

## **SECOND/THIRD READING SUMMARY SHEET**

**ZONING CASE NUMBER:** C14-2009-0089 (Indian Hills)

**REQUEST:**

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 5609 N FM 973 Road, 5709 N FM 973 Road, 5911 N FM 973 Road and 6513 N FM 973 Road (Elm and Decker Creek Watersheds) from unzoned, public (P) district zoning and development reserve (DR) district zoning to multifamily residence medium density (MF-3) district zoning and limited industrial services-conditional overlay (LI-CO) combining district zoning.

The ordinance and public restrictive covenant reflect the conditions imposed by the City Council on 1<sup>st</sup> reading.

**PROPERTY OWNER:** Club Deal 116 Indian Hills TX, LP (Doug Gilliland)

**AGENT:** Metcalfe Williams, LLP (Michele Rogerson),

**DEPARTMENT COMMENTS:**

The property is located on FM 973, north of FM 969 and west of State Highway 130. The northern part of the property is zoned P (Public) district zoning, and DR (Development Reserve) district zoning, however, the majority of the property is not within the city limits of Austin at this time, therefore it is unzoned (See vicinity map "Attachment B"). The property is undeveloped. With the exception of these major roadways, the surrounding properties are mostly undeveloped. There are some large lots single family residences west of the site.

The Indian Hills zoning and rezoning is being requested along with the Whisper Valley PUD (which is a 2,066 acre area northeast of Indian Hills) in accordance with a Development Agreement that was approved by the City Council last year. The applicant is requesting Council approval of a public improvement district (PID). A PID is a financing mechanism whereby bonds are issued to pay for infrastructure improvements and the bonds are paid with assessments on property owners within the PID. The area which is not in the City will be annexed into the limited purpose jurisdiction concurrent with approval of this case and the PID. Upon repayment of the PID bonds, the area will be annexed for full purposes.

Staff recommends the applicant's request because it allows for reasonable use of the property. The proposed project is a mix of uses including residential, office, retail, light industrial and research and development. The mix of zoning and land uses allows for a cohesive live-work development. The proposed zoning is warranted due to the location along FM 973 and the future extension of Decker Lake Road through the project. The proposed project brings much needed roadway and utility improvements to the area.

The applicant agrees with the City Council's recommendation at 1<sup>st</sup> reading.

**DATE OF FIRST READING/VOTE:**

June 10, 2010

**ACTION:**

The public hearing was closed and the first reading of the ordinance for multifamily residence medium density

(MF-3) district zoning and limited industrial services-conditional overlay (LI-CO) combining district zoning was approved on Mayor Pro Tem Martinez' motion, Council Member Morison's second on a 7-0 vote.

**CITY COUNCIL DATE:**

August 26, 2010

**ASSIGNED STAFF:** Joi Harden

**E-MAIL:** joi.harden@ci.austin.tx.us

**CITY COUNCIL ACTION:**

**PHONE:** 974-2122

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2009-0089 / Indian Hills

**ZAP Date:** May 18, 2010

**ADDRESS:** 5609 N FM 973 Road, 5709 N FM 973 Road, 5911 N FM 973 Road and 6513 N FM 973 Road

**OWNER/APPLICANT:** Club Deal 116 Indian Hills TX, LP (Doug Gilliland), (817) 788-1000

**AGENT:** Metcalfe Williams, LLP (Michele Rogerson), (512) 961-8845

**ZONING FROM:** Unzoned, P (Public) district zoning, and DR (Development Reserve) district zoning

**TO:** MF-3 (Multifamily Residence Medium Density) district zoning and LI-CO (Limited Industrial Services-Conditional Overlay) combining district zoning

**AREA:** 239.99 acres (10,453,964.4 sq. ft.)

**SUMMARY STAFF RECOMMENDATION:**

Staff recommends MF-3 (Multifamily Residence Medium Density) district zoning and LI-CO (Limited Industrial Services-Conditional Overlay) combining district zoning. The conditional overlay will prohibit the following uses: Automotive Rentals, Automotive Repair Services, Automotive Sales, Campground, Commercial Off-Street Parking, Drop-off Recycling Collection Facility, Equipment Repair Services, Equipment Sales, Exterminating Services, Funeral Services, Monument Retail Sales, Vehicle Storage, Basic Industry, General Warehouse and Distribution, Recycling Center and Resource Extraction.

If the requested zoning is granted for this site, then 57 feet of right-of-way from the existing centerline should be dedicated for Decker Lake Road and FM 973 according to the Transportation Plan.

The Restrictive Covenant includes all recommendations listed in the Traffic Impact Analysis memorandum from the Planning and Development Review (PDR) Department dated May 13, 2010, as provided in Attachment A.

**ZONING AND PLATTING COMMISSION RECOMMENDATION:** On May 18, 2010, Zoning and Platting Commission *APPROVED* staff's recommendation of MF-3 and LI-CO zoning; was approved by Commissioner Gregory Bourgeois' motion, Commissioner Sandra Baldrige second the motion on a vote of 6-0; Commissioner Cynthia Banks was absent.

**ISSUES:** The Applicant's proposed Restrictive Covenant which addresses Environmental, Affordable Housing, Transportation, and Land Uses is provided at the back of this report. These items were outlined in the Development Agreement approved by Council last year.

**DEPARTMENT COMMENTS:**

The property is located on FM 973, north of FM 969 and west of State Highway 130. The northern part of the property is zoned P (Public) district zoning, and DR (Development Reserve) district zoning, however, the majority of the property is not within the city limits of Austin at this time, therefore it is unzoned (See vicinity map "Attachment B"). The property is undeveloped. With the

exception of these major roadways, the surrounding properties are mostly undeveloped. There are some large lots single family residences west of the site.

The Indian Hills zoning and rezoning is being requested along with the Whisper Valley PUD (which is a 2,066 acre area northeast of Indian Hills) in accordance with a Development Agreement that was approved by the City Council last year. The applicant is requesting Council approval of a public improvement district (PID). A PID is a financing mechanism whereby bonds are issued to pay for infrastructure improvements and the bonds are paid with assessments on property owners within the PID. The area which is not in the City will be annexed into the limited purpose jurisdiction concurrent with approval of this case and the PID. Upon repayment of the PID bonds, the area will be annexed for full purposes.

Staff recommends the applicant's request because it allows for reasonable use of the property. The proposed project is a mix of uses including residential, office, retail, light industrial and research and development. The mix of zoning and land uses allows for a cohesive live-work development. The proposed zoning is warranted due to the location along FM 973 and the future extension of Decker Lake Road through the project. The proposed project brings much needed roadway and utility improvements to the area.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	County, P, and DR	Undeveloped
<i>North</i>	P and DR	Undeveloped
<i>South</i>	County	Undeveloped
<i>East</i>	County	Undeveloped / SH 130
<i>West</i>	County	Large lot Single-family

**AREA STUDY:** The property does not lie within a designated neighborhood planning area.

**TIA:** A TIA is required and has been reviewed and approved by staff. Please refer to Attachment A.

**WATERSHEDS:** Elm and Decker Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**REGISTERED NEIGHBORHOOD AND COMMUNITY ORGANIZATIONS**

Park Springs Neighborhood Association  
Sierra Club, Austin Regional Group

**CASE HISTORIES:** There are no case histories on this site.

**RELATED CASES:** The subject property (Indian Hills) consisting of approximately 240 acres will be scheduled for annexation concurrently with the zoning case. (C7L-10-004).

Whisper Valley PUD consisting of 2,066 acres will be scheduled for zoning and annexation concurrently with this zoning case. (C814-2009-0094; C7L-10-003)

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Daily Traffic
SH 130	Varies	Varies	Arterial (Toll PKWY 4)	11,100 (TXDOT, 2008)
Decker Lake Road	100'	24'	Arterial (MNR2)	Not Available
FM 973	100'	40'	Arterial (MNR2)	5,700 (TXDOT, 2008)

**CITY COUNCIL DATE:**

June 10, 2010

**ACTION:**

The public hearing was closed and the first reading of the ordinance for multifamily residence medium density (MF-3) district zoning and limited industrial services-conditional overlay (LI-CO) combining district zoning was approved on Mayor Pro Tem Martinez' motion, Council Member Morison's second on a 7-0 vote.

August 26, 2010

**ORDINANCE READINGS:** 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>**ORDINANCE NUMBER:****CASE MANAGER:** Joi Harden**E-MAIL:** joi.harden@ci.austin.tx.us**PHONE:** 974-2122

UNZ

CITY OF AUSTIN

V10330P303

88-151  
P88-034

P

CITY OF AUSTIN

CITY OF AUSTIN

P

DECKER CREEK

CITY OF AUSTIN

DECKER LAKE RD

TRACT 1

V10330P303

DECKER CREEK

V10330P303

CITY OF AUSTIN

V10330P303

P

V822/P373

V10773/P487

V4305/P1148

N FM 973 RD

TRACT 2

N SH 130 SVRD SB

N SH 130 SB

N SH 130 NB




N SH 130 SVRD NB

GILBERT RD

## ZONING

ZONING CASE#: C14-2009-0089  
LOCATION: N FM 973  
SUBJECT AREA: 239.99 ACRES  
GRID: R22-23  
MANAGER: JOI HARDEN

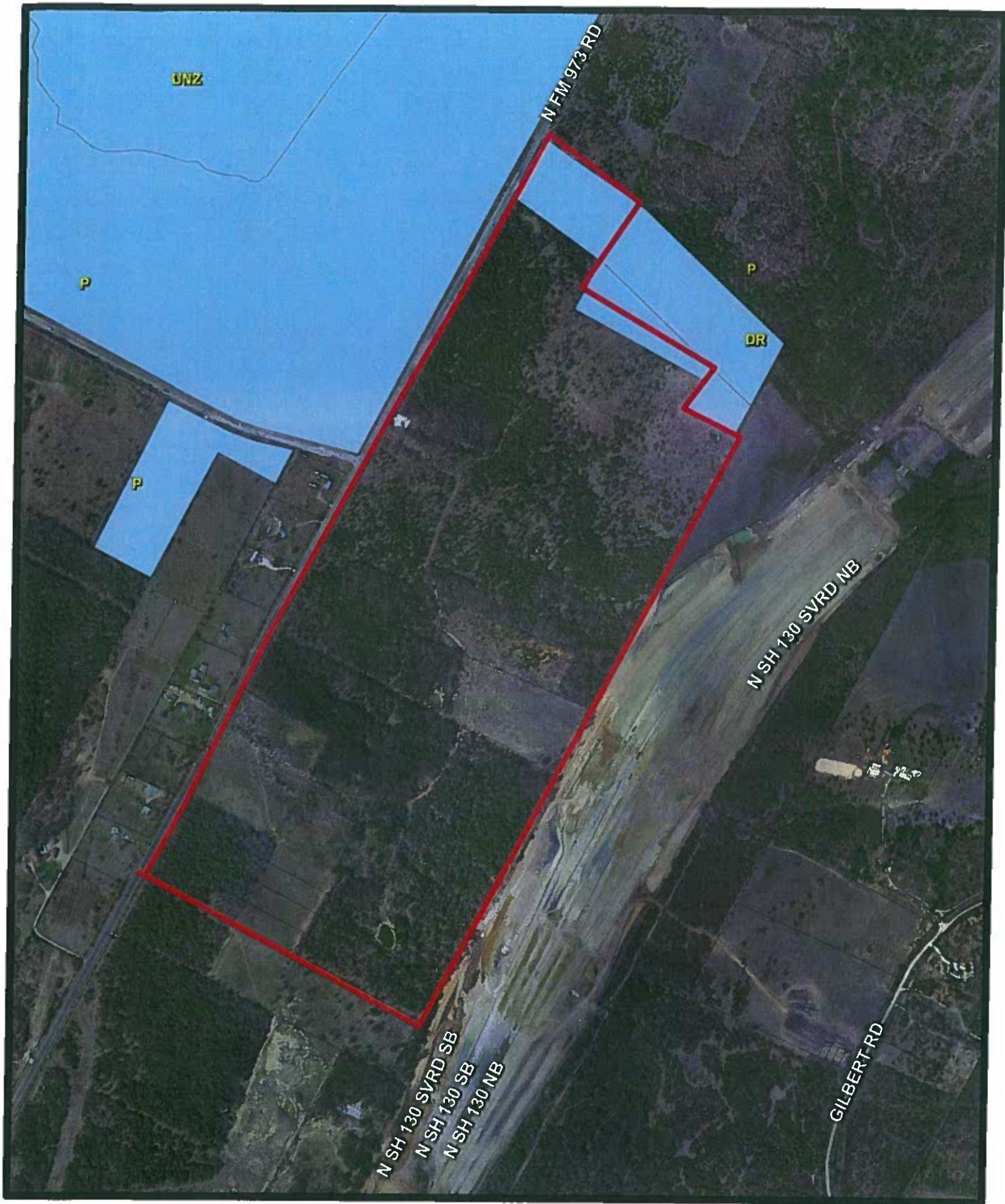


-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 800'

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.





**C14-2009-0089 N FM 973 RD.**  
**From Unzoned, P, and DR District Zoning to**  
**MF-3 and LI-CO Combined District Zoning**



### **SUMMARY STAFF RECOMMENDATION**

Staff recommends MF-3 (Multifamily Residence Medium Density) district zoning and LI-CO (Limited Industrial Services-Conditional Overlay) combining district zoning. The conditional overlay will prohibit the following uses: Automotive Rentals, Automotive Repair Services, Automotive Sales, Campground, Commercial Off-Street Parking, Drop-off Recycling Collection Facility, Equipment Repair Services, Equipment Sales, Exterminating Services, Funeral Services, Monument Retail Sales, Vehicle Storage, Basic Industry, General Warehouse and Distribution, Recycling Center and Resource Extraction.

If the requested zoning is granted for this site, then 57 feet of right-of-way from the existing centerline should be dedicated for Decker Lake Road and FM 973 according to the Transportation Plan.

The Restrictive Covenant includes all recommendations listed in the Traffic Impact Analysis memorandum from the Planning and Development Review (PDR) Department dated May 13, 2010, as provided in Attachment A.

### **BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

1. *Zoning changes should be consistent with the purpose of the zoning district.*

The Multifamily Residence Medium Density (MF-3) district is intended to accommodate multifamily use with a maximum density of up to 36 units per acre. This district is appropriate for multifamily residential areas located near supporting transportation and commercial facilities, generally in more centrally located areas and in other selected areas where medium density multifamily use is desirable.

The Limited Industrial Services (LI) district is the designation for a commercial service use or limited manufacturing use generally located on a moderately sizes site.

The proposed project is a mix of uses including residential, office, retail, light industrial and research and development. The mix of zoning and land uses allows for a cohesive live-work development. The proposed zoning is warranted due to the location along FM 973 and the future extension of Decker Lake Road through the project and will bring much needed roadway and utility improvements to the area.

2. *Adequate public facilities and services should be in place or be funded and programmed to serve the uses allowed by the rezoning.*

This request is in accordance with a Development Agreement that was approved by the City Council last year. The applicant is requesting Council approval of a public improvement district (PID). A PID is a financing mechanism whereby bonds are issued to pay for infrastructure improvements and the bonds are paid with assessments on property owners within the PID. Upon repayment of the PID bonds the area will be annexed for full purposes.

3. *Zoning should promote clearly-identified community goals, such as creating employment opportunities or providing for affordable housing.*

The Development Agreement requires that the owner set aside at least 10% of owner occupied residential units within the project for occupancy by households whose income is less than 80% of the median family income in the Austin metropolitan statistical area. The



Development agreement also requires at least 10% of the multifamily residential units within the project for occupancy by households whose income is less than 60% of the median family income in the Austin metropolitan statistical area. Additionally, the proposed project will include office, commercial, and manufacturing uses which could create employment opportunities for the residents in the area.

## **EXISTING CONDITONS**

### **Site Characteristics**

The subject property is currently undeveloped. There are significant slopes and the area is heavily vegetated.

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Elm Creek and Decker Creek Watersheds of the Colorado River Basin, which are classified as Suburban Watersheds by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to flood plain maps, there is a floodplain within the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine the exact location of the boundaries. No development is permitted in the Critical Water Quality Zone, while impervious cover is limited to 30% in the Water Quality Transition Zone.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

### **Transportation**

The Austin Metropolitan Area Transportation Plan calls for 114 feet of right-of-way for Decker Lake Road and FM 973. If the requested zoning is granted for this site, then 57 feet of right-of-way from the existing centerline should be dedicated for Decker Lake Road and FM 973 according to the Transportation Plan [LDC, Sec. 25-6-51 and 25-6-55].

A traffic impact analysis is required and has been received. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA [LDC, Sec. 25-6-142]. Comments are provided in Attachment A.

There are no existing sidewalks along SH 130, Decker Lake Road, and FM 973.

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, the following bicycle facilities exist and proposed along the adjoining streets:

<b>Street Name</b>	<b>Existing Bicycle Facility</b>	<b>Proposed Bicycle Facility</b>
SH 130	Wide Shoulder	Wide Shoulder
Decker Lake Road	None	Multi-Use Path
FM 973	Shared Lane	Wide Shoulder

Capital Metro bus service is not available within 1/4 mile of this property.

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required with the proposed land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria and applicable service extension requests. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

### **Site Plan**

This site is in a proposed annexation area. Additional comments from other reviewers may be added.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

This site is located along SH 130, which is considered a scenic roadway. Sign regulations will apply [25-10-6].



**Date:** May 13, 2010 (Revised June 7, 2010)  
**To:** Joi Harden, Case Manager  
**CC:** Alex Reyna, P.E., Bury & Partners, Inc.  
**Reference:** Indian Hills TIA, C14-2009-0089

The Transportation Review Section has reviewed the Traffic Impact Analysis (TIA) for the Indian Hills, dated July, 2009, prepared by Bury & Partners, Inc, and offers the following comments:

The Indian Hills covers a total of 240 acres. The site is located in east of Austin along FM 973, north of Webberville Rd.

The property is currently vacant and unzoned and is within the City's 2-mile and 5-mile Extra-Territorial Jurisdictions (ETJ). The applicant has requested annexation and zoning to Medium Density Multi-Family Residential (MF-3) and Limited Industrial Services – Conditional Overlay (LI-CO) and proposes to develop the site with multi-family, commercial, mixed use, light industrial and research and development uses. The assumed build-out is in three phases between 2014 and 2022.

### **TRIP GENERATION**

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the development will generate approximately 30,933 new unadjusted average daily trips (ADT).

The table below shows the adjusted trip generation by land use for the proposed development:

<b>Table 1. Trip Generation</b>				
<b>LAND USE</b>	<b>Size</b>	<b>ADT</b>	<b>AM Peak</b>	<b>PM Peak</b>
Multi-Family	1,524 DU	8,368	688	1,253
General Office	1,585,000 SF	10,083	1,540	1,163
Shopping Center	60,000 SF	3,561	103	258
Research & Development	472,650 SF	3,244	495	338
Industrial	274,650 SF	1,755	208	203
<b>Total</b>		<b>27,010</b>	<b>3,034</b>	<b>3,215</b>

### **ASSUMPTIONS**

1. Based on traffic volumes collected from TxDOT, the following growth rates were applied within the study area:

<b>Table 2. Growth Rates per Year</b>	
<b>Roadway Segment</b>	<b>%</b>
FM 973	2
FM 969	3
FM 3177	1
Decker Lake Rd	2

2. In addition to these growth rates, background traffic included estimated traffic volumes for the following projects:

- Wildhorse Ranch PUD C814-200-2063.02
- Whisper Valley PUD C814-2009-0094
- Eastwood Proposed Project
- Las Entradas Proposed Project
- Colony Park Subdivision Proposed Project

3. Reductions were taken for pass-by for the following uses:

<b>Table 3. Summary of Pass-By and Internal Capture Reductions</b>		
<b>Pass-By Reductions %</b>		
<b>Land Use</b>	<b>AM</b>	<b>PM</b>
Shopping Center	0%	34%
<b>Internal Capture Reductions %</b>		
<b>Land Use</b>	<b>AM</b>	<b>PM</b>
All Land Uses (excluding School)	10%	10%

4. No transit reduction was assumed for the purposes of this study.

### **EXISTING AND PLANNED ROADWAYS**

**US 290 East** – The CAMPO 2030 Mobility classifies US 290 as a four-lane major divided arterial. According to TxDOT traffic counts, the 2005 traffic volume on US 290, east of Greg Manor, was approximately 42,000 vehicles per day (vpd). The roadway from US 183 to FM 734 is being studied by CTRMA and TxDOT to become a limited access toll facility to be known as the Manor Expressway. The Expressway should be constructed in its entirety by 2014.

**FM 969** – The CAMPO 2025 Plan classifies FM 969 as a two-lane undivided major arterial between FM 973 to Taylor Lane. TxDOT has planned improvements for FM 969 to be upgraded to a 4-lane major divided arterial from SH 130 to Taylor Lane, including an interchange with FM 973. Currently TxDOT is adding shoulders along the roadway. According to TxDOT traffic counts, the 2005 traffic volume on FM 969, east of Decker Lane, was approximately 13,600 vpd.

**FM 973** – The CAMPO 2025 Plan classifies FM 973 as a two-lane minor arterial and is planned to be upgraded to a 4-lane major divided arterial from US 290 to FM 969, including realignment from US 290 to just north of SH 130. This realignment will divert traffic away from the City of Manor. According

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to TxDOT traffic counts, the 2008 traffic volume on FM 973, south of Blake Manor Rd, was approximately 7,852 vpd.

**FM 3177** – The CAMPO 2025 Plan classifies FM 3177 as a four-lane major divided arterial and there is currently no plan to further upgrade the road. Based on a 2008 TxDOT traffic count, the traffic volume on FM 3177 south of US 290 was approximately 1,034 vpd.

### **INTERSECTION LEVEL OF SERVICE (LOS)**

The TIA examined 15 external intersections impacted by site traffic. Existing and projected levels of service for each phase are identified in Table 4, assuming that all improvements recommended in the TIA are built.

### **RECOMMENDATIONS**

- 1) As part of the development agreement between the City and the developer, the developer should provide a pro-rata share of the improvements listed in the attached Table 5 at the time each phase of the development is initiated. An engineer's estimate of the cost associated with each improvement must be provided prior to the beginning of each phase. This agreement should be recorded in a traffic phasing agreement prior to 3<sup>rd</sup> reading by Council.
- 2) At the time of subdivision right-of-way shall be dedicated so that there is a total of 57 feet of right-of-way from the centerline of FM 973 in accordance with the adopted 2025 AMATP.
- 3) Development of this property should be limited to uses and intensities which will not exceed or vary from the projected traffic conditions assumed in the TIA, including peak hour trip generations, traffic distribution, roadway conditions, and other traffic related characteristics.
- 4) Prior to third reading of the zoning, a final version of the TIA incorporating all revisions and responses to staff comments must be provided.

If you have any questions or require additional information, please contact me at 974-3428.

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Amber Mitchell  
Sr. Planner ~ Transportation Review Staff  
Planning & Development Review Department

**INDIAN HILLS**  
**TABLE 5**  
**RECOMMENDED IMPROVEMENTS**

INTERSECTION	RECOMMENDED IMPROVEMENTS		
	PHASE I (2014)	PHASE II (2018)	PHASE III (2022)
UNADJUSTED PM PEAK HOUR TRIPS	818	1636	1419
FM 973 and SH 130 EFR (EFR/WFR)	--	--	SBRT/NBRT/ SIGNAL OPTIMIZATION
FM 969 and SH 130 (EFR/WFR)	--	SIGNAL SIGNAL OPTIMIZATION	--
FM 3177 and US 290 (NFR/SFR)	CTRMA IMPROVEMENTS	--	--
FM 973 and FM 969 (NFR/SFR)	DEDICATED NBRT/ EBRT/SIGNAL OPTIMIZATION	--	TXDOT IMPROVEMENTS WBRT/EBRT
Decker Lane and Decker Lake Road	--	--	WBRT/ SIGNAL OPTIMIZATION
Decker Lane and FM 969	WBRT	SBRT/ SIGNAL OPTIMIZATION	--
Decker Lane and Colony Loop	--	--	--
Loyola Lane and Colony Loop	--	SIGNAL SIGNAL OPTIMIZATION	--
Loyola Lane and Sendero Hills	--	--	--
FM 973 and Decker Lake Road	NBLT/WBRT/SBLT/EBLT SIGNAL/SIGNAL OPTIMIZATION	NBRT/SBRT/EBRT	--
SH 130 SBFR and Decker Lake Road	--	--	--
FM 973 and Driveway A	--	NBRT/SBLT/SIGNAL SIGNAL OPTIMIZATION	--
FM 973 and Driveway B	--	NBRT/SBLT	--
FM 973 and Driveway C	--	NBRT/SBLT	--
FM 973 and Driveway D	--	NBRT/SBLT/SIGNAL SIGNAL OPTIMIZATION	--

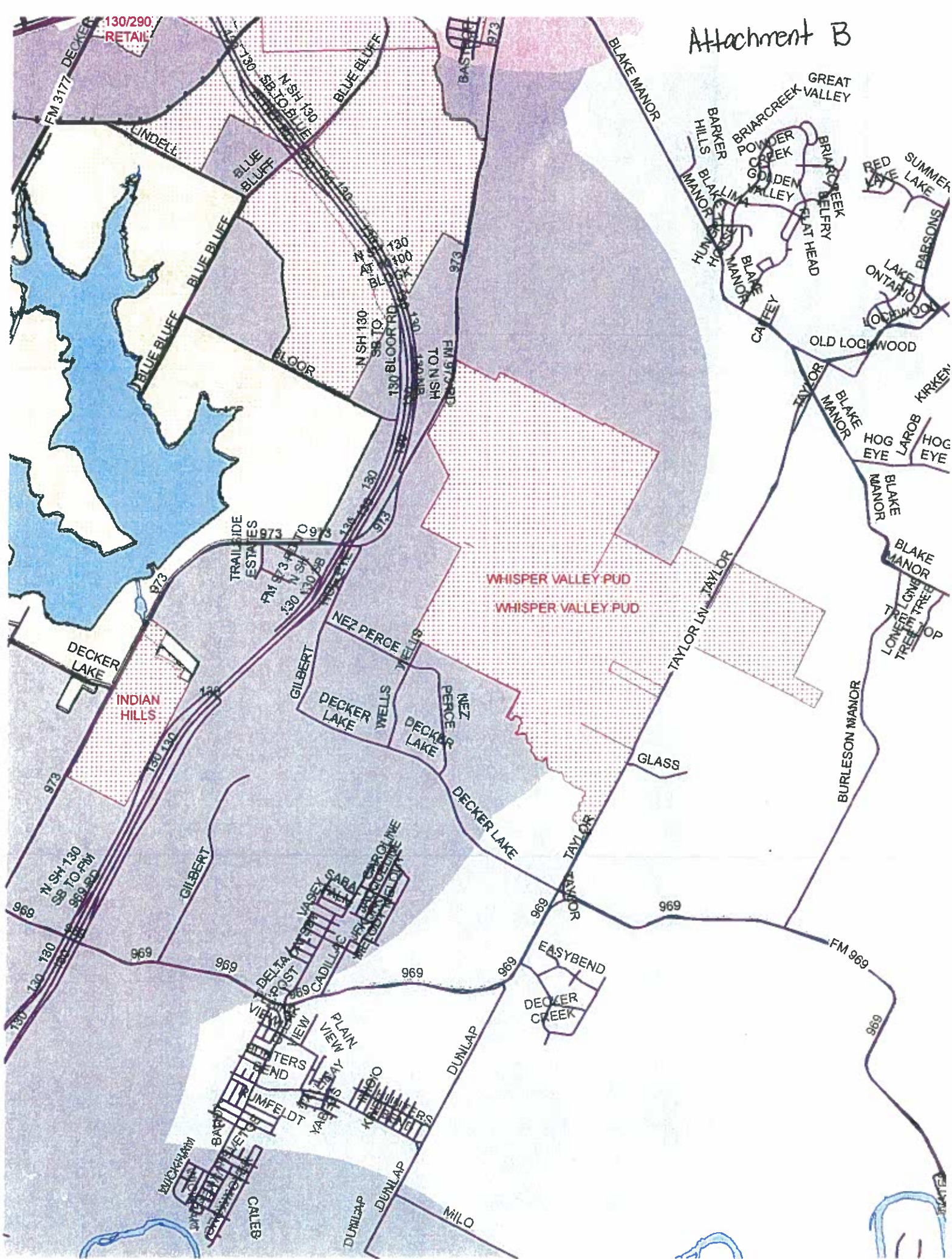
NBLT - Northbound Left-Turn Lane  
SBLT - Southbound Left-Turn Lane  
WBLT - Westbound Left-Turn Lane  
EBLT - Eastbound Left-Turn Lane

NBRT - Northbound Right-Turn Lane  
SBRT - Southbound Right-Turn Lane  
WBRT - Westbound Right-Turn Lane  
EBRT - Eastbound Right-Turn Lane

NBTL - Northbound Thru Lane  
SBTL - Southbound Thru Lane  
WBTL - Westbound Thru Lane  
EBTL - Eastbound Thru Lane



130/290  
RETAIL



**Indian Hills – Zoning Conditions  
C14-2009-0089**

Conditions for Zoning Ordinance

**Prohibited Uses**

1. Prohibited uses for LI:

Automotive Rentals	Automotive Repair Services
Automotive Sales	Commercial Off-Street Parking
Campground	Equipment Repair Services
Drop-Off Recycling Collection Facility	Exterminating Services
Equipment Sales	Monument Retail Sales
Funeral Services	Vehicle Storage
Basic Industry	General Warehousing and Distribution
Recycling Center	Resource Extraction

Conditions for Public Restrictive Covenant

**Open Space and Environmental**

2. Pursuant and subject to Section 3.08(1) of the Development Agreement, parkland dedication requirements for the Indian Hills project is fulfilled up to a total of 9,028 residential units combined with the Whisper Valley project. Additional parkland dedication and/or fees will not be required unless that total number of units is exceeded.
3. Pursuant and subject to Section 3.06 of the Development Agreement, development of the site shall comply with requirements of the Austin Energy Green Building Program (GBP) multifamily or commercial rating system for a minimum two-star rating. Certification from the GBP shall be required based on the version of the rating system in accordance with the Austin Energy Green Building Program Rating Packets included in Exhibit \_\_\_\_, whichever is applicable.
4. Pursuant and subject Section 7.05 of the Development Agreement, each site plan application filed for open space, commercial and multifamily development shall use plant material recommended in Exhibit \_\_ (the City of Austin Grow Green Native and Adapted Landscape Plant Guide).



5. Pursuant and subject to Section 7.03 of the Development Agreement, each site plan application filed for commercial, industrial, mixed use, multifamily residential or open space areas for the project, the owner shall submit to the Director for approval an integrated pest management (IPM) plan for the site that complies with Section 1.6.9.2(D) and (F) of the Environmental Criteria Manual.
6. Pursuant and subject to Section 3.08(e) of the Development Agreement, additional uses prohibited in the Open Space areas of the project include: the use of biocides, dumping and storage tanks.
7. Pursuant and subject to Section 7.04 of the Development Agreement, notwithstanding Section 3.04 of the Development Agreement, the use of tar sealants or other pavement sealants in the project are prohibited.

#### **Density Bonus and Affordable Housing Program**

8. A. Pursuant to Section 3.14 of the Development Agreement, the developer shall set aside at least 10% of the owner occupied residential units within the project for occupancy by households whose income is less than 80% of the median family income in the Austin metropolitan statistical area ("Affordable Ownership Requirement").  
  
B. The Affordable Ownership Requirement for condo-style projects shall be based on number of units and calculated on a condo project-by-condo project basis. Condo style projects shall follow the same multi-bedroom unit requirements as are set forth for apartments in subparagraph (b) above. For other forms of single family housing (either attached or detached), affordability shall also be calculated based on the number of units and, to the extent economically feasible, shall be spread across the various product types within the project. Although there shall be no requirement that each project or plat within the project contain a specific number of affordable units, the Developer shall be responsible for ensuring that ultimately the entire project contains the requisite number of affordable ownership units. The Developer shall report to the Director of the Neighborhood Housing Community Development on the status of the number and location of affordable ownership units within the project on a semi-annual basis commencing on the date the first plat is recorded.  
  
C. Notwithstanding the foregoing, if the Developer provides more affordable units in any given apartment project than the ten percent (10%) required per Section 23B of this Ordinance, then the number of units required to meet the Affordable Ownership Requirement in the project shall be reduced (i) on a 1.5:1 ratio for up to three percent (3%) of the ten percent (10%) Affordable Ownership Requirement for the project; and (ii) on a 4:1 ratio for up to an additional two percent (2%) of the ten percent (10%) Affordable Ownership Requirement for the project. Provided however, in no event shall the number of units required to meet

the Affordable Ownership Requirement in the project be reduced below five percent (5%) of total ownership units through the method described above.

9. A. Pursuant to Section 3.14 of the Development Agreement, the developer shall set aside at least 10% of the rental units for multifamily residential within the project for occupancy by households whose income is less than 60% of the median family income in the Austin metropolitan statistical area ("Affordable Rental Requirement").

B. The Affordable Rental Requirement shall be based on number of units and calculated on an apartment project-by-apartment project basis. The number of single and multi-bedroom units that are affordable shall coincide with the ratio of total single and multi-bedroom units for the applicable project. For example, if you have a three hundred (300) unit apartment complex and one hundred (100) units are multi-bedroom units, then thirty (30) units will be required to meet the Affordable Rental Requirement and ten (10) units out of those thirty (30) units must be multi-bedroom units. The affordable units within any given apartment project shall be interspersed with market rate units.

## **Transportation**

10. A site plan or building permit may not be approved, released, or issued, if the completed development or uses in the project, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds the total traffic generation for the project specified in that certain Traffic Impact Analysis ("TIA") prepared by Bury + Partners, Inc., dated \_\_\_\_\_, or as amended and approved by the Director. All development in the project is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Planning and Development Review Department dated \_\_\_\_\_ and the Phasing Agreement recorded as Document Number \_\_\_\_\_. The TIA shall be kept on file at the Planning and Development Review Department.
11. Pursuant and subject to Section 8.01(b) of the Development Agreement, private streets developed within the property shall be treated as "roadways" for the purposes of Sections 25-8-341 (Cut Requirements) and (Fill Requirements) of the Land Development Code.
12. Pursuant and subject to Section 8.01(a) of the Development Agreement, the Direction may grant administrative variances from the following code sections:
  - a. Section 25-4-152(B) (Dead End Streets) is modified to allow for the Director to grant a variance from the requirement of 25-4-152(B) (Access to Lots), taking into consideration topography, traffic circulation and access to pedestrian and transit facilities;
  - b. Section 25-4-153 (Block Length) is modified to allow for the Director to grant a variance from the requirement of 25-4-153, taking into

consideration topography, traffic circulation and access to pedestrian and transit facilities;

- c. Section 25-4-171 (Access to Lots) is modified to allow for the Director to grant a variance from the requirement of 25-4-171(A) (Access to Lots).

### **Continuation of Existing Uses and Activities**

- 13. Pursuant and subject to Section 3.03 of the Development Agreement, the following land uses and activities that currently exist within the property as of the date of this ordinance shall be allowed to continue operating in the same manner, upon limited purpose annexation of the property, as applicable, into the City: (i) agricultural (including without limitation, ranching and farm uses); and (ii) hunting. Hunting within the property shall be prohibited after issuance of the first building permit for any part of the property.

### **Controlling Ordinances, Manuals and Rules**

- 14. The provisions of Section 3.04 of the Development Agreement shall be applicable to the property.