



## **AGENDA**

**Zoning Board of Adjustment  
Wednesday, October 12, 2022  
4:00 PM, City Hall  
4000 Galleria Parkway  
Bee Cave, Texas 78738-3104**

THE CITY OF BEE CAVE COUNCIL MEETINGS ARE AVAILABLE TO ALL PERSONS REGARDLESS OF DISABILITY. IF YOU REQUIRE SPECIAL ASSISTANCE, PLEASE CONTACT KAYLYNN HOLLOWAY AT 512-767-6641 AT LEAST 48 HOURS IN ADVANCE OF THE MEETING. THANK YOU.

1. Call meeting to order
2. Roll call
3. Consider approval of minutes of the meeting conducted on June 8, 2022
4. Public hearing, discussion, and possible action on a variance request for Summit 56, Lot 1, located at the NW corner of SH-71W and N. Joint Access Rd, Bee Cave, TX, for a variance to Bee Cave Unified Development Code Article 3 - Zoning, Section 3.4.8B.9(i) regarding separation requirements for gas stations.
5. Adjournment

**The Board may go into closed session at any time when permitted by Chapters 418 or 551, Texas Government Code, or Section 321.3022 of the Texas Tax Code. Before going into closed session a quorum of the Board must be present, the meeting must be convened as an open meeting pursuant to proper notice, and the presiding officer must announce that a closed session will be held and must identify the sections of Chapter 551 or 418, Texas Government Code, or Section 321.3022 of the Texas Tax Code authorizing the closed session.**

I certify that the above notice of meeting was posted at Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas, on the 7th day of October, 2022 at 5:00 P.M. (Seal)

Reggie Brooks  
Deputy City Secretary





***Zoning Board of Adjustment Meeting  
10/12/2022  
Agenda Item Transmittal***

**Agenda Item:** 3.

**Agenda Title:** Consider approval of minutes of the meeting conducted on June 8, 2022

**Board Action:** Approve or Deny

**Department:** Planning and Dev. - PZ Agenda

**Staff Contact:** Reggie Brooks, Administrative Coordinator

**1. INTRODUCTION/PURPOSE**

**2. DESCRIPTION/JUSTIFICATION**

**a) Background**

**b) Issues and Analysis**

**3. FINANCIAL/BUDGET**

Amount Requested	Fund/Account No.
Cert. Obligation	GO Funds
Other source	Grant title
Addtl tracking info	

**4. TIMELINE CONSIDERATIONS**

**5. RECOMMENDATION**

**ATTACHMENTS:**

Description	Type
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MINUTES OF THE MEETING OF THE  
ZONING BOARD OF ADJUSTMENTS  
CITY OF BEE CAVE  
4000 Galleria Parkway  
Bee Cave, Texas 78738  
June 8, 2022

STATE OF TEXAS           §

COUNTY OF TRAVIS       §

**Present:**

Judson Scott, Chair  
Leslie Mitchell, Board Member  
Paula Boyd, Board Member  
David DeStefano, Board Member  
Eric Johnston, Board Member

**Absent:**

None

**City Staff:**

Clint Garza, City Manager  
Megan Will, Director of Planning and Development  
Kevin Sawtelle, City Engineer  
Amanda Padilla, Senior City Planner  
Sean Lapano, City Planner  
Reggie Brooks, Administrative Coordinator

**Call to Order and Announce a Quorum is Present**

With a quorum present, the meeting of the Bee Cave Zoning Board of Adjustments was called to order by Chair Scott at 4:02 p.m. on Wednesday June 8, 2022 in the Council Chambers.

**Consider approval of minutes of the meeting conducted on November 10, 2021.**

MOTION: A motion was made by Board Member Mitchell, seconded by Board Member Boyd, to recommend approval on the minutes of November 10, 2021.

The vote was taken on the motion with the following result:

Voting Aye:	Board Members Scott, Boyd, Mitchell, DeStefano, Johnston
Voting Nay:	None
Abstained:	None
Absent:	None

The motion carried.

**Public hearing, discussion, and possible action on a variance request for Homestead, Lot 1 Blk C located at 4901 High Canyon Pass for variance to the City of Bee Cave Code of Ordinances: Sec. 32.03.003(d)(1)(c) Minimum lot depth.**

MOTION: A motion was made by Board Member Scott, seconded by Board Member Johnston, to recommend denial on the variance request for Homestead, Lot 1 Blk C located at 4901 High Canyon Pass for variance to the City of Bee Cave Code of Ordinances: Sec. 32.03.003(d)(1)(c) Minimum lot depth, based on the following conditions:

*The Board finds that pursuant to the Conditions Required for a Variance: Sec. 32.03.003(f)(2):*

- (A) That there are no special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the land; and*
- (B) That the variance is not necessary for the preservation and enjoyment of a substantial property right of the applicant; and*
- (C) That the granting of the variance will be detrimental to the public health, safety or welfare, or injurious to other property within the area; and*
- (D) That the granting of the variance will have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this chapter.*

*The Board recommends denial of the request for variance.*

*Additionally, pursuant to the required Findings of Undue Hardship: 32.02.003(f)(3), the Board finds that:*

- (A) That literal enforcement of the controls will not create an unnecessary hardship or practical difficulty in the development of the affected property; and*
- (B) That the situation causing the hardship or difficulty is self-imposed; and*
- (C) That the relief sought will injure the permitted use of adjacent conforming property; and*
- (D) That the granting of a variance will not be in harmony with the spirit and purpose of these regulations.*

The vote was taken on the motion with the following result:

Voting Aye:	Board Members Scott, Boyd, Mitchell, DeStefano, Johnston
Voting Nay:	None
Abstained:	None
Absent:	None

The motion carried.

**Adjournment**

MOTION: A motion was made by Board Member Boyd, seconded by Board Member Mitchell to adjourn.

The vote was taken on the motion with the following result:

Voting Aye:	Board Members Scott, Boyd, Mitchell, DeStefano, Johnston
Voting Nay:	None
Abstained:	None
Absent:	Board None

The motion carried.

**The Zoning Board of Adjustment adjourned the meeting at 5:28 p.m.**

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

ATTEST

\_\_\_\_\_  
Reggie Brooks

\_\_\_\_\_  
Judson Scott, Chair



***Zoning Board of Adjustment Meeting  
10/12/2022  
Agenda Item Transmittal***

**Agenda Item:** 4.

**Agenda Title:** Public hearing, discussion, and possible action on a variance request for Summit 56, Lot 1, located at the NW corner of SH-71W and N. Joint Access Rd, Bee Cave, TX, for a variance to Bee Cave Unified Development Code Article 3 - Zoning, Section 3.4.8B.9(i) regarding separation requirements for gas stations.

**Board Action:**

**Department:** Planning and Development

**Staff Contact:** Sean Lapano, City Planner & Megan Will, Director of Planning and Development

**1. INTRODUCTION/PURPOSE**

see attached transmittal letter

**2. DESCRIPTION/JUSTIFICATION**

**a) Background**

see attached transmittal letter

**b) Issues and Analysis**

see attached transmittal letter

**3. FINANCIAL/BUDGET**

Amount Requested

Cert. Obligation

Other source

Addtl tracking info

Fund/Account No.

GO Funds

Grant title

**4. TIMELINE CONSIDERATIONS**

5. RECOMMENDATION

ATTACHMENTS:

Description	Type
▣ Transmittal Letter - Summit 56, Lot 1 Variance	Cover Memo
▣ Summit 56 Final Plat	Backup Material
▣ Variance Request Letter	Backup Material
▣ Distance Exhibit	Exhibit
▣ Zoning Map	Exhibit
▣ DRAFT ZBA Order Summit 56 Lot 1 (QT)	Ordinance

***Zoning Board of Adjustment***  
***October 12, 2022***  
***Agenda Item Transmittal***

**Agenda Item:** # 4

**Agenda Title:** Public hearing, discussion, and possible action on a variance request for Summit 56, Lot 1, located at the NW corner of SH-71W and N. Joint Access Rd, Bee Cave, TX, for a variance to Bee Cave Unified Development Code Article 3 - Zoning, Section 3.4.8B.9(i) regarding separation requirements for gas stations

**Council Action:** Discussion, Consider Action

**Department:** Planning & Development

**Staff Contact:** Sean Lapano, City Planner & Megan Will, Director of Planning & Development

<b>1. INTRODUCTION/PURPOSE</b>
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Consider a request for a xx-acre lot zoned Neighborhood Mixed-use located at the NW corner of SH-71 West and N. Joint Access Road for a variance from Bee Cave Unified Development Code Article 3 - Zoning, Section 3.4.8B.9(i) to allow a gas station within 2000' of another gas station.

<b>2. DESCRIPTION/ JUSTIFICATION</b>
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**a) Background**

The subject property is part of the Summit 56 Subdivision. The Subdivision received approval of a final plat on May 10, 2010. The Subdivision was approved by the City with the verbiage "Commercial" designated for the lots, including the subject property (see plat note #21). At the time of plat approval, the property was located in the city's extraterritorial jurisdiction (ETJ).

An application for a non-point source pollution plan (NPS) permit was submitted to the city the subject property on May 5, 2013. The NPS permit application depicted a convenience store with gas sales among other uses for the subject property. However, the permit application was never completed nor was a permit issued by the city.

The Summit 56 subdivision, including the subject property was annexed into the city limits on September 10, 2013, (Ord No. [13-160](#)) and zoned Neighborhood Services (NS) district on November 26, 2013, (Ord No. [13-173](#)). [Under the zoning ordinance in effect at that time](#), a convince store with gas sales was not a permitted use in the NS district, or any zoning district within the city.

In May 2016 the City confirmed with the owner of the subject property that their 2013 NPS application was grandfathered as it was submitted prior the annexation of the property. The property owner was directed to provide a response to the city comments issued in 2013. No response was received.

In October 2018 city staff met with representative from 7-11 on site at the subject property to discuss potential development of the property as a convenience store with gas sales. This meeting prompted the property owner's engineer to contact the city requesting clarification of the grandfathered status. The city attorney provided a response to this inquiry in January 2019 indicating that a Chapter 245 vesting determination could be requested to determine the grandfathered status of the convenience store with gas sales use. The city attorney's response also indicated that the owner of the subject property could pursue an alternative negotiated process provided for [under Section 30.01.007\(d\)\(9\) of the City's subdivision ordinance in effect at that time](#). This process would result in a zoning ordinance reflecting a combination of current ordinances and ordinances that would govern as if the project had vested rights under Chapter 245.

On June 11, 2019, city staff met with the owner of the subject property to discuss development of negotiated zoning ordinance, styled as a Planned Development District (PDD).

An application for a Planned Development District (PDD) including a conveniences store with gas sales as a permitted use was submitted for the subject property on December 20, 2019. City staff reviewed and provided comments on the application and two subsequent resubmittals; the last round of comments provided by the City on August 15, 2021. No response was provided to these comments. Zoning applications, including PDDs, expire after 180 days without a response to comments.

In June 2022 Bee Cave City Council adopted a [Unified Development Code \(UDC\)](#) including updated Zoning regulations that rename the Neighborhood Services district to Mixed-Use Neighborhood and provided updated development standards and an expanded list of uses. Per the UDC, a gas station with or without Convenience Store may be allowed in the MU-N district if the use adheres to the Conditional Standards of UDC Article 3, Section 3.4.8B.9 and a Specific Use Permit is approved.

Section 3.4.8B.9(i) states, "A new Gas Station shall not be approved within two thousand feet (2,000') of an existing Gas Station."

There is currently a gas station with convenience store (TXB Store #63) under construction at 15701 W. SH-71, i.e., Lot 36, Block A of the Bella Colinas Commercial development. This property is only one hundred sixty two feet (162') away from the proposed QuikTrip across Highway 71. That property is located in the City's ETJ but is subject to [the Masonwood Amended and Restated Development Agreement \(DA\)](#), which stipulates development of the property is subject the Neighborhood Services district (zoning) regulations (Section 32.03.009 of the City's previous zoning code), with the exception of 32.03.009(e)(3) and (e)(6), and that the use of the property is limited to the uses listed in Exhibit C of the DA. Exhibit C permits a Gas Station with convenience store.

**b) Issues and Analysis**

Section 3.6.2 of the Unified Development Code specifies that no variance shall be granted without first having given public notice and having held a public hearing on the written variance request in accordance with this section, Section 1.2.4, Section 1.2.5 and TLGC Section 211.008 and **unless the Board finds:**

- (i) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this **Article 3** would deprive the applicant of the reasonable use of the land; and
- (ii) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
- (iii) That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property within the area; and
- (iv) That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Section 3.6.
- (v) Variances may be granted only when in harmony with the general purpose and intent Section 3.6 so that the public health, safety, and welfare may be secured, and that substantial justice may be done.

**In order to grant a variance, the Board must make written findings that an undue hardship exists, using the following criteria:**

- (i) That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property; and
- (ii) That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district; and
- (iii) That the relief sought will not injure the permitted use of adjacent conforming property; and
- (iv) That the granting of a variance will be in harmony with the spirit and purpose of these regulations.

<b>3. TIMELINE CONSIDERATIONS</b>
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None.

<b>4. RECOMMENDATION</b>
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N/A



<b>5. REFERENCE FILES</b>
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1. QuikTrip Distance Map
2. Summit 56 Plat
3. QuikTrip Letter of Intent (Variance Request)
4. Summit 56 Zoning Map
5. Draft ZBA Order



TRV

201000095

4 PGS

# PLAT

## PLAT RECORDS INDEX SHEET:

### SUBDIVISION NAME:

SUMMIT 56

SUMMIT 56 FINAL PLAT

**OWNERS NAME:** SUMMIT AUSTIN 56, LTD.**RESUBDIVISION?** YES ☐ NO ☒

### ADDITIONAL RESTRICTIONS / COMMENTS:

DOC# 2010114629 -- TAX CERTIFICATE

DOC# 2010114630 -- EASEMENT

DOC# 2010114631 -- RESTRICTIONS

DOC# 2010114632 -- EASEMENT

DOC# 2010114633 -- EASEMENT

DOC# 2010114634 -- EASEMENT

### RETURN:

TRAVIS COUNTY TNR

ATTN: MICHAEL HETTENHAUSEN

512/854-7563

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

Aug 09, 2010 03:23 PM

201000095

BARTHOLOMEWD: \$119.00

Dana DeBeauvoir, County Clerk

Travis County TEXAS

201000095

8-9-2010

119.99

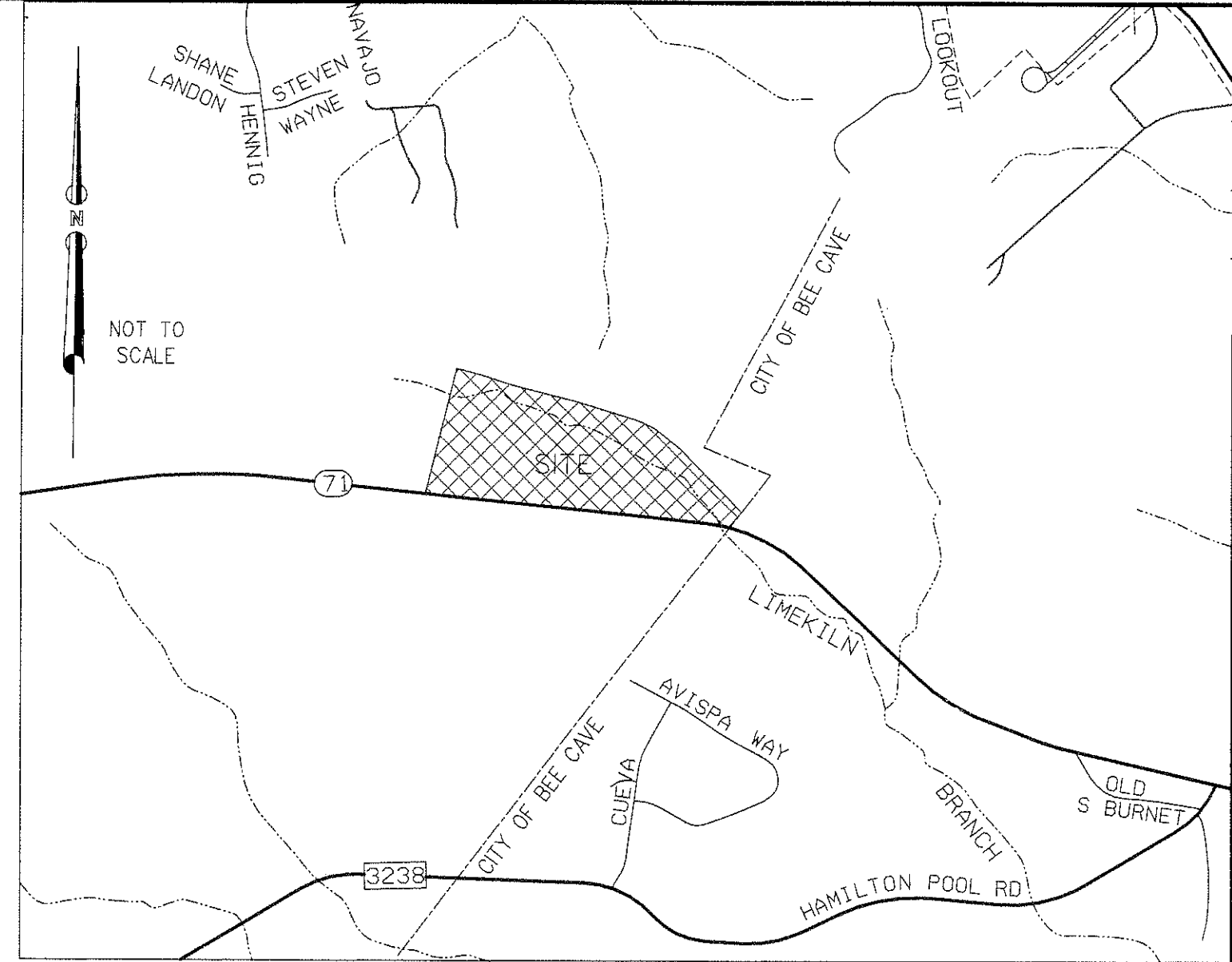
PHOTOGRAPHIC MYLAR

LEGEND

- = 1/2" IRON ROD FOUND
- ▲ = 10" CEDAR FENCE POST FOUND UNLESS OTHERWISE NOTED
- = CONCRETE HIGHWAY MONUMENT FOUND
- = 5/8" IRON ROD WITH PLASTIC CAP MARKED "RPLS 4532" SET
- △ = CALCULATED POINT
- DRCT = DEED RECORDS TRAVIS COUNTY TEXAS
- PRCT = PLAT RECORDS TRAVIS COUNTY TEXAS
- RPRCT = REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS
- OPRCT = OFFICIAL PUBLIC RECORDS TRAVIS COUNTY TEXAS
- = FEMA FLOODPLAIN (HATCHED) ZONE 'A'
- = CALCULATED 100-YEAR FLOODPLAIN
- = CALCULATED 100-YEAR FLOODPLAIN ELEVATION
- = WATER QUALITY BUFFER ZONE
- PUE = PUBLIC UTILITY EASEMENT

LINE	DIRECTION	DISTANCE
L1	S78°01'54"W	6.65
L2	N69°42'38"W	100.33
L3	N35°57'38"W	96.09
L4	N78°57'38"W	28.95
L5	N78°57'38"W	12.36
L6	S78°57'38"E	7.62
L7	S84°34'25"E	20.90
L12	N50°25'35"E	64.35
L13	S39°34'25"E	32.53
L14	N50°25'36"E	14.14
L15	S05°25'35"W	32.50
L16	N05°24'58"E	20.00
L17	S84°35'02"E	25.00
L18	S05°24'58"W	18.00
L19	S84°34'25"E	53.51
L20	S05°25'35"W	45.49
L21	N05°32'01"E	25.00
L22	S67°55'07"E	71.30
L23	S60°12'07"E	103.29
L24	S45°01'07"E	79.25
L25	S55°58'16"E	68.63
L26	S53°39'39"E	6.50
L27	N41°00'39"E	43.06
L28	N30°03'08"W	42.98

CURVE	LENGTH	DELTA	RADIUS	DIRECTION	CHORD
C1	313.95	09°07'54"	1969.86	S74°01'23"E	313.62
C2	208.89	06°04'33"	1969.86	N81°37'36"W	208.79
C3	29.06	90°00'00"	18.50	N50°24'58"E	26.16



LOT SUMMARY TABLE

LOT 1	-	6.950 ACRES	COMMERCIAL
LOT 2	-	9.844 ACRES	COMMERCIAL
LOT 3	-	7.325 ACRES	COMMERCIAL
LOT 4	-	7.846 ACRES	COMMERCIAL
LOT 5	-	9.853 ACRES	COMMERCIAL
LOT 6	-	8.529 ACRES	COMMERCIAL
LOT 7	-	6.380 ACRES	COMMERCIAL
TOTAL	-	56.727 ACRES	

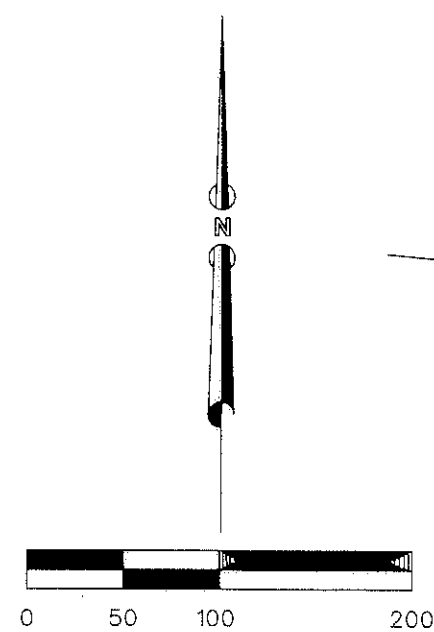
RAMSEY LAND SURVEYING, L.L.C.

8718 SOUTHWEST PARKWAY  
P.O. BOX 92768  
AUSTIN, TEXAS 78709-2768  
PHONE (512) 301-9398  
FAX (512) 301-9395  
bramsey@lsurveying.com

SUMMIT 56  
FINAL PLAT

DRAWN BY	MCO/CAR
CHECKED	BR
DATE	1-09-09
PROJECT NO	1101-04
DRAWING NO	1101-01
SHEET NO.	1 OF 4
FILENAME	SUMMITFP.DGN

PHOTOGRAPHIC MYLAR



INTERNATIONAL RAM ASSOCIATES, LC  
[23.00 ACRES]  
DOC. NO. 2007196134  
OPRTCT

AUBREY ELDON GRUMBLES  
4018 MANANA MOUNTAIN CIR  
SPICEWOOD, TX. 78669

ALFRED GRUMBLES  
15823 W. HWY 71  
AUSTIN, TX 78738  
VOL. 2774, PG. 424  
DRCT

ARTIE GRUMBLES, ET AL.  
15823 W. HWY 71  
AUSTIN, TX. 78738

### LEGEND

- = 1/2" IRON ROD FOUND
- ▲ = 10" CEDAR FENCE POST FOUND UNLESS  
OTHERWISE NOTED
- = CONCRETE HIGHWAY MONUMENT FOUND
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- = CALCULATED 100-YEAR FLOODPLAIN
- = CALCULATED 100-YEAR FLOODPLAIN ELEVATION
- WQBZ = WATER QUALITY BUFFER ZONE
- / PUE = PUBLIC UTILITY EASEMENT

RAMSEY LAND SURVEYING, L.L.C.

8718 SOUTHWEST PARKWAY  
P.O. BOX 92768  
AUSTIN, TEXAS 78709-2768  
PHONE (512) 301-9398  
FAX (512) 301-9395  
bramsey@lsurveying.com

SUMMIT 56  
FINAL PLAT

DRAWN BY	MCO/CAR
CHECKED	BR
DATE	1-09-09
PROJECT NO	1101-04
DRAWING NO	1101-01
SHEET NO.	2 OF 4
FILENAME	

SUMMITFP.DGN

STATE OF TEXAS \*  
COUNTY OF TRAVIS \*  
KNOW ALL MEN BY THESE PRESENTS:

THAT SUMMIT AUSTIN 56, LTD., A TEXAS LIMITED PARTNERSHIP ACTING BY AND THROUGH KURT ADKINS, VICE PRESIDENT, BEING OWNER OF THAT CERTAIN 56.727 ACRES OF LAND SITUATED IN THE JOSEPH REYNOLDS SURVEY NO. 44, TRAVIS COUNTY, TEXAS BEING A PORTION OF THAT CERTAIN 79.727 ACRES OF LAND, CONVEYED TO SUMMIT AUSTIN 56, LTD., BY DEED RECORDED IN DOCUMENT NO. 2007176103 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY DO HEREBY SUBDIVIDE SAID 56.727 ACRES OF LAND IN ACCORDANCE WITH THIS PLAT AND CHAPTERS 212 AND 232 OF THE TEXAS LOCAL GOVERNMENT CODE, TO BE KNOWN AS "SUMMIT 56", AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF ALL STREETS AND EASEMENTS SHOWN HEREON, SUBJECT TO ANY EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED.

IN WITNESS WHEREOF, SUMMIT AUSTIN 56, LTD., HAVE CAUSED THESE PRESENTS TO BE EXECUTED BY THEIR VICE PRESIDENT, KURT ADKINS, THIS THE 27<sup>th</sup> DAY OF May, 2010, A.D.

BY: SUMMIT AUSTIN 56, LTD., A TEXAS LIMITED PARTNERSHIP

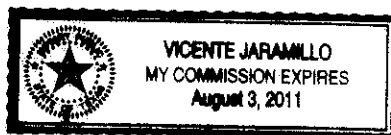
Kurt Adkins  
KURT ADKINS, VICE PRESIDENT  
3800 SOUTHWEST FREEWAY, SUITE 302  
HOUSTON, TX 77027

STATE OF TEXAS \*  
COUNTY OF TRAVIS \*

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED KURT ADKINS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO IN THE FOREGOING INSTRUMENT OF WRITING, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 27<sup>th</sup> DAY OF May, 2010, A.D.

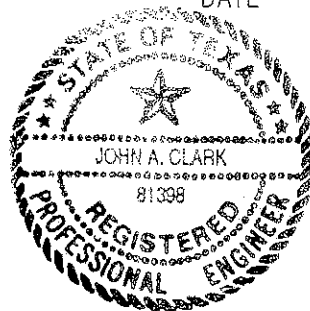
Vicente Jaramillo  
NOTARY PUBLIC FOR THE STATE OF TEXAS



#### ENGINEER'S CERTIFICATION

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER, LICENSED IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THE PROPER ENGINEERING CONSIDERATIONS HAVE BEEN GIVEN TO THIS PLAT AND IT MEETS THE REQUIREMENTS OF THE SUBDIVISION ORDINANCE OF THE CITY OF BEE CAVE, TEXAS.

John A. Clark  
JOHN A. CLARK  
REGISTERED PROFESSIONAL ENGINEER NO. 81398  
LJA ENGINEERING & SURVEYING, INC.  
5316 HIGHWAY 290 WEST  
SUITE 150  
AUSTIN, TEXAS 78735  
PHONE (512) 439-4700



#### BENCHMARKS:

NO. 1101-01 ELEVATION 1007.56 - COTTON GIN SPINDLE SET IN POWER POLE, +/- 65' WEST OF SOUTHEAST CORNER OF 56.727 ACRE TRACT +/- 6' SOUTH OF NORTH R.O.W. STATE HIGHWAY 71.

NO. 1101-02 ELEVATION 1064.60 - COTTON GIN SPINDLE SET IN POWER POLE +/- 1500' EAST OF SOUTHWEST CORNER OF 56.727 ACRE TRACT +/- 3' SOUTH OF NORTH R.O.W. STATE HIGHWAY 71.

#### FLOODPLAIN CERTIFICATION

THE 100-YEAR FLOODPLAIN IS CONTAINED WITHIN THE DRAINAGE EASEMENTS SHOWN HEREON. A PORTION OF THIS TRACT IS WITHIN THE DESIGNATED FLOOD HAZARD AREA AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE ADMINISTRATION RATE MAP (FIRM) \* 48453C0405 H FOR TRAVIS COUNTY, TEXAS AND INCORPORATED AREAS, DATED SEPTEMBER 26, 2008.

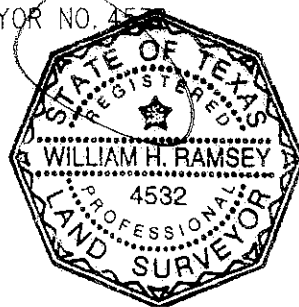
John A. Clark  
JOHN A. CLARK  
REGISTERED PROFESSIONAL ENGINEER NO. 81398  
LJA ENGINEERING & SURVEYING, INC.  
5316 HIGHWAY 290 WEST  
SUITE 150  
AUSTIN, TEXAS 78735  
PHONE (512) 439-4700



#### SURVEYOR'S CERTIFICATION

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND, UNDER MY SUPERVISION, AND FURTHER CERTIFY THAT IT COMPLIES WITH THE CITY OF BEE CAVE CODE OF ORDINANCES.

William H. Ramsey  
WILLIAM H. RAMSEY  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4532  
RAMSEY LAND SURVEYING, L.L.C.  
8718 SOUTHWEST PARKWAY  
P.O. BOX 92768  
AUSTIN, TEXAS 78709-2768  
PHONE (512) 301-9398  
FAX (512) 301-9395



#### CITY OF BEE CAVE APPROVAL

##### FINAL PLAT

APPROVED BY THE CITY OF BEE CAVE  
FOR FILING AT THE OFFICE OF THE COUNTY  
CLERK OF TRAVIS COUNTY, TEXAS

APPROVED BY: PLANNING AND ZONING  
COMMISSION, CITY OF BEE CAVE, TEXAS.

Jesus W. Oro  
SIGNATURE OF CHAIRPERSON  
DATE 07.27.2010

APPROVED BY: GOVERNING BODY  
CITY OF BEE CAVE, TEXAS.

Jack McCall  
MAYOR, CITY OF BEE CAVE  
PRO TEM  
ATTEST:  
Leah Whiting  
CITY SECRETARY  
DATE 7/27/2010

I, THE UNDERSIGNED, MAYOR OF THE CITY OF BEE CAVE, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY, AND IS HEREBY AUTHORIZED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF BEE CAVE FOR RECORDING IN THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

Jack McCall  
MAYOR, CITY OF BEE CAVE  
PRO TEM  
ATTEST:  
Leah Whiting  
CITY SECRETARY  
DATE 7/27/2010

THIS PROPERTY IS LOCATED IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF BEE CAVE, TRAVIS COUNTY, TEXAS.

Jack McCall  
MAYOR, CITY OF BEE CAVE  
PRO TEM  
ATTEST:  
Leah Whiting  
CITY SECRETARY  
DATE 7/27/2010

#### COMMISSIONERS COURT RESOLUTION

IN APPROVING THIS PLAT, THE COMMISSIONERS COURT OF TRAVIS COUNTY, TEXAS, ASSUMES NO OBLIGATION TO BUILD THE STREETS, ROADS AND OTHER PUBLIC THOROUGHFARES SHOWN ON THIS PLAT OR ANY BRIDGES OR CULVERTS IN CONNECTION THEREWITH. THE BUILDING OF ALL STREETS, ROADS AND OTHER PUBLIC THOROUGHFARES SHOWN ON THIS PLAT AND ALL BRIDGES AND CULVERTS NECESSARY TO BE CONSTRUCTED OR PLACED IN STREETS, ROADS OR OTHER PUBLIC THOROUGHFARES OR IN CONNECTION THEREWITH, IS THE RESPONSIBILITY OF THE OWNER AND/OR DEVELOPER OF THE TRACT OF LAND COVERED BY THIS PLAT IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS PRESCRIBED BY THE COMMISSIONERS COURT OF TRAVIS COUNTY, TEXAS.

THE OWNER(S) OF THE SUBDIVISION SHALL CONSTRUCT THE SUBDIVISION'S STREETS AND DRAINAGE IMPROVEMENTS (THE "IMPROVEMENTS") TO COUNTY STANDARDS IN ORDER FOR THE COUNTY TO ACCEPT THE PUBLIC IMPROVEMENTS FOR MAINTENANCE OR TO RELEASE FISCAL SECURITY POSTED TO SECURE PRIVATE IMPROVEMENTS. TO SECURE THIS OBLIGATION, THE OWNER(S) MUST POST FISCAL SECURITY WITH THE COUNTY IN THE AMOUNT OF THE ESTIMATED COST OF IMPROVEMENTS. THE OWNER(S) OBLIGATION TO CONSTRUCT THE IMPROVEMENTS TO COUNTY STANDARDS AND TO POST THE FISCAL SECURITY TO SECURE SUCH CONSTRUCTION IS A CONTINUING OBLIGATION BINDING ON THE OWNERS AND THEIR SUCCESSORS AND ASSIGNS UNTIL THE PUBLIC IMPROVEMENTS HAVE BEEN ACCEPTED FOR MAINTENANCE BY THE COUNTY, OR THE PRIVATE IMPROVEMENTS HAVE BEEN CONSTRUCTED AND ARE PERFORMING TO COUNTY STANDARDS.

THE AUTHORIZATION OF THIS PLAT BY THE COMMISSIONERS COURT FOR FILING OR THE SUBSEQUENT ACCEPTANCE FOR MAINTENANCE BY TRAVIS COUNTY, TEXAS, OF ROADS AND STREETS IN THE SUBDIVISION DOES NOT OBLIGATE THE COUNTY TO INSTALL STREET NAME SIGNS OR ERECT TRAFFIC CONTROL SIGNS, SUCH AS SPEED LIMIT, STOP SIGNS AND YIELD SIGNS, WHICH IS CONSIDERED TO BE A PART OF THE DEVELOPERS' CONSTRUCTION. NOTWITHSTANDING THE FOREGOING TO THE CONTRARY, IT IS THE OWNERS INTENTION THAT ALL OF THE ROADS AND STREETS IN THIS SUBDIVISION REMAIN PRIVATE.

STATE OF TEXAS  
COUNTY OF TRAVIS

I, DANA DEBEAUVOIR, CLERK OF TRAVIS COUNTY, TEXAS DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 9<sup>th</sup> DAY OF August, 2010, A.D., AT 3:23 O'CLOCK P.M. AND DULY RECORDED ON THE 9<sup>th</sup> DAY OF August, 2010, A.D., AT 3:23 O'CLOCK P.M. IN DOCUMENT NO. 201000095 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY AND STATE.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THIS 9<sup>th</sup> DAY OF August, 2010, A.D.

DANA DEBEAUVOIR, COUNTY CLERK,  
TRAVIS COUNTY, TEXAS

DEPUTY

STATE OF TEXAS: D. BARTHOLOMEW  
COUNTY OF TRAVIS:

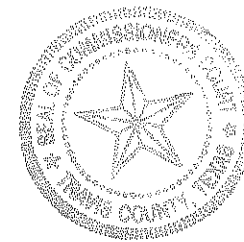
I, DANA DEBEAUVOIR, CLERK OF THE COUNTY COURT, OF TRAVIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT ON THE 27<sup>th</sup> DAY OF July, 2010, A.D., THE COMMISSIONERS' COURT OF TRAVIS COUNTY, TEXAS, PASSED AN ORDER AUTHORIZING THE FILING FOR RECORD OF THIS PLAT, AND THAT SAID ORDER WAS DULY ENTERED IN THE MINUTES OF SAID COURT.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY COURT OF SAID COUNTY, THE 9<sup>th</sup> DAY OF August, 2010, A.D.

DANA DEBEAUVOIR, COUNTY CLERK, TRAVIS COUNTY, TEXAS

DEPUTY

Robert Roenick  
Robert Roenick



RAMSEY LAND SURVEYING, L.L.C.

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AUSTIN, TEXAS 78709-2768  
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bramsey@lsurveying.com

SUMMIT 56  
FINAL PLAT

DRAWN BY MCO/CAR  
CHECKED BR  
DATE 1-09-09  
PROJECT NO 1101-04  
DRAWING NO 1101-01  
SHEET NO. 3 OF 4  
FILENAME SUMMITFP.DGN



201000095

PHOTOGRAPHIC MYLAR

GENERAL NOTES:

1. ALL DRAINAGE EASEMENTS/STORM SEWER EASEMENTS ON PRIVATE PROPERTY SHALL BE MAINTAINED BY THE OWNER OR HIS/HER ASSIGNS.
2. PROPERTY OWNER AND/OR HIS/HER ASSIGNS SHALL PROVIDE FOR ACCESS TO DRAINAGE EASEMENTS/STORM SEWER EASEMENTS AS MAY BE NECESSARY AND SHALL NOT PROHIBIT ACCESS BY TRAVIS COUNTY AND THE CITY OF BEE CAVE FOR INSPECTION OR MAINTENANCE OF SAID EASEMENTS.
3. DEVELOPMENT OF THE PROPERTY SHALL NOT BE STARTED UNTIL A NON-POINT SOURCE POLLUTION CONTROL PLAN (ORDINANCE No. 90.1) HAS BEEN APPROVED BY THE CITY OF BEE CAVE. THE MAINTENANCE OF THE NPS CONTROLS IS THE RESPONSIBILITY OF THE OWNER(S) OR HIS OR HER ASSIGNS.
4. THIS PROPERTY HAS ACCESS TO AND FROM A DEDICATED PUBLIC ROADWAY.
5. TRAVIS COUNTY DEVELOPMENT PERMIT REQUIRED PRIOR TO ANY SITE DEVELOPMENT.
6. NO OBJECTS, INCLUDING BUT NOT LIMITED TO, BUILDINGS, FENCES OR LANDSCAPING SHALL BE ALLOWED IN DRAINAGE EASEMENTS/STORM SEWER EASEMENTS EXCEPT AS APPROVED BY TRAVIS COUNTY, AND THE CITY OF BEE CAVE.
7. NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PUBLIC WATER SYSTEM AND A PUBLIC WASTEWATER SYSTEM APPROVED AND PERMITTED BY THE STATE OF TEXAS.
8. ALL LANDSCAPE IMPROVEMENTS, COMMON TO THE SUBDIVISION, WILL BE MAINTAINED BY THE PROPERTY OWNERS ASSOCIATION OR ITS ASSIGNS.
9. DEVELOPMENT OF EACH LOT IN THIS SUBDIVISION SHALL REQUIRE SUBMITTAL OF AN NPS PLAN TO THE CITY OF BEE CAVE. AS REQUIRED BY THE CITY OF BEE CAVE NON-POINT SOURCE POLLUTION CONTROL ORDINANCE 90.1, EACH LOT WILL BE SUBJECT TO AN NPS MAINTENANCE PLAN WHICH SHALL BE RECORDED IN THE TRAVIS COUNTY DEED RECORDS.
10. AUSTIN ENERGY HAS THE RIGHT TO PRUNE AND/OR REMOVE TREES, SHRUBBERY AND OTHER OBSTRUCTIONS TO THE EXTENT NECESSARY TO KEEP THE EASEMENTS CLEAR. AUSTIN ENERGY WILL PERFORM ALL TREE WORK IN COMPLIANCE WITH CHAPTER 25-8, SUBCHAPTER B OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE.
11. THE OWNER/DEVELOPER OF THIS SUBDIVISION/LOT SHALL PROVIDE AUSTIN ENERGY WITH ANY EASEMENT AND/OR ACCESS REQUIRED, IN ADDITION TO THOSE INDICATED, EXCLUSIVELY FOR THE INSTALLATION AND ONGOING MAINTENANCE OF OVERHEAD AND UNDERGROUND FACILITIES AND NO OTHER PURPOSE. THESE EASEMENTS AND/OR ACCESS ARE REQUIRED TO PROVIDE ELECTRIC SERVICE TO THE BUILDING AND WILL NOT BE LOCATED SO AS TO CAUSE THE SITE TO BE OUT OF COMPLIANCE WITH CHAPTER 25-8 OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE.
12. THE OWNER OF THE PROPERTY SHALL BE RESPONSIBLE FOR THE INSTALLATION OF TEMPORARY EROSION CONTROL, REVEGETATION AND TREE PROTECTION, IN ADDITION, THE OWNER SHALL BE RESPONSIBLE FOR ANY TREE PRUNING AND TREE REMOVAL THAT IS WITHIN TEN FEET OF THE CENTER LINE OF OVERHEAD ELECTRICAL FACILITIES DESIGNED TO PROVIDE ELECTRIC SERVICE TO THIS PROJECT. AUSTIN ENERGY WORK SHALL ALSO BE INCLUDED WITHIN THE LIMITS OF CONSTRUCTION FOR THIS PROJECT.
13. THE OWNER OF THE PROPERTY IS RESPONSIBLE FOR MAINTAINING CLEARANCES REQUIRED BY NATIONAL ELECTRIC SAFETY CODE, OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) REGULATIONS, CITY OF AUSTIN RULES AND REGULATIONS AND TEXAS STATE LAWS PERTAINING TO CLEARANCES WHEN WORKING IN CLOSE PROXIMITY TO OVERHEAD POWER LINES AND EQUIPMENT. AUSTIN ENERGY WILL NOT RENDER ELECTRIC SERVICE UNLESS REQUIRED CLEARANCES ARE MAINTAINED. ALL COSTS INCURRED BECAUSE OF FAILURE TO COMPLY WITH THE REQUIRED CLEARANCES WILL BE CHARGED TO THE OWNER. CONTACT DAVID SLOAN, MANAGER OF DESIGN ENGINEERING AT 505-7115 FOR QUESTIONS REGARDING REQUIRED CLEARANCES.
14. THIS PROPERTY IS SUBJECT TO COVENANTS AND RESTRICTIONS AS RECORDED IN THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS IN DOCUMENT NO. 2010114631.
15. WATER AND WASTEWATER SERVICE WILL BE PROVIDED BY THE LOWER COLORADO RIVER AUTHORITY.
16. ELECTRIC SERVICE WILL BE PROVIDED BY AUSTIN ENERGY.
17. TELEPHONE SERVICE WILL BE PROVIDED BY A.T. & T.
18. THE WATER SYSTEM FOR THIS SUBDIVISION SHALL BE DESIGNED TO SUPPLY THE FIRE FLOWS AS REQUIRED BY ORDINANCE 2000-1, ENACTED BY TRAVIS COUNTY EMERGENCY SERVICES DISTRICT No. 6. PLANS SHALL BE REVIEWED AND APPROVED BY TRAVIS COUNTY EMERGENCY SERVICES DISTRICT No. 6 FOR CONSTRUCTION OF SUBDIVISION IMPROVEMENTS AND SITE DEVELOPMENT ON ALL LOTS, EXCEPTING SINGLE FAMILY.
19. CITY OF BEE CAVE ASSUMES NO RESPONSIBILITY FOR CONSTRUCTION, MAINTENANCE, ETC. OF STREETS, ROADS, THOROUGHFARES, OR DRAINAGE IMPROVEMENTS.
20. IT IS PROHIBITED TO SELL A PORTION OF THE PROPERTY BY METES AND BOUNDS DESCRIPTION.
21. ALL LOTS ARE RESTRICTED TO COMMERCIAL (NON-RESIDENTIAL) USE. PLAT VACATION AND REPLATTING WILL BE REQUIRED SHOULD THE STATED LAND USE CHANGE TO RESIDENTIAL AND PARKLAND FEES IN LIEU OF PARKLAND DEDICATION SHALL BE PAID AT THAT TIME.
22. FINISHED FLOOR ELEVATIONS ON LOTS 6 AND 7 SHALL BE ONE FOOT ABOVE THE HIGHEST ADJACENT FEMA FLOODPLAIN ELEVATION SHOWN HEREON.
23. AN INTEGRATED PEST MANAGEMENT PLAN SHALL BE PROVIDED AT SITE AND NPS PLAN STAGE TO THE CITY OF BEE CAVE.

24. SUBJECT TO ANY INCREASE PERMITTED IN NOTE 25, THE TOTAL AMOUNT OF IMPERVIOUS COVER ALLOWABLE FOR THE 7 LOTS WITHIN THIS SUMMIT 56 SUBDIVISION IS 16.441 ACRES OF IMPERVIOUS COVER, BEING 40% OF THE SITE AREA CALCULATED IN ACCORDANCE WITH SECTIONS 20.04.043(C) AND 20.04.044 OF THE BEE CAVE CITY CODE. THE AMOUNT OF IMPERVIOUS COVER FOR EACH LOT WITHIN THIS SUMMIT 56 SUBDIVISION MAY EXCEED 40% OF THE SITE AREA OF SUCH LOT, AS LONG AS THE TOTAL IMPERVIOUS COVER ON ALL 7 LOTS DOES NOT EXCEED 16.441 ACRES. IN THE EVENT THAT ANY LOT PROPOSES TO HAVE MORE THAN 40% IMPERVIOUS COVER (THE "ENHANCED LOT"), THEN PRIOR TO ANY DEVELOPMENT ON SUCH LOT IN EXCESS OF 40% IMPERVIOUS COVER, THE OWNER OF THE ENHANCED LOT SHALL CAUSE THE IMPERVIOUS COVER ALLOWABLE ON ONE OR MORE OTHER LOTS IN THIS SUMMIT 56 SUBDIVISION (THE "RESTRICTED LOT(S)") TO BE REDUCED BY AN AMOUNT (IN ACRES OR SQUARE FEET) EQUAL TO THE AMOUNT (IN ACRES OR SQUARE FEET) THAT THE ENHANCED LOT EXCEEDS 40% SITE AREA. THE OWNER OF THE ENHANCED LOT SHALL CAUSE THE REDUCTION IN ALLOWABLE IMPERVIOUS COVER ON THE RESTRICTED LOT(S) BY CAUSING A RESTRICTIVE COVENANT TO BE PREPARED, REVIEWED BY THE CITY FOR APPROVAL, AND, IF APPROVED BY THE CITY, RECORDED IN THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. THE RESTRICTIVE COVENANT SHALL:
- (a) STATE THE AMOUNT OF IMPERVIOUS COVER IN EXCESS OF 40% SITE AREA THAT HAS BEEN ALLOCATED TO THE ENHANCED LOT PURSUANT TO THIS SUBDIVISION PLAT;
- (b) STATE THE AMOUNT OF IMPERVIOUS COVER ALLOWABLE ON ANY RESTRICTED LOT(S) THAT HAS BEEN REDUCED AND ALLOCATED TO THE ENHANCED LOT;
- (c) PROVIDE THAT THE REDUCTION IN IMPERVIOUS COVER ON THE RESTRICTED LOT(S) SHALL BE A RESTRICTION AND COVENANT RUNNING WITH LAND COMPRISING THE RESTRICTED LOT(S), BINDING ON SUBSEQUENT OWNERS AND OCCUPANTS OF THE RESTRICTED LOT(S); AND
- (d) PROVIDE THAT THE RESTRICTIVE COVENANT CANNOT BE TERMINATED OR AMENDED WITHOUT THE EXPRESS CONSENT OF THE (i) THE OWNERS OF THE ENHANCED LOT, (ii) THE OWNERS OF THE RESTRICTED LOT(S), AND (iii) THE CITY OF BEE CAVE.
25. IF RAINWATER HARVESTING IS PROVIDED, THE TOTAL AMOUNT OF IMPERVIOUS COVER ALLOWABLE FOR THE 7 LOTS WITHIN THIS SUMMIT 56 SUBDIVISION MAY BE INCREASED OVER THE AMOUNT STATED IN NOTE 24 TO 18.497 ACRES OF IMPERVIOUS COVER, BEING 45% OF THE SITE AREA CALCULATED IN ACCORDANCE WITH SECTIONS 20.04.043(C) AND 20.04.044 OF THE BEE CAVE CITY CODE. IN ADDITION, IF RAINWATER HARVESTING IS PROVIDED, THE AMOUNT OF IMPERVIOUS COVER FOR EACH LOT WITHIN THIS SUMMIT 56 SUBDIVISION MAY EXCEED 45% OF THE SITE AREA OF SUCH LOT, AS LONG AS THE TOTAL IMPERVIOUS COVER ON ALL 7 LOTS DOES NOT EXCEED 18.497 ACRES, AND PROVIDED THAT THE REQUIREMENTS OF NOTE 24 WITH RESPECT TO THE ENHANCED LOT, RESTRICTED LOT(S) AND RESTRICTIVE COVENANT SHALL ALSO APPLY IN THE SAME MANNER IN SUCH CIRCUMSTANCE.
26. THIS PROPERTY CONTAINS A CLOSED LANDFILL/MUNICIPAL SOLID WASTE DISPOSAL SITE (STATE MUNICIPAL SOLID WASTE PERMIT #686) PORTIONS OF WHICH ARE SITUATED ON LOTS 1 AND 2. THE BOUNDARIES OF THIS MUNICIPAL SOLID WASTE DISPOSAL SITE ARE SHOWN ON THE PLAT AND LOCATED IN VOLUME 8068, PAGE 862 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS.
27. DEVELOPMENT WITHIN THE BOUNDARIES OF THIS CLOSED MUNICIPAL SOLID WASTE DISPOSAL SITE MUST COMPLY WITH 30 TAC 330, SUBCHAPTER T: USE OF LAND OVER CLOSED MUNICIPAL SOLID WASTE LANDFILLS. FUTURE USES ARE RESTRICTED TO THAT WHICH WILL NOT CAUSE FURTHER ADVERSE EFFECTS TO GROUND WATER, SURFACE WATER, OR HUMAN HEALTH. A PERMIT MUST BE APPROVED BY THE APPROPRIATE STATE AGENCY FOR ANY PROPOSAL OF AN ENCLOSED STRUCTURE TO BE BUILT OVER THE BURIED SOLID WASTE MATERIAL.
28. A DEVELOPMENT PERMIT FROM TRAVIS COUNTY IS ALSO REQUIRED FOR ANY DEVELOPMENT WITHIN THIS CLOSED MUNICIPAL SOLID WASTE DISPOSAL SITE AND ADJACENT LOTS WHICH COULD AFFECT THIS AREA. TRAVIS COUNTY DEVELOPMENT PERMIT APPROVAL MUST IN PART INCLUDE DESIGN CONSIDERATIONS FOR MITIGATION AND/OR ROUTING OF NEW DRAINAGE DISCHARGES FROM SUCH DEVELOPMENT WHICH COULD NEGATIVELY AFFECT THE AREA OF BURIED SOLID WASTE MATERIAL. IN THE EVENT THE ACTUAL BOUNDARIES OF THE BURIED SOLID WASTE MATERIAL ARE DISCOVERED TO EXTEND BEYOND THE KNOWN MUNICIPAL SOLID WASTE LANDFILL BOUNDARIES SHOWN ON THE PLAT, BUILDING RESTRICTIONS WILL APPLY TO THESE ADDITIONAL AREAS OF BURIED SOLID WASTE MATERIAL ALSO.
29. CONSTRUCTION ON THIS SITE MUST COMPLY WITH THE CITY OF BEE CAVE NPS ORDINANCE CURRENT AT TIME OF PLAT APPROVAL.
30. THE STATE LEGISLATURE HAS LIMITED THE AUTHORITY OF COUNTY GOVERNMENTS TO REGULATE LAND USE IN THE UNINCORPORATED AREAS. AT THE TIME THIS PLAT WAS APPROVED, SECTION 232.101(b) OF THE LOCAL GOVERNMENT CODE PROHIBITS TEXAS COUNTIES, UNLESS OTHERWISE AUTHORIZED BY STATE LAW, FROM REGULATING THE USE OF ANY BUILDING OR PROPERTY FOR BUSINESS, INDUSTRIAL, RESIDENTIAL, OR OTHER PURPOSES: THE BULK, HEIGHT, OR NUMBER OF BUILDINGS CONSTRUCTED ON A PARTICULAR TRACT OF LAND; THE SIZE OF THE BUILDING THAT CAN BE CONSTRUCTED ON A PARTICULAR TRACT OF LAND, INCLUDING WITHOUT LIMITATION AND RESTRICTION ON THE RATIO OF BUILDING FLOOR SPACE TO THE LAND SQUARE FOOTAGE; AND THE NUMBER OF RESIDENTIAL UNITS THAT CAN BE BUILT PER ACRE OF LAND. UNLESS CONTAINED IN RESTRICTIVE COVENANTS APPLICABLE TO THIS SUBDIVISION, TRAVIS COUNTY MAY NOT, AT THE TIME THIS PLAT WAS APPROVED, RESTRICT OR PROHIBIT ADVERSE LAND USES ON OR IN THE VICINITY OF LOTS IN THIS SUBDIVISION.
31. THIS SUBDIVISION IS SUBJECT TO THE CITY OF BEE CAVE LIGHTING ORDINANCE SEC. 32.05.012.
32. DEVELOPMENT OF LOTS 2 OR 3 SHALL REQUIRE CONSTRUCTION OF A TEMPORARY OR PERMANENT SECONDARY ACCESS TO HIGHWAY 71 APPROVED BY THE CITY OF BEE CAVE BETWEEN LOTS 4 AND 5 AS SHOWN ON THE PLAT. DEVELOPMENT OF LOTS 1, 4, 5, 6 AND 7 SHALL REQUIRE CONSTRUCTION OF A DRIVING AISLE FOR PERMANENT ACCESS APPROVED BY THE CITY OF BEE CAVE ACROSS THE FRONTAGE OF THE LOT WITHIN THE JOINT USE ACCESS EASEMENT AS SHOWN ON THE PLAT.
33. THE STORMWATER POND LOCATED ON LOTS 3 AND 4 WILL BE MAINTAINED BY THE PROPERTY OWNERS ASSOCIATION OR ITS ASSIGNS.

FIELD NOTES

- A DESCRIPTION OF 56.727 ACRES OF LAND SITUATED IN THE J. REYNOLDS SURVEY NO. 44, TRAVIS COUNTY, TEXAS BEING A PORTION OF THAT CERTAIN 79.727 ACRES OF LAND CONVEYED TO SUMMIT AUSTIN 56, LTD. BY DEED RECORDED IN DOCUMENT NO. 2007176103 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY, SAID 56.727 ACRES AS SHOWN HEREON, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
- BEGINNING AT A 5/8 INCH ROD WITH PLASTIC CAP SET ON THE NORTH MARGIN OF OLD AUSTIN-MARBLE FALLS ROAD, ALSO KNOWN AS BEE CAVE AND BURNET ROAD DESCRIBED IN BOOK 3, PAGES 460-481 OF THE TRAVIS COUNTY COMMISSIONERS COURT RECORDS FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED 56.727 ACRES AND THE NORTHEAST CORNER OF THAT CERTAIN 23,000 ACRES OF LAND CONVEYED TO INTERNATIONAL RAM ASSOCIATES, LC BY DEED RECORDED IN DOCUMENT NO. 2007196134 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY;
- THENCE ALONG NORTH LINES OF SAID 79.727 ACRES AS FOUND FENCED AND USED UPON THE GROUND BEING THE SAID NORTH MARGIN OF OLD AUSTIN-MARBLE FALLS ROAD AND THE SOUTHERLY LINES OF THAT CERTAIN 377.46 ACRES OF LAND CONVEYED TO FALCONHEAD WEST, L.P. BY DEED RECORDED IN DOCUMENT NO. 2006025415 OF THE SAID OFFICIAL PUBLIC RECORDS THE FOLLOWING NINE (9) COURSES:
1. S76°00'53"E, 234.88 FEET TO A 10 INCH CEDAR FENCE POST FOUND,
2. S72°19'09"E, 294.98 FEET TO A 6 INCH CEDAR FENCE POST FOUND,
3. S75°58'31"E, 640.29 FEET TO A 10 INCH CEDAR FENCE POST FOUND,
4. S73°24'43"E, 549.81 FEET TO A 10 INCH CEDAR FENCE POST FOUND,
5. S70°16'12"E, 81.74 FEET TO A 10 INCH CEDAR FENCE POST FOUND,
6. S64°00'12"E, 110.63 FEET TO A 10 INCH CEDAR FENCE POST FOUND,
7. S51°55'45"E, 320.74 FEET TO A 10 INCH CEDAR FENCE POST FOUND,
8. S44°53'32"E, 627.92 FEET TO A 4 INCH CEDAR FENCE POST FOUND, AND
9. S42°51'06"E, 185.87 FEET TO A 6 INCH CEDAR FENCE POST FOUND FOR THE MOST EASTERLY CORNER OF SAID 79.727 ACRES AND THE MOST NORTHERLY CORNER OF A REMAINDER PORTION OF THAT CERTAIN 90 ACRES OF LAND CONVEYED TO IDA SPILLMAN WOLBER BY DEED RECORDED IN VOLUME 688, PAGE 1 OF THE DEED RECORDS OF SAID COUNTY;
- THENCE, DEPARTING THE NORTH LINE OF SAID 79.727 ACRES, THE NORTH MARGIN OF OLD AUSTIN-MARBLE FALLS ROAD AND THE SOUTHERLY LINE OF SAID 377.46 ACRES, ALONG THE EAST LINE OF SAID 79.727 ACRES AS FOUND FENCED AND USED UPON THE GROUND AND THE WEST LINE OF SAID REMAINDER PORTION S40°18'46"W, AT 175.51 FEET PASS A 6 INCH CEDAR FENCE POST, CONTINUING FOR A TOTAL DISTANCE OF 177.50 FEET TO A 5/8 INCH IRON ROD WITH PLASTIC CAP MARKED "RPLS 4532" SET ON THE SOUTH LINE OF SAID 79.727 ACRES AND THE NORTH RIGHT-OF-WAY (R.O.W.) LINE OF STATE HIGHWAY NO. 71 (150 FOOT R.O.W.) CONVEYED TO THE STATE OF TEXAS BY DEED RECORDED IN VOLUME 793, PAGE 608 OF THE SAID DEED RECORDS;
- THENCE, DEPARTING THE EAST LINE OF SAID 79.727 ACRES AND THE WEST LINE OF SAID REMAINDER PORTION, ALONG THE SOUTH LINE OF SAID 79.727 ACRES AND SAID NORTH R.O.W. LINE, AS GENERALLY FENCED, THE FOLLOWING TWO (2) COURSES:
1. A DISTANCE OF 208.89 FEET ALONG THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS IS 1969.86 FEET, CENTRAL ANGLE IS 06°04'33" AND WHOSE CHORD BEARS N81°37'36"W, 208.79 FEET TO A CONCRETE HIGHWAY MONUMENT FOUND, AND
2. N84°34'25"W, AT 2051.54 FEET PASS A CONCRETE HIGHWAY MONUMENT FOUND, CONTINUING FOR A TOTAL DISTANCE OF 2624.39 FEET TO A 5/8 INCH IRON ROD WITH PLASTIC CAP MARKED "RPLS 4532" SET FOR THE SOUTHWEST CORNER HEREOF;
- THENCE, DEPARTING SAID SOUTH LINE AND SAID NORTH R.O.W. LINE, CROSSING SAID 79.727 ACRES ALONG THE WEST LINE OF SAID 23,000 ACRES N13°23'07"E, 1202.90 FEET TO THE POINT OF BEGINNING CONTAINING 56.727 ACRES OF LAND MORE OR LESS.

RAMSEY LAND SURVEYING, L.L.C.

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SUMMIT 56  
FINAL PLAT

DRAWN BY	MCO/CAR
CHECKED	BR
DATE	1-09-09
PROJECT NO	1101-04
DRAWING NO	1101-01
SHEET NO.	4 OF 4
FILENAME	SUMMITFP.DGN



**QuikTrip® Corporation**

*AUSTIN DIVISION*  
2007 Sam Bass Rd  
Suite 100  
Round Rock, TX 78681  
(512) 571-5701

*David Meyer, Jr.*  
*Real Estate Project Manager*

August 22, 2022

The City of Bee Cave

4000 Galleria Parkway

Bee Cave, TX 78738

RE: Zoning Variance

Dear Zoning Board of Adjustments,

QuikTrip Corporation respectfully requests the City of Bee Cave to consider our request of a variance from the Unified Development Code, Article 3, Section 3.4.8, Subsection B.9. The request is to waive the 2,000' distance requirement of a new Gas Station from an existing Gas Station. Our proposed QuikTrip Gas Station is located at the NWC of Hwy 71 & N. Joint Access Rd which is 163', property line to property line, from a Texas Born Gas Station that is currently under construction. However, the TXB Gas Station does not lie within City Limits but within the Bee Cave ETJ. Due to the TXB Gas Station not being within the City Limits of Bee Cave, QT would like to request the variance to waive the requirement, as the requirement is for Gas Stations within the City Limits.

Granting such variance will not be detrimental to the public health, safety or welfare or injurious to other property in the area as QT will adhere and follow all applicable City and State code.

The strict application of the provisions of Article 3 would deprive the reasonable use of the land as our proposed use would not be allowed due to the 2000' limitation.

The variance requested is necessary for the preservation and enjoyment of a substantial property right as, without the granting of requested variance, QT would not be able to develop the property.

The granting of the requested variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Section 3.6. Granting this variance will allow further use of the land and will help promote future growth of the area.

QuikTrip respectfully asks the Zoning Board of Adjustment to consider the approval of our requested variance to reduce the 2,000' distance limitation from Gas Station to Gas Station as the existing Gas Station is not located within the City Limits. QuikTrip is excited to be a part of the Bee Cave community.

Respectfully,

David Meyer, Jr.  
Real Estate Project Manager- QuikTrip Corp.  
 **A Fortune 100** *"Best Companies to Work For"*  
2007 Sam Bass Rd  
Suite 100  
Round Rock, TX 78681  
(512) 574-5701 - Direct Line  
[dmeyerjr@quiktrip.com](mailto:dmeyerjr@quiktrip.com) – Email



# QuikTrip Distance Map





◆ Neighborhood Mixed-Use District

MU-N

QT

71

TXB

◆ Bee Cave ETJ

## ORDER **GRANTING/DENYING** ZONING VARIANCE

**File No.:** 22-735-ZV-Summit 56, Lot 1 / QuickTrip – Distance Variance

**Date of Hearing:** October 12, 2022

**Applicant:** David Meyer. / QuickTrip South, LLC

**Property Owner:** Summit Austin 56, LTD

**Property Address:** Summit 56, Lot 1, NW corner of SH-71 W and N. Joint Access Rd.

**Variance Request:** Variance from *Bee Cave Unified Development Code Section 3.4.8.B.9(i) Gas Stations* to allow for a gas station to be approved within two thousand feet (2,000') of an existing gas station.

**Variance Procedure:** No variance shall be granted without first giving public notice and conducting a public hearing on the variance request in accordance with Section 3.6.2A.1 of the Bee Cave Unified Development Code, Article 3 – Zoning, and unless the Board of Adjustment makes specific, written findings, based on the application, staff report, information provided at the public hearing and board discussion, as follows:

**Conditions Required for a Variance: 3.6.2A.1:**

- (i) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of the Zoning Ordinance would deprive the applicant of the reasonable use of his/her land; and
- (ii) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
- (iii) That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and
- (iv) That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of the Zoning Ordinance.

**Findings of Undue Hardship: 3.6.2B.1:**

- (i) That literal enforcement of the Zoning Ordinance will create an unnecessary hardship or practical difficulty in the development of the affected property; and
- (ii) The situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district; and
- (iii) The relief sought will not injure the permitted use of adjacent conforming property; and
- (iv) The granting of this variance is in harmony with the spirit and purpose of these regulations.

The granting of a variance is based on the specific facts related to this application and does not render the applicable Zoning Ordinance provisions meaningless.

**Special Circumstances:**

**Additional Findings:**

Conditions Required for a Variance: 3.6.2A.1:

Findings of Undue Hardship: 3.6.2B.1:

**Conditions for Variance:**

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In making the Findings and in requiring the Conditions, if any, above, the Board has considered the testimony and evidence of the applicant and any other affected parties and has taken into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work within the proposed use, and the probable effect such variance will have upon traffic conditions and upon the public health, safety, convenience and welfare of the community.

**Board Action:** Grant \_\_\_\_\_ Deny \_\_\_\_\_ Grant with Conditions: \_\_\_\_\_

Expiration of this Approval: \_\_\_\_\_

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by the Board of Adjustment of the City of Bee Cave, Texas, by a vote of \_\_\_\_\_ (Ayes) \_\_\_\_\_ (Nays) \_\_\_\_\_ (Abstain).

**CITY OF BEE CAVE  
Board of Adjustment**

By: \_\_\_\_\_  
Judson Scott, Chair

ATTEST:

Reggie Brooks, Deputy City Secretary

\_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney  
Denton, Navarro, Rocha, Bernal & Zech, P.C.



***Zoning Board of Adjustment Meeting***  
***10/12/2022***  
***Agenda Item Transmittal***