

ORDINANCE NO. 20090402-050

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FROM PLANNED UNIT DEVELOPMENT (PUD) DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT FOR THE PROPERTY KNOWN AS THE LEANDER REHABILITATION CENTER PLANNED UNIT DEVELOPMENT PROJECT LOCATED ALONG F.M. 620 NORTH.

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

PART 1. Leander Rehabilitation Center ("Leander Rehabilitation PUD") is comprised of approximately 446 acres of land located at North F.M. 620 northeast of its intersection with U.S. 183 in Williamson County and more particularly described by metes and bounds in Exhibit "A" of the State of Texas Order of the Special Board of Review Regarding the Leander Rehabilitation Plan adopted by the State of Texas on January 14, 1998 and recorded as Document No. 9802790 in the Official Public Records of Williamson County, Texas (the "Original Order").

PART 2. The Original Order was revised by that Second Order of the Special Board of Review Regarding the Leander Rehabilitation Plan adopted by the State of Texas on February 25, 1998 and recorded as Document No. 9815646 (the "Second Order"). The Original Order and the Second Order (together with any administrative changes subsequently made thereto) are referred to herein as the "Order". Pursuant to the Texas Natural Resources Code Sections 31.161 through 31.167, the Order, *inter alia*, (i) adopted a Development Plan for such approximately 446-acre tract, (ii) zoned such property as planned unit development (PUD), and (iii) ordered that development of such property shall be in accordance with the Development Plan, the Order and all local rules and regulations except as identified in the Order. As such the Order created the Leander Rehabilitation PUD.

PART 3. In accordance with 31 Texas Administrative Code Section 2.43, the City of Austin hereby accepts the substantial amendments to the Development Plan and Order for the Leander Rehabilitation PUD as set forth herein and acknowledges that the changes reflected in this order may be adopted into a Third Order of the Special Board of Review Regarding the Leander Rehabilitation Plan. Further, 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 and approve an amendment to the Development Plan and Order of the Leander Rehabilitation PUD on the property located along F.M. 620 North and described in Zoning Case No. C814-97-

0001.07, on file at the Watershed Protection and Development Review Department, as follows:

Parcels No. CRE-6, CRE-7, CRE-8, CRE-9, CRE-14, CRE-15, ECO-3, CO-1, COR, COR-4 (the "Parcels") located in the southeastern corner of the Leander Rehabilitation PUD, south of Lakeline Boulevard, in the City of Austin, Williamson County, Texas, and generally identified in the map attached as Exhibit "A" (*Planned Unit Development Map*).

PART 4. The Development Plan is revised as to the Parcels as shown in this Part.

A. Supplemental exhibits identified as Exhibit E-3 (*Development Standards*) and Exhibit E-3A (*Development and Mitigation Standards for Projects Exceeding Impervious Cover Limits*) are attached and incorporated into this ordinance. Exhibits E-3 and E-3A amend the development standards to clarify conditions as follows:

- 1) to define the additional development standards for commercial, industrial, office, multifamily residential, and mixed use.
- 2) to allow impervious cover to be increased to (i) 85% for Parcels CRE-6, CRE-7, CRE-14 (save and except the area located at southeastern corner of Lago Drive and Arbor Way), and CRE-15; and (ii) 75% for Parcels ECO-3, CRE-8, CRE-9, CO-1, COR, COR-4, and the portion of CRE-14 located at the southeastern corner of Lago Drive and Arbor Way, if the mitigation standards are met as set forth in Exhibit E-3A.

B. To modify the Development Plan and the Land Use Plan attached to the Order to eliminate the 35-foot open space easement ("OSE") areas along portions of Lyndhurst Drive, Lakeline Mall Boulevard, and Lago Drive to allow buildings to be located closer to these streets.

- 1) The following conditions apply to development in the Parcels where such OSE areas are eliminated in this Section B.
 - a) If 75% impervious cover is exceeded within Parcel CRE-6, then twelve foot wide sidewalks will be provided on the south side of Lakeline Boulevard; and, if the sidewalks are constructed, the 15-foot building setback does not apply.

- b) Twelve foot wide sidewalks shall be provided on the east and west sides of Lyndhurst Street within Parcels CRE-6, CRE-7, CRE-14, and CRE-15 in accordance with standards set forth in Section 2.2.3.B of Chapter 25-2, Subchapter E, Article 2 (*Sidewalks*) of the City Code; and, if the sidewalks are provided, the 25-foot building setback does not apply.
- c) Within Parcel CRE-14, seven foot wide sidewalks shall be provided along the north side of the wet pond between Lyndhurst Street and Arbor Way.
- d) Development within Parcels CRE-7, CRE-14, and CRE-15 shall comply with the standards as set forth in Section 2.2.3.D of Chapter 25-2, Subchapter E, Article 2 (*Building Placement*) of the City Code, as follows:

Notwithstanding the minimum setback requirements of the base zoning districts, at least 50 percent of the net frontage length of the property along Lyndhurst Street must consist of continuous building façade.


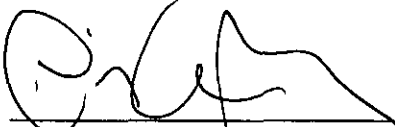
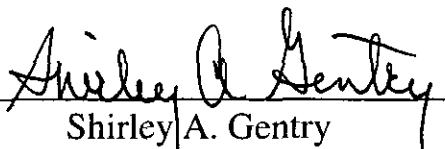
- e) Within Parcel CRE-14 a wet pond site will be located in a new OSE area along Lakeline Mall Boulevard. Additional hike and bike trails will be located within this site as shown on the revised Land Use Plan.
 - f) Within Parcel ECO-3, a new OSE buffer area will be provided along the drainage easement as shown on the revised Land Use Plan.
- C. Compatibility height and setbacks on Parcels CRE-8 and CRE-9 shall apply if the properties across or adjacent to Rutledge Spur are developed with an urban family residence use, or zoned to urban family residence (SF-5) district or more restrictive zoning.

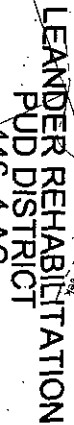
PART 5. The Land Use Plan attached to the Order as Exhibit "A" is withdrawn and replaced by a revised Land Use Plan attached to this ordinance as Exhibit "B". Exhibits "E-3" and E-3A are supplemental exhibits to the Development Plan and are attached to this ordinance as Exhibit "C". The exhibits are incorporated into the Development Plan in their entirety.

PART 6. In all other respects the terms and conditions of the Development Plan, as amended, remain in effect.

PART 7. This ordinance takes effect on April 13, 2009.

PASSED AND APPROVED

	§	
	§	
	§	
<u>April 2</u> , 2009		
		Will Wynn
		Mayor
APPROVED: 	ATTEST:	
David Allan Smith		Shirley A. Gentry
City Attorney		City Clerk

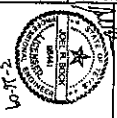


SPECTRUM DRIVE
R.O.W.)

POTENTIAL LOCATION FOR ON SITE
REGIONAL DETENTION FACILITY

1. For one's 1, 2, 3, 4, 10, 11, 12 and 14, the maximum allowable earnings cannot be calculated on an overall basis. Instead, one can use individual tax bases. However, the overall amount of earnings on the common stock must exceed those limits shown in Exhibit 1. The earnings on the preferred stock and on preferred shares of other companies shall be allocated through the preliminary plan or final plan process.

OF 1

[illegible]

JACOBS
2705 Bee Cave Road, Suite 300
Austin, Texas 78746
(512) 314-3100 Fax: (512) 314-3135

LEANDER REHABILITATION SITE

**LAND USE PLAN
EXHIBIT A
REVISED: MARCH 2009
PRELIMINARY NOT FOR CONSTRUCTION**

PLOTTING SCALE: 1" = 1'
DATE PLOTTED: 2/20/07
FILE M:\0118010\EXHIBIT1A.dwg
DRAWN BY: C. KENDALL
DESIGNED BY: W. SCHNIER
REVIEWED BY: J. PERALES
PROJECT NUMBER: 05-0118-010

EXHIBIT C

Exhibit E.3								
Development Standards – Applicable to ECO-3, CRE-6, CRE-14, CRE-7, CRE-15, CRE-8, CRE-9, CO-1, COR, COR-4								
	Commercial	Industrial	Office	Multi-Family Residential	All Other Residential	Mixed Use	SF-4	SF-5
Density	N/A	N/A	N/A	54 du's/ac	18 du's/ac	54 du's/ac	18 du's/ac	18 du's/ac
Yards								
Front	0	10'	0	10' (1)	10'	0	15'	25'
Side	0	10'	0	10' (1)	0/5' (2)	0	3.5' or 0'	5'
Street Side	12'	25'	25'	10' (1)	10'	5'	10'	15'
Rear	0	25'	20'	10' (1)	15'	10'	5'	10'
Height (3)	6 stories	4 stories	12 stories or 180 feet	6 stories	3 stories	12 stories or 180 feet	3 stories/ 35'	3 stories/ 35'
Maximum Impervious Cover	75% - 1 story 65% * 2-6 stories	65%*	65%*	60%*	65%	65%*	65%	55%

- (1) Between any structure, or group of connected structures containing multi-family residential and the respective lot line.
- (2) Zero side setback required for attached single-family units.
- (3) In this ordinance the height of a story will vary depending on the use. For purposes of calculating height, roofs, mechanical equipment, cooling towers, ornamental cupolas or domes, skylights, visual screens, chimneys and vent stacks, communication towers, parapet walls and other similar structures are not included. Story height will be defined by the national standards for uses on the following, as amended:

Residential uses: 12 feet – 15 feet or as set forth by National Association of Home Builders

Commercial uses: 20 feet – 25 feet or as set forth by International Council of Shopping Centers

Industrial uses: 30 feet – 40 feet or as set forth by National Association of Industrial and Office Property

Mixed uses: 14 feet – 20 feet or as set forth by Urban Land Institute

Office uses: 14 feet – 18 feet or as set forth by Building Owners and Managers Association International

* Maximum impervious cover for these uses may exceed the stated impervious cover, up to a maximum of (i) 85% impervious cover for Parcels CRE-6, 7, 14 (except for the portion of CRE-14 located at the SE corner of Lago Drive and Arbor Way) and 15, if the development and mitigation standards set forth in Paragraphs 1-3 of Exhibit E.3A are met in association with the development of the project for which the impervious cover limit is being exceeded, and (ii) 75% impervious cover* for the other areas covered by this Exhibit E.3, if the development and mitigation standards set forth in Paragraphs 1-3 of Exhibit E.3A are met in association with the development of the project for which the impervious cover limit is being exceeded.

EXHIBIT C

EXHIBIT E.3A

Development and Mitigation Standards for Projects Exceeding Impervious Cover Limits

- 1.) Utilization of Improved Water Quality Standards – In the design and construction of water quality and detention improvements serving the project where impervious cover limits are exceeded as allowed by Exhibit E.3, the Developer will comply with City of Austin standards in the design of the detention and water quality pond that are in effect at the time the project is permitted (which compliance is not otherwise currently required).
- 2.) Payment of Fees for Mitigation of Impervious Cover Excess - for a project that is developed with impervious cover greater than the amount allowed on Exhibit E.3, the Developer shall be required to donate the amount of \$4,000.00 for each acre of impervious cover in excess of such amount allowed on Exhibit E.3 to the City of Austin's fund for open space property acquisition.
- 3.) Greenbuilder Standards - Where impervious cover limits are exceeded as allowed Exhibit E.3, multifamily, office, commercial and/ or mixed-use structures shall be designed and constructed to achieve compliance with a 2-star rating to the City's Austin Energy Greenbuilder Program in effect on March 1, 2008.