

ORDINANCE NO. 20100729-120

C3

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY COMMONLY KNOWN AS THE BULL CREEK PLANNED UNIT DEVELOPMENT PROJECT LOCATED AT 4909, 4923, AND 4925 FM 2222 ROAD FROM LAKE AUSTIN RESIDENCE (LA) DISTRICT, SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT AND TOWNHOUSE AND CONDOMINIUM RESIDENCE (SF-6) DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

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

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from Lake Austin residence (LA) district, single family residence standard lot (SF-2) district, and townhouse and condominium residence (SF-6) district to planned unit development (PUD) district on the property described in Zoning Case No. C814-2009-0139, on file at the Planning and Development Review Department, as follows:

Approximately 53.8741 acres in Travis County, consisting of two tracts of land and being more particularly described in Exhibit "A" incorporated into this ordinance (~~the "Property"~~), ("Tract one")

locally known as 4909, 4923, and 4925, RM 2222 Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

collectively described as the "Property",

PART 2. This ordinance and the attached Exhibits A through O are the land use plan for the Bull Creek planned unit development district (the "PUD") created by this ordinance. Development of and uses within the PUD shall conform to the limitations and conditions set forth in this ordinance and in the land use plan attached as Exhibit B (the "Land Use Plan"). If this ordinance and the attached exhibits conflict, this ordinance controls.

and

Lot 2 of the Bull Creek Road subdivision ("Tract Two"), also described as the "Tower Lot" in attached Exhibits A through O, the ordinance and

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

- Exhibit A: Description of Property
- Exhibit B: Zoning Map
- Exhibit C: Land Use Plan
- Exhibit D: Notes
- Exhibit E: Ecological Preservation/Rehabilitation Plan
- Exhibit F: Constructed Habitat for Migratory Waterfowl Plan
- Exhibit G: Green Building & Environmental Benefits
- Exhibit H: Artwork
- Exhibit I: Swim Pier
- Exhibit J: Environmental Modification Plan – Cut & Fill
- Exhibit K: Environmental Modification Plan – Construction on Slopes
- Exhibit L: Slope Analysis
- Exhibit M: Driveway Details
- Exhibit N: Critical Environmental Features
- Exhibit O: Tree Protection

PART 4. In accordance with Chapter 25-2, Subchapter V, Article 2, Division 5 (*Planned Unit Developments*) of the Code, the Bull Creek PUD development shall comply with the requirements for a PUD, except as otherwise modified by this ordinance.

A. Use Regulations.

1. Except as otherwise provided in this ordinance the Property is subject to Lake Austin residence (LA) district permitted and conditional uses and site development regulations.
2. Crop production use and urban farm use are additional permitted uses of the Property.
3. Section 25-2-863 (C) (*Urban Farms*) of the Code is modified to allow an urban farm on a site greater than five acres.
4. Section 25-2-893 (C) (*Accessory Uses for a Principal Residential Use*) of the Code is modified to allow two guest houses. *The Tower Lot may be used as a guest house, in addition to the two guest houses on the 53.8741 acre property.*
5. Section 25-2-900 (*Home Occupations*) of the Code is modified so that only the following home occupation regulations apply: a) a home

Tower Lot,

occupation may occur within the primary residence, or accessory structures, and b) a home occupation may include the occupant of the primary residence and staff assisting with property and household management, domestic service household maintenance (interior and exterior), landscaping, security, bookkeeping, and personnel working for the owner or owner's nonprofit foundation.

B. Zoning and Site Development Regulations.

1. ^{With the addition of the Tower Lot,} The maximum impervious cover is ~~14~~¹⁵ percent. Section 25-8-64 (*Impervious Cover Assumptions*) of the Code is modified to allow impervious cover to be calculated over the entire property and not on a lot by lot basis.
2. Section 25-2-551(B) (2) (*Lake Austin (LA) District Regulations*) of the Code is modified to allow additional improvements within the shoreline setback area as shown on Exhibits C and J. These improvements may include a constructed habitat for migratory waterfowl, decks, trails, impervious walks, boardwalk, terraces, skyspace structure, site electrical, weir system, berms, swimming area, and related improvements. Maintenance and remodel of existing swimming area, boat docks, walkways, and associated facilities is allowed.
3. Section 25-2-551(B) (5) (*Lake Austin (LA) District Regulations*) of the Code is modified to allow development of a guest house and recreation building on limited gradients that exceed 35 percent in accordance with Exhibit K.
4. Section 25-2-492 (*Site Development Regulations*) of the Code is modified to allow interior side yard setbacks to be zero feet.
5. Section 25-2 Subchapter F: Residential Design and Compatibility Standards, 2.5 (*Side Yard Setbacks*) and 2.6 (*Setback Planes*) of the Code are modified to allow interior side yard setbacks to be zero feet and interior lot line setback planes not to apply.

C. Hill Country Roadway.

1. The PUD shall comply with the Hill Country Roadway Ordinance except as shown in a) through e) of this section.
 - a) Section 25-2-1122 (*Floor to Area Ratio of a Nonresidential Building*) of the Code is modified to allow compliance with Exhibit K for construction on slopes.
 - b) Section 25-2-1123 (*Construction on Slopes*) of the Code is modified to allow construction of the guest house to comply only with Exhibit K.
 - c) Section 25-2-1126 (*Building Materials*) of the Code is modified to allow reflective and non-native building materials for structures built 100 feet behind a 10-foot high masonry wall that is constructed 100 feet from the right-of-way of FM 2222 Road. A vegetative buffer with native plants and trees shall be provided as additional screening.
 - d) A 100-foot wide vegetative buffer shall be provided and maintained along the property line adjacent to the FM 2222 right-of-way. At approximately the 100-foot setback line a 10-foot high wall or fence shall be constructed for visibility and sound attenuation. Additional native trees will be planted to supplement the existing native vegetation. Entryway features are allowed within the setback in the vicinity of the driveways.
 - e) At least 40 percent of the site within the Hill Country Roadway 1000 foot setback area shall be left in a natural state, except for vegetative management activities in accordance with a) the existing wildlife management plan approved by the Travis County Appraisal District for the property and, b) the Ecological Conservation and Preservation Plan outlined in Exhibit E of this ordinance.

2. The City acknowledges and agrees that the existing building on the Tower Lot is a legal noncomplying structure, and as such, shall be subject to applicable City Code provisions.

D. Environmental Regulations.

1. Development of the Property shall comply with the criteria, plans, or requirements as written or illustrated on Exhibits D, E, F, G, J, K, L, N, and O.
2. Section 25-8-261(C) (*Critical Water Quality Zone Development*) of the Code is modified to allow the following improvements within the critical water quality zone as shown on Exhibit C and described in Exhibit J:
 - a) migratory bird habitat, birdbath facilities, decks, levees, trails, sidewalks, boardwalk, remnant foundation, terraces, skyspace structure, security equipment, wiring, swimming area, and related facilities;
 - b) maintenance and remodel of existing swimming area, boat docks, walkways, and terraces; and
 - c) cut and fill as required for the above improvements in accordance with Exhibit J.
3. Section 25-8-281(B) (*Critical Environmental Features*) of the Code is modified to allow critical environmental features ("CEF") to be located on a residential lot.
4. Section 25-8-281(C) (*Critical Environmental Features*) of the Code is modified to provide buffer requirements for the CEFs on the Property in accordance with Exhibit N.
5. Sections 25-8-281 (*Critical Environmental Features*) and Section 25-8-282 (*Wetland Protection*) of the Code do not apply to any proposed manmade environmental features.
6. Section 25-8-302 (*Construction of a Building or Parking Area*) of the Code is modified to allow small portions of building and parking areas to be constructed on slopes greater than 25 percent, as shown on Exhibit K. Terracing shall be optional for portions of the slopes that are not constructed on, but spanned by a building.

7. Section 25-8-341 (*Cut Requirements*) of the Code is modified to allow cuts to exceed four feet in accordance with Exhibit J.
8. Section 25-8-342 (*Fill Requirements*) of the Code is modified to allow fills to exceed four feet in accordance with Exhibit J.
9. The requirements of Sections 3 through 3.3.5 (*Tree Survey*) of the Environmental Criteria Manual ("ECM") are modified to allow only trees of eight inch and greater diameter to be surveyed and for single family tree regulations to apply.
10. CEF Buffers and Construction. The following conditions apply to the 50-foot wide buffer for Rimrocks 1 and 2 as shown on Exhibit N:
 - a) a 40-foot limit of construction shall be maintained from Rimrock 1 and 2;
 - b) the 10-foot wide area with the CEF buffer that is disturbed during construction must be revegetated with plants and seeds from the City of Austin Standard Specification Item No. 609S, and
 - c) erosion and sedimentation controls must be placed at the limits of construction.
11. A 150-foot wide buffer shall be provided for the emergent wetland fringe located within Bull Creek. The following may be located within the buffer area:

Trails, existing retaining wall, proposed trees, stone stairs, regraded slope, migratory habitat for waterfowl, raised wood boardwalk, native plant garden, security equipment, wiring, and related facilities.
12. A setback is not required for or associated with a cypress fringe located on portions of the Property.

E. Shoreline Swim Area/Docks and Wetlands Area.

1. Swim area reconstruction shall not exceed 50 feet from the shoreline in accordance with Exhibit I.

2. Shoreline modifications for the swim area will exceed Code and ECM requirements in order to preserve the natural and traditional character of the shoreline as set forth under Section 25-7-61(A)(5) (*Criteria for Approval of Plats, Construction Plans, and Site Plans*), maintain the integrity of protected riparian areas and minimize damage to physical and biological characteristics set forth in Section 1.7.7(A) ECM. Parts of the proposed plan will:

- f) maintain the water quality benefits and biological integrity of a functioning, natural vegetated shoreline by providing landscape details which replace existing shoreline vegetation with more desirable native species that provide bank stabilization and natural character;
- g) provide the slope of a natural shoreline with minimal stone toe armor pursuant to the current recommendations for bank stabilization of City of Austin Environmental Resource Management Division wetlands biologist;
- h) provide native wetland plantings as mitigation for any impacts to protected wetland areas with the approval of City of Austin Environmental Resource Management Division wetlands biologist; and
- i) provide the seal of a Texas professional engineer to certify that the hydraulic and structural design of dock and shoreline treatment are adequate that the improvement complies with the ordinances of the City, Drainage Criteria Manual, and the laws of the State as set forth in Section 25-7-62 (*Certificate of Professional Engineer Required for Certain Alterations and Improvements*) of the Code.

3. Additionally, boat slips may not exceed 12, and a boat slip may not be used for commercial purposes. *The Tower Lot may maintain the two additional boat slips associated with it,*

- F. Transportation Regulations *in addition to the 12 boat slips existing on the 53.8741 acre property. However, they may*
- 1. The southern internal driveway shall be built in accordance with Exhibit M. *not be used for commercial purposes.*

2. The requirements of the Transportation Criteria Manual Section 5.3P and the City of Austin Standard Detail 433S-1 are modified to allow a driveway apron to slope away from the street and to exceed a two percent grade for the driveway apron. (See Exhibit M)

G. Drainage Regulations.

Section 25-7-152 (*Dedication of Easements and Rights-of Way*) of the Code is modified so that a drainage easement dedicated to the public is not required for flows onto the property; provided however, the property shall accept flows from adjacent tracts in accordance with natural drainage patterns. An easement for the FEMA floodplain shall satisfy dedication requirements along Bull Creek.

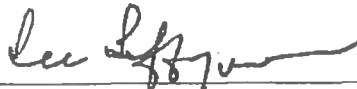
- H. Artwork. At least 2 art installations shall be provided on the Property in accordance with Exhibit H.

PART 5. This ordinance takes effect on August 9, 2010.

PASSED AND APPROVED

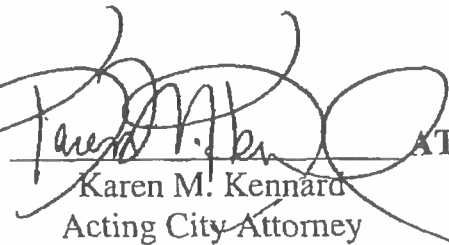
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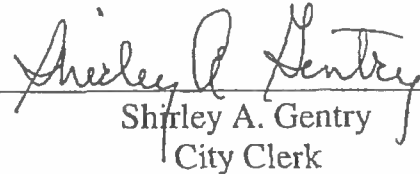
Lee Leffingwell
Mayor

APPROVED:



Karen M. Kennard
Acting City Attorney

ATTEST:



Shirley A. Gentry
City Clerk

EXHIBIT A

TRACT 1

FIELD NOTES FOR

44.572 ACRES OF LAND

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE THOMAS J. CHAMBERS 8 LEAGUE GRANT IN TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN 44.572 ACRE TRACT OF LAND CONVEYED TO KEY ENTERPRISES, INC., TED L. STEWART AND RON AMINI BY INSTRUMENT RECORDED IN DOCUMENT NO. 2004145327 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch iron pin found at the Northeast corner of said 44.572 acre tract, being at the Southeast corner of Lot 1, Bull Creek Road Subdivision, a subdivision recorded in Plat Book 28, Page 17 of the Plat Records of Travis County, Texas, being in the West r.o.w. line of F.M. Hwy No. 2222, for the PLACE OF BEGINNING hereof;

THENCE along the East line of said 44.572 acre tract, being along the West r.o.w. line of F.M. Hwy No. 2222 for the following courses:

Along a curve to the left whose radius is 408.15 feet, whose arc is 57.65 feet and whose chord bears S 07°20'50" W for a distance of 57.60 feet to a ½ inch iron pin found

S 01°29'54" E for a distance of 119.52 feet to a ½ inch iron pin found

S 03°17'00" W for a distance of 751.90 feet to a ½ inch capped iron pin set for the Southeast corner of said 44.572 acre tract;

THENCE along a Southerly line of said 44.572 acre tract for the following courses:

N 88°15'00" W for a distance of 287.50 feet to a ½ inch capped iron pin set

N 60°30'00" W for a distance of 387.50 feet to a ½ inch capped iron pin set

N 88°30'00" W for a distance of 200.00 feet to a ½ inch capped iron pin set

S 44°30'00" W for a distance of 222.50 feet to a ½ inch capped iron pin set

S 01°30'00" W for a distance of 180.00 feet to a ½ inch capped iron pin set

S 36°20'00" E for a distance of 353.21 feet to a ½ inch capped iron pin set

S 39°20'00" W for a distance of 540.43 feet to a point at the water's edge of the North bank of Lake Austin, for a Southerly corner of said 44.572 acre tract;

THENCE along the water's edge of the North bank of Lake Austin for the following courses:

N 50°41'13" W for a distance of 293.66 feet to an angle point

N 54°13'30" W for a distance of 481.15 feet to an angle point

FIELD NOTES
FOR

44.572 ACRES OF LAND - Page Two

N 49°50'24" W for a distance of 135.83 feet to a point at the water's edge of the East bank of Bull Creek, for the Southwest corner of said 44.572 acre tract;

THENCE along the water's edge of the East bank of Bull Creek for the following courses:

N 03°09'58" E for a distance of 9.95 feet to an angle point

N 39°03'55" E for a distance of 500.02 feet to an angle point

N 33°35'47" W for a distance of 57.70 feet to an angle point

N 25°18'41" W for a distance of 152.65 feet to an angle point

N 17°04'31" W for a distance of 23.61 feet to an angle point

N 13°59'42" W for a distance of 159.33 feet to an angle point

N 00°28'15" W for a distance of 177.67 feet to an angle point

N 11°27'02" E for a distance of 183.31 feet to an angle point

N 24°04'28" E for a distance of 73.27 feet to a 60-d nail set in a tree stump for the Northwest corner of said 44.572 acre tract;

THENCE along the North line of said 44.572 acre tract for the following courses:

N 89°29'31" E for a distance of 232.09 feet to a ½ inch iron pin found

N 89°10'10" E for a distance of 76.00 feet to an iron bolt found

N 89°15'25" E for a distance of 569.23 feet to a ½ inch iron pin found

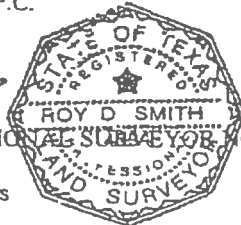
N 89°00'02" E for a distance of 555.61 feet to a ½ inch iron pin found

N 89°14'44" E for a distance of 216.58 feet to the PLACE OF BEGINNING and containing 44.572 acres of land, more or less.

SURVEYED BY:
Roy D. Smith Surveyors, P.C.

Roy D. Smith

ROY D. SMITH
REGISTERED PROFESSIONAL SURVEYOR NO. 4094
August 18, 2005
44.572 ac. - T.J. Chambers



TRACT 2

Part A: Lot 1, BULL CREEK ROAD SUBDIVISION, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 28, Page(s) 17 of the Plat Records of Travis County, Texas

and

Part B: Being 8.495 acres of land, more or less, and lying in and situated out of the Thomas J. Chambers Survey in Travis County, Texas and being more particularly described on Exhibit B-1 attached hereto and made a part hereof.

EXHIBIT B-1

LEGAL DESCRIPTION: BEING A 8.495 ACRE TRACT OF LAND LYING IN AND BEING SITUATED OUT THE THOMAS J. CHAMBERS SURVEY, ABSTRACT NO. 198 IN TRAVIS COUNTY, TEXAS AND BEING ALL OF THOSE CERTAIN FOUR PARCELS OF LAND CONVEYED TO 4-D PARTNERS L.P. AS TRACTS 2-5 BY DEED RECORDED IN DOCUMENT NO. 19999133413 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 8.495 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND AS SURVEYED UNDER THE SUPERVISION OF JAMES E. GARON & ASSOCIATES IN OCTOBER, 2007:

BEGINNING at an iron pipe found in the northerly line of that certain 44.572-acre tract of land conveyed to Danforth Partners I, LTD by deed recorded in Document No. 2001057457 of said deed records for the southeast corner of said 4-D Partners Tract 5 (3.845 acres) and the southwesterly corner of Lot 1, Bull Creek Road Subdivision, a subdivision of record in plat book 28, page 17 of the Plat Records of Travis County, Texas;

THENCE along the north line of said Danforth tract and the south line hereof and said 4-D Partners tract the following six (6) calls:

1. N 89°45'40" W a distance of 555.41 feet to a ½" iron rod found for angle point and common corner of tracts 2 and 5;
2. N 89°25'30" W a distance of 152.99 feet to a ½" iron pipe found for angle point and common corner of tracts 2 and 3;
3. N 89°22'13" W a distance of 122.77 feet to a ½" iron rod found for angle point;
4. N 89°36'49" W a distance of 293.52 feet to a 5/8" iron bolt found for angle point and common corner of tracts 3 and 4;
5. N 89°35'58" W a distance of 75.97 feet to a ½" iron rod found for angle point;
6. N 89°26'01" W a distance of 234.85 feet to a calculated point in Lake Austin for the southwest corner hereof and said 4-D Partners L.P. Tract 4;

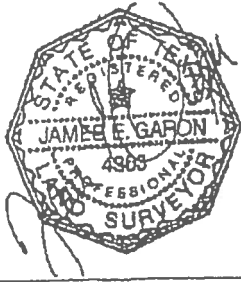
THENCE along Lake Austin and Bull Creek the following eleven (11) calls:

1. N 33°56'59" E a distance of 39.50 feet to a ½" iron rod found for angle point;
2. N 38°51'40" E a distance of 162.51 feet to a ½" iron rod found for angle point;

3. N 58°15'39" E a distance of 92.69 feet to a ½" iron rod found for angle point;
4. N 67°58'38" E a distance of 140.40 feet to a ½" iron rod found for angle point;
5. N 81°34'15" E a distance of 137.21 feet to a ½" iron rod found for angle point;
6. S 89°24'48" E a distance of 209.81 feet to a ½" iron rod found for angle point;
7. N 89°52'53" E a distance of 85.01 feet to a ½" iron rod set for angle point;
8. S 78°00'25" E a distance of 71.35 feet to a ½" iron rod found for angle point;
9. N 89°12'18" E a distance of 215.78 feet to a calculated point in water;
10. S 81°08'51" E a distance of 94.90 feet to a calculated point in water;
11. N 87°20'09" E a distance of 373.03 feet to a ½" iron rod set for the northeast corner hereof and said 4-D Partners tract 5 and the northwest corner of the aforesaid Lot 1, Bull Creek Road Subdivision;

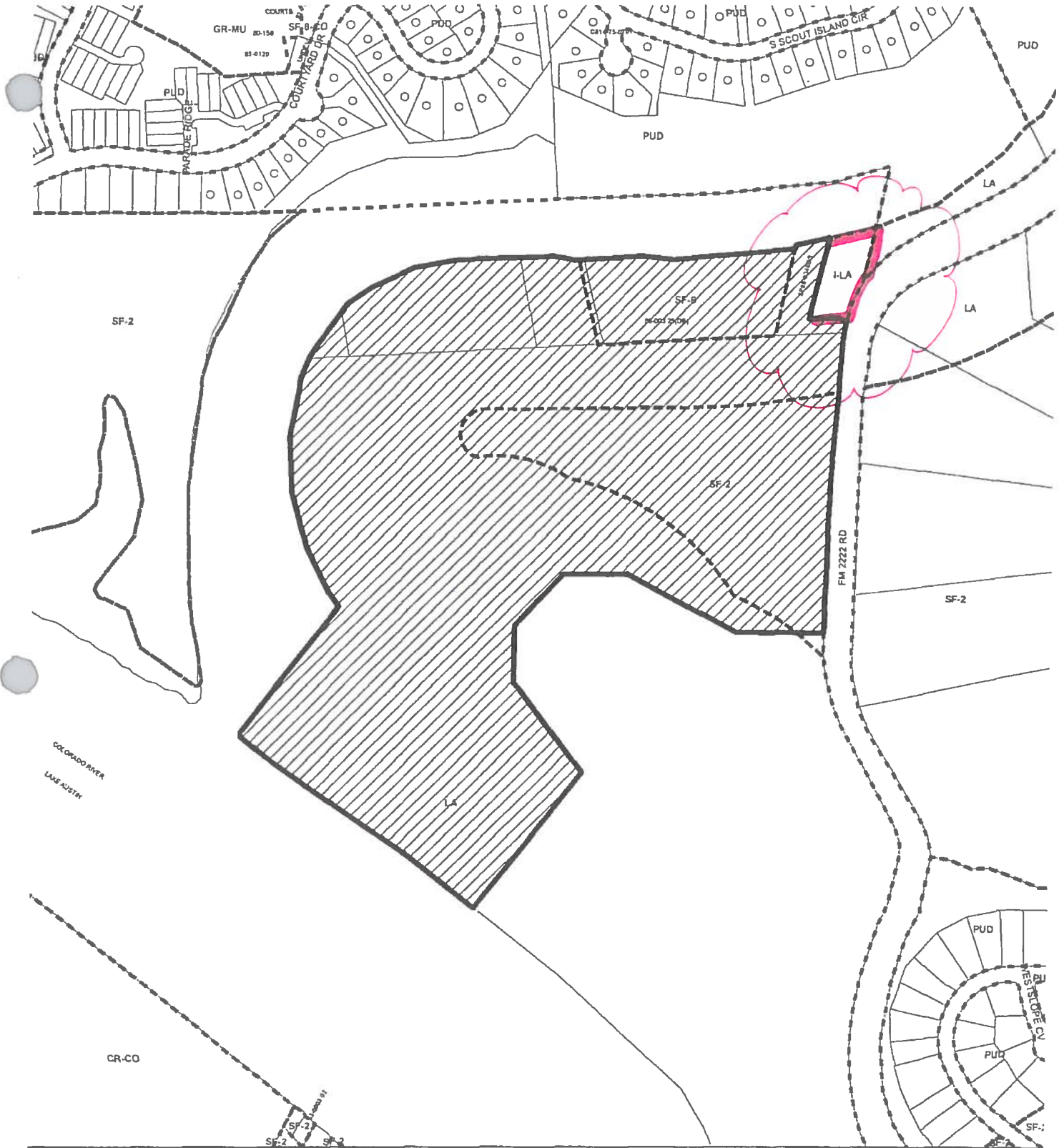
THENCE S 15°57'31" W a distance of 291.00 feet along the west line of said Lot 1 to the **POINT OF BEGINNING**, containing 8.495 acres of land, more or less and as shown on sketch of survey prepared herewith.

Surveyed by:



James E. Garon
Registered Professional Land Surveyor
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EXHIBIT B



N



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

PLANNED UNIT DEVELOPMENT

EXHIBIT B

ZONING CASE#: C814-2009-0139

LOCATION: 4909, 4923 & 4925 FM 2222

SUBJECT AREA: 53.8741 ACRES

GRID: G29

MANAGER: C. PATTERSON



This map has been produced by the Communications Technology Management Dept on behalf of the Planning Development Review Dept for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness