

CITY OF HORSESHOE BAY
NOTICE OF PUBLIC MEETING
AGENDA

November 15, 2016

Notice is hereby given to all interested members of the public that the Horseshoe Bay City Council will hold a Public Meeting at 3:00 p.m., on Tuesday, November 15, 2016 at City Hall, #1 Community Drive, Horseshoe Bay, Llano County, Texas. The agenda for the Public Meeting is to discuss and/or act on the following items; however, due to Texas Election Code, the new Council members will not be able to be sworn in until November 16, 2016 and therefore it is anticipated that many of these items will be continued until the next city council public meeting on November 22, 2016:

1. Call the Meeting to Order and Establish a Quorum
2. Invocation
3. Pledges to the Flags
4. Public Comments *(Anyone wishing to address the Council please sign in at the podium. When called upon by the Mayor speakers are asked to go to the podium and state your name and address and will be limited to 3 minutes. This is an opportunity for the public to address the City Council on any subject. In accordance with the Texas Open Meetings Act, the Council may not discuss issues raised or make a decision at this time. Issues raised may be referred to staff for research and possible future action.)*
5. Staff Recognition:
 - a. New Employees:
 - a. Kerri Craig – City Secretary
 - b. Coleen Sullivan - GIS Administrator
 - c. Nathalie Kip – Assistant Planner
6. Discuss, Consider and Take Action Regarding Election of Mayor Pro Tem
7. Discuss, Consider and Take Action Regarding Election of Chief Information Officer
8. Discuss, Consider and Take Action Regarding City Council Meeting Schedule for 2016
9. Discuss, Consider and Take Action Regarding Approval of Resolution Amending Depository Accounts Delegated Authority
10. Discuss, Consider and Take Action Regarding Approval of Resolution Amending Authorized Representatives for TexPool
11. Discuss, Consider and Take Action Regarding Seeking Applications for City Advisory Committees
12. Items to be removed from the Consent Agenda: *(All items under the Consent Agenda are considered to be routine by the Council and will be enacted by one motion and vote. There will be no separate discussion of items unless a request by a Councilmember is made prior to the time of the Council voting on the motion. In such event, the item will be removed, without debate, from the general order of business and considered in its normal sequence.)*
13. Consent Agenda Items:
 - a. Approve Minutes of the October 18, 2016 Regular Meeting and the November 16, 2016 Special Meeting to Canvass
 - b. Approve 2016 Tax Roll submitted by the Llano County and Burnet County Tax Assessor-Collectors

- c. Approve City Holiday Schedule for 2017
 - d. Approve Renewal of Agreement with Llano County MUD for Backup Water Line Interconnection and Supply
 - e. Approve Ordinance Declaring the Results of the November 8, 2016 General Election
 - f. Discuss, Consider and Take Action Regarding the Renaming of Sure Fire to Wayne's Trail.
 - g. Discuss, Consider and Take Action Regarding Amending Horseshoe Bay Code of Ordinances, Article 1.04.001 Emergency Management Succession of Authority.
14. Monthly Statistical Departmental Data Reports:
- a. City Manager; Administration; Community Services; Development Services; Fire Dept.; and Police Dept.
15. Public Hearing, Discuss, Consider and Take Action Regarding Approval of a Preliminary Replat of Lot 20 of Horseshoe Bay West Plat No. W36.3, Hidden Coves Planned Development into 11 Lots, and Approval of the Final Replat of Two of Those Lots (2500 Block of Diagonal Dr.)
16. Public Hearing, Discuss, Consider and Take Action Regarding a Replat of Lots 15 thru 18 and Lake Area Lots 19A thru 19N of Horseshoe Bay West, Plat No. W36.3, Hidden Coves Planned Development. The Purpose of the Replat is to Join Lot 15 with Lake Lots 19H and 19J, Lot 16 with Lake Lot 19K, Lot 17 with Lake Lot 19L and Lot 18 with Lake Lot 19M and form Lot 19N-1 as a 0.10 acre Non-Exclusive Easement Lot, and to renumber Lake Lots 19A through 19G as Lake Lots 10A through 14A, 22A and 23A (2500 Block of Diagonal Dr.)
17. Public Hearing, Discuss, Consider and Take Action Regarding a Request from Mike Walsh for a Conditional Use Permit to Allow Bayside Fresh Market to Offer Beer and Wine in Glasses Instead of Paper Cups (9710 FM 2147)
18. Adjournment



A handwritten signature in blue ink, appearing to read "Kerri Craig", is written over a horizontal line.

Kerri Craig, City Secretary

The Council may go into Executive Session, if necessary and appropriate, pursuant to the applicable section of the Texas Open Meetings Act, Texas Government Code, Chapter 551, Subchapter D, on any matter that may come before the Council that is listed on the Agenda and for which an Executive Session is authorized. No final action, decision, or vote will be taken by the Council on any subject or matter while in Executive Session. Any action, decision or vote will be taken by the Council only in open meeting.

Certificate of Posting

I, Kerri Craig, City Secretary for the City of Horseshoe Bay, Texas do certify that this Notice of Meeting was posted at City Hall, in a place readily accessible to the general public continuously 72 hours prior to the meeting.



A handwritten signature in blue ink, appearing to read "Kerri Craig", is written over a horizontal line.

Kerri Craig, City Secretary



CITY OF HORSESHOE BAY

NOVEMBER 15, 2016

To: Mayor and City Council 

Thru: Stan R. Farmer, City Manager

From: Eric Winter, Development Services Manager

RE: Public Hearing, Discuss, Consider and Take Action Regarding Approval of a Preliminary Replat of Lot 20 of Horseshoe Bay West Plat No. W36.3, Hidden Coves Planned Development into 11 Lots, and Approval of the Final Replat of Two of Those Lots (2500 Block of Diagonal Dr.)

This replat of one GH Garden Home Lot is located on the north side of Diagonal Drive, the north side of Echo Lane, the east side of Fault Line Dr. and the south side of Ensenada Lane in Hidden Coves in Horseshoe Bay West. The purpose of the replat is to approve the preliminary replat of the lot into 11 lots, and approve the final replat of two lots. The lot is vacant and zoned PD-GH Planned Development Garden Home Residential.

Staff has determined this application to be administratively complete for forwarding to City Council for review. Don Sherman has been authorized by the owner of the properties to act on his behalf.

A copy of an aerial photograph, a Zoning Map, the preliminary replat, the final replat, and the original plat with the lots highlighted are included in the Council's agenda packet. Original copies of the replat and all supporting information for this application are available for review in Development Services.

Enclosures: Aerial Photograph
Zoning Map
Preliminary Replat
Final Replat
Original Plat with Lot Highlighted
Staff Review Comments

November 15, 2016

RE: Public Hearing, Discuss, Consider and Take Action Regarding Approval of a Preliminary Replat of Lot 20 of Horseshoe Bay West Plat No. W36.3, Hidden Coves Planned Development into 11 Lots, and Approval of the Final Replat of Two of Those Lots (2500 Block of Diagonal Dr.)

Staff Review Comments:

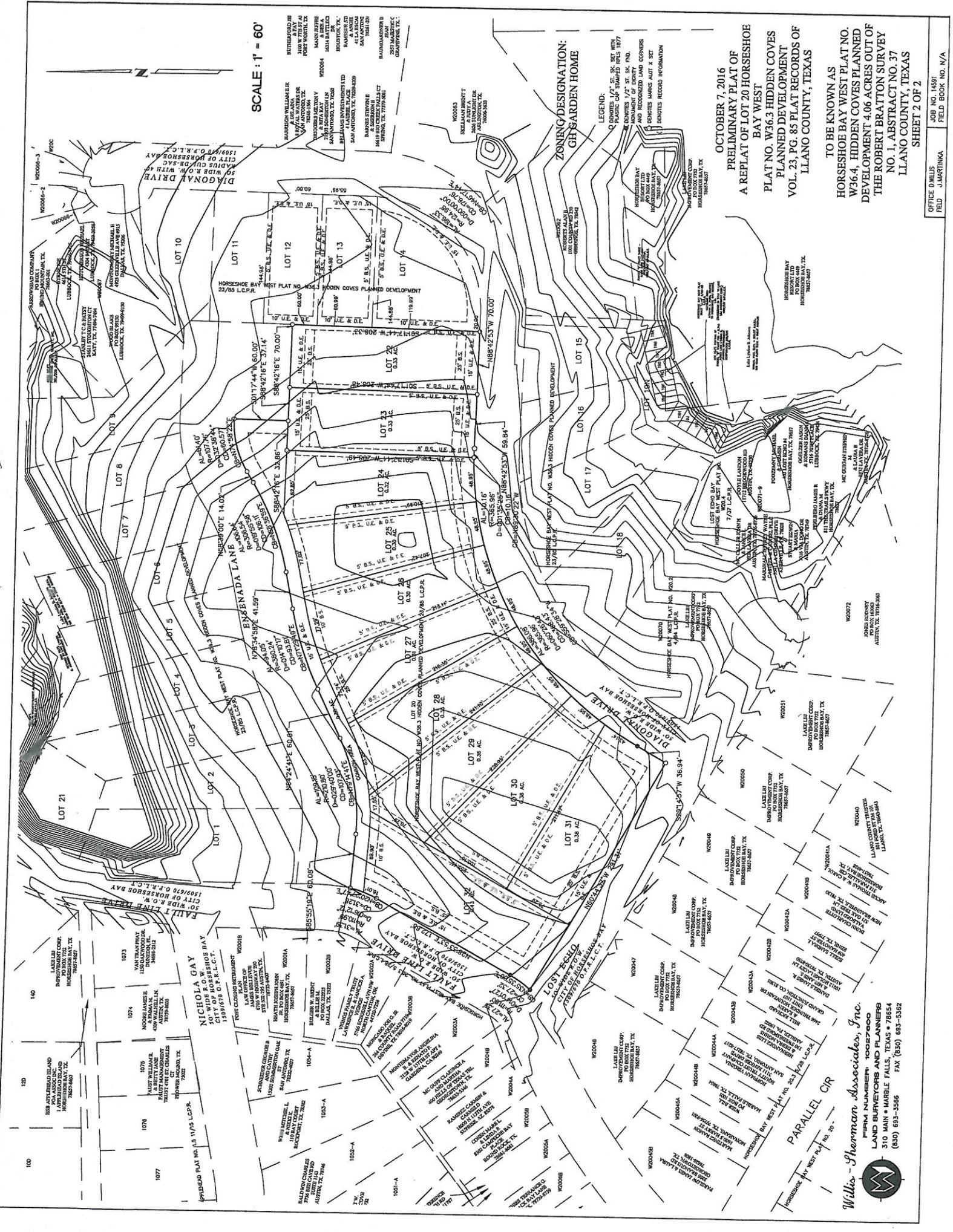
The following items need to be addressed before approval of both the preliminary replat and the final replat:

- 1. A Common Area is shown on the preliminary replat as are both a 10' B.S. and a 25' B.S. along the entire south line of Ensenada Lane, that are not shown on the final replat. If these items are not needed, they need to be removed from the preliminary replat.**
- 2. Add: PD- in front of the Zoning Designation and Planned Development to make it PD-GH Planned Development Garden Home.**
- 3. Change: Harmeless to Harmless in Note #4.**
- 4. Change: Teresa L. Moore to Keri Craig on the City Secretary Signature Block.**
- 5. Align: The underline for Ron Mitchell's signature with the words Horseshoe Bay Resort, Declarant and Vice Chairman in the Declarant Signature Block.**
- 6. Change: do to does in the 2nd line and the 4th line of the Owner's Signature Block.**
- 7. Change: they to he in the 2nd line of the Owner's Notary Signature Block.**

REPLAT OF LOT NO. 20
OF HORSESHOE BAY PLAT
NO. 36.3
2500 BLOCK OF DIAGONAL DRIVE



SCALE: 1" = 60'



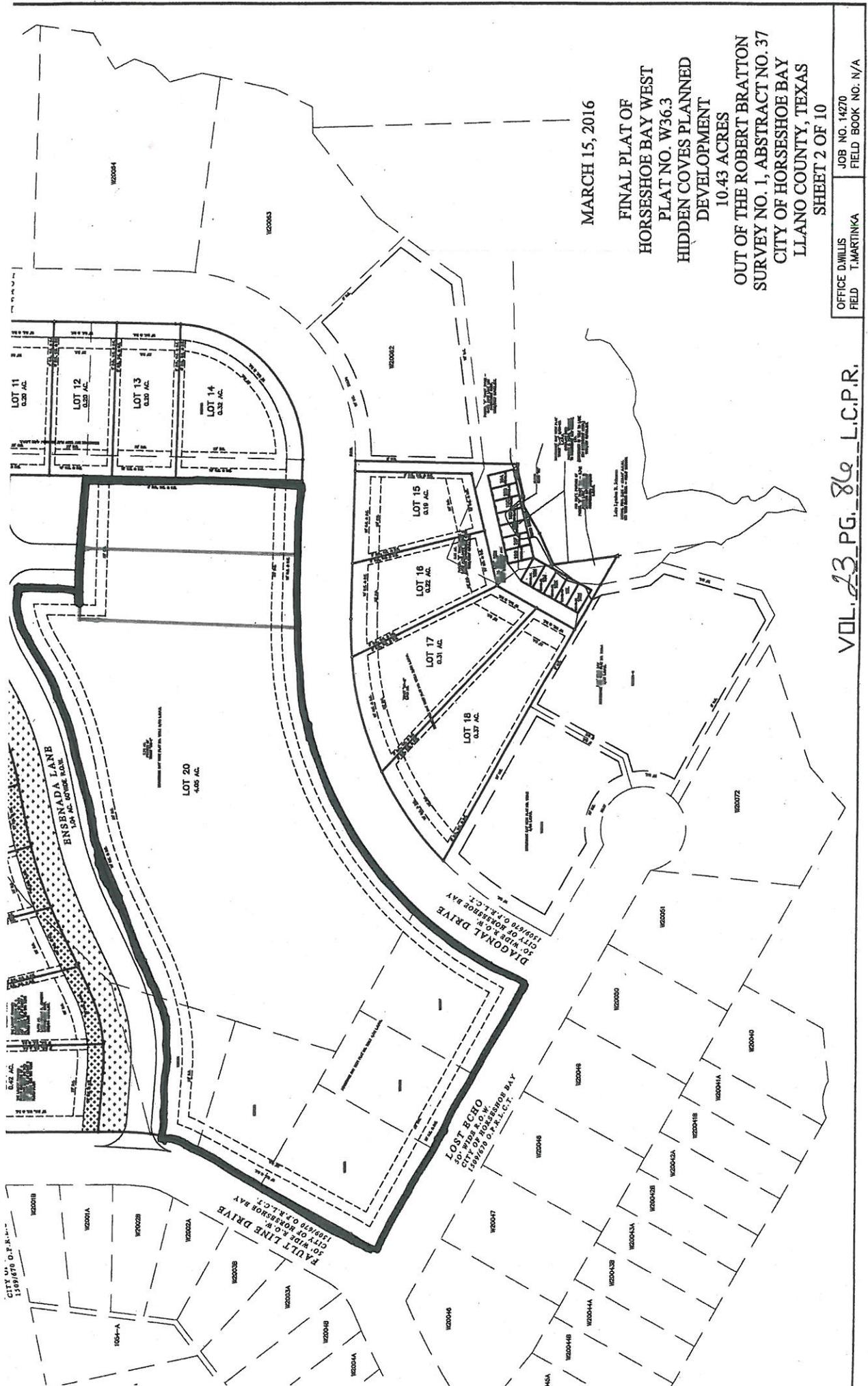
OCTOBER 7, 2016
PRELIMINARY PLAT OF
A REPLAT OF LOT 20 HORSESHOE
BAY WEST
PLAT NO. W36.3 HIDDEN COVES
PLANNED DEVELOPMENT
VOL. 23, PG. 85 PLAT RECORDS OF
LLANO COUNTY, TEXAS

TO BE KNOWN AS
HORSESHOE BAY WEST PLAT NO.
W36.4, HIDDEN COVES PLANNED
DEVELOPMENT 4.06 ACRES OUT OF
THE ROBERT BRATTON SURVEY
NO. 1, ABSTRACT NO. 37
LLANO COUNTY, TEXAS
SHEET 2 OF 2

OFFICE DWLWS
FIELD - JAMARTINKA
JOB NO. 1481
FIELD BOOK NO. N/A

Willis-Sherman Associates, Inc.
FIRM NUMBER 10027800
LAND SURVEYORS AND PLANNERS
310 MAIN • MARBLE FALLS, TEXAS • 78654
(830) 693-3566 FAX (830) 693-5382





MARCH 15, 2016

FINAL PLAT OF
 HORSESHOE BAY WEST
 PLAT NO. W36.3
 HIDDEN COVES PLANNED
 DEVELOPMENT
 10.43 ACRES
 OUT OF THE ROBERT BRATTON
 SURVEY NO. 1, ABSTRACT NO. 37
 CITY OF HORSESHOE BAY
 LLANO COUNTY, TEXAS
 SHEET 2 OF 10

VOL. 23 PG. 86 L.C.P.R.

OFFICE D.WILLIS
 FIELD T.MARTINKA
 JOB NO. 14270
 FIELD BOOK NO. N/A



CITY OF HORSESHOE BAY

NOVEMBER 15, 2016

To: Mayor and City Council 

Thru: Stan R. Farmer, City Manager

From: Eric Winter, Development Services Manager

RE: Public Hearing, Discuss, Consider and Take Action Regarding Approval of the Preliminary and Final Plat of a Replat of Lots 15 through 18 and Lake Area Lots 19A through 19N of Horseshoe Bay West Plat No. W36.3 - Hidden Coves Planned Development. The purpose of the Replat is to Join Lot 15 with Lake Lots 19H and 19J, Lot 16 with Lake Lot 19K, Lot 17 with Lake Lot 19L and Lot 18 with Lake Lot 19M to Form new Lots 15-A Through 18-A, rename Lake Lot 19N as Lot 19N-1 a 0.10 Acre Non-Exclusive Boat Dock, Utility and Drainage Easement Lot, and Renumber Lake Lots 19A through 19G as Lake Lots 10A through 14A, 22A and 23A (2500 Block of Diagonal Dr.)

This replat of 4 GH Garden Home Lots and 5 Lake Area (Boat Dock) Lots is located on the south side of Diagonal Drive, beginning one lot north of the intersection with Echo Lane in the Hidden Coves project in Horseshoe Bay West. The purpose of the replat is to connect the 4 GH zoned lots with 5 of the Lake Area Lots (Lot 15 will be connected to two Lake Lots), rename Lake Lot 19N as Lot 19N-1 for the non-exclusive boat dock, utility and drainage easement and renumber the remaining Lake Lots for community boat slips. All of the lots are vacant and Lots 15 – 18 are zoned PD-GH Planned Development Garden Home Residential and Lake Lots 19A – 19N are zoned PD-LA Planned Development Lake Area.

Staff has determined this application to be administratively complete for forwarding to City Council for review. Don Sherman has been authorized by the owner of the properties to act on his behalf.

A copy of an aerial photograph, a Zoning Map, the preliminary replat, the final replat, and the original plat with the lots highlighted are included in the Council's agenda packet. Original copies of the replat and all supporting information for this application are available for review in Development Services.

Enclosures: Aerial Photograph
Zoning Map
Preliminary Replat
Final Replat
Original Plat with Lot Highlighted

Staff Review Comments

November 15, 2016

RE: Public Hearing, Discuss, Consider and Take Action Regarding Approval of the Preliminary and Final Plat of a Replat of Lots 15 through 18 and Lake Area Lots 19A through 19N of Horseshoe Bay West Plat No. W36.3. The purpose of the Replat is to Join Lot 15 with Lake Lots 19H and 19J, Lot 16 with Lake Lot 19K, Lot 17 with Lake Lot 19L and Lot 18 with Lake Lot 19M to Form new Lots 15-A Through 18-A, rename Lake Lot 19N as Lot 19N-1 a 0.10 Acre Non-Exclusive Boat Dock, Utility and Drainage Easement Lot, and Renumber Lake Lots 19A through 19G as Lake Lots 10A through 14A, 22A and 23A (2500 Block of Diagonal Dr.)

Staff Review Comments:

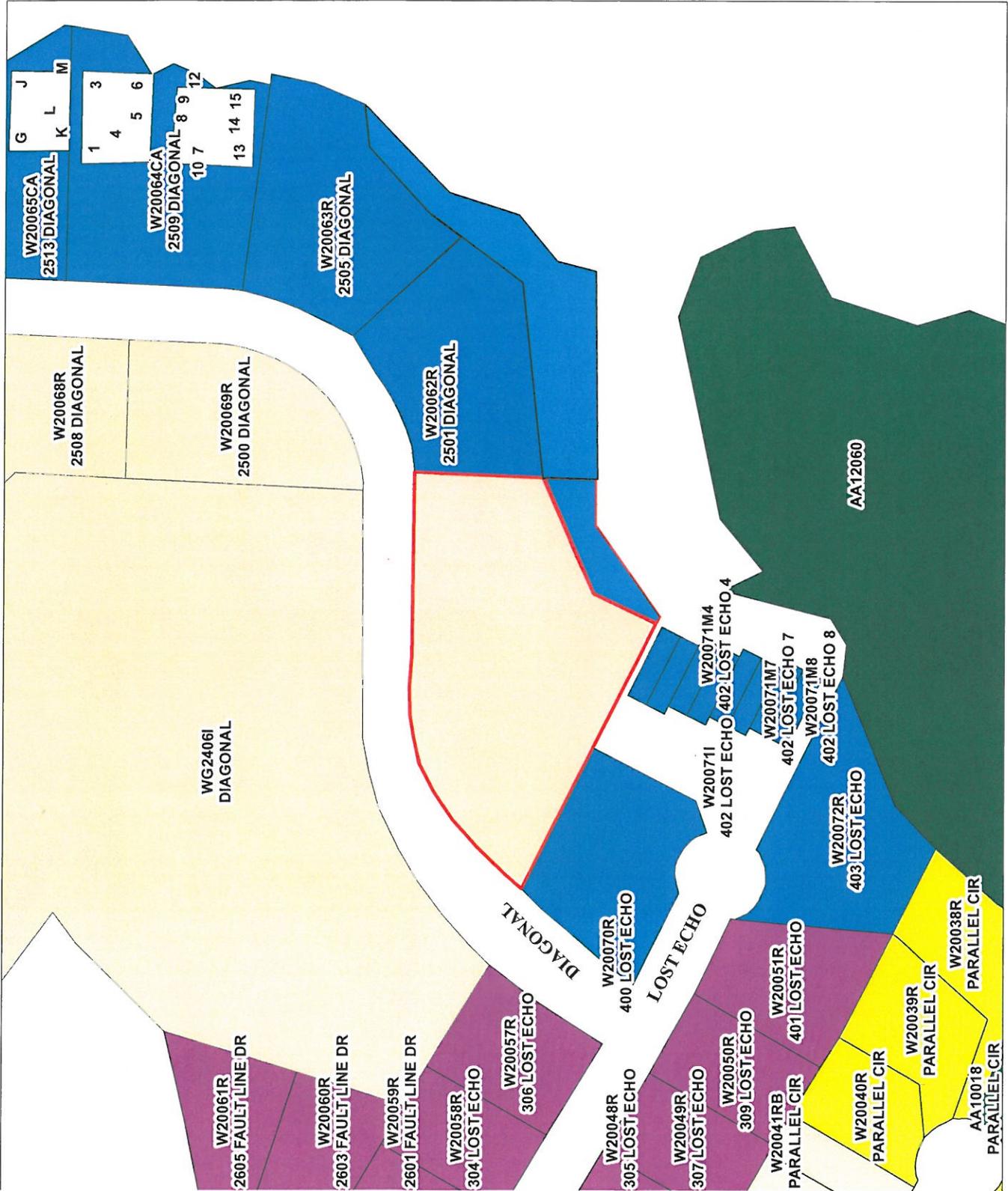
The following items need to be addressed before approval of both the preliminary replat and the final replat:

1. **Eliminate:** The thin black lines on all Sheets that still make it appear that Lots 15A – 18A are still separated from the Lake Lots that they are being connected to, as for example the one that starts to the right of the period after #40 (for 40.00') and goes northeast and connects with the lot line S60 44 37E – 25.00' on the large scale plat drawing on Sheet 3 of 3.
2. **Enlarge:** All original Lake Lot numbers to be legible at the scale of 1":50'.
3. **Add:** Unit Numbers in front of each Lost Echo Bay Condo owner's name.
4. **Add:** PD- in front of each Zoning Designation and Planned Development before the name of the classification - example PD-GH Planned Development Garden Home and change: Doc to Dock in the 3rd line of the Zoning Designation.
5. **Eliminate:** To reflect LOMR Effective November 26, 2014 at the end of Note #3.
6. **Change:** Harmeless to Harmless in Note #4.
7. **Change:** Teresa L. Moore to Keri Craig on the City Secretary Signature Block.
8. **Align:** The underline for Ron Mitchell's signature with the words Horseshoe Bay Resort, Declarant and Vice Chairman in the Declarant Signature Block.
9. **Change:** do to does in the 3rd line and the last line of the Owner's Signature Block.
10. **Change:** they to he in the 2nd line of the Owner's Notary Signature Block.

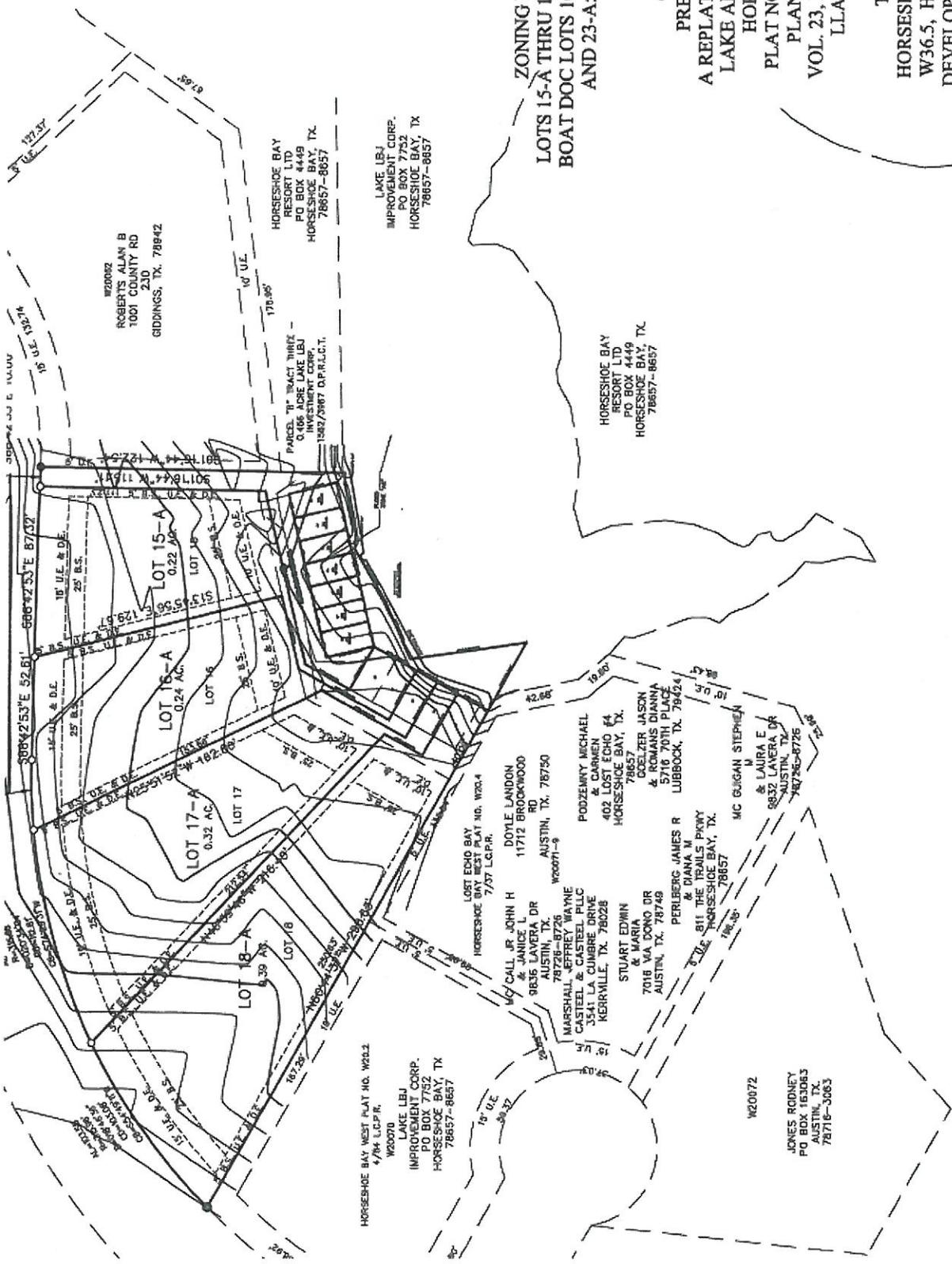
REPLAT OF LOTS 15-18
AND LAKE AREA LOTS 19A-19N OF
HORSESHOE BAY PLAT NO. 36.3
2500 BLOCK OF DIAGONAL DRIVE

Legend

- A1 RECREATION
- GH GARDEN HOME
- R1 SINGLE FAMILY RESIDENTIAL
- R2 DUPLEX
- R4 MULTI-FAMILY TOWNHOME
- LAKE



- DENOTES 1/4" ST. SK. PIN WITH PLASTIC CAP STAMPED RPLS 1877
- DENOTES 1/2" ST. SK. PIN, MONUMENT OF DIGNITY AND RECOGNIZED LAND CORNERS
- ⊕ DENOTES 3/4" ST. SK. PIN, WALKER STAMPED 1877
- ▲ DENOTES SHOR/LINE FIELD SHOT
- △ DENOTES COMPUTED POINT
- () DENOTES RECORD INFORMATION



ZONING DESIGNATION:
LOTS 15-A THRU 18-A: GH GARDEN HOME
BOAT DOCK LOTS 10-A THRU 14-A AND 22-A
AND 23-A: LA LAKE AREA

OCTOBER 7, 2016
 PRELIMINARY PLAT OF
 A REPLAT OF LOTS 15 THRU 18 AND
 LAKE AREA LOTS 19A THRU 19N
 HORSESHOE BAY WEST
 PLAT NO. W36.3 HIDDEN COVES
 PLANNED DEVELOPMENT
 VOL. 23, PG. 85 PLAT RECORDS OF
 LLANO COUNTY, TEXAS

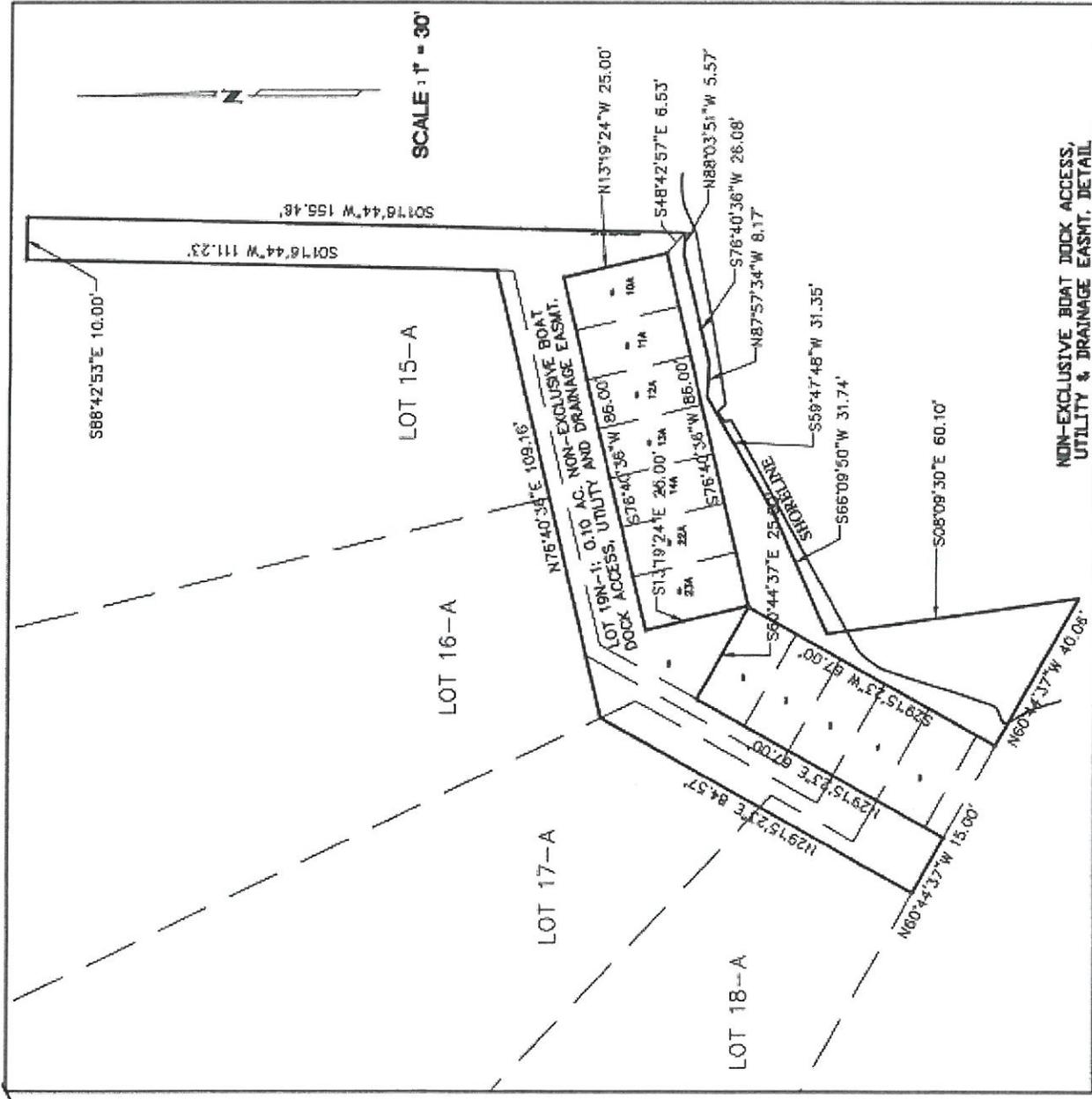
TO BE KNOWN AS
 HORSESHOE BAY WEST PLAT NO.
 W36.5, HIDDEN COVES PLANNED
 DEVELOPMENT 1.33 ACRES OUT OF
 THE ROBERT BRATTON SURVEY
 NO. 1, ABSTRACT NO. 37
 LLANO COUNTY, TEXAS
 SHEET 2 OF 3

ZONING DESIGNATION:
 LOTS 15-A THRU 18-A: GH GARDEN HOME
 BOAT DOC LOTS 10-A THRU 14-A AND 22-A
 AND 23-A: LA LAKE AREA

OCTOBER 7, 2016
 HORSESHOE BAY WEST PLAT NO.
 W36.5, HIDDEN COVES PLANNED
 DEVELOPMENT 1.33 ACRES OUT OF
 THE ROBERT BRATTON SURVEY NO. 1,
 ABSTRACT NO. 37
 LLANO COUNTY, TEXAS

BEING A REPLAT OF LOTS 15 THRU 18
 AND LAKE AREA LOTS 19A THRU 19N
 HORSESHOE BAY WEST
 PLAT NO. W36.3 HIDDEN COVES
 PLANNED DEVELOPMENT
 VOL. 23, PG. 85 PLAT RECORDS OF
 LLANO COUNTY, TEXAS
 SHEET 3 OF 3

OFFICE D.MILLIS
 PLED J.MARTINKA
 JOB NO. 14582
 FIELD BOOK NO. N/A

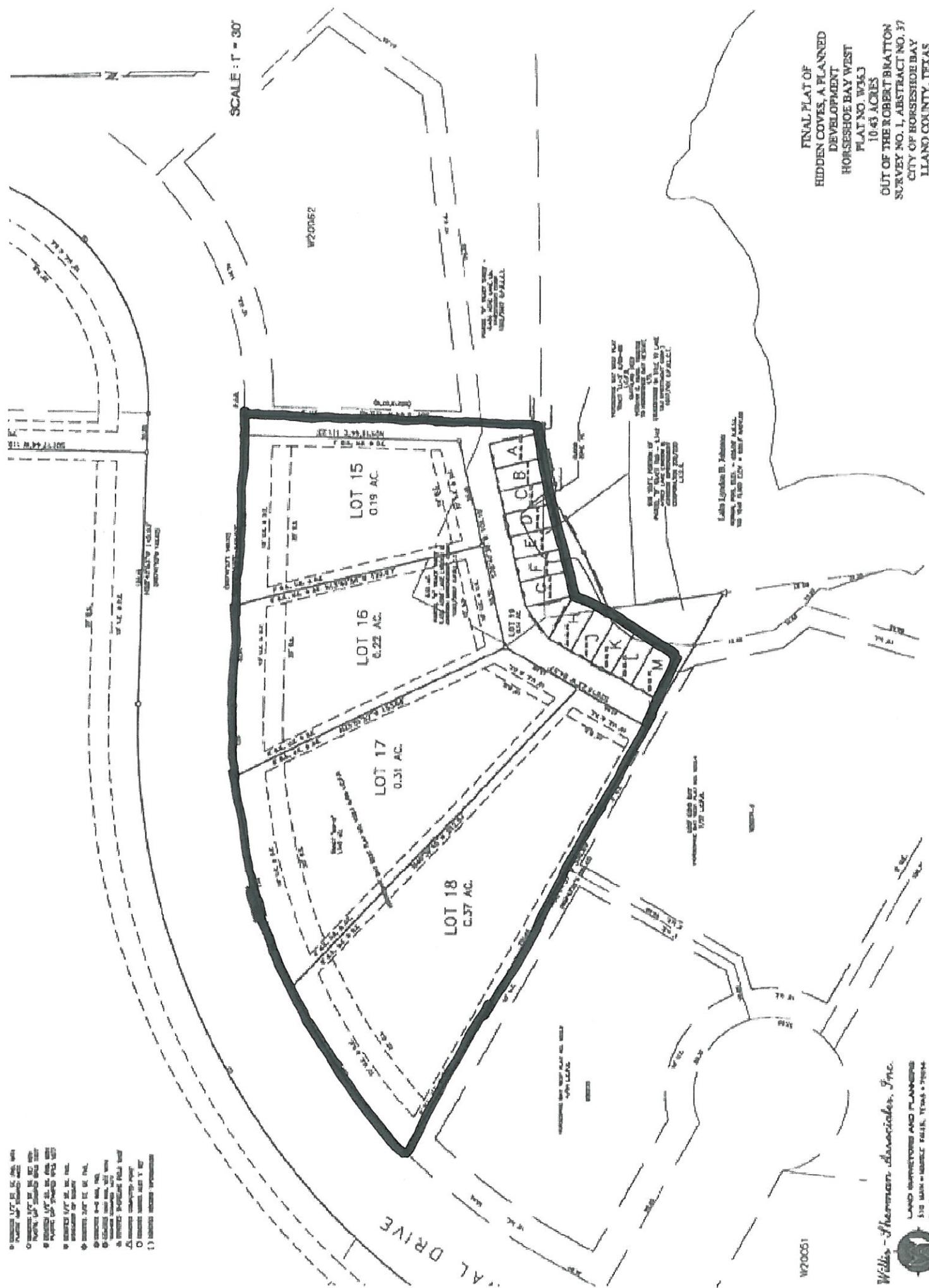


VOL. PG. L.C.P.R.

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- 100) LOT AREA

SCALE: T = 30'

FINAL PLAT OF
 HIDDEN COVES, A PLANNED
 DEVELOPMENT
 HORSESHOE BAY WEST
 PLAT NO. W363J
 10.43 ACRES
 OUT OF THE ROBERT BRATTON
 SURVEY NO. 1, ABSTRACT NO. 37
 CITY OF HORSESHOE BAY
 LLANO COUNTY, TEXAS
 SHEET 7 OF 10



W20051

Wills-Sharman Associates, Inc.
 LAND SURVEYORS AND PLANNERS
 510 MAIN - MARBLE FALLS, TEXAS 75764
 (817) 893-3328 FAX (817) 483-8322





CITY OF HORSESHOE BAY

NOVEMBER 15, 2016

To: Mayor and City Council 

Thru: Stan R. Farmer, City Manager

From: Eric W. Winter, Development Services Manager

Re: Public Hearing, Discuss, Consider and Take Action Regarding an Ordinance Approving a Conditional Use Permit Allowing the Sale and Service of Alcoholic Beverages for Both on Premise and off Premise Consumption at Bayside Fresh Market (9710 FM 2147)

According to Section 14.02.301 of the Zoning Chapter, a conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zone only under certain conditions. Council's review for approval includes a determination that the external effects of the conditional use in relation to the existing and planned uses of surrounding property can be mitigated through imposition of one or more standards and conditions. Horseshoe Bay Center Beverages, LLC is requesting a Conditional Use Permit (CUP) in order to obtain approval of a Texas Alcoholic Beverage Commission (TABC) License to allow them to use a different, slightly bigger presentation serving wine glasses for the Friday wine tastings and also to allow them to sell beer and wine by the glass in the to-be renovated and expanded dining area in the front of Bayside Fresh Market. Sec. 14.02.406(j)(4)(A) requires a CUP for a bar and the definition for a bar is an on premise alcohol sales use that must obtain approval of the TABC.

No conditional use shall be established and no building permit shall be issued for any use designated as a conditional use within a zone until a CUP is approved by the Council. The procedures, standards and conditions for a CUP are stated in Chapter 14, Section 14.02.305 and 14.02.306. The Conditional Use Permit process requires that the use meet the following standards, for which staff comments are in *Italics*:

(a) **Factors for Consideration:** When considering applications for a CUP, the Council shall, on the basis of the information submitted, evaluate the impact of the conditional use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The Council shall specifically consider the extent to which:

(1) The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan; *One of the recent Comprehensive Plan Update's Goals is addressed by this proposal:*

Goal: Manage economic growth to reflect the unique nature of Horseshoe Bay and the preservation of the resort/retirement character of the community

Under that Goal, three specific Action Items also relate to this use:

1. *Maintain an approach of controlled development that maintains a current lifestyle standard in business and residential properties*
 2. *Support the Horseshoe Bay Business Alliance's efforts to sustain and expand existing businesses and services within the city*
 3. *Facilitate focus of commercial development to align with land use map along high traffic corridors, preserving existing and future residential and recreational developments*
- (2) **The proposed use is consistent with the general purpose and intent of the applicable zone regulations; *This conditional use is compatible with the permitted land uses in the Horseshoe Bay Center's Planned Development (PD) C-2 General Commercial classification for Zones 3, 4A and 4B.***
 - (3) **The proposed use meets all supplemental standards specifically applicable to the use; *The proposed use within Bayside Fresh Market will meet all setback requirements, and Building Code requirements for the structure, and the renovation of the front of the store will also meet any Code requirements for approval of the building permit.***
 - (4) **The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods (*adjacent development is commercial*) and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to the following:**
 - (A) **Adequate ingress and egress to the property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire; *Existing access and egress are adequate for the proposed use.***
 - (B) **Off-street parking areas, loading areas, and pavement type; *There are no changes to these items by the proposed use.***
 - (C) **Refuse and Service Areas; *There are no changes to these items by the proposed use.***
 - (D) **Utilities with reference to location, availability, and compatibility; *Adequate utilities are available for this use at the site.***
 - (E) **Screening and buffering features to minimize visual impacts, and/or set-backs from adjacent uses; *There are no changes to these items by the proposed use.***
 - (F) **Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the zone; *For any signage, a signage plan will be required separately, as will any exterior lighting plans and Variances as required.***
 - (G) **Required yards and open space; *No changes to setbacks are proposed.***
 - (H) **Height and bulk of structures; *There will be an expansion of the front of the building to enclose open space area to be used for this use, but all PD zoning requirements will be met before a building permit is issued.***
 - (I) **Hours of operation; *Same as for the existing Bayside Fresh Market, as allowed by TABC.***

- (J) Exterior construction material, building design, and building facade treatment; *The expansion will require Horseshoe Bay ACC approval in addition to a building permit.*
- (K) Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets; *There are no changes to these items by the proposed use.*
- (L) Provision for pedestrian access/amenities/areas; *There may be slight changes to these items for the expansion of the building; and*
- (M) The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity. *This is a subjective item, but the proposed use is not expected to cause any of these impacts.*

Conditions: Sec. 14.02.306 (b) states: In approving the application, the Council shall impose such conditions as are reasonably necessary to assure compliance with these standards and the purpose and intent of the Comprehensive Development Plan and this Ordinance. Any conditions imposed shall be set forth in the Ordinance approving the conditional use, and shall be incorporated into or noted on the Certificate of Conditional Use Permit as part of final approval. The Development Services Director shall verify that all conditions set forth in the CUP Ordinance are met by the proposed use, and shall sign the Certificate to indicate final approval. The City shall maintain a record of such approved conditional use and the conditions attached thereto.

A condition that the Council may want to consider for this use include:

- (1) This Conditional Use Permit could have an initial time limit, after which the use is reviewed for any unexpected impacts and for additional conditions to be added for continued use.

Staff is not aware of any objections to this Ordinance, and recommends that Council approve the CUP Ordinance with the conditions it determines at the meeting.

Enclosures: CUP Ordinance
CUP Certificate
Aerial Photo
Zoning Map

CITY OF HORSESHOE BAY

CONDITIONAL USE PERMIT ORDINANCE NO. ORD _____

AN ORDINANCE OF THE CITY OF HORSESHOE BAY APPROVING AND ISSUING A CONDITIONAL USE PERMIT TO HORSESHOE BAY CENTER BEVERAGES, LLC TO ALLOW USE OF A BIGGER PRESENTATION GLASS FOR ALCOHOL TASTINGS AND TO ALLOW THE SALE OF BEER AND WINE BY THE GLASS AT BAYSIDE FRESH MARKET; CONTAINING FINDINGS OF FACT AND IMPOSING SPECIFIC CONDITIONS AND REGULATIONS; PROVIDING FOR TRANSFERABILITY, AMENDMENT, ENFORCEMENT AND PENALTIES; AMENDING THE ZONING MAP; AND PROVIDING FOR SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING

WHEREAS, Chapter 14 Zoning, Division 2 Procedures and Administration, Part VIII of the City Code provides the procedure for making application, considering, and granting Conditional Use Permits (“CUPs”) for certain projects; and

WHEREAS, Horseshoe Bay Center Beverages, LLC has made application to allow the serving of wine and beer in larger glasses instead of paper cups and to allow the sale of beer and wine by the glass at Bayside Fresh Market at 9710 FM 2147; and

WHEREAS, two notices by mail to the property owners within 500 feet of the affected property were sent, two notices were published in the two required newspapers and the City Council conducted a public hearing, pursuant to the requirements of Part VIII; and

WHEREAS, the City Council, in the exercise of its legislative discretion has concluded that the application for the CUP for Horseshoe Bay Center Beverages, LLC should be approved and the CUP should be valid until _____, with possible Council renewal with or without additional conditions for an additional _____ years;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY:

I. FINDINGS OF FACT

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

II. THE CITY COUNCIL FINDS THE FOLLOWING:

- a. The proposed use will facilitate enhanced utilization of commercial property in the City;
- b. The use of the serving of wine and beer in glasses and the sale of beer and wine by the glass are consistent with the general purpose and intent of the applicable zoning regulations, but is a unique use which requires approval by the City with the imposition of specific standards and conditions before required approval of the Texas Alcoholic Beverage Commission;
- c. Expansion of the building and dining area inside Bayside Fresh Market is proposed to accommodate this use and will meet all City building permit requirements;
- d. Adjacent property, being commercial, will not be subjected to incompatible development or lack of preservation of the character and integrity of such property as a result of this use;
- e. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, and will not result in material damage or prejudice to other property in the vicinity;

III. ISSUANCE OF CONDITIONAL PERMIT; STANDARDS AND CONDITIONS

The City Council hereby approves the Conditional Use Permit to the following Applicant:

Horseshoe Bay Center Beverages, LLC
P.O. Box 9193
Horseshoe Bay, TX 78657

This Permit shall be subject to the following term and condition:

- (1) This Conditional Use Permit has an initial time period of ____ years, after which the City will review the operations of the use and determine if any additional conditions are required, and if any additional time periods will be required. or if the CUP will be permanent.

The Development Services Director shall verify that the condition set forth herein authorizing the Conditional Use is met, and shall sign the Certificate of Conditional Use Permit as final approval. Failure to accomplish any of the standards and conditions to the satisfaction of the Development Services Director shall result in revocation of this Conditional Use Permit provided that such matter shall be the subject of a hearing before the City Council at which Applicant shall be furnished the opportunity to be heard. The City shall maintain a record of such approved Conditional Use and the conditions attached thereto.

IV. TRANSFERABILITY

Consistent with Subsection 14.02.306(f) of the City Code, this Conditional Use Permit shall not be transferable, is personal to the Applicant named herein, and does not run with the land. Any purchaser, successor, heir, or assign of the Applicant shall apply for a new Conditional Use Permit.

V. EXPIRATION OF PERMIT

This Permit shall expire ____ years after date of approval, and shall be renewed for an

additional ____ years if approved by City Council.

VI. AMENDMENTS

No structure or use authorized herein may be enlarged, modified or structurally altered beyond the current plans for the use unless such amendment is approved by the City Council.

VII. PENALTIES, COMPLIANCE & ENFORCEMENT

To the extent not otherwise modified by the provisions contained in this Ordinance, the provisions contained in Division 5, Penalties and Enforcement of the City's Zoning Chapter shall apply. The Property shall be used only in the manner and for the purposes provided for in Chapter 14 Zoning of the City Code of Horseshoe Bay, as is heretofore amended by this Ordinance.

VIII. ZONING MAP AMENDED

The official Zoning District Map of the City of Horseshoe Bay hereto adopted be and is hereby amended to reflect the CUP authorization made herein.

IX. SEVERABILITY

Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

X. 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.

XI. EFFECTIVE DATE

This Ordinance shall be in full force and effective from and after its date of passage and publication as may be required by governing law.

XII. PROPER NOTICE AND MEETING

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.

APPROVED AND ADOPTED on this 15th day of November, 2016 by a vote of the City Council of the City of Horseshoe Bay, Texas.

CITY OF HORSESHOE BAY, TEXAS

Stephen T. Jordan, Mayor

ATTEST:

Keri Craig, City Secretary



CERTIFICATE OF CONDITIONAL USE PERMIT

Horseshoe Bay Center Beverages, LLC
Owner's Name _____ Expiration Date _____

P.O. Box 8193, Horseshoe Bay, TX 78657
Owner's Address _____ 9710 FM 2147 _____
Address of Building _____

Horseshoe Bay Center PD
Zone _____ PD-C-2 General Commercial
Zoning Classification _____

On and Off Premise Sale of Beer & Wine and Wine Businesses by the Glass
Conditional Use Description _____

Condition Required for Approval

1. The initial time period for this CUP is for _____ years, after which the City will review the operations of the use and determine if any additional conditions are required, and if any additional time periods will be required. or if the CUP will be permanent.

Issued this 15th day of November, 2016 by authority conferred upon me by Chapter 14 Zoning, Article 14.02 Zoning Ordinance, Division 2, Procedures and Administration, Part VII Conditional Use Permits of the Code of Ordinances of the City of Horseshoe Bay, Texas. The City Council has approved the Conditional Use Permit for the above building.

Approved: _____
Development Services Director

REQUEST FOR CONDITIONAL
USE PERMIT FOR BEER & WINE
TASTINGS IN GLASSES

BAYSIDE FRESH MARKET
9710 FM 2147



0 30 60 120 Feet



REQUEST FOR CONDITIONAL
USE PERMIT FOR BEER & WINE
TASTINGS IN GLASSES

BAYSIDE FRESH MARKET
9710 FM 2147

Legend

- C2 COMMERCIAL
- R1 SINGLE FAMILY RESIDENTIAL

