

CITY OF HORSESHOE BAY

ORDINANCE NO. ORD 09-11-17C

SHOPPES AT HI CIRCLE PLANNED DEVELOPMENT

AN ORDINANCE OF THE CITY OF HORSESHOE BAY PROVIDING FOR AN EXTENSION OF 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"), had applied for and been granted PD Zoning approval by Ordinance No. 10-11-18A for development of his property in the City in a manner that included 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 the Shoppes at Hi Circle 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 requested extension of PD zoning is in compliance with

Section 6 of the City's Zoning Ordinance and that the Shoppes at Hi Circle PD should be extended as The Shoppes at High Circle PD of the City of Horseshoe Bay; and

WHEREAS, Public notice was provided and the Planning & Zoning Commission and City Council have conducted public hearings on extension 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

Exhibit F of Chapter 14 of the Code of Ordinances of the City of Horseshoe Bay, Texas as heretofore amended, be and the same is hereby amended by approving the extension of "The Shoppes at High Circle PD" as more fully set forth herein. This Ordinance amends Chapter 14 the City's Zoning Code but shall stand alone and shall be complimentary to rather than supplanting or replacing portions of such Zoning Code.

III. APPLICABLE ZONING AND OTHER REGULATIONS

The Property shall be regulated for purposes of zoning and subdivision by the City's Zoning and Subdivision Codes, and shall be subject to all other City Codes 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 Code or other code in effect, the zoning or other code shall control. In the event of any conflict between this PD Ordinance and the City's Zoning code, 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 Code.

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 14.02.406 (j) (1) and 14.02.406 (j) (3) of the Zoning Code 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 14.02.406 (j) (1) and 14.02.406 (j) (3) 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 rooftop 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 stand-alone convenience stores shall be allowed within this PD, but does not preclude a gourmet or deli type market.
- (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. "No Parking" Signs shall be provided along Hi Circle South along this property.

- (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 hereby approved to reduce the required number by one space to allow for required landscaping islands every 10 spaces.
- (11) The project shall meet all requirements of LCRA for water quality and retention.
- (12) The following items have been discussed with the neighbors, and the developer has agreed at his cost to:
 - (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) Locate the Refuse Area 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) Make all lighting be down cast with lamps screened, including parking lot lighting, and shall be a maximum of eight (8) feet in height.
 - (E) Provide building tenant signage to meet the Sign Code and to be back lit, raised metal.
 - (F) Provide metal awning instead of fabrics.
 - (G) Provide an earth-toned color for the building, muted with the roof tile variegated in color.
 - (H) Provide native landscapes instead of imported species.
 - (I) Provide that any restaurant 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) Not have any bar or night club.
 - (K) Vent restaurant kitchen air directly towards Highway 2147. Any grease traps shall

be located in front or side of the building away from Hi Circle South for access.

- (L) Have Loomis Austin locate on final construction documents two fire hydrants of type and size and location as dictated by the City's Fire Chief
 - (M) Provide that the building be fire-sprinkled as well as have a detector check and cross connection controls.
 - (N) Have the building meet all aspects of the International Fire Code 2006 Edition.
 - (O) Provide a side yard set back of 7', which meets the Building Code and allows unrestricted access.
 - (P) Agree 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) Place all AC units, including compressors, on the roof mounted behind a parapet wall.
 - (R) Provide motion activated security lighting in the rear of the building.
 - (S) Not allow 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 proposed signage prior to installation, including color, materials, sizes and lighting. 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 Code Section 12.03.004 must be followed during construction.

VI. PENALTIES, COMPLIANCE & ENFORCEMENT

To the extent not otherwise modified by the provisions contained in this PD Ordinance, the provisions for civil and criminal penalties, including a fine of up to \$2,000.00 per day of violation, contained in Section 5, Penalties and Enforcement of the City's Zoning Ordinance, as it may be amended in the future, pertain to The Shoppes at High Circle PD. The Property shall be used only in the manner and for the purposes provided for in Chapter 14 the Zoning Code, of the City of Horseshoe Bay as hereby amended by this PD Ordinance and as the Zoning Code

