

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

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

7  
8 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**  
9

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

14  
15 **PART 2.** Mueller planned unit development was approved August 26, 2004 under  
16 Ordinance No. 040826-61 (the "Original Ordinance"), and amended under Ordinance No.  
17 20070503-065.

18  
19 **PART 3.** The zoning map established by Section 25-2-191 of the City Code is amended to  
20 change the base district from planned unit development (PUD) district to planned unit  
21 development (PUD) district on the property (the "Property") generally known as the  
22 Mueller planned unit development ("Mueller PUD"), identified in the Original Ordinance  
23 and described in Zoning Case No. C814-04-0055.02, on file at the Neighborhood Planning  
24 and Zoning Department, now locally known as 4550 Mueller Boulevard, in the City of  
25 Austin, Travis County, Texas, and generally identified in the map attached as Appendix  
26 "A".

27  
28 **PART 4.** This ordinance, together with the attached Appendix "A" and Appendix "B",  
29 constitutes the amended land use plan for Mueller PUD and amends the Original  
30 Ordinance. Mueller PUD shall conform to the limitations and conditions set forth in the  
31 ordinance and the land use plan on record at the Neighborhood Planning and Zoning  
32 Department in File No. C814-04-0055.02. If this ordinance and the attached exhibits  
33 conflict, the ordinance applies. Except as otherwise specifically provided by this ordinance,  
34 the terms and conditions of the Original Ordinance remain in effect.  
35

1 In accordance with Part 3 of Ordinance No. 20080618-098, the PUD is subject to the PUD  
2 procedural standards in effect on June 18, 2008 and not the PUD procedural standards  
3 adopted pursuant to Ordinance No. 20080618-098.

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.  
11

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:

16  
17 Business or trade school  
18 Commercial off-street parking  
19 Food preparation  
20 Indoor entertainment  
21 Kennels  
22 Liquor sales  
23 Off-site accessory parking  
24 Research services  
25 Theater  
26 College and university facilities  
27 Guidance services  
28 Hospital services (limited)  
29

Cocktail lounge  
Communications services  
Hotel-motel  
Indoor sports and recreation  
Laundry services  
Medical offices (exceeding 5000 GSF)  
Research assembly services  
Research warehousing services  
Club or lodge  
Employee recreation  
Hospital services (general)  
Park and recreation services (special)

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.

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

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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.

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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.

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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