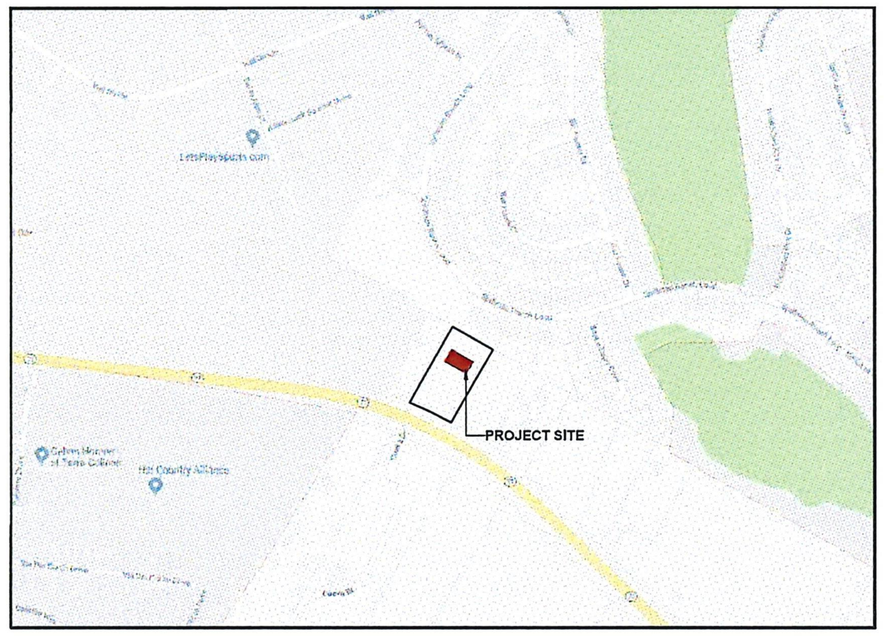
APPROVED AS TO FORM:

Megan R. Santee

City Attorney
DENTON NAVARRO ROCHA BERNAL & ZECH, PC

EXHIBIT "A"

VICINITY MAP



CONCEPT PLAN LEGEND

- NEW BUILDING FOOTPRINT
- NEW CONCRETE PAVING
- NEW ASPHALT PAVING
- NEW AISLEWAY STRIPING
- LANDSCAPED AREA
- PLAYGROUND - RUBBER PLAY SURFACE
- PLAYGROUND - SYNTHETIC PLAY SURFACE
- POLE MOUNTED HANDICAP PARKING SIGN
- PAINTED HANDICAP SYMBOL
- PROPERTY LINE
- BUILDING SETBACK LINE

SITE INFORMATION

ZONING / LAND USE:	O - OFFICE
ADJACENT LAND USES:	
NORTHEAST:	PD-MU - PLANNED DEVELOPMENT-MIXED USE
SOUTHWEST :	NS - NEIGHBORHOOD SERVICES
SOUTHEAST:	O - OFFICE
NORTHWEST:	PD-MU - PLANNED DEVELOPMENT-MIXED USE
SITE / LOT AREA:	1.99+/- ACRES (86,697 S.F.)
MAXIMUM HEIGHT:	35'-0"
MINIMUM SETBACKS:	FRONT: 25'-0" SIDE: 15'-0" (NON-RESIDENTIAL) REAR: 25'-0" (RESIDENTIAL)
PROPOSED USE:	DAYCARE / EARLY CHILD CARE
HEIGHT PROPOSED:	23'-0" MAX.
OCCUPANT LOAD:	190 CHILDREN (19 SP. REQ'D.) 19 STAFF / TEACHERS (19 SP. REQ'D.)
PARKING REQUIRED:	1 SPACE PER 10 STUDENTS 1 SPACE PER TEACHER 38 PARKING SPACES REQUIRED
PARKING PROPOSED:	45 SPACES
TOTAL SITE AREA:	86,697 S.F. (100%)
BUILDING AREA:	10,000 S.F. (11.5%)
EXTERIOR MATERIALS REQUIRED:	
MASONRY MINIMUM:	75%
GLAZING MAXIMUM:	30% (5.1% PROVIDED)

PLANT LEGEND

- 5 GAL. EVERGREEN SHRUB
- 2" ARIZONA CYPRESS
- 3" BUR OAK
- 4" TEXAS ASH
- 4" SHUMARD OAK
- 30 GAL. SHUMARD OAK
- 30 GAL. MONTERREY OAK
- EXISTING TREE TO REMAIN

IMPERVIOUS COVER CALCULATIONS

	SQUARE FEET	ACRES	PERCENTAGE
TOTAL SITE	86,697.0	1.990	100.00%
ALLOWED IMPERVIOUS COVER WITHOUT RAINWATER HARVESTING	34,678.8	0.796	40.00%
BUILDING	10,000.0	0.230	11.53%
SIDEWALK	4,298.3	0.099	4.96%
PARKING	19,870.76	0.456	22.92%
PLAYGROUND	4,399.22	0.101	5.07%
TOTAL	38,568.25	0.885	44.49%

NOTES:

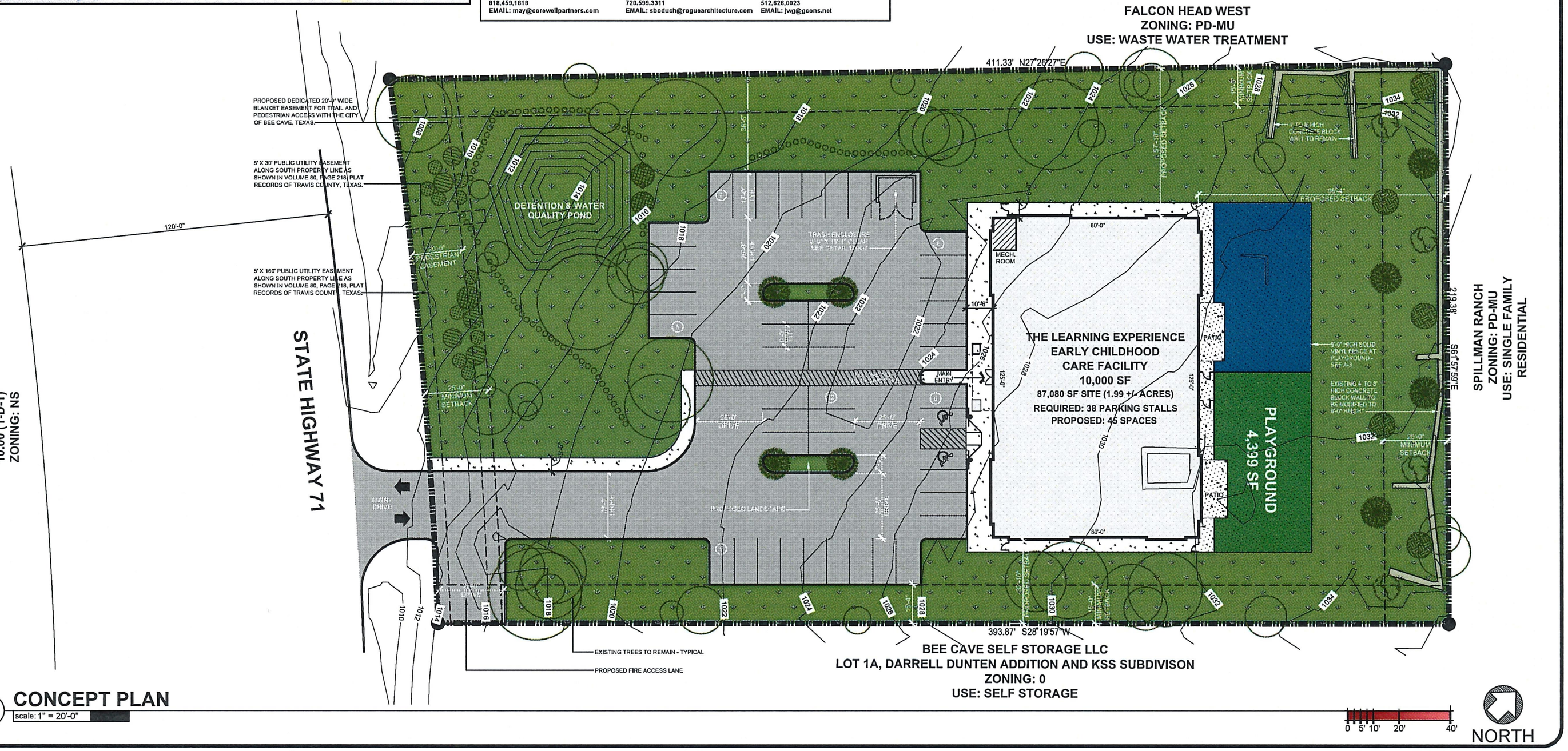
1. OWNER WILL PROVIDE A 20' BLANKET EASEMENT FOR TRAIL AND PEDESTRIAN ACCESS AT AN AGREED UPON LOCATION THAT IS ACCEPTABLE TO BOTH THE CITY OF BEE CAVE AND THE OWNER. PROPERTY OWNER WILL NOT BE RESPONSIBLE FOR CONSTRUCTION AND MAINTENANCE OF TRAIL IMPROVEMENT IF CONSTRUCTED IN THE FUTURE.
2. THE DRAINAGE FACILITY MUST BE SIZED SO THAT STORMWATER RUNOFF PEAK FLOW RATES SHALL NOT BE INCREASED AT ANY POINT OF DISCHARGE FROM A SITE FOR THE 2, 10, 25, AND 100-YEAR STORM FREQUENCY EVENTS.
3. IMPERVIOUS COVER IS LIMITED TO 40% OF NET SITE AREA (APPROXIMATELY 34,678.8 SF) AND MAY BE INCREASED TO 45% OF NET SITE AREA (APPROXIMATELY 38,568.25 SF) ONLY WITH APPROVAL OF ISOLATION OF ROOF RUNOFF FOR IRRIGATION IN ACCORDANCE WITH CODE SEC. 20.04.052 IN CONJUNCTION WITH AN APPROVED SITE/NPS PLAN FOR THE PROPOSED DEVELOPMENT.
4. MAXIMUM BUILDING HEIGHT IS LIMITED TO 35' AS MEASURED IN ACCORDANCE WITH THE STANDARDS OF CODE SECTION 32.05.006(d).

CONTACTS

APPLICANT:
Lennox Equities, LLC
18401 Burbank Blvd. Suite 260
Tarzana, CA 91306
Attn: Mr. Aaron Yashouafar
818.459.1818
EMAIL: may@corewellpartners.com

ARCHITECT:
Rogue Architecture
4100 Wadsworth Blvd.
Wheat Ridge, CO 80033
Attn: Mr. Scott Boduch
720.599.3311
EMAIL: sboduch@roguearchitecture.com

CIVIL ENGINEER:
Griffin Consulting
4000 Sendero Springs Drive
Round Rock, Tx 78681
Attn: Mr. James W. Griffith, PE, RPLS
512.626.0023
EMAIL: jwg@gcons.net



1 **CONCEPT PLAN**
scale: 1" = 20'-0"

ARCHITECTURE ROGUE
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BEE CAVE, TEXAS

ISSUE

NO.	DATE	DESCRIPTION	INT.
	03.04.2019	CONDITIONAL USE PERMIT	
	05.13.2019	CONDITIONAL USE PERMIT RESUBMITTAL	
	06.07.2019	CONDITIONAL USE PERMIT RESUBMITTAL	
	08.09.2019	CONDITIONAL USE PERMIT RESUBMITTAL	
	08.29.2019	CONDITIONAL USE PERMIT RESUBMITTAL	
	09.11.2019	CONDITIONAL USE PERMIT RESUBMITTAL	

REVISION

NO.	DATE	DESCRIPTION	INT.

PRELIMINARY
NOT FOR BIDDING OR CONSTRUCTION

Project Number: 2019.14	Scale: AS NOTED
Drawn By: ROGUE	Approved By: SAB

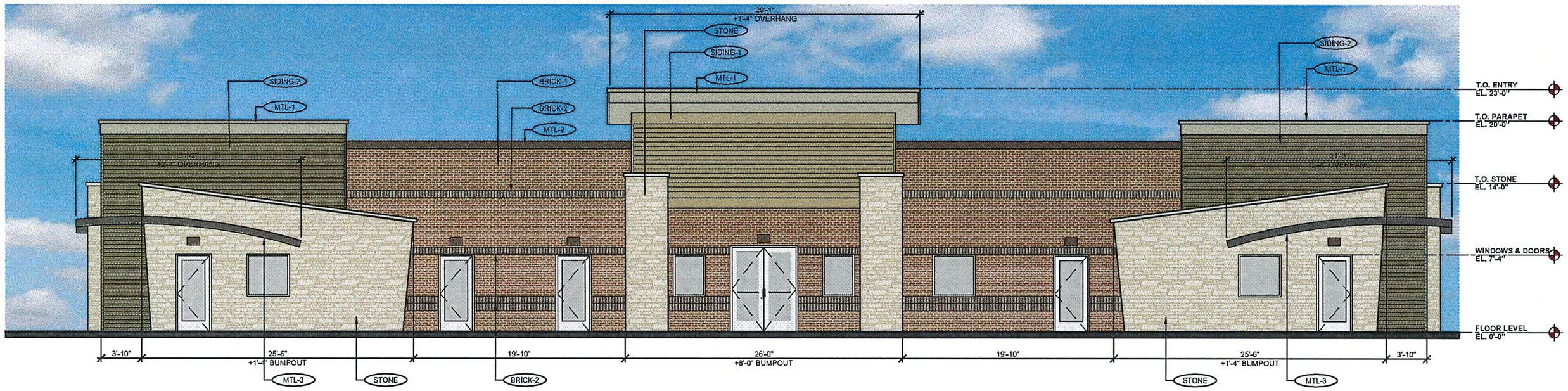
Drawing Name: CONCEPT PLAN

Drawing Number: A-1

CONDITIONAL USE PERMIT RESUBMITTAL - 09.11.2019

2019.Q1.01 TX BEE CAVE

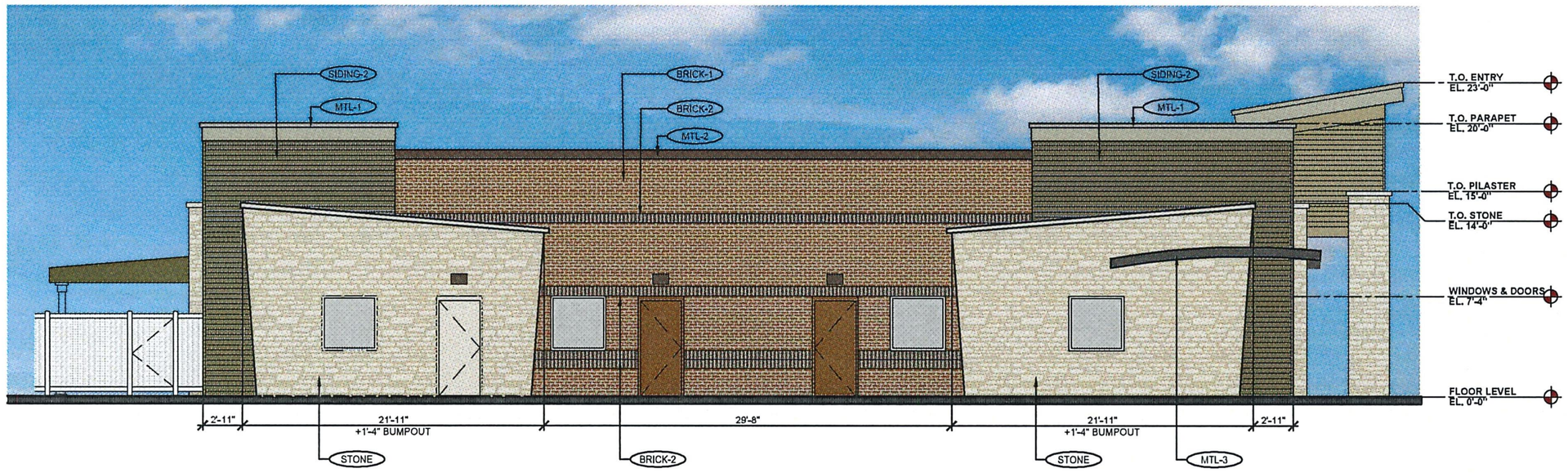
R:\PROJECTS\2019.14 - LENNOX - TLE BEE CAVE, TX\CAD\SITE SUBMITTAL\2019.14 - A-1 - PROPOSED CONCEPT PLAN (SITE).DWG PPATIL PLOTTED: 09/17/2019



1 PROPOSED SOUTHWEST ELEVATION

scale: 3/16" = 1'-0"

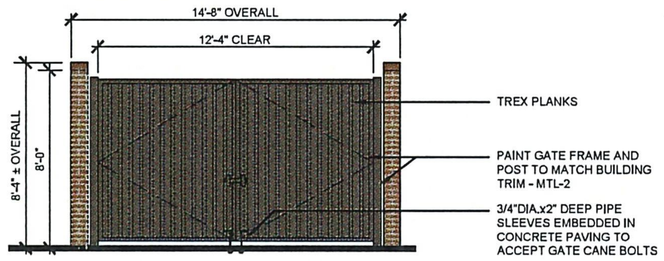
0 1' 2' 4' 8'



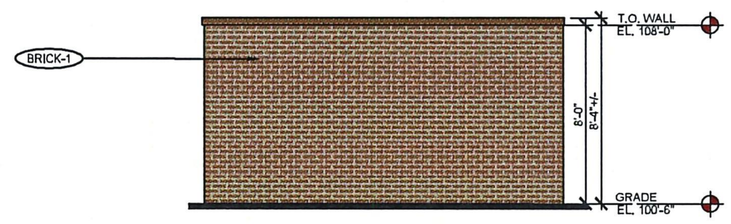
2 PROPOSED NORTHWEST ELEVATION

scale: 3/16" = 1'-0"

0 1' 2' 4' 8'



FRONT



BACK

3 TRASH ENCLOSURE ELEVATIONS

scale: 1/4" = 1'-0"

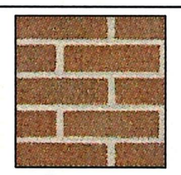
0 1' 2' 4' 8'

REQUIRED:
MASONRY MINIMUM: 75%
GLAZING MAXIMUM: 30% (5.1% PROVIDED)

MATERIAL LEGEND

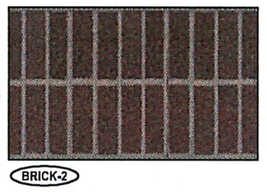
LABEL	MANUFACTURER	SIZE/TYPE	FINISH COLOR
STOREFRONT	KAWNEER	TRIFAB 451	BONE WHITE
DOOR	-	PER DOOR SCHEDULE	FACTORY PRIMED
FIXED WINDOW	ANDERSEN SILVERLINE V-1 ALT.: ANDERSEN 100 SERIES	PER WINDOW SCHEDULE	WHITE

STONE
LIMESTONE STONE VENEER
ASHLAR

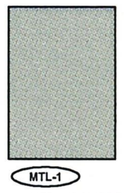


BRICK-1
FACE BRICK
RUNNING BOND

MFR: HUDSON AWNING
MATERIAL: CANVAS
COLOR: BEETLE

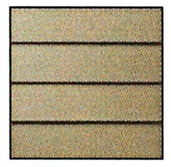


BRICK-2
FACE BRICK
SOLDIER COURSE



MTL-1
MFR: MBCI (PREFINISHED)
COLOR: ASH GRAY

MTL-2
MFR: MBCI (PREFINISHED)
COLOR: MEDIUM BRONZE



SIDING-1
CEMENT SIDING
MFR: JAMES HARDIE
ARTISAN V-GROOVE
COLOR: AUTUMN TAN

SIDING-2
CEMENT SIDING
MFR: JAMES HARDIE
ARTISAN V-GROOVE
COLOR: WOODSTOCK BROWN

MTL-3
MFR: MBCI (PREFINISHED)
COLOR: SLATE GRAY

ROGUE ARCHITECTURE
4100 Wadsworth Boulevard
Suite 300
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303•987•2304 - X

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ISSUE

NO.	DATE	DESCRIPTION	INT.
	03.04.2019	CONDITIONAL USE PERMIT	
	05.13.2019	CONDITIONAL USE PERMIT RESUBMITTAL	
	06.07.2019	CONDITIONAL USE PERMIT RESUBMITTAL	
	08.09.2019	CONDITIONAL USE PERMIT RESUBMITTAL	
	08.29.2019	CONDITIONAL USE PERMIT RESUBMITTAL	

REVISION

NO.	DATE	DESCRIPTION	INT.

PRELIMINARY
NOT FOR
BIDDING OR
CONSTRUCTION

Project Number:	Scale:
2019.14	AS NOTED
Drawn By: ROGUE	Approved By: SAB

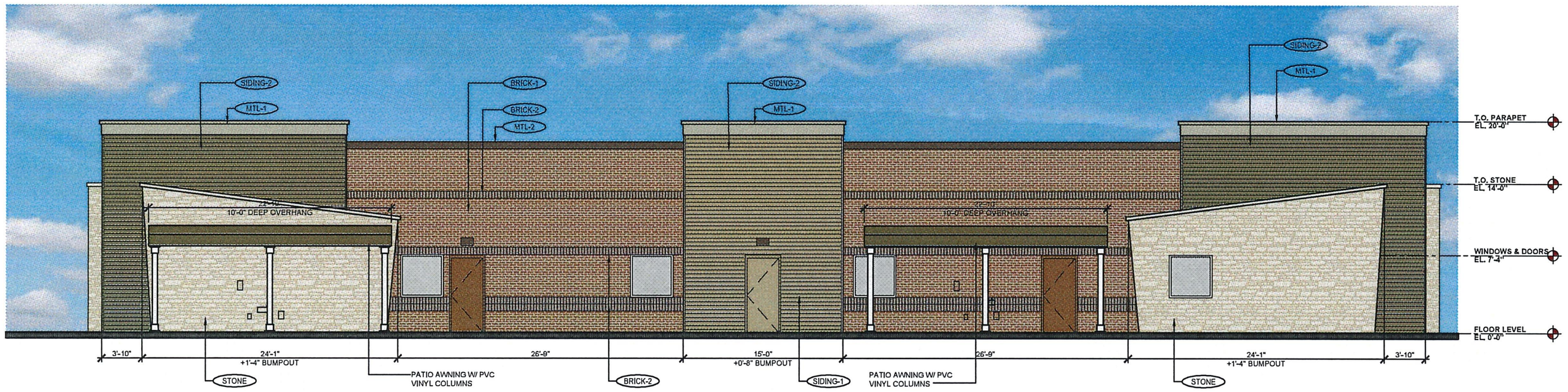
Drawing Name:
PROPOSED ELEVATIONS

Drawing Number:
A-2

CONDITIONAL USE PERMIT RESUBMITTAL - 08.29.2019

2019.Q1.01 TX BEE CAVE

R:\PROJECTS\2019.14 - LENNOX - TLE BEE CAVE, TX\CAD\SITE SUBMITTAL\2019.14 - A-2 - PROPOSED ELEVATIONS (SITE).DWG SBODUCH PLOTTED: 08/29/2019



1 PROPOSED NORTHEAST ELEVATION

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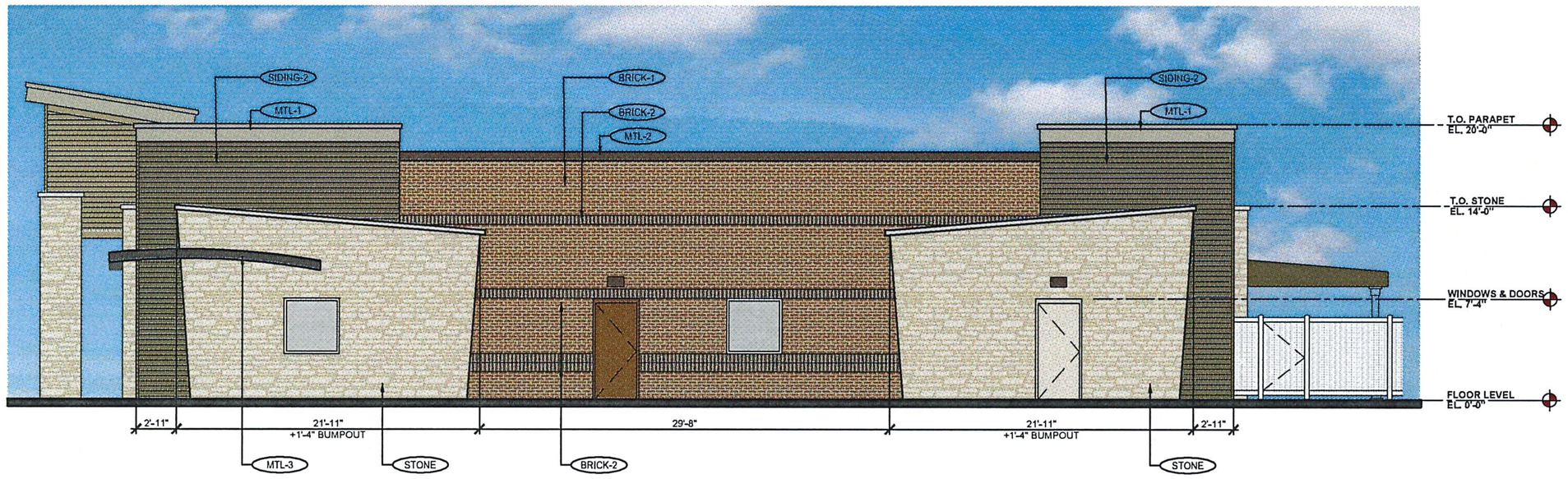
0 1' 2' 4' 8'



2 PROPOSED SOUTHEAST ELEVATION

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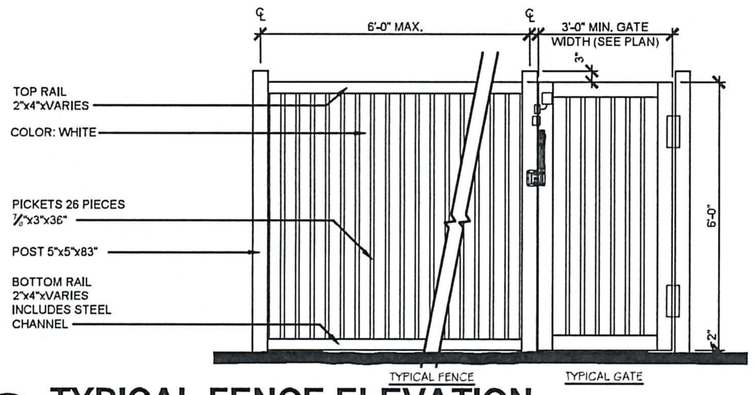


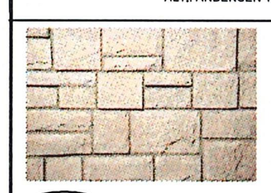
3 TYPICAL FENCE ELEVATION

scale: 1/2" = 1'-0"

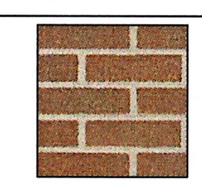
0 1' 2' 4'

MATERIAL LEGEND

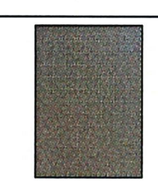
LABEL	MANUFACTURER	SIZE/TYPE	FINISH COLOR
STOREFRONT	KAWNEER	TRIFAB 451	BONE WHITE
DOOR	-	PER DOOR SCHEDULE	FACTORY PRIMED
FIXED WINDOW	ANDERSEN SILVERLINE V-1 ALT.: ANDERSEN 100 SERIES	PER WINDOW SCHEDULE	WHITE



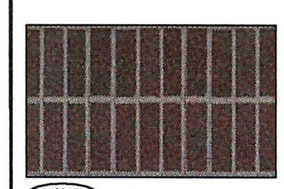
STONE
LIMESTONE STONE VENEER
ASHLAR



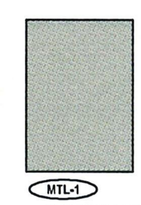
BRICK-1
FACE BRICK
RUNNING BOND



MFR: HUDSON AWNING
MATERIAL: CANVAS
COLOR: BEETLE

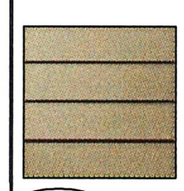


BRICK-2
FACE BRICK
SOLDIER COURSE

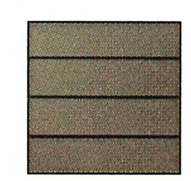


MTL-1
MFR: MBCI (PREFINISHED)
COLOR: ASH GRAY

MTL-2
MFR: MBCI (PREFINISHED)
COLOR: MEDIUM BRONZE



SIDING-1
CEMENT SIDING
MFR: JAMES HARDIE
ARTISAN V-GROOVE
COLOR: AUTUMN TAN



SIDING-2
CEMENT SIDING
MFR: JAMES HARDIE
ARTISAN V-GROOVE
COLOR: WOODSTOCK BROWN

MTL-3
MFR: MBCI (PREFINISHED)
COLOR: SLATE GRAY

ARCHITECTURE ROGUE
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THE LEARNING EXPERIENCE
ACADEMY OF EARLY EDUCATION
HIGHWAY 71
BEE CAVE, TEXAS

ISSUE

NO.	DATE	DESCRIPTION	INT.
	03.04.2019	CONDITIONAL USE PERMIT	
	05.13.2019	CONDITIONAL USE PERMIT RESUBMITTAL	
	06.07.2019	CONDITIONAL USE PERMIT RESUBMITTAL	
	08.09.2019	CONDITIONAL USE PERMIT RESUBMITTAL	
	08.29.2019	CONDITIONAL USE PERMIT RESUBMITTAL	

REVISION

NO.	DATE	DESCRIPTION	INT.

PRELIMINARY
NOT FOR BIDDING OR CONSTRUCTION

Project Number: 2019.14	Scale: AS NOTED
Drawn By: ROGUE	Approved By: SAB

Drawing Name: PROPOSED ELEVATIONS

Drawing Number: A-3

CONDITIONAL USE PERMIT RESUBMITTAL - 08.29.2019

2019.Q1.01 TX BEE CAVE

R:\PROJECTS\2019.14 - LENNOX - TLE BEE CAVE, TX\CAD\SITE SUBMITTAL\2019.14 - A-3 - PROPOSED ELEVATIONS (SITE).DWG SBODUCH PLOTTED: 08/29/2019