

Item #2

Aug. 9, 2006

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING AND  
2 REZONING AND CHANGING THE ZONING MAP TO ESTABLISH A PLANNED  
3 UNIT DEVELOPMENT (PUD) DISTRICT ON THREE TRACTS OF LAND  
4 CONSISTING OF APPROXIMATELY 21.52 ACRES OF LAND GENERALLY  
5 KNOWN AS THE PROMINENT POINTE II PLANNED UNIT DEVELOPMENT  
6 LOCATED AT 5401, 5405, 5505 BLUFFSTONE LANE, 8310 NORTH CAPITAL OF  
7 TEXAS HIGHWAY, AND BLUFFSTONE AT BLUEGRASS DRIVE.

8  
9 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

10  
11 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to  
12 change the base zoning districts from interim rural residence (I-RR) district, single family  
13 residence standard lot conditional overlay (SF-2-CO) combining district, limited office  
14 (LO) district, community commercial (GR) district, and planned unit development (PUD)  
15 district to planned unit development (PUD) district on the property (the "Property")  
16 described in Zoning Case No. C814-06-0054 as follows:

17  
18 Prominent Pointe Tract: From limited office (LO) district and community  
19 commercial (GR) district to planned unit development (PUD) district.

20  
21 Lots 1 and 2, Owens II Subdivision, a subdivision in the City of Austin, Travis  
22 County, according to the map or plat of record in Plat Book 85, Page 140B of the  
23 Plat Records of Travis County Texas.

24  
25 Bluffstone Tract: From planned unit development (PUD) district to planned unit  
26 development (PUD) district.

27  
28 Lots 1, 2, and 3, Great Hills Village III Subdivision, a subdivision in the City of  
29 Austin, Travis County, according to the map or plat of record in Plat Book 87,  
30 Page 111B-C of the Plat Records of Travis County Texas.

31  
32 Great Hills Phase "B" Tract: From interim rural residence (I-RR) district and  
33 single family residence standard lot conditional overlay (SF-2-CO) combining  
34 district to planned unit development (PUD) district.  
35

1 Lots 9 and 10, Block A, Great Hills Phase "B" Subdivision, a subdivision in the  
2 City of Austin, Travis County, according to the map or plat in Document  
3 #200600082, Official Public Records of Travis County, Texas.  
4

5 locally known as the property located at 5401, 5405, 5505 Bluffstone Lane, 8310 North  
6 Capital of Texas Highway, and Bluffstone at Bluegrass Drive, in the City of Austin, Travis  
7 County, Texas, and generally identified in the map attached as Exhibit "A".  
8

9 **PART 2.** This ordinance and the attached Exhibits "A" and "B" are the land use plan for  
10 the Prominent Pointe II planned unit development district (the "PUD") created by this  
11 ordinance. The PUD shall conform to the limitations and conditions set forth in this  
12 ordinance and in the Prominent Pointe II planned unit development land use plan (the  
13 "PUD land use plan") on record at the Neighborhood Planning and Zoning Department in  
14 File No. C814-06-0054. If this ordinance and the attached exhibits conflict, the ordinance  
15 applies.  
16

17 **PART 3.** The attached exhibits are incorporated into this ordinance in their entirety as  
18 though set forth fully in the text of this ordinance. The attached exhibits are as follows:  
19

20 Exhibit A: Zoning map

21 Exhibit B: Prominent Pointe II PUD land use plan  
22

23 **PART 4.** Development is not allowed on Great Hills Phase "B" Tract.  
24

25 **PART 5.** The following regulations apply to Prominent Pointe and Bluffstone Tracts.  
26

27 A. Except as provided in Subsections B and C, Prominent Pointe and Bluffstone  
28 Tracts shall be developed and used according to the community commercial  
29 (GR) district site development regulations.  
30

31 B. The following uses are prohibited uses of the Property:  
32

33 Automotive rentals

34 Automotive sales

35 Commercial off-street parking

36 Exterminating services

37 Off-site accessory parking

38 Plant nursery  
39

Automotive repair services

Automotive washing (of any type)

Drop-off recycling collection facility

Funeral services

Pawn shop services

Service station  
40

C. The following development regulations apply to the Property:

1  
2 1) Minimum setbacks:

3 Front yard along Bluffstone Lane: 25 feet.

4 Street side yard along Capital of Texas Highway: 100 feet.

5 Rear yard along Bull Creek: 10 feet.

6  
7 2) Maximum building coverage: 15%.

8  
9 D. A site plan or building permit for the Property may not be approved, released, or  
10 issued, if the completed development or uses of the Property, considered  
11 cumulatively with all existing or previously authorized development and uses,  
12 generate traffic that exceeds 2,000 trips per day above the existing development.

13  
14 E. The Property will be allowed two curb cuts onto Bluffstone Lane and one  
15 driveway access point onto Capital of Texas Highway.

16  
17 F. Development of the Property shall comply with Section 25-2-1006 (*Screening*  
18 *Requirements*).

19  
20 **PART 6.** In accordance with Section 25-2-411 (A) (*Planned Unit Development District*  
21 *Regulations*) of the Code, the following regulations apply to the PUD instead of otherwise  
22 applicable Code regulations.

23  
24 A. Section 25-8-341 (*Cut Requirements*) is modified to allow a maximum cut of 16  
25 feet. A cut area must be restored and stabilized in accordance with City rules  
26 and regulations.

27  
28 B. Section 25-8-342 (*Fill Requirements*) is modified to allow a maximum fill of 16  
29 feet.

30  
31 C. Section 25-8-301 (*Construction of a Roadway or Driveway*) of the Code is  
32 modified to allow construction of a roadway or driveway on slopes that have a  
33 gradient of more than 15 percent.

34  
35 D. Section 25-8-423 (C) (*Water Quality Transition Zone*) is modified to allow  
36 construction of a water quality pond within the water quality transition zone.

37  
38 E. Section 25-8-423 (B) (*Water Quality Transition Zone*) is modified to allow 3.7  
39 acres, or 35% impervious cover, within the water quality transition zone.  
40

1 F. Section 25-8-262 (B) (1) (*Critical Water Quality Street Crossings*) is modified  
2 to allow the crossing of a major waterway for the reconstruction of a driveway  
3 and the enlargement of a detention pond.  
4

5  
6 **PART 7.** This ordinance takes effect on \_\_\_\_\_, 2006.  
7

8  
9 **PASSED AND APPROVED**

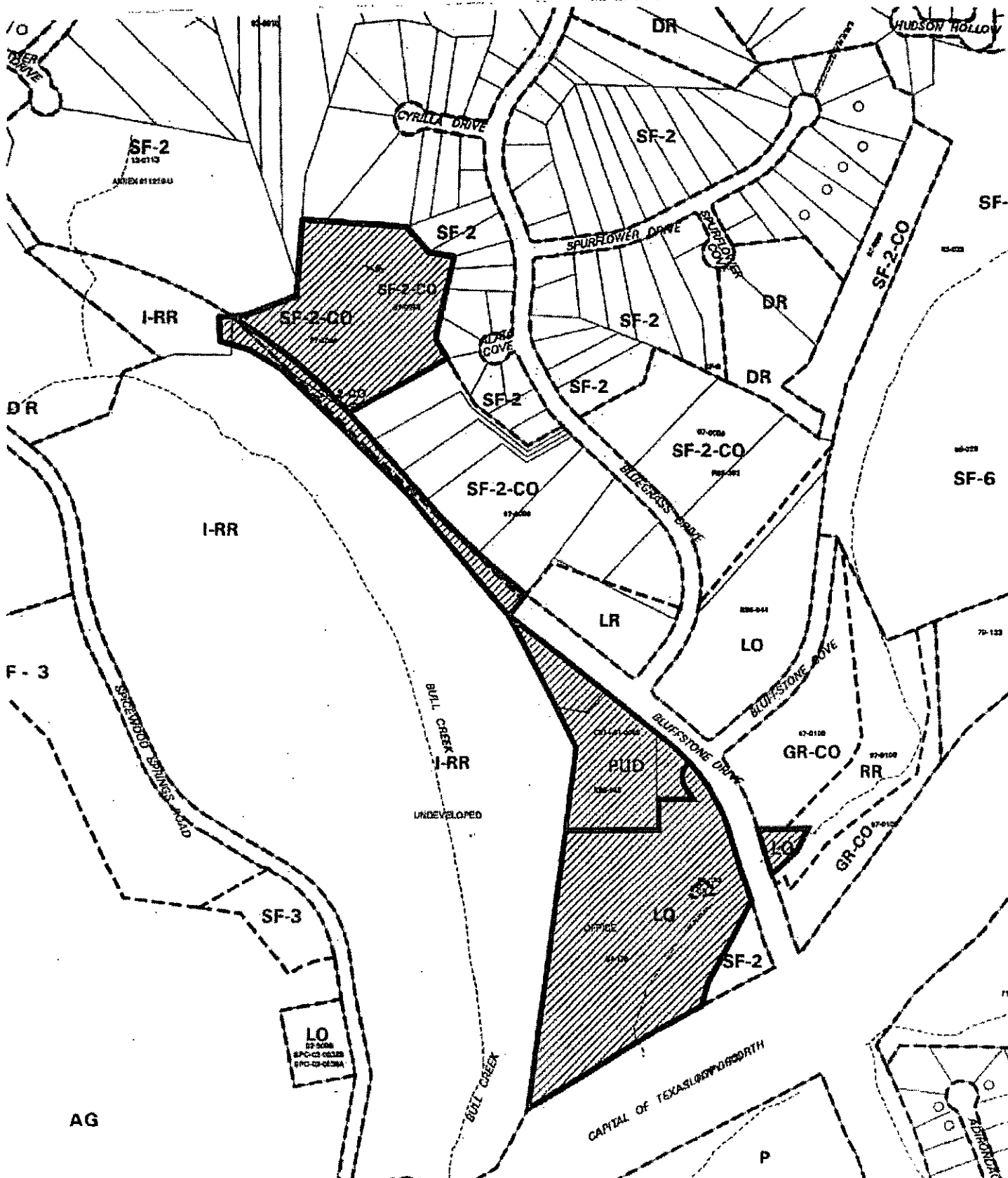
10  
11 \_\_\_\_\_, 2006 §  
12 §  
13 §  
14

Will Wynn  
Mayor

15  
16  
17 **APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
18

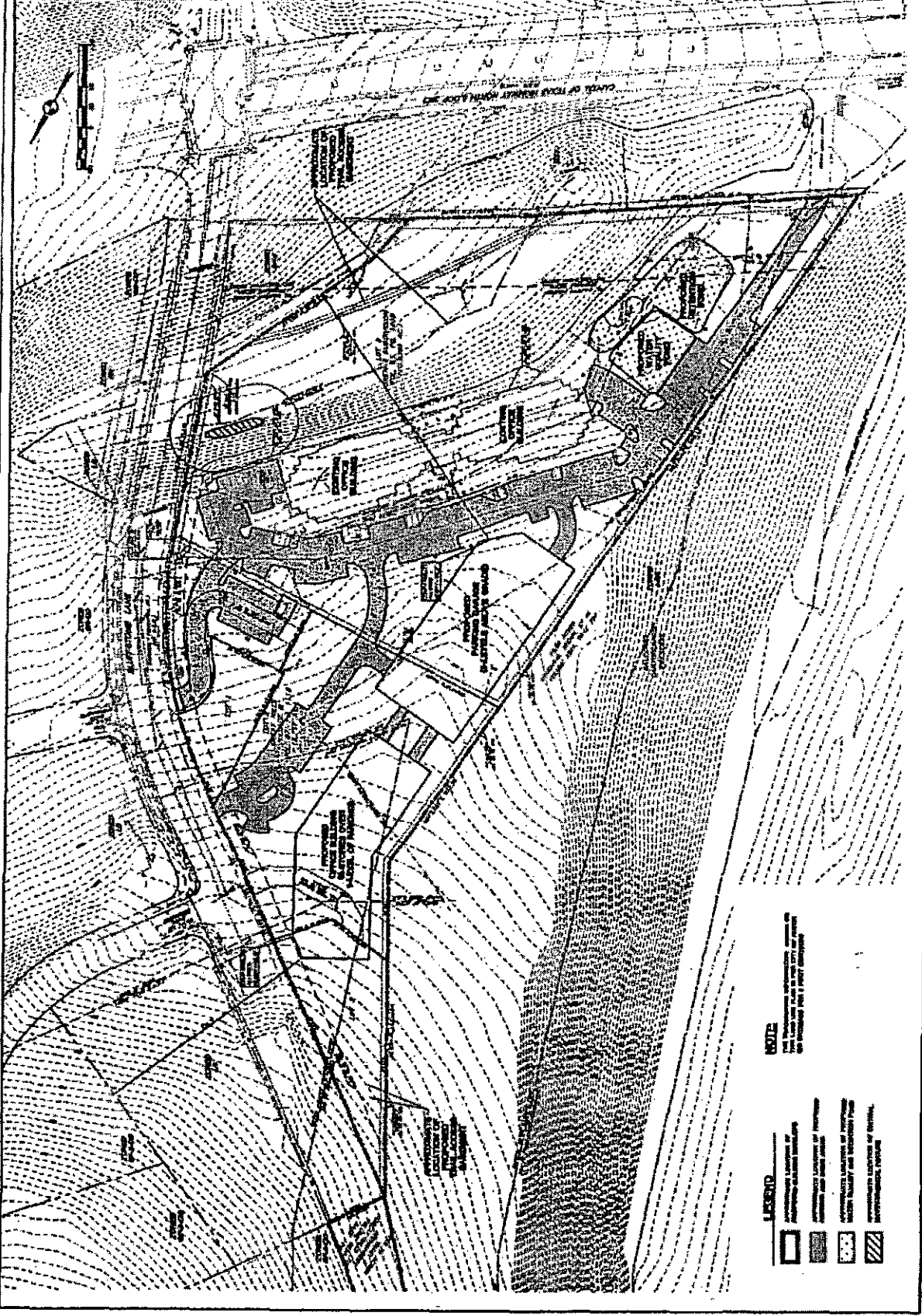
19 David Allan Smith  
20 City Attorney

Shirley A. Gentry  
City Clerk



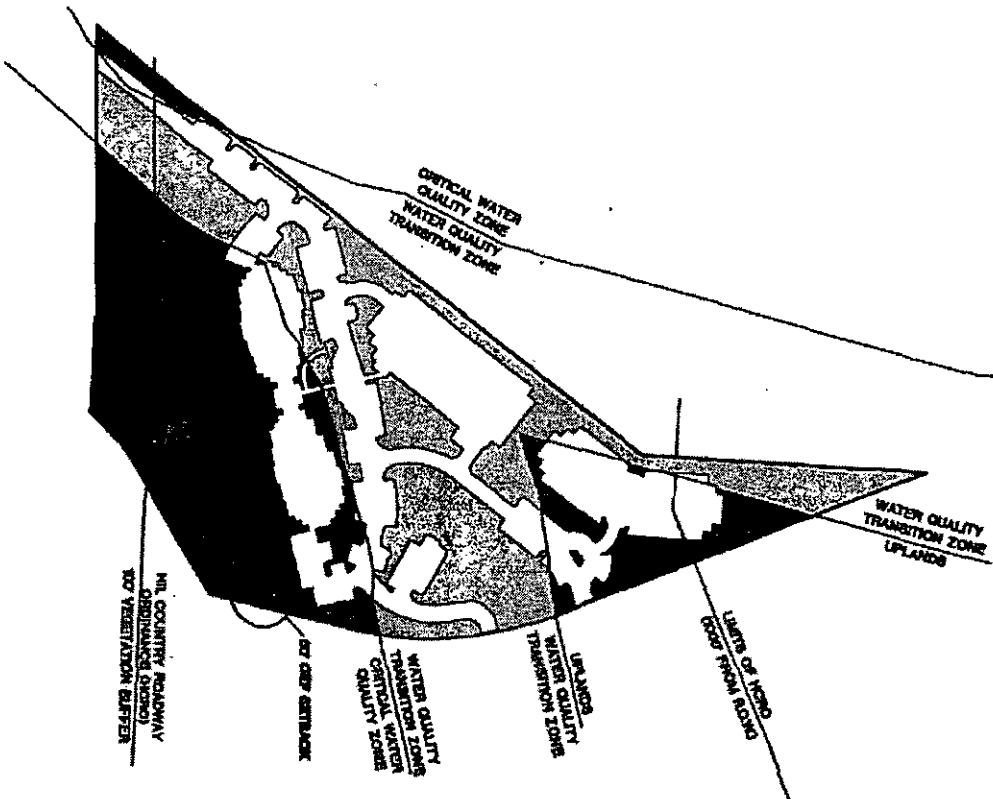
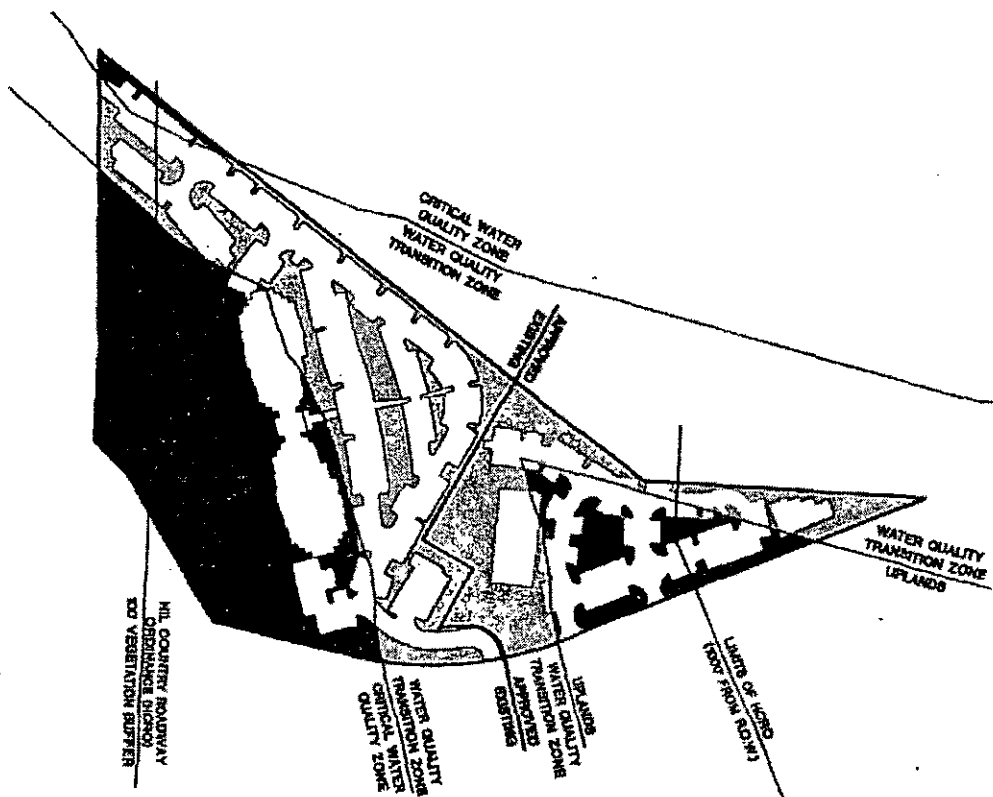
 1" = 400'	SUBJECT TRACT 	<b>PLANNED UNIT DEVELOPMENT</b> <b>"EXHIBIT A"</b>		CITY GRID REFERENCE NUMBER H32
	PENDING CASE 	CASE #: C814-06-0054		DATE: 06-03
	ZONING BOUNDARY 	ADDRESS: BLUFFSTONE LN BETWEEN N CAPITAL OF TEXAS HWY AND B		INTLS: SM
	CASE MGR: S. SIRWAITIS	SUBJECT AREA (ACRES): 21.520		







### PROPOSED PUD:



<b>EXH</b> EXHIBIT	<b>SEABYTE AIRWAYS</b>	<b>PROMINENT POINTS</b> <b>6350 N. CAPITAL OF TEXAS HWY.</b>	<b>WATERWAY SETBACK EXHIBIT</b>	<b>Bury+Partners</b> <b>ENGINEERING SOLUTIONS</b> <small>2845 San Carlos Blvd., Suite 200, Austin, Texas 78758</small> <small>Call (512) 455-4222 Fax (512) 455-4222</small> <small>BuryPartners, Inc. © Copyright 1988</small>
	<b>FLYING ON THE WINGS OF PROGRESS</b>			
	<b>MAIN TR. 10</b>			
	<b>SECOND PR. 20</b>			
	<b>THIRD PR. 20</b>			
	<b>ASPEN PROPERTIES</b>			



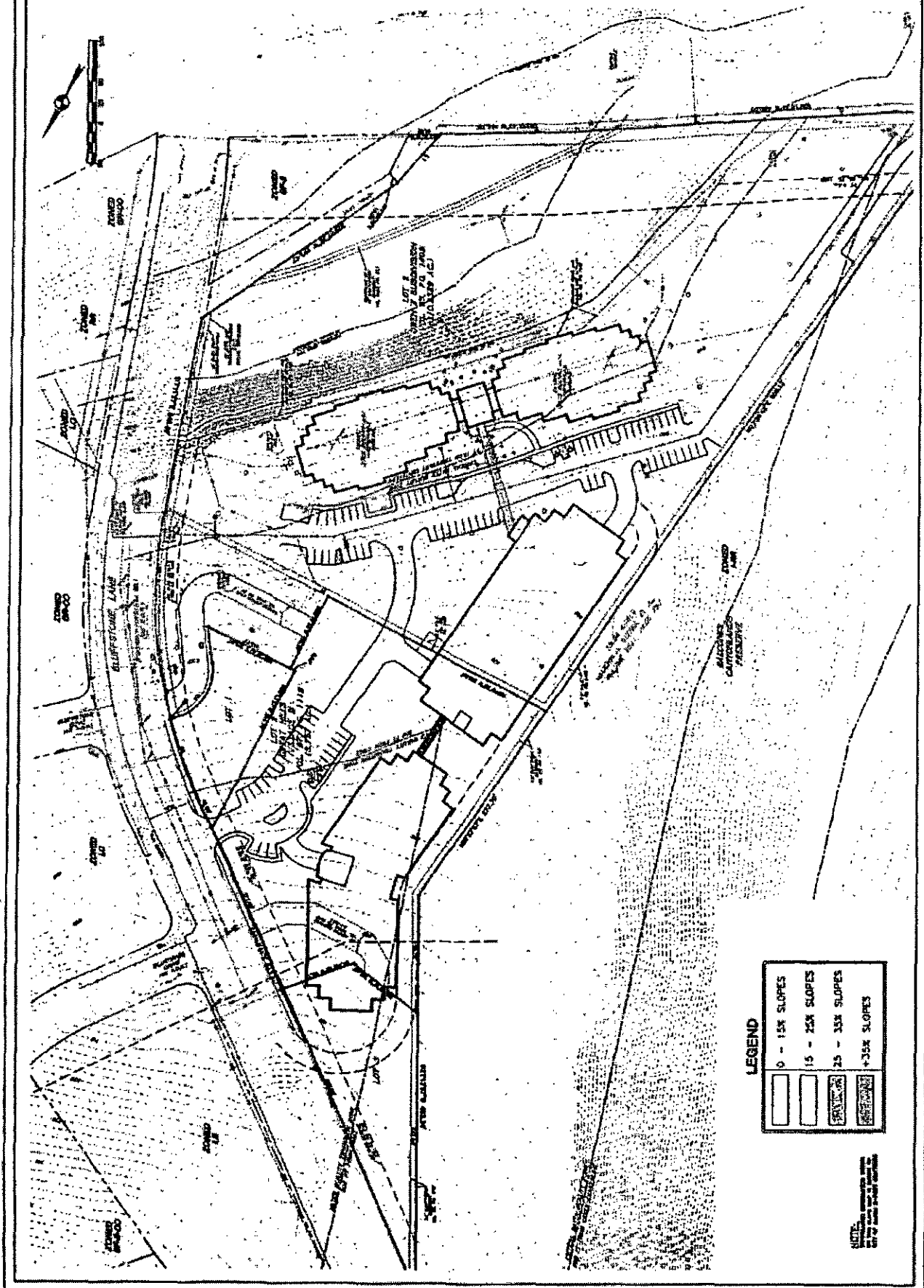
EXH

PROJECT: 6370 N. CAPITAL HWY. - ASPEN PROPERTIES  
 SHEET: 1 OF 1  
 DATE: 10/1/00  
 DRAWN BY: [illegible]  
 CHECKED BY: [illegible]  
 SCALE: 1" = 100'

6370 N. CAPITAL OF TEXAS HWY.  
 ASPEN PROPERTIES

SLOPE DENSITY MAP

Bury Partners  
 ENGINEERING & ARCHITECTURE  
 10000 N. DALLAS HWY. SUITE 100  
 DALLAS, TEXAS 75243  
 TEL: 214-343-1000  
 FAX: 214-343-1001



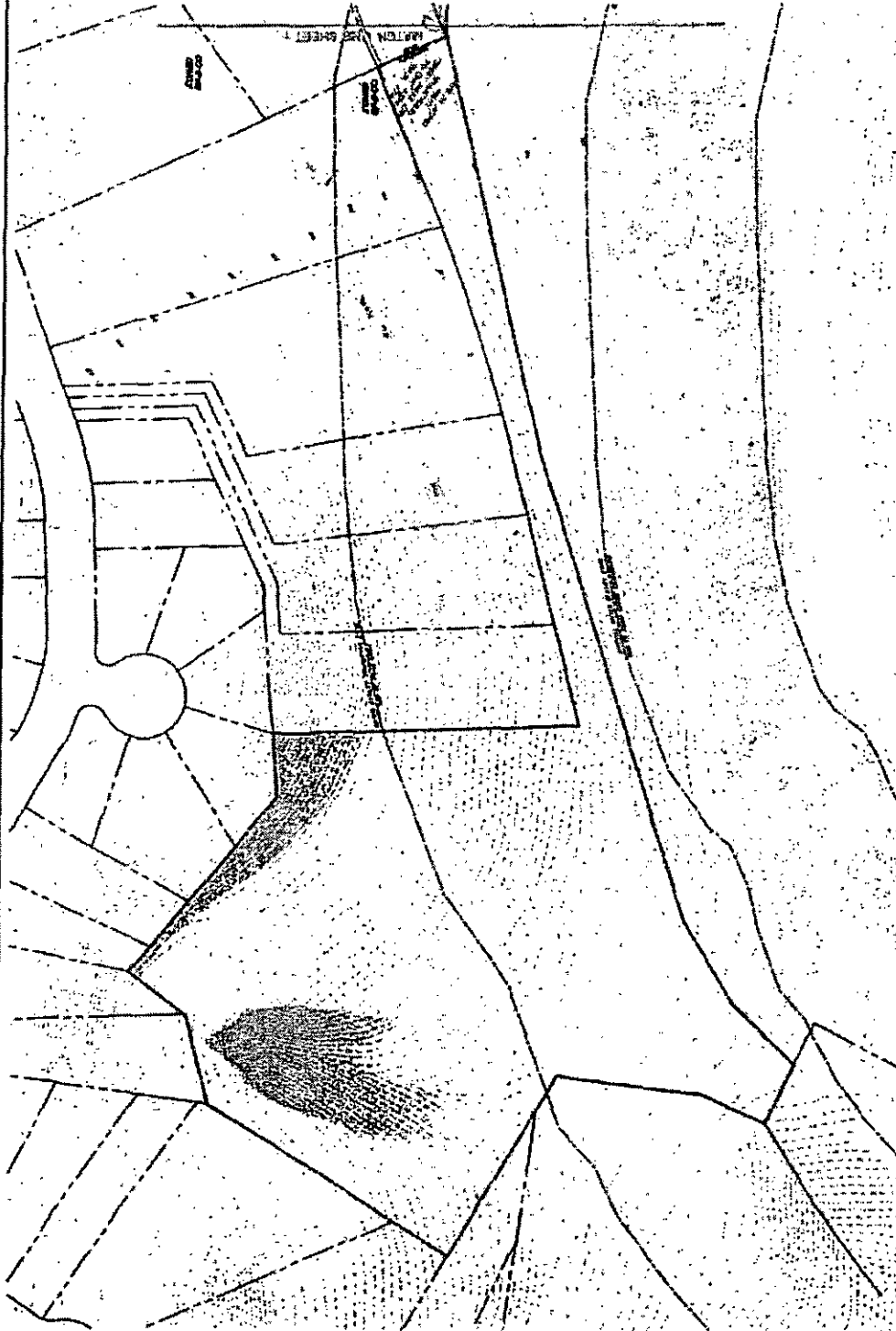
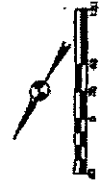
EXH

DATE: 10/1/00
BY: J. H. BERRY
FOR: ASPEN PROPERTIES
PROJECT: 8310 N. CAPITAL OF TEXAS HWY.
SHEET: 1 OF 1

ASPEN PROPERTIES  
8310 N. CAPITAL OF TEXAS HWY.  
PROMINENT POINTS

SLOPE DENSITY MAP

Bury+Partners  
10000 N. CAPITAL OF TEXAS HWY.  
SUITE 100  
DALLAS, TEXAS 75243  
TEL: 214.343.1000  
FAX: 214.343.1001  
WWW.BURY+PARTNERS.COM



LEGEND

0 - 15% SLOPES
15 - 25% SLOPES
25 - 35% SLOPES
+ 35% SLOPES

DATE: 10/1/00  
BY: J. H. BERRY  
FOR: ASPEN PROPERTIES  
PROJECT: 8310 N. CAPITAL OF TEXAS HWY.  
SHEET: 1 OF 1

**RESTRICTIVE COVENANT**

OWNER: Prominent Northpoint, L.P., a Texas limited partnership

ADDRESS: 901 Mopac Expressway South, Building One, Suite 200, Austin, Texas  
78746

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: Prominent Pointe Tract: Lots 1 and 2, Subdivision Owens II, as Recorded in Book 85, Page 140B of the Plat Records of Travis County Texas.

Bluffstone Tract: Lots 1, 2, and 3, Great Hills Village III, as Recorded in Book 87, Page 111B-C of the Plat Records of Travis County Texas.

Great Hills Phase "B" Tract: Lots 9 and 10, Block A, Subdivision Great Hills Phase "B", Document #200600082.

WHEREAS, the Owners of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owners of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owners of the Property, its heirs, successors, and assigns.

1. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, a landscape plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. Ninety percent of the total plant material used, exclusive of turf, shall be native to Central Texas or on the Grow Green Native and Adapted Landscape Plants list, attached as Exhibit "A". Plants on the Invasive Species/Problem Plants list, attached as Exhibit "B", may not be included.
2. 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 covenant.

3. All residential development shall comply with Austin Energy Green Building Program (GBP) for a minimum one-star rating. All commercial development shall comply with the GBP for a minimum one-star rating, or, shall be designed and built according to the US Green Building Council's Leadership in Energy and Environmental Design ("LEED™") Green Building Rating System, Certified Level. Certification from either the GBP or the LEED™ shall be met as specified by the version of the rating system current at the time of design.
4. The owner shall provide a rainwater collection and irrigation system from rooftop areas of at least one building for irrigation of managed landscaped areas. The rainwater collection system shall provide an overall volume of a minimum of 9,000 gallons of storage. The rainwater collection system shall be maintained at least once a year to remove organic debris and to ensure that the system is functioning as designed.
5. For commercial areas, landscaping shall comply with Hill Country Roadway requirements with low intensity revegetation of natural areas under Appendix A of the Environmental Criteria Manual.
6. The owner will remove parking located within the 100-foot Hill Country Roadway buffer and will restore this area to its natural vegetative condition.
7. Requirements for construction sequencing are temporarily adjusted to allow construction of the building, parking garage and utilities to utilize the existing pond and allow the construction of the new pond to occur after the garage and utilities are completed.
8. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
9. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
10. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
11. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2006,

**OWNERS:**

**Prominent Northpoint, L.P.,  
a Texas limited partnership**

By: Aspen Growth Properties, Inc.,  
a Texas corporation,  
its general partner

By: \_\_\_\_\_  
Mark McAllister,  
President

APPROVED AS TO FORM:

\_\_\_\_\_  
Assistant City Attorney  
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_, 2006 by Mark McAllister, President of Aspen Growth Properties, Inc., a Texas corporation, general partner of Prominent Northpoint, L.P., a Texas limited partnership, on behalf of the corporation and the limited partnership.

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Notary Public, State of Texas

After Recording, Please Return to:  
City of Austin  
Department of Law  
P. O. Box 1088  
Austin, Texas 78767  
Attention: Diana Minter, Legal Assistant