

CITY OF HORSESHOE BAY

ORDINANCE NO. ORD 08-11-18A

SHOPPES AT HI CIRCLE PLANNED DEVELOPMENT

AN ORDINANCE OF THE CITY OF HORSESHOE BAY ESTABLISHING THE SHOPPES AT HI CIRCLE PLANNED DEVELOPMENT DISTRICT; ADOPTING PLANNED DEVELOPMENT REGULATIONS FOR THE PLANNED DEVELOPMENT DISTRICT (PD); ESTABLISHING BOUNDARIES FOR THE PD; AMENDING THE ZONING MAP; ENACTING CERTAIN DEVELOPMENT STANDARDS AND LAND USE REGULATIONS; SETTING OUT ADMINISTRATIVE AND LEGISLATIVE PROCEDURES; IMPOSING CIVIL AND CRIMINAL PENALTIES, INCLUDING FINES NOT TO EXCEED \$2,000 PER OFFENSE; PROVIDING APPROVAL AUTHORITY FOR THE CITY COUNCIL; PROVIDING FOR ENFORCEMENT AND PENALTIES, AND PROVIDING FOR REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Horseshoe Bay ("City Council") seeks to continue to provide for the health, safety, and welfare of those living in, working in, and visiting the City; and

WHEREAS, the City has adopted Ordinance No. 07-09-18E, the City's Zoning Ordinance, for the purpose of establishing reasonable land use regulations within the City, including the use of Planned Developments ("PDs"), particularly to meet unique development needs of certain projects; and

WHEREAS, Section 6 of the City's Zoning Ordinance specifies the procedure and requirements for the creation of PDs, and which permit development of land as an integral unit for single or mixed use in accordance with a PD Concept Plan and in which the goals and objectives of the Comprehensive Plan are to be implemented; and

WHEREAS, the owner and developer, Barry Wisenevitz (the "Developer"), proposes development of property in the City in a manner that includes unique needs and for which a Conceptual Site Plan (the "Concept Plan"), attached hereto as Exhibit "A," and incorporated herein for all purposes, proposed development standards for a PD; and

WHEREAS, a statement of how the PD will relate to the City's Comprehensive Plan has been submitted in compliance with the requirements of Section 6; and

WHEREAS, the property proposed for inclusion in such PD is approximately 0.64 acres comprised of Lot No. 23095 Horseshoe Bay Plat No. 23.4 in the City of Horseshoe Bay, in Llano County, Texas; and

WHEREAS, the City has examined such Concept Plan and all accompanying documents and is of the opinion that the proposed PD is in compliance with Section 6 of the City's Zoning Ordinance and that a PD should be created and be identified hereinafter as The Shoppes at High Circle PD of the City of Horseshoe Bay; and

WHEREAS, Public notice was provided and the City Council has conducted a public hearing on creation of The Shoppes at High Circle PD, as required by law; and

WHEREAS, the City Council, in the exercise of its legislative discretion has concluded that the Zoning Ordinance of the City of Horseshoe Bay should be amended as herein described.

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. ZONING ORDINANCE AMENDED

Zoning Ordinance No. 07-09-18E, of the City of Horseshoe Bay, Texas as heretofore amended, be and the same is hereby amended by adding a new zone, " The Shoppes at High Circle PD" as more fully set forth herein. This Ordinance amends the City's Zoning Ordinance but shall stand alone and shall be complimentary to rather than supplanting or replacing portions of such Zoning Ordinance.

III. APPLICABLE ZONING AND OTHER REGULATIONS.

The Property shall be regulated for purposes of zoning and subdivision by the City's Zoning and Subdivision Ordinances, and shall be subject to all other City Ordinances in effect except as herein specifically provided. Particular zoning classifications are set forth in this PD Ordinance. Where a general zoning item is not specifically addressed in this PD Ordinance but is addressed by the City's Zoning Ordinance or other ordinance in effect, the zoning or other ordinance shall control. In the event of any conflict between this PD Ordinance and the City's Zoning Ordinance, this PD Ordinance shall control.

IV. DEFINITIONS

City Council means the City Council of the City of Horseshoe Bay, Llano and Burnet Counties, Texas,

Developer means Barry Wisenevitz and shall include any person, partnership, firm, association, corporation (or combination thereof), and/or any officer, agent, employee, servant and trustee thereof who performs or participates in the performance of any act toward the subdivision and/or development of land within the intent, scope and purview of this PD Ordinance. Developer shall

also be defined as the builder if he or she is responsible for the construction of buildings and/or other structures or permanent improvements.

PD Concept Plan establishes the general guidelines for the PD by identifying the proposed land uses and intensities, thoroughfare locations, and open space boundaries and illustrates the integration of these elements into a master plan for the entire PD, and a copy is attached hereto as “Exhibit A” and incorporated herein for all purposes.

PD means a Planned Development under the City's Zoning Ordinance.

Project means the “Shoppes at High Circle” neighborhood retail development, discussed more fully in the PD Concept Plan.

Property means the approximately 0.64 acres of land which is owned by Developer and currently located within the corporate boundaries of the City and more fully described as Lot No. 23095, Horseshoe Bay Plat No. 23.4, Horseshoe Bay, Llano County, Texas, and is intended to be developed as the Project.

V. PD THE SHOPPES AT HIGH CIRCLE

(a) Standards

The Project shall be zoned in one classification, General Commercial (C-2), and the provisions of Sections 3.6.10 (a) and 3.6.10 (c) of the Zoning Ordinance shall apply to the Project except for the following modifications, and so long as the Project is constructed consistent with the Concept Plan, the restrictions and standards described in Sections 3.6.10 (a) and 3.6.10 (c) are amended for The Shoppes at High Circle PD as follows:

- (1) **Zoning:** Unless otherwise modified by this PD Ordinance, rules presently pertaining to Classification C-2 in Zone 4A apply to the development of the Property.
- (2) **Setbacks:** All buildings shown on the PD Concept Plan shall be required to have setbacks as shown on the PD Concept Plan.
- (3) **Height:** The maximum height of the single story building in the Concept Plan shall be twenty-four feet (24') with maximum four foot (4') parapet walls around all roof tops to screen all roof top mounted mechanical equipment.
- (4) **Building Design and Layout:** All building design and layout is set out on the Concept Plan incorporating six (6) retail suites. Modification of such building design and retail suite layout shall require City Council approval.
- (5) **Uses Not Allowed:** No gas service stations or convenience stores shall be allowed within this PD.
- (6) **Maintenance:** All maintenance and upkeep of all improvements shall be borne by the Developer, including all seasonable landscaping needs and requirements.
- (7) **Access and Curb Cuts:** Access from the Property shall be only from F.M. 2147. Developer shall bear all costs and expenses of obtaining access and a curb cut onto F.M.

2147 from the Property, as well as building the entryway into the Property from F.M. 2147, as shown on the Concept Plan. There shall only be Fire Department access from Hi Circle South, and all required Fire Lane markings shall be provided by the Developer. The curb fronting on Hi Circle shall also be marked as a Fire Lane.

- (8) "No Parking" Signs shall be provided along Hi Circle South along this property.
- (9) The project shall contain 7,250 square feet of net leasable space.
- (10) The project shall provide (28), 10' wide x 20' long parking spaces with a 25' back up lane. The required number of spaces based on 250 square feet per space, is 29 spaces. A variance is requested to reduce the required number by one space to allow for required landscaping island every 10 spaces.
- (11) The project shall meet all requirements of LCRA for water quality and retention.
- (12) The following items were discussed with the neighbors, to which the developer agrees at his cost:
 - (A) Restrict any access to Hi Circle except emergency vehicles by providing a ribbon curb 2' wide x 20' long, clearly marked in red as "Fire Lane", with low ground cover plants with automatic irrigation system over compacted base designed to carry 75,000 pounds, as shown on Concept Plan.
 - (B) Provide low growth planters on the back building setback for issues of security in the final landscape plan
 - (C) The Refuse Area shall be located as shown on the PD Concept Plan. The waste receptacle is to be screened on three (3) sides with six foot (6') high block/stucco wall with gates.
 - (D) All lighting to be down casting with lamps screened, including parking lot lighting, and shall be a maximum of eight (8) feet in height.
 - (E) Building tenant signage to meet code and to be back lit, raised metal.
 - (F) Awnings to be metal vs. fabric.
 - (G) Color of building to be earth-toned, muted with the roof tile variegated in color.
 - (H) Native landscapes to be incorporated vs. imported species.
 - (I) Any restaurant to be limited to 3,000 square feet air conditioned, and alcoholic beverages be limited to 50% of revenues generated from the sale of food in a restaurant.
 - (J) There is to be no bar or night club.

- (K) Any venting of restaurant kitchen shall direct air towards Highway 2147. Any grease traps shall be located in front or side of the building away from Hi Circle South for access.
 - (L) Loomis Austin shall locate on final construction documents, two fire hydrants of type and size and location as dictated by HSB Fire Chief
 - (M) Building shall be fire-sprinkled as well as having a detector check and cross connection controls.
 - (N) The building shall meet all aspects of the International Fire Code 2006 Edition.
 - (O) The side yard set back of 5' (7' is provided) meets the building code and allows unrestricted access.
 - (P) Developer agrees to extend such water and waste water lines as required to accommodate the building, irrigation (with back flow preventor valve) and new fire hydrants.
 - (Q) All AC units, including compressors, are to be roof mounted behind parapet wall.
 - (R) Security lighting in rear of building is to be motion activated.
 - (S) There shall be no live entertainment outdoors at any time.
- (13) Special Restrictions and Covenants agreed to with Horseshoe Bay Architectural Control Committee in addition to those listed above:
- (A) Developer shall submit design drawings of all signage including color, materials, sizes and lighting prior to installation. No ground mounted or back-lighted "bubble plastic" signs shall be allowed.
 - (B) Developer shall submit design drawings of all proposed lighting prior to installation.
 - (C) Developer shall submit final construction documents including all colors prior to construction.

(b) Parking During Construction

Developer shall at all times provide parking for vehicles involved in the Project on the Property. Construction vehicles shall not be allowed to park on the streets. The City's Parking Ordinance (Ordinance No. 07-05-15A) must be followed during construction.

