ORDINANCE NO. 20050825-040

AN ORDINANCE AMENDING ORDINANCE NO. 890202-B TO MODIFY THE LAND USE PLAN, TO REZONE AND CHANGE THE ZONING MAP FROM PLANNED UNIT DEVELOPMENT (PUD) DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT FOR LAND KNOWN AS THE DAVENPORT RANCH WEST PLANNED UNIT DEVELOPMENT LOCATED AT 3100-3320 NORTH CAPITAL OF TEXAS HIGHWAY (LOOP 360).

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

PART 1. Davenport Ranch West planned unit development ("Davenport PUD") is comprised of approximately 444.33 acres of land located generally in the vicinity of Westlake Drive and Loop 360 and more particularly described by metes and bounds in the Land Use Plan incorporated into Ordinance No. 890202-B.

PART 2. Davenport PUD was approved February 2, 1989, under Ordinance No. 890202-B (the "Original PUD Ordinance"), and amended under Ordinances No. 010719-28, No. 010719-115, and No. 021205-17.

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 by metes and bounds in Ordinance No. 890202-B as approximately 444.33 acres of land that includes the following property described in Zoning Case No. C814-88-0001.08, as follows:

A 31.844 acre tract of land, more or less, out of the Burke Trammell Survey No. 3 and the Antonio Rodriguez Survey No. 4 in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

the 31.844 acres being generally known as the Gables at Westlake project in the Davenport Ranch West planned unit development, locally known as the property located at 3100-3320 North Capital of Texas Highway (Loop 360), 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", shall constitute the land use plan for the Davenport PUD (the "PUD") created by this ordinance. The PUD shall conform to the limitations and conditions set forth in the ordinance and the Davenport

Ranch West planned unit development land use plan (the "PUD land use plan") on record at the Neighborhood Planning and Zoning Department in File No. C814-88-0001.08. If this ordinance and the attached exhibits conflict, the ordinance applies. Except as otherwise specifically provided by this ordinance, all other rules, regulations and ordinances of the City in effect on the effective date of this ordinance apply to the PUD.

PART 5. Certain Terms Defined.

Tract D-1 means Tract F, Block D, Lot 1, as shown on the PUD land use plan attached as Exhibit B.

Tract D-1A means Tract F, Block D, Lot 1-A, as shown on the PUD land use plan attached as Exhibit B.

Tract E-16 means Tract F, Block E, Lot 16, as shown on the PUD land use plan attached as Exhibit B.

PART 6. The attached exhibits on file with the City of Austin Neighborhood Planning and Zoning Department in File No. C814-88-0001.08 are incorporated into this ordinance in their entirety as though set forth fully in the text of this ordinance. Exhibit H of Ordinance No. 890202-B is amended as shown on Exhibit B of this ordinance. The attached exhibits are as follows:

Exhibit A: Description of 31.844 acres and zoning map Exhibit B: Amended Davenport PUD land use plan

PART 7. In accordance with Section 25-2-411(A) (*Planned Unit Development District Regulations*) of the City Code, the following regulations apply to the PUD instead of otherwise applicable City Code regulations.

- (A) Cut and fill over four feet shall be structurally contained.
- (B) Native grass/wildflower mix shall be used for restoration of disturbed natural area, including vegetative filter strips.
- (C) Replacement trees shall be Class I trees.
- (D) Water quality facilities are subject to Code requirements as of the date of this ordinance.

- (E) A minimum of 9.0 acres shall be provided for Hill Country Natural Area.
- (F) At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, an Integrated Pest Management (IPM) plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. The IPM plan shall comply with the guidelines in Section 1.6.9.2 (D) and (F) of the Environmental Criteria Manual that are in effect on the date of this ordinance.
- (G) Except as otherwise provided in this part, development of (i) Tract D-1 shall be in compliance with multifamily residence low density (MF-2) district site development regulations, (ii) Tract D-1A shall be in compliance with community commercial (GR) district site development regulations, and (iii) Tract E-16 shall comply with townhouse and condominium residence (SF-6) district site development regulations. If the regulations of this Part 7, Section (G) conflict with the Capital of Texas Highway Corridor regulations (Loop 360 Ordinance), as referenced on the original PUD land use plan of Ordinance No. 890202-B, the regulations of the Loop 360 Ordinance shall control.
- (H) The following regulations apply to Tract E-16.
 - 1. All permitted and conditional townhouse and condominium residence (SF-6) uses are permitted and conditional uses of the tracts.
 - 2. The maximum number of townhouse and condominium residential units is 41.
 - 3. The maximum height of a building or structure is 35 feet from ground level as measured by the Code as of the date of this ordinance.
- (I) The following regulations apply to Tract D-1.
 - All permitted and conditional multifamily residence low density (MF-2) uses are permitted and conditional uses of the tract.
 - 2. The maximum number of multifamily residential units is 175 and the minimum number of residential units is three per lot.

- 3. Except as provided in Subsection 3, the maximum height of a building or structure is 47 feet measured from the finished floor elevation to the midpoint of the highest gable of the roof.
- 4. The maximum height of a building or structure used as a community recreation (private) use is 30 feet from the finished floor elevation to the midpoint of the highest gable of the roof.
- (J) The following regulations apply to Tract D-1A.
 - 1. Vehicular access from Tract D-1A may be to Loop 360 and Westlake Drive.
 - 2. Except as provided in Subsection 3, all permitted and conditional community commercial (GR) uses are permitted uses and conditional uses of the tract.
 - 3. The following uses are prohibited uses of the tract:

Pawn shop services Hotel-motel Commercial off-street parking Automotive repair services Bail bond services Exterminating services Indoor sports and recreation Theater Communication service facilities Group home, Class I (limited)	Off site accessory parking Funeral services Automotive rentals Automotive sales Communications services Indoor entertainment Outdoor sports and recreation Congregate living Family home Group home, Class II
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4. A site plan or building permit for Tract D-1A may not be approved, released, or issued, if the completed development or uses of Tract D-1A, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 1,302 unadjusted trips per day.

PART 8. Except as otherwise provided in this ordinance, the provisions of the Original PUD Ordinance, as amended, remain in effect.

PART 9. This ordinance takes effect on September 5, 2005.

PASSED AND APPROVED

<u>August 25</u> , 2005	s Win Wy	
•	Will Wynn Mayor	
APPROVED: David Allan Smith City Attorney	TTEST:	∽

31.844 ACRES GABLES WESTLAKE

EXHIBITA

DESCRIPTION

OF A 31.844 ACRE TRACT OR PARCEL OF LAND OUT OF THE BURKE TRAMMELL SURVEY NO. 3 AND THE ANTONIO RODRIGUEZ SURVEY NO. 4, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 62.965 ACRE TRACT OF LAND CONVEYED TO PROTESTANT EPISCOPAL CHURCH COUNCIL OF THE DIOCESE OF TEXAS BY DEED OF RECORD IN VOLUME 6177, PAGE 1858 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 31.844 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2 inch iron rod found in the westerly right-ofway line of Capital of Texas Highway (Loop 360) (R.O.W. varies), being the southeasterly corner of said 62.965 acre tract, same being the northeasterly corner of Lot 1, St. Stephens School, a subdivision of record in Volume 90, Pages 204-205 of the Plat Records of Travis County, Texas for the southeasterly corner hereof;

THENCE, leaving the westerly line of Capital of Texas Highway, along the southerly line of said 62.965 acre tract, being a portion of the northerly line of said Lot 1, same being the southerly line hereof, the following four (4) courses and distances:

- N60°48'34"W, a distance of 354.84 feet to a 1/2 inch iron rod found for the point of curvature of a non-tangent curve to the right;
- 2) Along said non-tangent curve to the right having a radius of 479.73 feet, a central angle of 108°02'36", an arc distance of 904.63 feet and a chord which bears N06°50'24"W, a distance of 776.43 feet to a 1/2 inch iron rod found for the end of said curve;
- 3) N47°16'27"E, a distance of 3.01 feet to a 1/2 inch iron rod found for an angle point;
- 4) N61°12'32"W, a distance of 1012.87 feet to a 1/2 inch iron rod found for the southwesterly corner hereof;

THENCE, leaving the northerly line of said Lot 1, over and across said 62.965 acre tract, along the westerly line hereof, the following three (3) courses and distances:

 N28°47'53"E, a distance of 49.98 feet to a 1/2 inch iron rod found for an angle point; FN. NO. 04-191(MM) JUNE 7, 2004 PAGE 2 of 3

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- 2) N65°26'28"E, a distance of 254.05 feet to a 1/2 inch iron rod found for an angle point;
- 3) N44°56'27"E, a distance of 198.70 feet to a 1/2 inch iron rod found for the northwesterly corner hereof;

THENCE, S66°01'48"E, continuing over and across said 62.965 acre tract, passing at a distance of 107.06 feet, a 1/2 inch iron rod found 0.40 feet to the right (or south of this line), being the southwesterly corner of Lot 17, Block "E", Davenport West P.U.D. Section 5, Phase 5, a subdivision of record in Document No. 200000169 of the Official Public Records of Travis County, Texas and continuing along the southerly line of said Lot 17, Block "E", same being the irregular easterly line of said 62.695 acre tract, for a total distance of 914.96 feet to a 1/2 inch iron rod found at the southeasterly corner of said Lot 17, Block "E", being the southwesterly corner of the southerly terminus of Westlake Drive (90' R.O.W.) for an angle point hereof;

THENCE, continuing along the irregular easterly line of said 62.965 acre tract, being the southerly terminus of Westlake Drive and the southerly line of Lot 2 and Lot 3, Block "D", Davenport West P.U.D. Section 5, Phase 5, a subdivision of record in Document No. 200000171 of said Official Public Records, the following four (4) courses and distances:

- 1) S69°16'32"E, a distance of 1.84 feet to a 1/2 inch iron rod found for an angle point;
- 2) S65°59'30"E, a distance of 87.55 feet to a 1/2 inch iron rod found for an angle point;
- 3) S64°33'19"E, a distance of 0.71 feet to a 1/2 inch iron rod found for an angle point;
- 4) S68°49'27"E, a distance of 694.12 feet to a 1/2 inch iron rod with cap set in the westerly line of Capital of Texas Highway, being the southeasterly corner of said Lot 3, Block "D", for the northeasterly corner hereof;

FN. NO. 04-191(MM) JUNE 7, 2004 PAGE 3 of 3

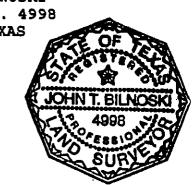
THENCE, along the westerly line of Capital of Texas Highway, being the irregular easterly line of said 62.965 acre tract, same being the easterly line hereof, the following two (2) courses and distances:

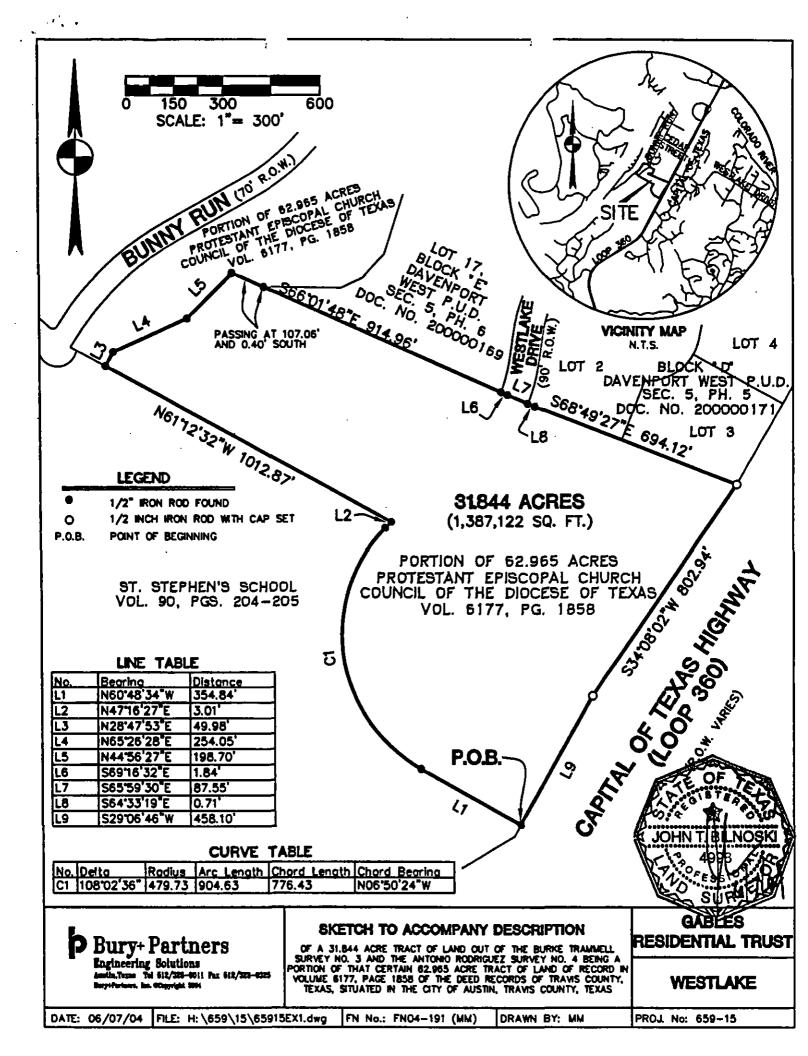
- 1) S34°08'02"W, a distance of 802.94 feet to a 1/2 inch iron rod with cap set for an angle point;
- 2) S29°06'46"W, a distance of 458.10 feet to the POINT OF BEGINNING, containing an area of 31.844 acres (1,387,122 sq. ft.) of land, more or less, within these metes and bounds.

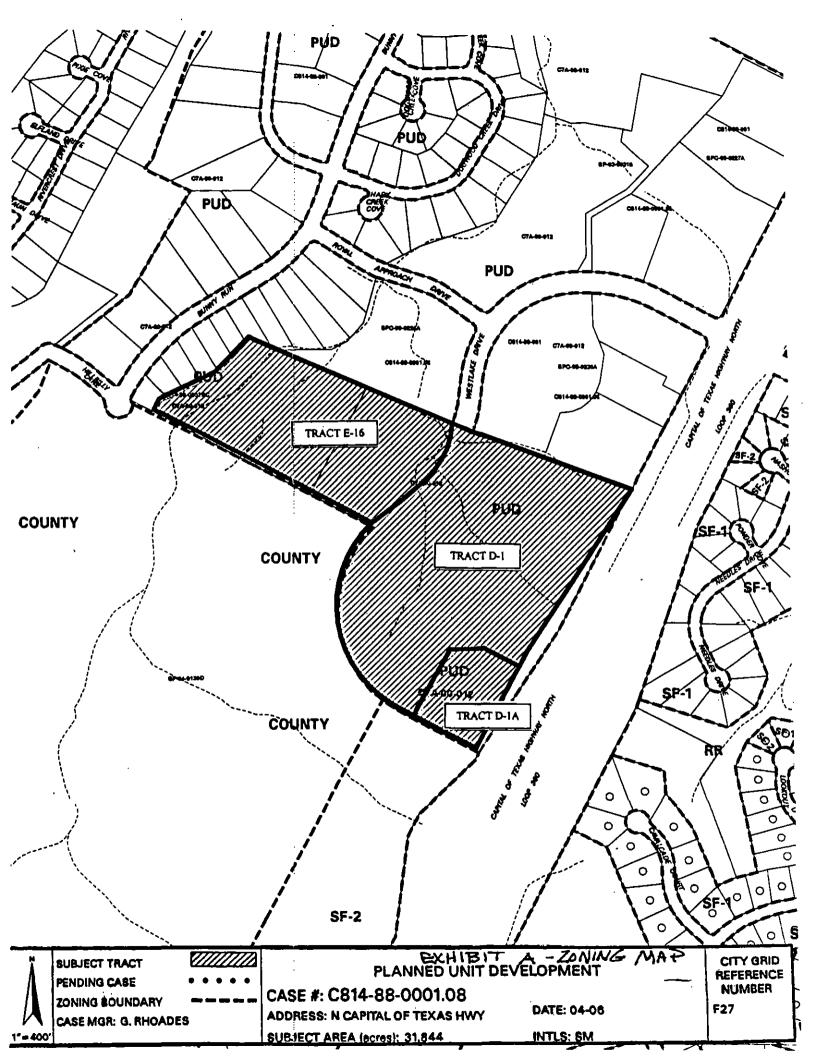
THAT I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

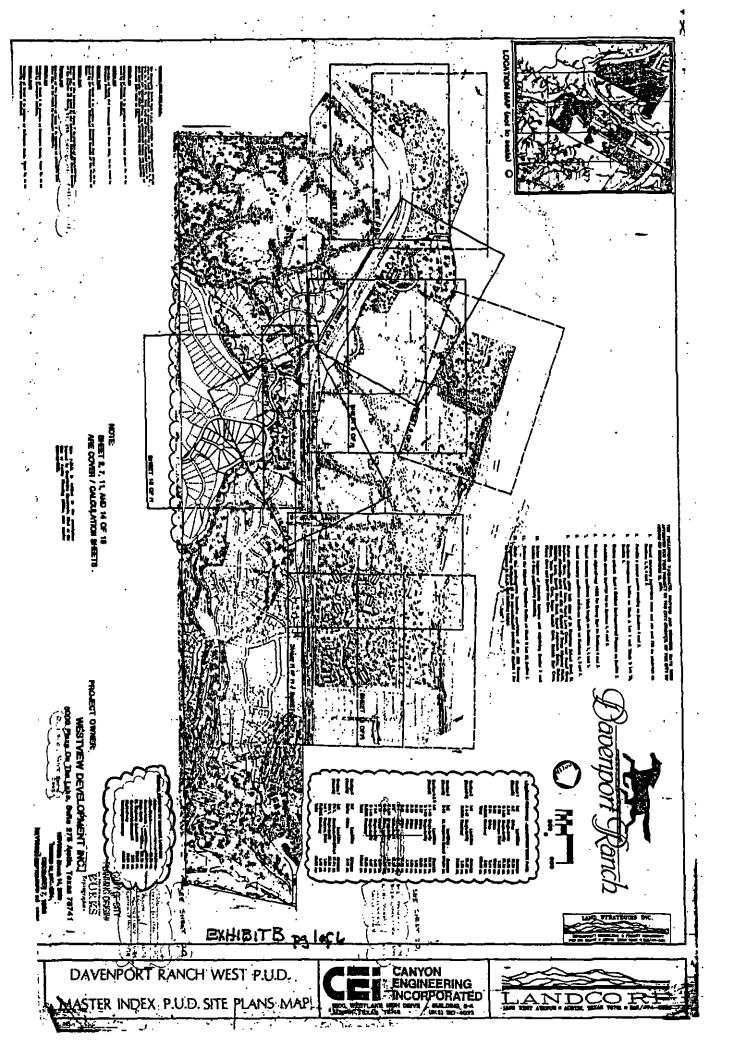
BURY & PARTNERS, INC. ENGINEERS-SURVEYORS 3345 BEE CAVE ROAD AUSTIN, TEXAS 78746

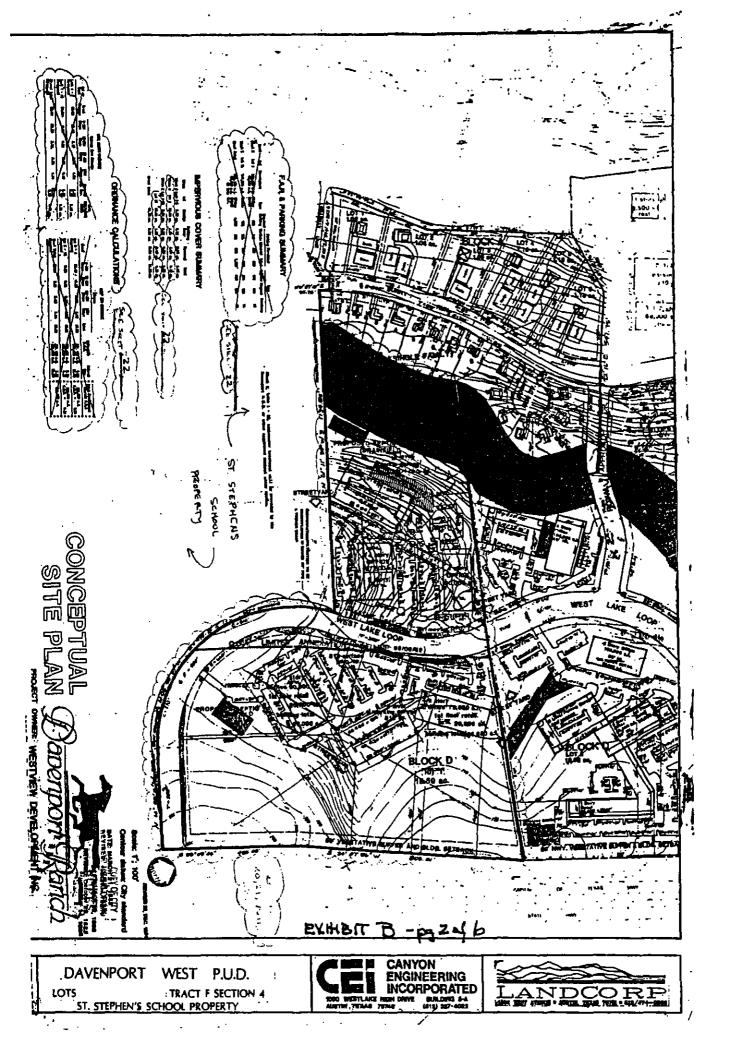
JOHN T. BILNOSKI R.P.L.S. NO. 4998 STATE OF TEXAS

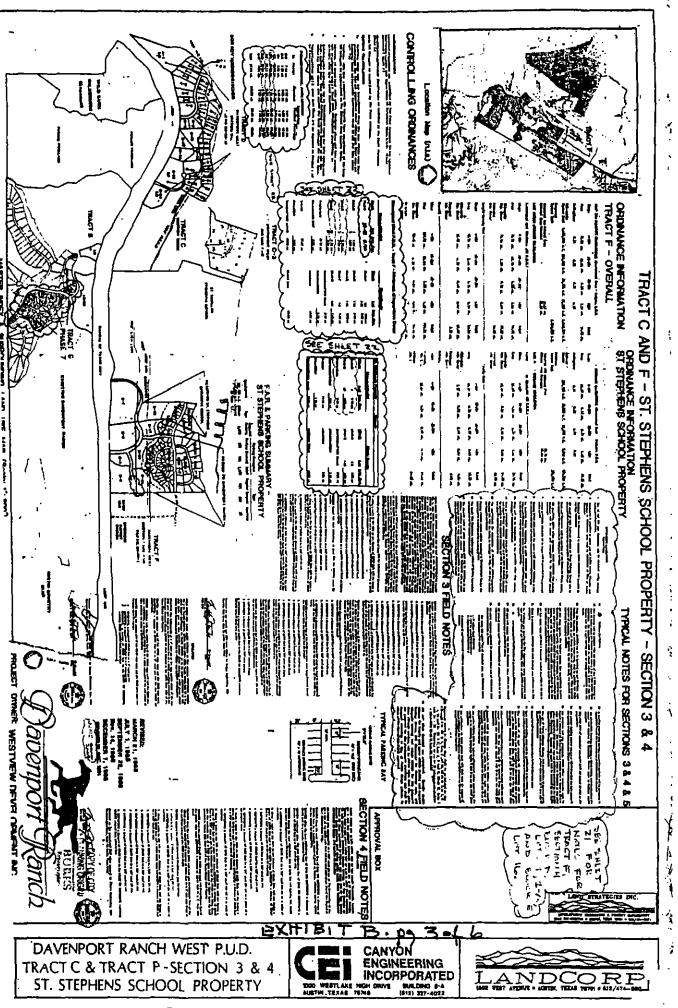


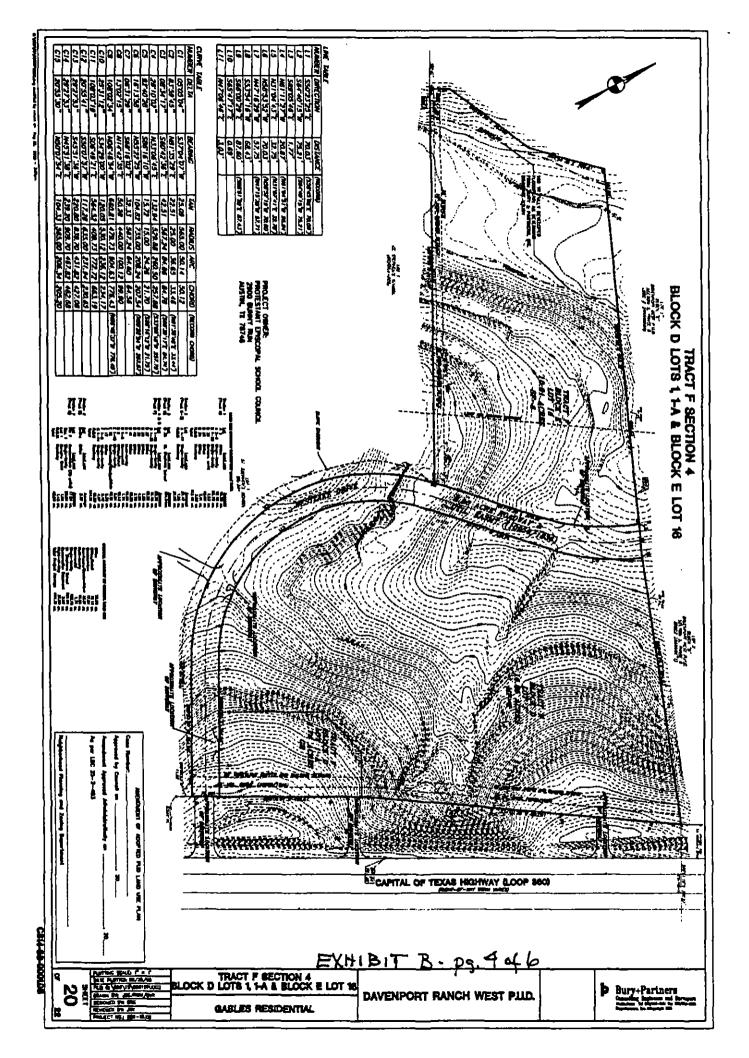




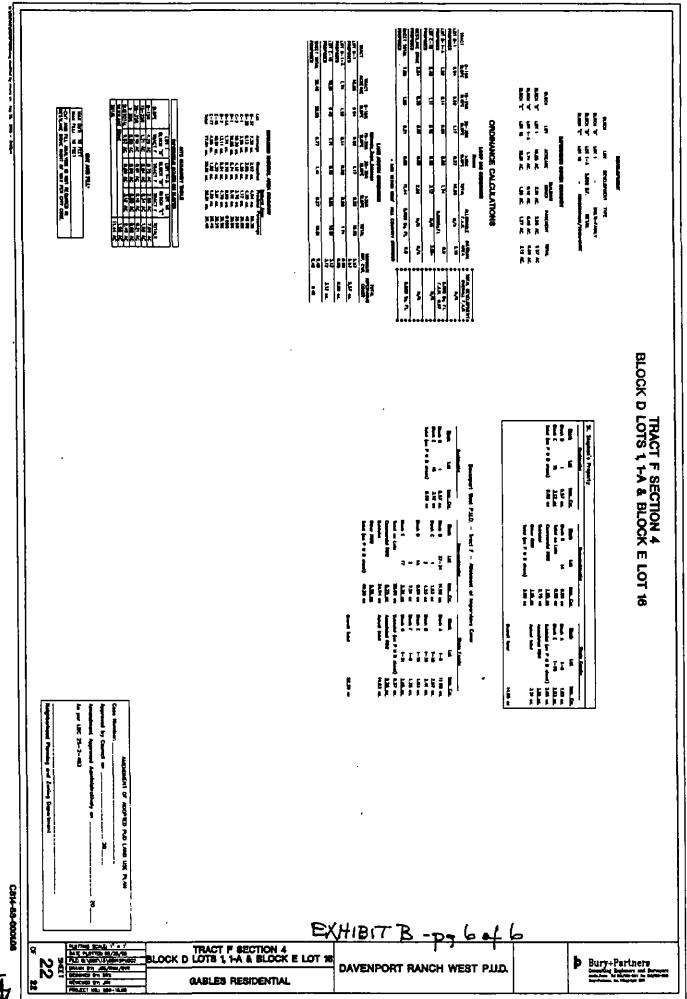








21. All construction drawings, including a utility legal, will be submitted for review and approval by the city at the site development plan permit stage.	20. A detailed planting plan showing restarstion methods will be submitted to the city for approval at the site development plan permit stage.	19. An apple we camply win ine spin occurrence of the outre of the object of the object.	18. Where it is applicable, buildings will meet the high-rise ardinance for fire protection.	17. All fire access roads will have a minimum wellod dearance of 13 feel 6 inches.	15. All fire clorm systems, fire hydron't systems, fire extinguishing systems (including sprinklar systems) wet and dry standpipes, and begeneent hele pipes, shall have the soproved of the fire department as to initializing and locaters, and will be subject to such periodic tests as required by the fire chief. More and specifications shall be such periodic tests as required by the fire chief. Plane and specifications shall be such periodic tests as required by the fire chief. Plane and specifications shall be	15. When fire protection facilities are to be installed by the developer, such facilities, including all surfaces access roads, shall be installed and mode serviceable prior to and during the time of construction, When alternate methods of protection, as approved by the fire chief, are provided, the elsave may be saved or modified.	14. Fire hydronia will be installed with the center of the 4 luch opening of least 18 inches above the finished street with a 3 to 6 foot setbook from curbineds). No obstruction and the foods withing 3 feet of any fire hydroni, and the 4 inch opening must be totally unabstructed from the street.	13. The required width of access roadways shall not be abstructed in any manner, including parking of vehicles. NO PARKING signs or alther appropriate notice, or both, prohibiting abstructions, may be required and shall be maintained by armer. Fire kneet shall be appropriately marked.	12. The Auglin Fire Department requires access width of 25 (set, and aspital or concrete as a "all weather driving surface."	11. Porting sinuclure loyouts will be submitted to Transportation Review for opproved prior to an opplication for site plan.	10. The responsibility for mointenance of stormsoly detention/retention facilities lies with the owner, or successor in title, of the land wherein the facilities are located.	There will be no construction in the greenbels other than utilities, drainage, and recreational facilities.	8. No buildings, fonces, londscaping or other abstruction shall be placed within any drainage easement shown herean encept as specifically approved by the City of Austin or other appropriate authority.	 Property maner shall provide for access to all drahoge easements as may be necessary and shall not prohibit access by governmental authorities. 	 Access to public drokoge accements 25' or lorger will be determined of the site development plan permit slogs. 	 All grambals, public utility reservents, occass assemants and drainope asseman(s will be senied and mointained by the property center. 	4. Wolar and wastewater service shall be provided by City of Austin.	 Subdivision is classified as when and all public streets, advecting, and drainage or easteneder lines shaft be canatructed to City of Austin Stendards. All access to state highways (Copilal of Texas Highway) will be acquired before site plan approval. 	1. The 25 and 100 year licodoptains will be contained within drainage ecomments and greenbells.	GENERAL NOTES (TRACT F SECTION 4 BLOCK D LOTS 1, 1-A & BLOCK E
National Number of Justic Reported	40 per LDC 24-7-461	Approval by Canada and Approval Approv		ACTINITE ACTIVATION ACTIVATION ACTIVATION	he inperious cover by slopes lab a diamed for the estension of We to the control industry, industry, without		to meaning interpret (B) scenic roodway sign disinct regulations is anonded to allow two signs on tract D-1. To The number of that 1 1-A Block "D" Track F and tot 15, Block "E" Track F may by	Areie Derreren (Riveler pane) inet meet Rock D. Let 1 is 47 Seel	33. All cut and fill over 4 feet is to be structurally contained. 34. No coal-tar based seatants shall be used.	Diotal land area including	3), indet 7, decord 0, Lor 1 was provide up at a pure, isotrary continuing grown inters and contrary of anyth Green Builders Program (One Star Level). Trees will be addected to provide overall species diversity.	randa 1997 J. Cuntumper accument (Lessen and County)	mmil sloge. Lights will be allowed to Loop 360 subject to TxDot approval. Four ta first of Austria Artesianov constations will be allowed to Mestician	28. Parting and AFE-ANTENATIONAL CASED BALEFEED and particular stress	27. Each compact parting space will be identified by a sign stating "email car only" and signs will be posted on site directing matarists to such spaces.		25. The use of highly reflective surfaces, such as reflective or mirrored glass, or reflective metod roofs whose pitch is more than a run of 7 to a rise of 12, shall be prohibited.	24. All dumpsters and any permanently placed refuse receptodes shall be located a minimum of 20 (set from any property used or ranned as S^{r-2} or more restrictive. The location of and access to dumpsters or any other refuse receptodes shall comply with the guidalines published by the Public Works Department. Location and eccess shall be reviewed by the Public Works and Urban Transportation Departments.	23. All extentor lighting shall be hooded or shielded so that the light source is not directly visible from adjacent SF-5 or more restrictive properties.	JOCK D LOTS 1, 1-A & BLOCK E LOT 16)
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