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ZONING CHANGE REVIEW SHEET

CASE: C814-2008-0136.01

Z.A.P. DATE: July 19, 2011

(North Austin Medical Centre Planned Unit Development Amendment #1)

ADDRESS: 12221 North Mo-Pac Expressway Northbound
2311-2511 Park Bend Drive

OWNER/APPLICANT: St. David's Healthcare Partnership L.P., LLP (Malcolm Bellsie)

AGENT: City of Austin-Parks and Recreation Department (Chris Yanez),
Coats Rose Yale Ryman & Lee, P.C. (John M. Joseph)

ZONING FROM: PUD

TO: PUD

AREA: 63.68 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant the 1st amendment of the North Austin Medical Centre PUD, to allow the owner of the property the option to either provide eight parking spaces on the Park Bend site for use of the bike trail or to dedicate parkland to the City of Austin.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

DEPARTMENT COMMENTS:

The North Austin Medical Centre Planned Unit Development (PUD) consists of a 63.69 acre site fronting North Mo-Pac Expressway at the corner of Park Bend Drive and Cedar Bend Drive. The site consists of two tracts separated by Park Bend Drive. The north tract is presently developed with a 664,360 square foot hospital and a 284,726 square foot medical office and is located on 37.74 acres, and the south tract is an undeveloped 25.95 acre site. The surrounding area is developed with automotive sales and medical office building to the north, undeveloped property and medical offices to the east and Walnut Creek Park to the south.

The applicant is requesting an amendment to Ordinance No. 20100624-109 for the North Austin Medical Center PUD to change Part 4.I.2. to state that, "The owner of the property shall have the option at the owner's sole and absolute discretion, prior to the approval of the first site plan, to 1) Provide eight parking spaces on the Park Bend site for use of the bike trail or to 2) Dedicate parkland as described on the attached Exhibit "D" (Please see Request Letter – Attachment A).

The staff recommends the 1st amendment of the North Austin Medical Centre PUD because the City of Austin Parks and Recreation Department (PARD) would like the applicant to have the option to either provide the required parking spaces or to dedicate two tracts of land that will act as a destination point for a trail head and will provide a critical connection for trail construction. This proposed option would be subject to the terms and conditions as stated in the Principal Terms of Donation Agreement as stated in Exhibit "D" (Please see Exhibit "D"- Attachment B).

The applicant agrees with the staff's recommendation.

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EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	PUD	St. David's North Austin Medical Center
<i>North</i>	GR, LR-CO, GO-CO	Automotive Sales, Undeveloped Tract, and Medical Office
<i>South</i>	P	Undeveloped
<i>East</i>	GO, GO-MU-CO, P	Medical Office
<i>West</i>	-----	N. Mo-Pac Expressway Service Rd. Northbound

AREA STUDY: N/A

TIA: Waived

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

REGISTERED NEIGHBORHOOD AND COMMUNITY ORGANIZATIONS:

Austin Independent School District
 Austin Monorail Project
 Austin Neighborhoods Council
 Austin Northwest Association
 Austin Parks Foundation
 Gracywoods Neighborhood Association
 Home Builders Association of Greater Austin
 Homeless Neighborhood Association
 League of Bicycling Voters
 North Burnet/Gateway Neighborhood Planning Contact Team
 North Burnet/Gateway Neighborhood Plan Staff
 North Growth Corridor Alliance
 Northstar Neighborhood Association
 League of Bicycling Voters
 Sierra Club, Austin Regional Group
 Super Duper Neighborhood Objectors and Appealers Organization
 The Real Estate Council of Austin, Inc.
 Walnut Creek Neighborhood Association

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C814-2008-0136.01 (North Austin Med Center PUD: 12221 North Mo-Pac Expressway Northbound, 2311-2511 Park Bend Drive)	GR, GR-CO, GO, LO to PUD	3/16/10: Approved staff's recommendation for PUD district zoning with a height limit of 120-feet (5-0; B. Baker and D. Tiemann-absent; P. Seeger-1 st , C. Banks-2 nd .	4/22/10: Approved PUD zoning by consent (7-0); R. Shade-1 st , B. Spelman-2 nd on 1 st reading 6/24/10:
C14-2007-0047 (Child Development Center: 2300 Cedar	SF-3 to GO	5/15/07: Approved staff rec. of GO-CO (9-0)	6/08/07: Approved Ordinance No. 20070607-083 for GO-CO (7-0); all 3

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Bend Drive)			readings
C14-07-0015 (Village at Walnut Creek Ph 2, Sec 15: 2217 Park Bend Dr.)	MF-2-CO to GO-MU-CO	4/3/07: Approved staff rec. of GO-MU-CO (6-0-1, JG-abstain)	5/3/07: Approved Ordinance No. 20070503-060 for GO-MU-CO (7-0); all 3 readings
C14-06-0092 12201-12301 Block of Tomanet Trl. at Cedar Bend Dr.	LO-CO to GO-CO	8/1/2006: Approved GO-CO w/conditions (6-1, JP-NO) – No TIA required.	8/10/2006: Approved GO-CO (7-0); all 3 readings
C14-03-0110 (Post Oak Centre North: 2200 Park Bend Dr)	GO-MU-CO to GO-MU-CO	9/23/03: Approved staff rec. of GO-MU-CO by consent (9-0) – the request deleted the 2000 vehicle trips & changed the ht limit from 3 stories or 40 ft. to a max ht of 60 ft	10/23/03: Approved GO-MU-CO (6-0); all 3 readings
C14-01-0086 (Park Bend Medical Professional Offices: 2200 Park Bend Dr.)	GO-MU-CO to GO-MU-CO	7/24/01: Approved staff rec. of GO-MU-CO (5-0), w/conditions of 10' vegetative buffer on north property line – The request deleted the 15 units per acre requirement from case C14-98-0136 and added a buffer of 10 ft along the northern property line. In addition it allowed lodging house, administrative business office and professional office, which had been prohibited previously.	8/28/01: Approved GO-MU-CO w/conditions (6-0); all 3 readings
C14-98-0136 (2200 Park Bend Drive)	MF-2-CO to GO-MU-CO	9/22/98: Approved staff rec. of GO-MU-CO with conditions (8-0): 1) Limit impervious cover to less than 65%; 2) Limit height to 40' or 3 stories – The CO also restricts the property to 15 units per acre, limits vehicle trips to 2000 per day and several uses were prohibited.	12/10/98: Approved PC rec. of GO-MU-CO zoning w/conditions (7-0); all 3 readings
C14-96-0114 (Austin Diagnostic Clinic: 12302 Tomanet Trail)	LR-CO to LR-CO	10/22/96: Approved staff rec. of LR-CO (9-0). The request deleted a condition from C14-94-0173, to limit vehicle trips to 870 per day. All other conditions remain.	11/21/96: Approved LR-CO subject to conditions (6-0); all 3 readings

RELATED CASES: C814-2008-0136 (North Austin Med Center PUD)

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ABUTTING ROADWAYS:

<u>Name</u>	<u>ROW</u>	<u>Pavement</u>	<u>Classification</u>	<u>ADT</u>
Mopac/Loop 1	400'	MAD-6	Freeway	130,000
Park Bend Drive	70'	44'	Collector Street	8,800
Cedar Bend Drive	70'	44'	Collector Street	6,200
Renfert Way	70'	44'	Collector Street	5,000
Tomanet Trail	60'	40'	Collector Street	3,000

CITY COUNCIL DATE: August 4, 2011

ACTION:

ORDINANCE READINGS: 1st 2nd 3rd




ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057

E-MAIL: sherri.sirwaitis@ci.austin.tx.us



-  SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY

PLANNED UNIT DEVELOPMENT

ZONING CASE#: C814-2008-0136.01

LOCATION: 12221 N MOPAC EXPY NB
2311-2511 PARK BEND DRIVE

SUBJECT AREA: 63.68 ACRES

GRID: K34, L34

MANAGER: SHERRI SIRWAITIS



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.





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STAFF RECOMMENDATION

The staff's recommendation is to grant the 1st amendment of the North Austin Medical Centre PUD, to allow the owner of the property the option to either provide eight parking spaces on the Park Bend site for use of the bike trail or to dedicate parkland to the City of Austin.

BASIS FOR RECOMMENDATION

1. *Use of a PUD District should result in development superior to that which would occur using conventional zoning and subdivision regulations.*

The 1st amendment to the North Austin Medical Center PUD will provide options to maintain a superior development than that which could have occurred using conventional zoning and subdivision regulations.

2. *The Proposed Enhances Preservation of Natural Resources.*

The proposed PUD amendment would permit the applicant to either provide additional parking for park patrons or to dedicate two additional tracts of land to PARD that will act as a destination point for a trail head and will provide a critical connection for trail construction.

EXISTING CONDITIONS

Site Characteristics

The subject rezoning area consists of a 63.69-acre site fronting North Mo-Pac Expressway at the corner of Park Bend Drive and Cedar Bend Drive. The site consists of two tracts. The north tract is presently developed with a 664,360 square foot hospital and a 284,726 square foot medical office and is located on 37.74 acres, and the south tract is an undeveloped 25.95 acre site. The north tract is relatively flat with landscaped trees surrounding the hospital and medical office. The undeveloped south tract slopes to the west and south. The front portion of the tract is lightly vegetated and the tract becomes more heavily vegetated towards the rear.

Environmental

Exhibit D (principal terms of donation agreement) references Exhibit C-1. Please provide a copy of Exhibit C-1 for review. Additional comments may be pending.

Exhibit D item 2(c) indicates that the impervious cover percentages of the portion of the premises remaining after the donation tracts are conveyed will be increased proportionately so that St. David's will have the same amount of impervious cover and square footage of building entitlements on the remaining portion of the premises as it did before the donation tracts were conveyed.

For the purpose of quantifying the proposed increase in impervious cover percentage on the remaining portion of the premises, please provide the following information:

- (1) the total acreage of uplands within the proposed donation tract(s);
- (2) the total acreage of CWQZ within the proposed donation tract(s);
- (3) the total acreage of WQTZ within the proposed donation tract(s);
- (4) the total acreage (prior to the conveyance) of uplands within tract 1;

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- (5) the total acreage (prior to the conveyance) of CWQZ within tract 1;
 - (6) the total acreage (prior to the conveyance) of WQTZ within tract 1;
 - (7) the total acreage (prior to the conveyance) of uplands within tract 2;
 - (8) the total acreage (prior to the conveyance) of CWQZ within tract 2; and
 - (9) the total acreage (prior to the conveyance) of WQTZ within tract 2.
- Additional comments may be pending.

Parks and Recreation

No comments.

Site Plan / Compatibility Standards

This area was proposed to have a trail head with 8 parking spaces and appears to have been used to demonstrate superior development to the meet the previous PUD criteria. Please clarify the Exhibit D regarding the "donation" tracts will convey and determine under section (b) how will the floor to area of the portion will be determined? and (c) the "remaining" impervious coverage and square footage of building entitlement. How much impervious coverage will the parking lot require?

This will need to amend Page 2 of the PUD Land Use Plan to show the "allocation" or "transfer" of these entitlements.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Transportation

The Transportation Review Section has no objections to the requested PUD amendment.

No additional right-of-way is needed at this time.

The traffic impact analysis (TIA) for this site was waived because a TIA was previously submitted with the original PUD zoning case. If the requested PUD amendment is granted, development should be limited in accordance with the original TIA. [LDC, 25-6-117].

Park Bend Drive is classified in the Bicycle Plan as Bike Route No. 120. Mopac/Loop 1 is classified as Bike Route No. 434.

Capital Metro bus service (Routes No. 240 and No. 174) is available along Mopac, Cedar Bend Drive, and Tomanet Trail.

There are existing sidewalks along Mopac, Park Bend Drive, Renfert Way, Cedar Bend Drive, and Tomanet Trail.

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Existing Street Characteristics:

<u>Name</u>	<u>ROW</u>	<u>Pavement</u>	<u>Classification</u>	<u>ADT</u>
Mopac/Loop 1	400'	MAD-6	Freeway	130,000
Park Bend Drive	70'	44'	Collector Street	8,800
Cedar Bend Drive	70'	44'	Collector Street	6,200
Renfert Way	70'	44'	Collector Street	5,000
Tomanet Trail	60'	40'	Collector Street	3,000

Water and Wastewater

Comments released



City of Austin

Parks and Recreation Department
200 South Lamar Blvd., Austin, Texas 78704-1099

Attachment A

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May 5, 2011
Sherri Sirwaitis
Planning & Development Review Department
505 Barton Springs Rd. Austin, TX 78753

RE: Amendment to North Austin Medical Center Planned Unit Development (PUD)
C814-2008-0136

Dear Mrs. Sirwaitis:

The following correspondence is intended to provide information on the proposed amendment to the approved North Austin Medical Center PUD ordinance.

The Parks and Recreation Department (PARC) entered into a grant with the Texas Department of Transportation for what is called the Northern Walnut Creek Trail Phase-1 project for \$1.9 million dollars. PARC is funded to build 3.2 miles of the Northern Walnut Creek Trail between Balcones District Park and Walnut Creek Metropolitan Park in North Austin. The Northern Walnut Creek Trail will connect a major employer (St. David's Hospital) and Austin Community College (Northridge Campus) to numerous neighborhoods in the area. The trail will be a 10' wide concrete path that will serve pedestrians and bicycle uses.

During the negotiations between PARC, the Office of Real Estate and St. David's for a Temporary Right of Entry (TRE) for trail construction, an agreement was discussed concerning a possible St. David's land donation for two critical areas for the trail project. The two tracts being offered as a donation can provide a destination point for a trail head and parking, a critical connection for trail construction (currently two bridges crossing Walnut Creek are proposed to be built in this area) and facilitate ongoing maintenance of the trail. There are terms and conditions as stated in the TRE under Exhibit D, which is attached. The extent of the amendment would be to include language for this donation to Part 4, Section I-2 as an alternative to providing 8 parking spaces.

The opportunity for PARC to amend the PUD zoning ordinance to include the potential donation of land will create a win-win situation for both St. David's and the City of Austin. Therefore, PARC is requesting with the permission of St. David's, this amendment to the PUD. If you have any further questions please contact me at 512-974-9455 or at chris.yanez@ci.austin.tx.us.

Sincerely,

Chris Yanez, Principal Planner
Parks and Recreation Department

CC: Sara Hensley

SCANNED

ORDINANCE NO. 20100624-109

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AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY COMMONLY KNOWN AS THE NORTH AUSTIN MEDICAL CENTER PUD LOCATED AT 12221 MOPAC EXPRESSWAY NORTHBOUND AND 2311-2511 PARK BEND DRIVE FROM LIMITED OFFICE (LO) DISTRICT, GENERAL OFFICE (GO) DISTRICT, COMMUNITY COMMERCIAL (GR) DISTRICT AND COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING 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 districts on the property described in Zoning Case No. C814-2008-0136, on file at the Planning and Development Review Department, as follows:

Tract One (Main Campus): From general office (GO) district and community commercial (GR) district to planned unit development (PUD) district.

Lot 1, Block B, Resubdivision of the Centrum Subdivision Block B and Block E, a subdivision in the City of Austin, Travis County, Texas, according to map or plat of record in Volume 91, Page 197, of the Plat Records of Travis County, Texas; and

Tract Two (Park Bend): From limited office (LO) district, general office (GO) district and community commercial-conditional overlay (GR-CO) combining district to planned unit development (PUD) district.

Lots 1, 2, and 3, Block A, The Centrum Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to map or plat of record in Volume 86, Page 115B-D, of the Plat Records of Travis County, Texas,

locally known as 12221 North Mopac Expressway Northbound and 2311-2511 Park Bend Drive ("the Property"), in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 2. This ordinance and the attached Exhibits A and B are the land use plan for the North Austin Medical Center 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. Except as provided by this ordinance or by Section 245.004 of the Local Government Code, development within the PUD is subject to the ordinances, regulations, and rules in effect on the effective date of this ordinance.

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

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: Zoning Map
- Exhibit B: Land Use Plan

PART 4. In accordance with the regulations in the City Code for a PUD, the following regulations either do not apply to the PUD or apply to the PUD instead of otherwise applicable City regulations.

- A. Section 25-2-243 (*Proposed District Boundaries Must Be Contiguous*) of the City Code does not apply to the PUD.
- B. The definition of "site" in Section 25-1-21 (*Definitions*) of the City Code is modified to provide that the land in the PUD is a single site for development purposes so that the site includes areas separated by public streets or other right-of-way.
- C. Except as set forth in this Part, the Property is subject to general commercial services (CS) uses and site development regulations.
- D. The CS site development regulations are shown on the Site Data Table on the Land Use Plan and include, among other regulations, the following:
 - 1. the maximum impervious cover is 78 percent for the Main Campus and 80 percent for the Park Bend site.
 - 2. The floor-to-area ratio is 3.0 to 1.0 over the entire site.

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E. Uses.

1. The following uses are the only permitted principal uses of the PUD:

Medical offices (not exceeding 5000 sq. ft. of gross floor area)
Medical offices (exceeding 5000 sq. ft. of gross floor area)
Hospital services (general)
Hospital services (limited)
Parks & recreation services (general)
Community recreation (public)

2. The following uses are accessory uses to the principal uses and shall comply with the requirements of Section 25-2-894 (*Accessory Uses For A Principal Commercial Use*). These accessory uses include but are not limited to:

Administrative and business offices	Building maintenance services
Business support services	Commercial blood plasma center
Commercial off-street parking	Food sales
General retail sales (convenience)	Hotel-motel
Indoor entertainment	Laundry services
Off-site accessory parking	Personal improvement services
Personal services	Professional office
Recreational equipment maintenance and storage	Research services
Research warehousing services	Research testing services
Campground	Restaurant (limited)
College and university facilities	Club or lodge
Community recreation (public)	Community events
Counseling services	Convalescent services
Employee recreation	Daycare services (general)
Residential treatment	Guidance services
Telecommunications tower	Safety services

3. A new or relocated facility for helicopters and other nonfixed wing aircraft must comply with Section 25-2-861 (*Facilities for Helicopters and Other Nonfixed Wing Aircraft*).

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- F. All new development in the PUD shall comply with the requirements of the Austin Energy Green Building Program (GBP) rating system for a minimum two-star rating.
- G. Water Quality Standards.
 - 1. A water quality pond shall be designed, constructed, by the property owner, on the Park Bend site in accordance with all applicable City of Austin requirements with:
 - a) a minimum drainage area of 21.55 acres for the wet pond;
 - b) a surface area of the permanent pool of 42,637 square feet;
 - c) a minimum of 4.5 acres of vegetative filter strips to treat the drainage area of the wet pond; and,
 - d) incorporation of water quality best management practices (BMP).
 - 2. The maintenance of the water quality pond shall be by the property owner(s).
- H. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by S&B Infrastructure, Ltd., dated October 2009, or as amended and approved by the Director of the Planning and Development Review Department. All development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Planning and Development Review Department, dated March 10, 2010. The TIA shall be kept on file at the Planning and Development Review Department.
- I. Walnut Creek Bike Trail.
 - 1. Prior to approval of the first site plan, dedication of an easement shall be finalized for access to the trailhead of the proposed Walnut Creek Bike Trail located in an area near the Park Bend site.
 - 2. Prior to approval of the first site plan, eight parking spaces shall be provided on the Park Bend site for use of the bike trail.

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3. If a variance is needed for parking, trail access, or other related improvements within the critical water quality zone depicted on the Walnut Creek Bike Trail site plan, the variance will be sought by the City.

PART 5. This ordinance takes effect on July 5, 2010.

PASSED AND APPROVED

June 24, 2010

§
§
§

M. M. Lee FOR

Lee Leffingwell
Mayor

APPROVED:

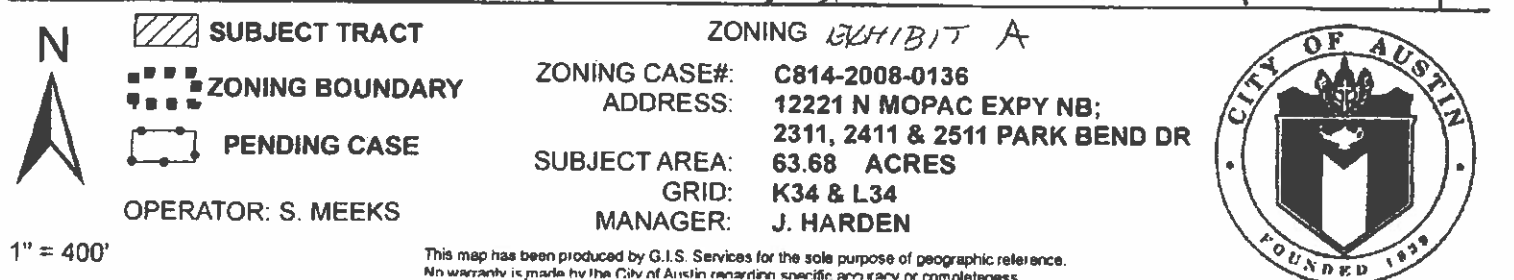
Karen M. Kennard

Karen M. Kennard
Acting City Attorney

ATTEST:

Shirley A. Gentry

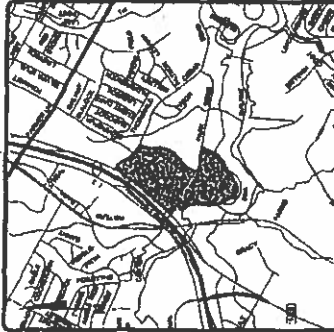
Shirley A. Gentry
City Clerk



Planned Unit Development North Austin Medical Center

12221 Mopac Expressway (Main Campus)
2311-2511 Park Bend Drive (Park Bend)
Austin, Texas 78727

Submittal Date:
June 18, 2008



Project Location Map
N.T.S.

Mapscro Grid 465 VZ, 466 SW
City of Austin Grid MK-34, ML-34

Revisions/Corrections	
No.	Description

Planned Unit Development Data	
Owner	Compass Health Institute, Inc. 1000 in the Austin Medical Center, Inc. 1000 Austin, Texas 78727
Local Jurisdiction Project Name	City of Austin - Capital Hill Map of City Limits - 1000 Map of City Limits - 1000
Local Jurisdiction Project Name	City of Austin - Capital Hill Map of City Limits - 1000 Map of City Limits - 1000
Address	2311-2511 Park Bend Austin, Texas 78727
Mapscro Grid	465 VZ, 466 SW



I hereby certify that the information contained herein is true and correct to the best of my knowledge and belief, and that I am a duly qualified and licensed Professional Engineer in the State of Texas.

Sheet List Table	
Sheet Number	Sheet Title
1	Planned Development Plan

Reviewed By:	
Signature	Date

Reviewed By:	
Signature	Date

Reviewed By:	
Signature	Date

Reviewed By:	
Signature	Date

GARRETT-IHNEN

CIVIL ENGINEERS

TYPE FIRM #F-630

3600 WEST PARMER LANE
SUITE 212
AUSTIN, TEXAS 78727
(512) 454-2400

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EXHIBIT B_{pg1}

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EXHIBIT D

Principal Terms of Donation Agreement

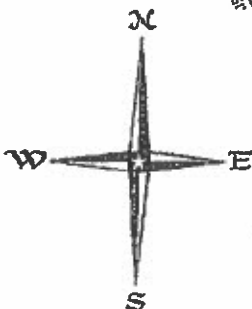
1. The due diligence period under the Donation Agreement (the "***Inspection Period***") will be coterminous with the Access Period under the Temporary Right of Entry.
2. During the Inspection Period, the City will initiate and diligently pursue an amendment (the "***PUD Amendment***") to the North Austin Medical Center PUD found in City of Austin Ordinance No. 20100624-109 (the "***PUD Ordinance***") at no cost to St. David's. The PUD Amendment will provide that (a) the conveyance of the Donation Tracts to the City will satisfy and stand in lieu of St. David's obligation under Part 4, Paragraph i.2. of the PUD Ordinance to construct 8 parking spaces for the City, (b) the floor-to-area ratio of the portion of the Premises remaining after the Donation Tracts are conveyed will remain the same as existed prior to the conveyance of the Donation Tracts, and (c) the impervious cover percentages of the portion of the Premises remaining after the Donation Tracts are conveyed will be increased proportionately so that St. David's will have the same amount of Impervious cover and square footage of building entitlements on the remaining portion of the Premises as it did before the Donation Tracts were conveyed.
3. If the City and St. David's determine after reasonable, good-faith discussions that the legal lot status of the portion of the Premises remaining after the Donation Tracts are conveyed will be affected by the conveyance of the Donation Tracts, then, during the Inspection Period, the City will initiate and diligently pursue the subdivision of the remaining portion of the St. David's Tract into a single, legal lot at no cost to St. David's (the "***Resubdivision***").
4. During the Inspection Period, the City and St. David's will cooperate in good faith to negotiate and finalize at no cost to St. David's (a) a stormwater drainage easement agreement (the "***Drainage Easement***") to replace that certain City of Austin License Agreement dated August 21, 1996 between the City and Austin Diagnostic Clinic, P.A., recorded at Volume 12761, Page 163 of the Real Property Records of Travis County, Texas, and (b) a joint access agreement that will (i) provide for joint access for the City and St. David's over any access drive connecting the Donation Tract described on Exhibit C-1 and the remainder of the property owned by St. David's to Park Bend Drive, and (ii) require that any such access drive be aligned with the existing access drive located on the property owned by St. David's located immediately north of the Donation Tract described on Exhibit C-1 (the "***Joint Access Agreement***").
5. The deed conveying the Donation Tracts from St. David's to the City will contain a restriction limiting the use of the Donation Tract described on Exhibit C-2 to emergency and maintenance uses only.
6. The City and St. David's will each be required to close on the Donation Agreement unless the Austin City Council fails to approve the Donation Agreement, the PUD Amendment, the Resubdivision (if applicable), the Drainage Easement and the Joint Access Agreement or the parties cannot come to an agreement on the terms of any of the Donation Agreement, the PUD Amendment, the Resubdivision (if applicable), the Drainage Easement or the Joint Access Agreement, and provided that each party has delivered all documents and instruments required for closing to occur.

EXHIBIT SKETCH OF

TRACT ONE,
23,530 SQUARE FEET OF LAND OUT OF LOT 1 AND
LOT 2, BLOCK A, THE CENTRUM, A SUBDIVISION
IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE
MAP OR PLAT THEREOF RECORDED IN VOLUME 86
PAGES 115A, 115D OF THE PLAT RECORDS OF
TRAVIS COUNTY, TEXAS.

PARK BEND DRIVE (70)

LOT 4



23,530 Square Feet
0.540 ACRE







LOT 1

THE CENTRUM
VOLUME 86 PAGES 115A-115D

LOT 2

SCALE 1" = 50'

Legend

-  X Iron Rod
 Calculated Point
 Wire Fence
 Overhead Utility Line
 (Record Bearing and Distance)
 Street Lamp
 Transmission Tower

LOT 4