

ORDINANCE NO. 2011208-096

AN ORDINANCE AMENDING ORDINANCE NO. 960613-O FOR THE PROJECT KNOWN AS FOUR POINTS CENTRE PLANNED UNIT DEVELOPMENT PROJECT, TO MODIFY THE LAND USE PLAN, REZONING AND CHANGING THE ZONING MAP FROM PLANNED UNIT DEVELOPMENT (PUD) DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT FOR THE PROPERTY LOCALLY KNOWN AS 7013 AND 7318 ½ RIVER PLACE BOULEVARD, AND 11120 AND 11034 FOUR POINTS DRIVE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Four Points Centre Planned Unit Development ("Four Points Centre PUD") is comprised of approximately 333 acres of land located generally at 7200 to 7500 North F.M. 620 Road and F.M. 2222 Road and more particularly described by metes and bounds in the land use plan incorporated into Ordinance No. 960613-O.

PART 2. Four Points Centre PUD was approved June 13, 1996, under Ordinance No. 960613-O (the "Original Ordinance"), and amended under Ordinance No. 000330-52, Ordinance No. 030424-21, and Ordinance No. 20100930-041.

PART 3. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from planned unit development (PUD) district to planned unit development (PUD) district on the property described in Zoning Case No. C814-95-0002.10, on file at the Planning and Development Review Department, as follows:

Lots 4, 5, and 6, Block A, and Lot 1, Block C, Four Points Centre PUD Subdivision, according to the plat or map of record in Document No. 200200080, amended in Document No. 2004185158, of the Official Public Records of Travis County, Texas (the "Property"),

locally known as 7013 and 7318 ½ River Place Boulevard, and 11120 and 11034 Four Points Drive, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 4. This ordinance, together with the attached Exhibits A and B, constitutes the amended land use plan for the Four Points Centre PUD and amends the Original Ordinance. The Four Points Centre PUD shall conform to the permitted uses and development standards and criteria, limitations and conditions set forth in the ordinance

and the land use plan, as amended, on record at the Planning and Development Review Department in File No. C814-95-0002.10. If this ordinance and the attached exhibits conflict, the ordinance applies.

PART 5. The attached exhibits are incorporated into this ordinance in their entirety as though set forth fully in the text of this ordinance. The attached exhibits are as follows:

- Exhibit A: Zoning map
- Exhibit B: Amended Land Use Plan (2 pages)

PART 6. The Four Points Centre PUD land use plan under the Original Ordinance, as amended, is modified and amended as shown on Exhibit "B", as follows:

- A. The use designations on the land use plan for the Property identified as Lots 4, 5, and 6, of Block A and Lot 1 of Block C are changed from hotel, garden office, and research and development to office/retail mixed use. Development under these uses shall comply with the site development regulations applicable to these particular base districts, as set forth in the Amended Land Use Plan.
- B. Note 66 on the land use plan is amended to add the Property as follows:

 Lots 4, 5, and 6 of Block A, Lots 2, 4, 5, and 6 of Block B, and Lot 1 of Block C are restricted to (i) uses permitted in the community commercial (GR) zoning base district, (ii) uses permitted in the general office (GO) zoning base district, (iii) uses permitted in the mixed use (MU) combining district, as combined with either such base district under (i) or (ii), as such uses were defined in the City of Austin's Land Development Code on December 5, 1995. To the extent that any portion of such tract is developed for uses under (i) or (ii), it shall comply with the site development and other such requirements established by the Conceptual Land Use Plan applicable to such base district. To the extent that any portion of such tract is developed for uses in combination with (iii), it shall also be subject to the permitted uses and regulations for mixed use (MU) combining district, as defined in the City of Austin's Land Development Code on December 5, 1995.
- C. Note 48 and Note 50 are deleted from the land use plan.
- D. Notes 46, 47, and 49 remain on the land use plan as revised, and are further clarified and expanded on by Note 64, as follows:

Notes 46 through 49 are amended to permit the following: each of the Office/Retail Mixed Use tracts shown hereon may be used, in whole or in part, for (i) office, retail, and/or residential uses, (ii) research assembly services, research services, research testing, and/or research warehousing services uses, or (iii) any less intense commercial and/or industrial uses, as defined in the City of Austin's Land Development Code on December 5, 1995. If any portion of any tract shown hereon is used for research assembly services, research services, research testing, and/or research warehousing services uses, that portion of such tract may not have a residential use and shall comply with Note 49. Development of all such tracts shall comply with the site development and other requirements established by this Conceptual Land Use Plan for the uses that occur thereon.

E. Note 68 is added to the land use plan, as follows:

A total of 375,000 square feet of space for retail uses may be allocated among Lots 4, 5, and 6 of Block A, Lots 4, 5, and 6 of Block B, and Lot 1 of Block C. The landowner, TPG Four Points Land, LP, its successors and assigns, may allocate this 375,000 square feet of space for retail uses among these seven (7) lots by providing the City of Austin Planning and Development Review Department, or its successor department, with documentation of such allocation. The 375,000 square feet of space for retail uses among these seven lots may not be exceeded without an ordinance of the City to authorize such change, but the 375,000 square feet of space for retail uses may be allocated administratively among Lots 4, 5, and 6 of Block A, Lots 4, 5, and 6 of Block B, and Lot 1 of Block C.

F. The following conditions apply as follows:

- 1) A drive-in service use is prohibited as an accessory use to Restaurant (Drive-In, Fast Food), Restaurant (General), Restaurant (Limited) uses on Lots 5 and 6, of Block A, and Lot 1, of Block C. (Note 69)
- 2) The following applies to Lots 4, 5, and 6, of Block A, and Lot 1, of Block C. (Note 70)

a) Except for rainwater harvesting storage, underground storage tanks are prohibited.

b) The following uses are prohibited uses:

Automotive rentals

Automotive sales

Bail bond services

Exterminating services

Pawn shop services

Automotive repair services

Automotive washing (of any type)

Commercial-off street parking

Funeral services

Service station

PART 7. In accordance with Part 7 of Ordinance No. 960613-O, the Four Points Centre PUD is subject to the conditions of the Traffic Impact Analysis ("TIA") prepared by Carter & Burgess, Inc., as revised in February 1998 by WHM Traffic Engineers Consultants, Inc., submitted in support of the Four Points Centre PUD zoning request, and on file at the City of Austin Planning and Development Review Department, or its successor. If the completed development or uses authorized by any proposed site plan or building permit, considered cumulatively with all existing or previously authorized development or uses of the Property, generates traffic exceeding 2,943 adjusted a.m. or p.m. peak-hour trips ("PHTs"), then no site plan for development of the Property or any portion of the Property shall be approved or released, and no building permit for construction of a building on the Property shall be issued by the Planning and Development Review Department, or its successor. A change to increase adjusted peak hour trips shall not be construed as a minor change and shall require an ordinance of the City to authorize such change.

The Four Points Centre PUD landowner its successors and assigns, may reallocate PHT's among the Four Points Centre PUD properties by providing the Planning and Development Review Department or its successor, with documentation of such reallocation. Reallocation will be effective upon receipt of such notice by the City of Austin. If reallocation is made, the Four Points Centre PUD TIA Allocation Table may thereafter be appropriately revised and approved administratively with any new site plan for development or site plan correction or site plan revision to an approved site plan for development. In no event will any such reallocation be deemed to increase the development or traffic intensity of the PUD beyond 2,943 adjusted peak hour trips or as increased in an ordinance approved by the Austin City Council.

No site plan for development of the Property or any portion of the Property shall be approved and released unless the following standard note is shown on any site plan for development of the Property:

"The PUD TIA PHT Allocation Table summarizes allocation of PHT's from the PUD TIA, and any modifications of or additions thereto. The Four Points Centre PUD landowner, its successors and assigns, may reallocate PHT's between PUD properties by providing the City of Austin Planning and Development Review Department (or its successor) with documentation of such reallocation. Reallocation will be effective upon receipt of such notice by the City of Austin. If reallocation is made, the PUD TIA Allocation Table may thereafter be appropriately revised and approved administratively with any new site plan for development or site plan correction or site plan revision to an approved site plan for development. In no event will any such reallocation be deemed to increase the development or traffic intensity of the PUD beyond 2,943 adjusted peak hour trips or as increased in an ordinance approved by the Austin City Council."

PART 8. Except as otherwise provided for in this ordinance, the terms and conditions of Ordinance No. 960613-O, as amended, remain in effect.

PART 9. This ordinance takes effect on December 19, 2011.

PASSED AND APPROVED

December 8, 2011

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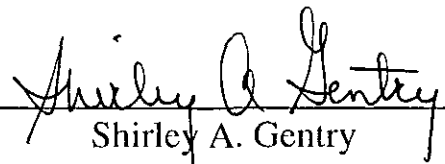
Lee Leffingwell
Mayor

APPROVED:

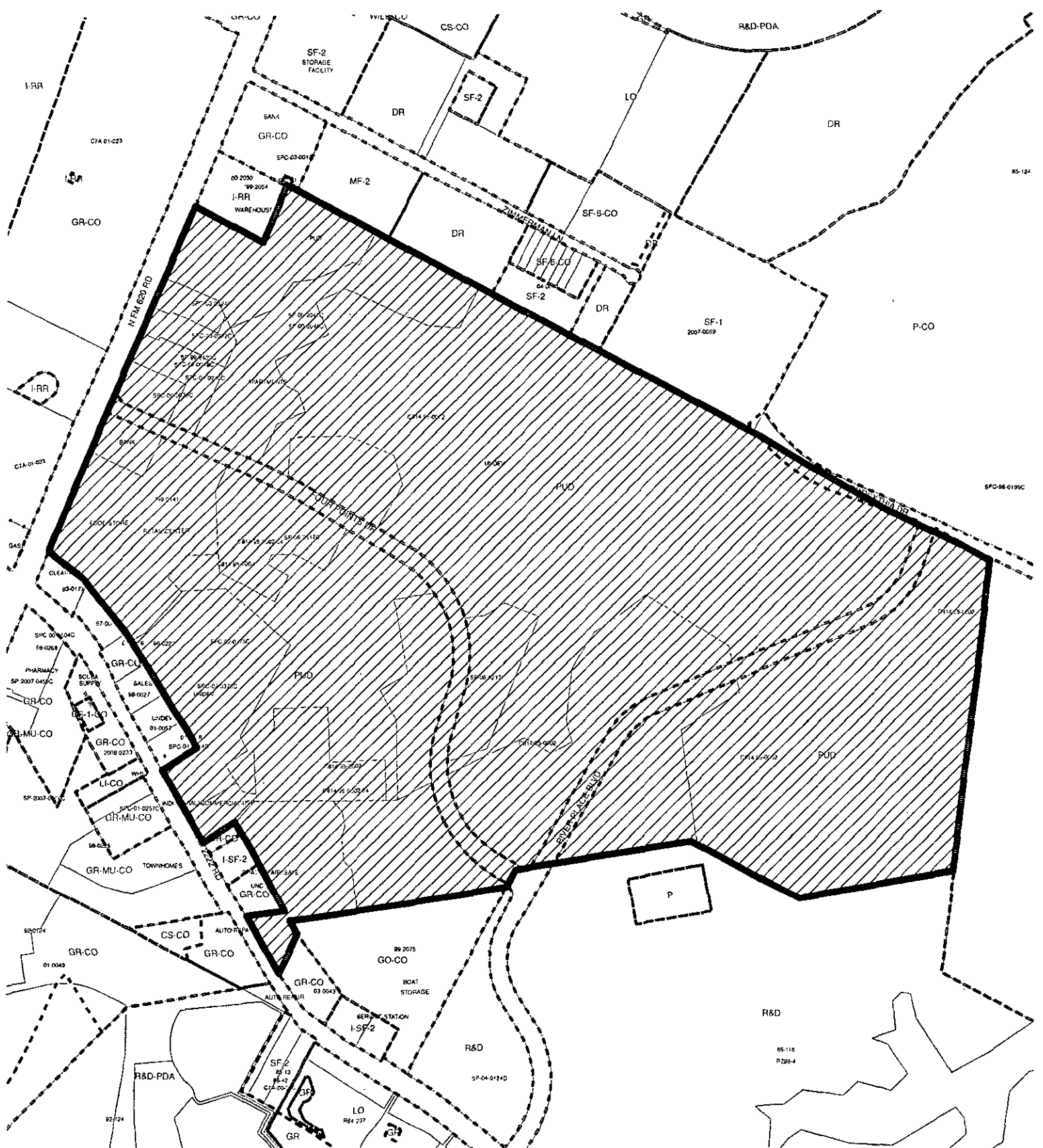


Karen M. Kennard
City Attorney

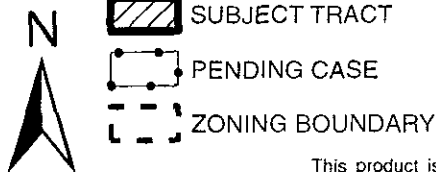
ATTEST:



Shirley A. Gentry
City Clerk



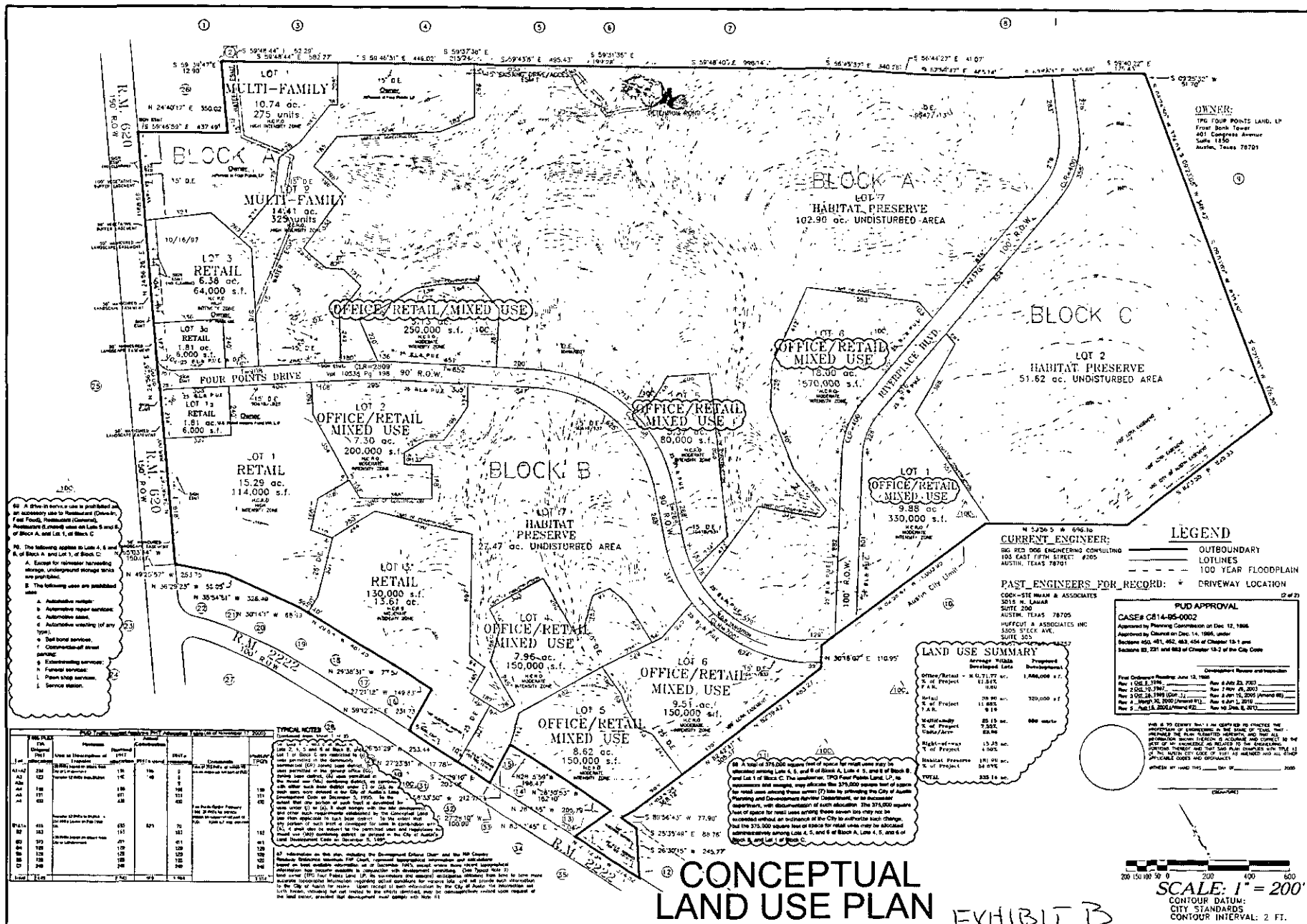
PLANNED UNIT DEVELOPMENT
EXHIBIT A
ZONING CASE#: C814-95-0002.10



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OWNER:
170 FOUR POINTS LAND, LP
First Bank Tower
401 Congress Avenue
Suite 1500
Austin, Texas 78701

PLANNED ENVIRONMENTS INC.
LAND STRATEGIES INC.
DEVELOPMENT CONSULTING & PROJECT MANAGEMENT
1711 W. LAUREL AVE. SUITE 100
AUSTIN, TEXAS 78701

HUFFCUT & ASSOCIATES, INC.
100 EAST FIFTH STREET, SUITE 200
AUSTIN, TEXAS 78701

FOUR POINTS CENTRE
CONCEPTUAL LAND USE PLAN

UPDATE: 8/15/00
DATE: 8/15/00
REVISION: 1/20/00
REVISION: 8/20/00
REVISION: 10/19/00
REVISION: 8/20/00
REVISION: 10/19/00
REVISION: 8/20/00
REVISION: 10/19/00

SCALE: 1" = 200'
CONTOUR DATUM:
CITY STANDARDS
CONTOUR INTERVAL: 2 FT.

16/06/2011 (110) C814-95-0002