ORDINANCE NO. <u>20060727-122</u>

AN ORDINANCE AMENDING ORDINANCE NO. 821104-F TO MODIFY THE LAND USE PLAN, TO REZONE AND CHANGE THE ZONING MAP FROM PLANNED UNIT **DEVELOPMENT-NEIGHBORHOOD** PLAN (PUD-NP) COMBINING DISTRICT TO PLANNED UNIT **DEVELOPMENT-**NEIGHBORHOOD PLAN (PUD-NP) COMBINING DISTRICT FOR LAND KNOWN AS THE LAKE AUSTIN COMMONS PLANNED UNIT DEVELOPMENT THE OLD WEST AKA HARTLAND PLAZA LOCATED IN AUSTIN NEIGHBORHOOD PLAN AREA AT 1717 WEST 6TH STREET AND 1711 WEST 5TH STREET.

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

PART 1. Lake Austin Commons planned unit development ("Lake Austin Commons PUD") is comprised of approximately 4.326 acres of land located at 1717 West 6th Street and 1711 West 5th Street, and more particularly described in Ordinance No. 821104-F.

PART 2. Lake Austin Commons PUD was approved November 4, 1982, under Ordinance No. 821104-F (the "Original PUD Ordinance"), and amended under Ordinances No. 840607-F, No. 900628-B, and No. 920528-J.

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-neighborhood plan (PUD-NP) combining district to planned unit development-neighborhood plan (PUD-NP) combining district on the property described in the Original PUD Ordinance, and as follows:

Lot 1 Lake Austin Commons Subdivision a subdivision in the City of Austin, according to the map or plat of record in Plat Book 83, Page 58c, of the Plat Records of Travis County, Texas, and Lot 1, Block A, Lake Austin Commons II Subdivision, a subdivision in the City of Austin, of record in Document No. 200600208, in the Official Public Records of Travis County, Texas (the "Property"),

locally known as the property located at 1717 West 6th Street and 1711 West 5th Street, City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 4. This ordinance, together with the attached Exhibits "A" and "B" constitute the land use plan for the Lake Austin Commons PUD (the "PUD") and amends the Original PUD Ordinance, as amended. The PUD shall conform to the limitations and conditions set forth in this ordinance and the Lake Austin Commons planned unit development land use plan (the "PUD land use plan") on record at the Neighborhood Planning and Zoning Department in File No. C814-82-006.01(83). 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 the PUD.

PART 5. The attached exhibits are incorporated into this ordinance in their entirety as though set forth fully in the text of this ordinance. The attached exhibits are as follows:

Exhibit A: Zoning map Exhibit B: Amended Lake Austin Commons PUD land use plan

PART 6. The following applies to Phase 3-A of the PUD land use plan for the property identified as the parking garage at West 6^{th} Street.

1. The following uses are permitted uses on the first floor of the parking garage:

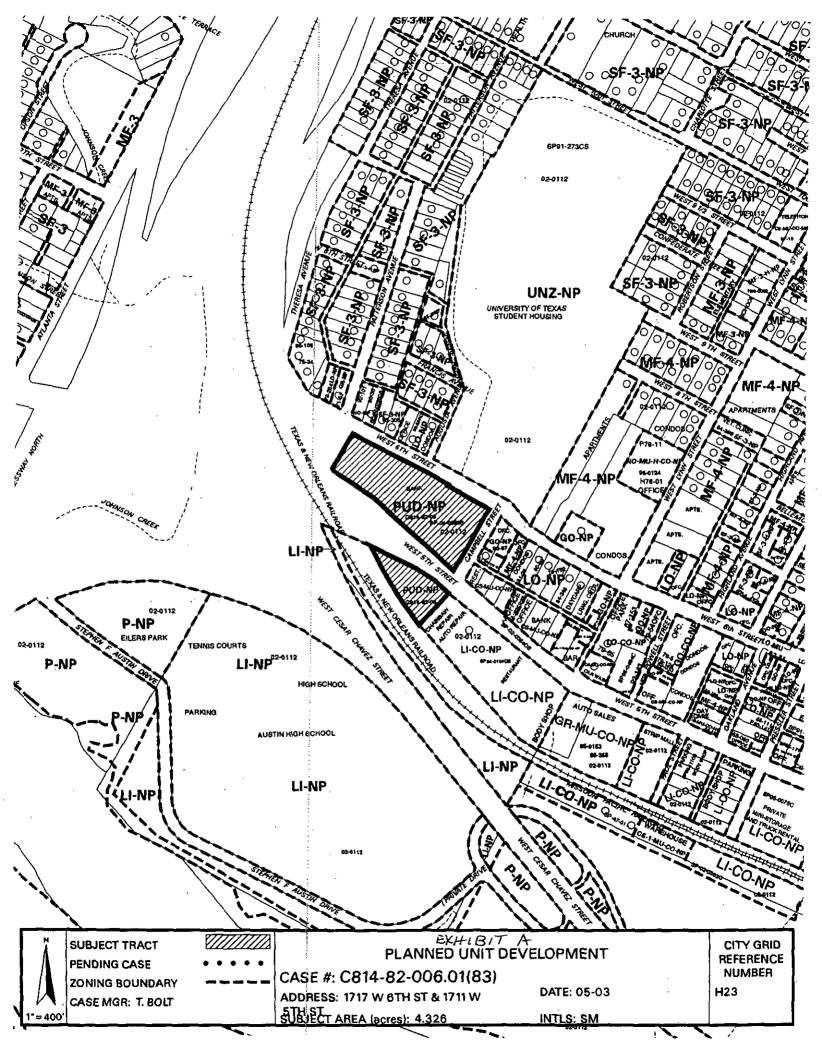
Art gallery Consumer convenience services Food sales General retail sales (general) Residential uses Restaurant (general) Personal improvement services Veterinary services Art workshop Cultural services General retail sales (convenience) Park and recreation services Restaurant (limited) Consumer repair services Pet services

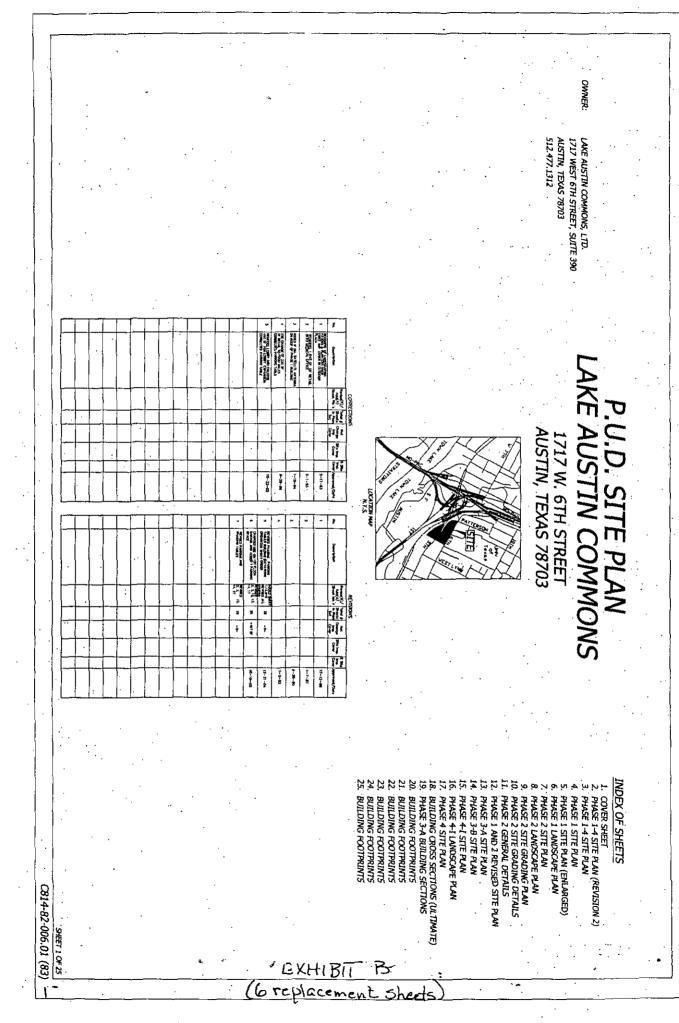
2. Drive-in service use is prohibited as an accessory use to a restaurant use.

PART 7. The Property is subject to Ordinance No. 020926-26 that established the Old West Austin neighborhood plan combining district.

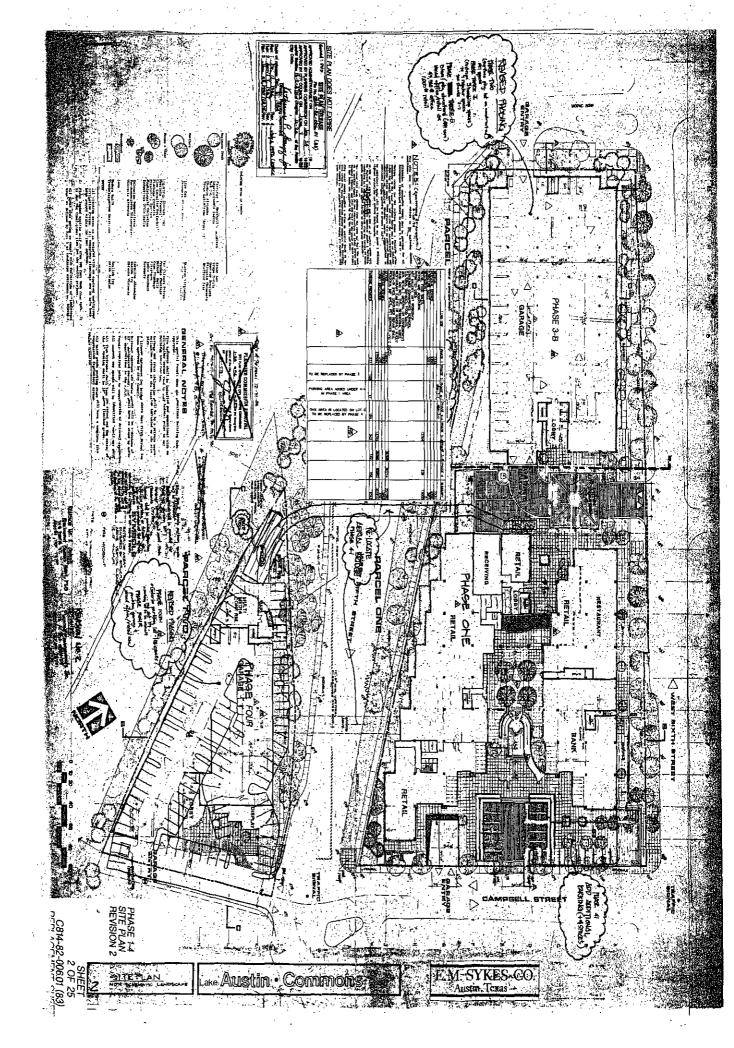
PART 8. In all other respects the terms and conditions of Ordinance No. 821104-F, as amended, remain in effect.

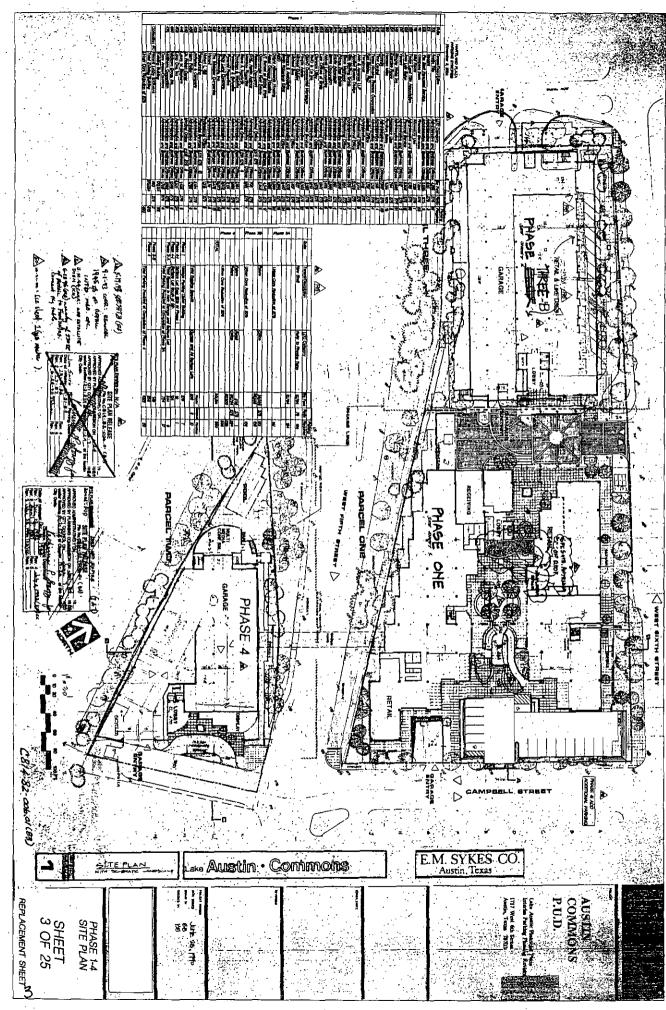
PART 9. This ordinance takes effect on August 7, 2006. **PASSED AND APPROVED** § § § July 27 _____, 2006 Will Wynn Mayor APPROVED: ATTEST: Shirley A. Gentry David Allan \$mith City Clerk City Attorney . : Page 3 of 3





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