

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1600, 1602, 1604 AND 1606 EAST MARTIN LUTHER KING JR. BOULEVARD IN THE UPPER BOGGY CREEK NEIGHBORHOOD PLAN AREA FROM FAMILY RESIDENCE-NEIGHBORHOOD PLAN (SF-3-NP) COMBINING DISTRICT TO NEIGHBORHOOD COMMERCIAL-MIXED USE-VERTICAL MIXED USE BUILDING-CONDITIONAL OVERLAY-CENTRAL URBAN REDEVELOPMENT DISTRICT-NEIGHBORHOOD PLAN (LR-MU-V-CO-CURE-NP) COMBINING 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 family residence-neighborhood plan (SF-3-NP) combining district to neighborhood commercial-mixed use-vertical mixed use building-conditional overlay-central urban redevelopment district-neighborhood plan (LR-MU-V-CO-CURE-NP) combining district on the property described in Zoning Case No. C14-2008-0099, on file at the Neighborhood Planning and Zoning Department, as follows:

Lots 1, 2, 3, and 4, Block 2, C.R. Johns & Co. Subdivision of Outlot No. 45, Division B, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Volume 1, Page 3, of the Plat Records of Travis County, Texas (the "Property"),

locally known as 1600, 1602, 1604, and 1606 East Martin Luther King, Jr. Boulevard, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

- A. All residential and commercial development shall comply with Austin Energy Green Building Program currently in effect, to achieve a minimum three-star rating.
- B. Development of the Property may not exceed 66 dwelling units.

- 1 C. The space allotted for a commercial use may not exceed 2,499 square feet of
2 site area including exterior seating.
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4 D. Access to the residential parking structure shall be from Martin Luther King Jr.
5 Boulevard.
6
7 E. Access to a parking area for a retail use on the Property shall be from Leona
8 Street.
9
10 F. A site plan or building permit for the Property may not be approved, released,
11 or issued, if the completed development or uses of the Property, considered
12 cumulatively with all existing or previously authorized development and uses,
13 generate traffic that exceeds 2,000 trips per day.
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15 **PART 3.** The site development regulations for the Property within the boundaries of the
16 CURE combining district established by this ordinance are modified as follows:
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- 18 A. The neighborhood commercial (LR) principal site development regulations for
19 floor-to-area ratio, building coverage, front, rear or side yard setbacks, do not
20 apply to the Property.
21
22 B. The maximum impervious cover is 95 percent.
23
24 C. Height.
25
26 1) For mixed use retail development the maximum height of a building
27 or structure is:
28
29 a. three stories; and
30 b. 40 feet from ground level.
31
32 2) For a residential use, the maximum height of a building or structure is:
33
34 a. four stories; and
35 b. 52 feet from ground level.
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1 D. Except as otherwise shown in this Section D, the Property is subject to Chapter
2 25-2, Subchapter E.

3
4 The requirements of Article 3.2.2 (*Glazing on Building Facades*) and
5 Article 4.3.3(C) (*Pedestrian-Oriented Commercial Spaces*) do not apply
6 to the Property.
7

8 Except as specifically restricted under this ordinance, the Property may be developed and
9 used in accordance with the regulations established for the neighborhood commercial (LR)
10 base district, the mixed use (MU) combining district, and other applicable requirements of
11 the City Code.
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13 **PART 3.** This ordinance takes effect on _____, 2009.
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16 **PASSED AND APPROVED**

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20 _____, 2009

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Will Wynn
Mayor

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25 **APPROVED:** _____
26 David Allan Smith
27 City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk

