

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 040826-61 TO MODIFY THE LAND USE PLAN FOR THE MUELLER PLANNED UNIT DEVELOPMENT PROJECT, REZONING AND CHANGING THE ZONING MAP FROM PLANNED UNIT DEVELOPMENT (PUD) DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT FOR THE PROPERTY LOCATED AT 4550 MUELLER BOULEVARD.

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

PART 1. Mueller planned unit development is comprised of approximately 698.567 acres of land located generally in the vicinity of North IH-35 and East 51st Street and more particularly described by metes and bounds in the land use plan incorporated into Ordinance No. 040826-61.

PART 2. Mueller planned unit development was approved August 26, 2004 under Ordinance No. 040826-61 (the "Original Ordinance"), and amended under Ordinance No. 20070503-065.

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 (the "Property") generally known as the Mueller planned unit development ("Mueller PUD"), identified in the Original Ordinance and described in Zoning Case No. C814-04-0055.02, on file at the Neighborhood Planning and Zoning Department, now locally known as 4550 Mueller Boulevard, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Appendix "A".

PART 4. This ordinance, together with the attached Appendix "A" and Appendix "B", constitutes the amended land use plan for Mueller PUD and amends the Original Ordinance. Mueller PUD shall conform to the limitations and conditions set forth in the ordinance and the land use plan on record at the Neighborhood Planning and Zoning Department in File No. C814-04-0055.02. 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 Mueller PUD.

1 In accordance with Part 3 of Ordinance No. 20080618-098, the PUD is subject to the
2 standards in effect on June 18, 2008.

3
4 **PART 5.** The attached exhibits amend and replace the original exhibits to Ordinance No.
5 040826-61 and are incorporated into this ordinance in their entirety as though set forth
6 fully in the text of this ordinance. Appendix "B" of this ordinance identifies the amended
7 exhibits of the land use plan. The exhibits are as follows:

8
9 Appendix A: Zoning map
10 Appendix B: Land Use Plan-Exhibit C
11 Zoning Use Summary Table-Exhibit D
12 Site Development Regulations-Exhibit E
13 Density Table-Exhibit F
14 Park Plan-Exhibit G
15 Sign Districts Map-Exhibit J
16

17 **PART 6.** The Mueller PUD land use plan under the Original Ordinance, as amended, is
18 modified and amended as shown in this Part 6 as to land use areas, density, site
19 development standards, sign districts, and permitted uses.

- 20
21 A. The maximum allowable density for residential and commercial and/or civic
22 uses permitted in four of the land use areas within the PUD: TC-1 and TC-2
23 (Town Center), EC-2 (Employment Center), MR-1 and MR-2 (Mixed
24 Residential) is reallocated as shown on the attached Density Table-Exhibit F.
25 Except as set forth in this Section A, the overall commercial and residential
26 densities will remain the same.

27
28 The revised Density Table-Exhibit F identifies the increase in the total number
29 of dwelling units and gross square footage (GSF) for the certain land use areas
30 in the PUD, as follows:

- 31
32 1) In MR-1: An additional 740 dwelling units for a total of 1,940
33 dwelling units; and,
34 2) In MR-1: An additional 1,666,500 GSF for a total of 2,006,500 GSF
35 of civic and/or commercial uses.
36 3) In MR-2: An additional 200 dwelling units for a total of 1,050
37 dwelling units.
38 4) In TC-1 and TC-2: An additional 432,500 GSF for a total of
39 1,432,500 GSF of civic and/or any type of commercial uses.

- 1 5) In EC-2: 400 dwelling units (multifamily, row house or shop house
2 units) for a total of 400 dwelling units; and
3 6) In EC-2: An additional 88,000 GSF of film production uses for a
4 total of 308,000 GSF of film production and ancillary space
5 associated with the Austin Film Society.
6

7 B. The site development regulations are revised to allow for smaller Row/Shop
8 House and Yard House lots and for zero lot-lines for interior sideyards of Yard
9 Houses. These changes are identified on the Site Development Regulations
10 Table- Exhibit E.
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12 C. The revised Zoning Use Summary Table-Exhibit D includes the following
13 commercial and civic uses as permitted uses, as follows:
14

15 1) in the MR-1 area:

17 Business or trade school	Cocktail lounge
18 Commercial off-street parking	Communications services
19 Food preparation	Hotel-motel
20 Indoor entertainment	Indoor sports and recreation
21 Kennels	Laundry services
22 Liquor sales	Medical offices (exceeding 5000 GSF)
23 Off-site accessory parking	Research assembly services
24 Research services	Research warehousing services
25 Theater	Club or lodge
26 College and university facilities	Employee recreation
27 Guidance services	Hospital services (general)
28 Hospital services (limited)	Park and recreation services (special)

29
30

31 2) A cocktail lounge is a permitted use in the historic hangar and Mueller
32 Central site within Lake Park in OS-2 land use area.
33

34 D. Part 4.A (*Definitions*) of the Original Ordinance is amended as shown in this
35 Section D.
36

37 (8) MIXED RESIDENTIAL AREA means the land use areas identified on
38 Exhibit C (*Land Use Plan*) as MR-1, MR-2, MR-3, and MR-4. The Mixed
39 Residential land use areas allow a wide diversity of residential building types,

1 including single family, multi-family, as well as sites for office, commercial,
2 civic, and mixed use buildings.

3
4 (10) OPEN SPACE means the land use areas identified on Exhibit C (*Land Use*
5 *Plan*) as OS-1, OS-2, and OS-3. ~~and OS-4.~~

6
7 (14) SHOP HOUSE means a row house with a ground level workspace or
8 commercial space and upper level living space. ~~The work space or commercial~~
9 ~~space and living space must be used and occupied by the same owner or~~
10 ~~occupant.~~

11
12 E. Part 6.A (*Zoning*) of the Original Ordinance is amended as shown in this
13 Section E.

14
15 (5) Subsection (I)(4)(a) of Section 25-2-411 (Planned Unit development district
16 Regulations) is modified as to provide that the rear, front and side yard
17 requirements for nonresidential uses in the PUD are as established in Exhibit E
18 (*Site Development Regulations*).

19
20 F. Part 6.A (*Zoning*) of the Original Ordinance is amended to add a new Section
21 10 as follows:

22 (10) Subsection (B) of Section 25-2-513 (*Openness of Required Yards*) is
23 modified to allow a non-cantilevered bay window (one built at grade) to project
24 two feet into a required yard.

25
26
27 G. Part 6 G (4) (*Signs*) is modified as follows:

28
29 (4) Section 25-10-130 (*Commercial Sign District Regulations*) is modified to
30 provide that:

31 (a) in the Town Center, each tenant may have a wall sign that is a
32 projecting sign;

33 (b) Employment Center 2 (EC-2) is considered one site for the purpose
34 of signage;

35 (c) the Town Center is considered one site for the purpose of signage;

- 1 (d) in EC-2 and the Town Center, one freestanding sign is permitted for
2 each 250 feet of street frontage; ~~and~~
- 3 (e) a projecting sign described in Subsection (4) (a) must comply with
4 Subsection (D) of Section 25-10-129 (*Downtown Sign District*
5 *Regulations*); and
- 6 (f) the occupant of a Row House or Shop House may have a wall sign
7 or a projecting sign.
- 8
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10 **PART 7.** Except as otherwise provided for in this ordinance, the terms and conditions of
11 the Original Ordinance, as amended, remain in effect.

12

13 **PART 8.** This ordinance takes effect on _____, 2009.

14

15
16 **PASSED AND APPROVED**

17
18 §
19 §
20 _____, 2009 § _____
21 Will Wynn
22 Mayor

23
24
25 **APPROVED:** _____ **ATTEST:** _____
26 David Allan Smith Shirley A. Gentry
27 City Attorney City Clerk