ZONING CHANGE REVIEW SHEET

CASE: C814-06-0175.03 – East Avenue PUD, Parcel A Amendment DISTRICT: 9

ZONING FROM / TO: PUD-NP, to change conditions of zoning

ADDRESSES: 1012, 1012 1/2, 1016, 1018, 1018 1/2 Concordia Avenue; 3500, 3500 1/2, 3502, 3506, 3508 1/2 North IH 35 Service Road Southbound

SITE AREA: 1.13 acres

PROPERTY OWNER: Westheimer Retail Center Ltd (David Foor) AGENT: Drenner Group, PC (Leah Bojo)

CASE MANAGER: Wendy Rhoades (512-974-7719, wendy.rhoades@austintexas.gov)

STAFF RECOMMENDATION:

The Staff recommendation is to grant a third amendment to planned unit development – neighborhood plan (PUD-NP) combining district zoning, as shown in in Exhibit B-1, the proposed revised ordinance. *For a summary of the basis of Staff's recommendation, please see pages 3 and 4.*

PLANNING COMMISSION ACTION:
September 27, 2022: ***APPROVED THE THIRD AMENDMENT TO PUD-NP DISTRICT ZONING, AS STAFF RECOMMENDED, BY CONSENT***
[C. HEMPEL; G. COX – 2ND] (9-0) J. MUSHTALER, R. SCHNEIDER; J. THOMPSON – ABSENT; ONE VACANCY ON THE DAIS

May 24, 2022: *APPROVED AN INDEFINITE POSTPONEMENT REQUEST BY STAFF [R. SCHNEIDER; J. THOMPSON – 2ND] (9-0) C. HEMPEL, Y. FLORES, J. MUSHTALER, J. SHEIH – ABSENT*

December 14, 2021: *APPROVED AN INDEFINITE POSTPONEMENT REQUEST BY STAFF [A. AZHAR; R. SCHNEIDER – 2ND] (11-0) P. HOWARD – OFF THE DAIS; J. SHIEH – ABSENT*

CITY COUNCIL ACTION:
October 27, 2022:

ORDINANCE NUMBER:

ISSUES:

The Applicant has requested to incorporate additional items into the PUD amendment which include: prohibiting mirrored glass, use of bird friendly design, a vegetative (vertical green) wall, and prohibiting access to Concordia Avenue, subject to City approval. The Applicant's correspondence includes additional details and is attached at the very back of this packet.

The proposed project will comply with the existing private Restrictive Covenant with Hancock that requires on-site affordable housing at rates of 5% at 135% MFI and an additional 5% at 150% MFI.

EXHIBITS AND ATTACHMENTS TO THE STAFF REPORT:

A: Vicinity Map
A-1 and A-2: Zoning Map and Aerial Map

B and B-1: Applicant's Summary Letter and Proposed Revisions to 2006 PUD Ordinance

C: Carbon Impact Statement

CASE MANAGER COMMENTS:

The East Avenue PUD is located in central Austin at the northwest corner of Concordia Avenue and the southbound IH 35 frontage lanes. There are commercial uses near the intersection of IH 35 frontage road / East 38th Street to the north (CS-MU-NP), a new mixed use development construction at the southwest corner of the IH 35 frontage road / Concordia Avenue intersection within the East Avenue PUD area (PUD-NP), and two- and three-story multifamily residential buildings along Concordia Avenue and Harmon Avenue, and one single family residence to the west (PUD-NP; CS-MU-NP). There are single family residences and two-family residences on the west side of Harmon Avenue (SF-3-CO-NP). ***Please refer to Exhibits A and A-1 – Zoning Map and Aerial Exhibit.***

The approved Land Use Plan consists of an Internal Street or Driveway and Block Plan, a Maximum Building Area and Height Zones for each block, Ground Floor Pedestrian-Oriented Use Frontages, and Internal Street or Driveway sections, including an Alternative section. The subject property is identified as Parcel A and limited to 65 feet on the Land Use Plan (Exhibits C-1 and C-2). Seventy-five percent (75%) of the IH 35 service road and Concordia Avenue frontage is required to have ground floor pedestrian-oriented uses (Exhibit C-3).

Proposed PUD Amendment
Building height: The requested modification is to change the permitted building height limit on Parcel A from 65 feet to 120 feet, and would be added to Part 8 M *(Site Development Regulations)* and Exhibit C-2 *(Maximum Building Area and Height Zones)* of the ordinance. The proposed development would allow for the construction of up to 300 dwelling units on the Property. The PUD ordinance does not establish a maximum number of residential units per acre outside of other requirements established for this PUD.

Parkland Dedication: Part 6 C. of the existing PUD ordinance exempts the Property from parkland dedication and as part of the requested amendment, the Applicant proposes to pay a fee in-lieu of parkland dedication per Title 25, Article 14 of the City Code, as amended. This will apply to all residential or hotel-motel units on this Property.

Reclaimed Water Systems: The Applicant is also proposing to add a Part 8 U. *(Site Development Regulations)* to address the use of on-site alternative water sources (that is, reclaimed water systems such as AC condensate, foundation drain water, rainwater, stormwater, etc.) to meet 100% of non-potable uses, to the extent that such on-site alternative sources are available and sufficient to meet non-potable demand for irrigation, cooling, etc.

Affordable Housing: The Applicant is also proposing to incorporate 5% on-site affordable housing at 80% MFI for bonus area over 65'; or a fee-in-lieu of $7 per bonus square foot (revised Part 9). Since this PUD is vested under the previous rules that did not require an affordability component, HPD staff working on affordable housing issues has indicated their support for the Applicant's request.

Updated ordinance language: The Applicant is also in agreement with Staff to revise language in Part 2 of the ordinance to reflect that development applications are subject to all other rules, regulations and ordinances of the City, except as otherwise specifically provided by the ordinance.

The proposed modifications to the PUD ordinance and accompanying land use plan are summarized in ***Exhibits B and B-1 (Applicant's Summary Letter and Proposed Revisions to 2007 PUD Ordinance).***

BASIS OF STAFF RECOMMENDATION:

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

Per the Land Development Code, PUD district zoning was established to implement goals of preserving the natural environment, encouraging high quality, sustainable development and innovative design, and ensuring adequate public facilities and services. The City Council intends PUD district zoning to produce development that achieves these goals to a greater degree than and thus is superior to development which could occur under conventional zoning and subdivision regulations. The PUD provides a canvas for the design of a large scale project, with the end goal to allow flexibility, and also inform and communicate the possibilities for development. Additional effort is required by all parties to ensure that development standards are clear and municipal and citizen needs are addressed. The PUD ordinance and related exhibits are key because once approved, they provide the regulations under which the project will be built, which provides certainty for developers and their agents.

The original East Avenue PUD was approved in 2007 and predates significant revisions to the PUD zoning ordinance approved by Council in June 2008. Therefore, review of the

Applicant's proposed PUD amendment is not subject to this more recent PUD ordinance which identifies superiority elements. Instead, Staff review has proceeded under the more general terms for PUDs that existed prior to June 2008. These terms include providing adequate public facilities and services, preserving the natural environment, and the design of local and collector streets, parking facilities and pedestrian amenities.

2. Zoning changes should promote an orderly and compatible relationship among land uses.

The proposed PUD amendment still offers a development on the subject property that includes a set of compatible uses and incorporates design standards that result in superior development within the Downtown Regional Center area established by the Imagine Austin Growth Concept Map. The proposed project is located to benefit from its proximity to two Capital Metro bus routes and accessibility to supporting commercial businesses, including two grocery stores, educational, and recreational uses. The proposed amendment increases building height to support the construction of additional multifamily residences, brings the proposed development into compliance with current parkland dedication requirements, incorporates reclaimed water systems, and supports affordable housing initiatives.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	PUD-NP	Undeveloped
North	CS-MU-NP	Bail bond services; Restaurant
South	PUD-NP	Under construction for one six-story multifamily residential building (East Avenue, Lot 6)
East	Not Applicable	Southbound IH 35 service road and main lanes (including elevated portion)
West	CS-MU-NP; SF-3-CO-NP	Apartments (2 and 3 story buildings); Single family residences; Two family residences

NEIGHBORHOOD PLANNING AREA: Central Austin Combined (Hancock)

WATERSHED: Boggy Creek – Urban TIA: Is not required

CAPITOL VIEW CORRIDOR: No SCENIC ROADWAY: No

SCHOOLS: Lee Elementary School Kealing Middle School McCallum High School

COMMUNITY REGISTRY LIST:

31 – Hancock Neighborhood Association 141 – Cherrywood Neighborhood Association
283 – North Austin Neighborhood Alliance 511 – Austin Neighborhoods Council
689 – Upper Boggy Creek Neighborhood Planning Team 754 - CANPAC
742 – Austin Independent School District
1228 – Sierra Group, Austin Regional Group 1258 – Del Valle Community Coalition

1363 – SEL Texas
1424 – Preservation Austin
1530 – Friends of Austin Neighborhoods
1550 – Homeless Neighborhood Association
1595 – Neighbors United For Progress
1616 – Neighborhood Empowerment Foundation
1774 – Austin Lost and Found Pets

AREA CASE HISTORIES:

No recent case histories.

RELATED CASES:

The subject property is located within the boundaries of the Central Austin Combined (Hancock) Neighborhood Planning Area (NP-04-0021). Current land use on Future Land Use Map (FLUM): Mixed Use, Civic & Transportation. Proposed land use through zoning change: Mixed Use, Civic & Transportation. A plan amendment is not required. On August 26, 2004, Council approved rezoning the property (a portion of Tract 531) from CS to CS-MU-NP (C14-04-0023 – Ordinance No. 040826-59).

PUD Zoning cases
Council approved the East Avenue PUD which includes approximately 22 acres of land on March 26, 2007 (Ordinance No. 20070326-002). The subject request is the third amendment, titled East Avenue PUD, Parcel A Amendment comprised of 1.13 acres. Parcel A is also known as Lot 11, Block B, East Avenue Subdivision recorded as Document No. 200800152 in the Travis County Plat Records.

There were two previous applications to amend the East Avenue PUD:

- Amendment #1 C814-06-0175.01 – Application withdrawn.

- Amendment #2 C814-06-0175.02 – Administratively approved amendment dated February 27, 2009 to modify setback along the north property line. The amendment modified the cross section of Concordia Avenue and Concordia Avenue private drive extension. The amendment also relocated alleyways on Parcels B1 and B3. The staff report said that (unspecified) architectural features were added on the eastern side of East Avenue Development adjacent to IH-35 access road.

On June 1, 2020, the Applicant filed an amendment to the PUD to amend the land use plan, and the City has verified that the correct type of application was filed. In addition, there is not a limit on the number or scope of changes to a PUD that would constitute a requirement to submit a new PUD.

Subdivision
The property is platted as Lot 11, Block B, East Avenue Subdivision, recorded in May, 2008 (C8-2007-0203.0A).

EXISTING STREET CHARACTERISTICS:

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Concordia Avenue	~60'	Existing	24'	1	No	No	Yes
IH-35 Service Road Southbound	~200'	Defer to TxDOT	~30'	4	Yes	Yes	Yes

ADDITIONAL STAFF COMMENTS:

Austin Energy – Green Building
There is a 2-Star AEGB requirement for the East Avenue PUD that will remain with the proposed height allowance change.

Inclusive Planning

This property is located on the west side of the North IH-35 Southbound Frontage Road and Concordia Avenue to the south, on a 1.13-acre portion of the 22.00-acre East Avenue PUD site. The property is located within the Downtown Regional Center and the Central Austin Combined Neighborhood Plan (Hancock). Surrounding land uses include office and a restaurant to the north; to the south is undeveloped land; to the east is IH-35; to the west are apartment buildings and a single family neighborhood and to the southwest is a church and a children's learning center. The proposed use is 120-foot-tall multi-story apartment building. The Applicant's letter states:

> *The purpose of the PUD amendment is to increase the maximum allowable height of Parcel A from 65 feet to 120 feet. The additional height on this parcel will screen the adjacent Hancock neighborhood from the noise and air pollution of nearby IH-35, and will allow for increased density in the City of Austin urban core. Additionally, the East Avenue PUD in its entirety is limited to 85% impervious cover and 2.8:1 FAR, all of which will remain intact and unimpacted by the proposed development of Parcel A.*

Connectivity
There is a Capital Metro transit stop located approximately 1,000 feet from the subject property. There is a public sidewalk along the IH-35 frontage road but not along Concordia Avenue. The mobility and connectivity options in this area this area are fair.

Central Austin Combined Neighborhood Plan (CACNP)
The CECNP Future Land Use Map identifies this property as Mixed Use and Civic. Mixed Use is meant to encourage more retail and commercial services within walking distance of

residents. A PUD is permitted in this zone. Below are goals, objectives and recommendations relating to commercial and mixed use development in this portion of the CACNP.

Hancock Recommendations:

- Objective 1.11: Preserve the traditional single-family land use in the Hancock Neighborhood. (pg. 71)
    - Recommendation 25: Do not allow non-residential uses along IH-35 north of Concordia Avenue to spread farther into the neighborhood than Harmon Avenue and do not allow new non-residential development on the west side of Harmon Avenue.
- Goal 3: Allow mixed-used development along the existing commercial corridors that is pedestrian oriented, neighborhood friendly, neighborhood scaled and serves neighborhood needs (p. 74)
    - Text: Stakeholders in the Hancock Neighborhood Planning Area also chose the Mixed-Use Combining District, which allows either commercial, residential (single-or multi-family), a commercial and a residential use on the same lot, or a building similar to the Neighborhood Mixed-Use Building.

The CACNP appears to support mixed use development along existing commercial corridors that is pedestrian oriented, neighborhood friendly, neighborhood scaled and rezoning cases as long as the use is not auto-oriented.

Imagine Austin

This property is located within the boundaries of the Downtown Regional Center, as identified on the Imagine Austin Growth Concept Map. A Regional Center is the most urban of the three activity centers outlined in the growth concept map. These centers are and will be the retail, cultural, recreational, and entertainment destinations for Central Texas, and are the places where the greatest density of people and jobs and the tallest buildings in the region will be located. Like many Imagine Austin Centers, they are represented by a circle or globular shape that reflects the general location where the center should be located in the future. The center's actual boundaries would need to be clarified through a small area planning process. Regional, town, and neighborhood centers are supposed to be walkable, bikeable, and supported by transit.

The following IACP policies are also pertinent to this case:

- LUT P3. Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- LUT P4. Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and that new and infill development should be sensitive to the predominant character of these communities.

Based on the comparative scale of this site relative to other nearby commercial and mixed uses in the area, and the property being located within the Downtown Regional Center, which

allows a variety of uses, including mixed use, multifamily housing and taller buildings, this PUD amendment appears to support the Imagine Austin Comprehensive Plan.

Drainage

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

Impervious Cover

The maximum impervious cover that may be developed overall on the East Avenue PUD is 85%. Individual lots may exceed 85% imperious cover.

Environmental (Development Services Department and Watershed Protection Department)

The proposed amendment is asking for additional height and not requesting to alter any environmental conditions. The site is in an urban area where no critical environmental areas or features exist.

Fire Review

Based on the proposed street section the exiting plan will need to be revised and operational zones dedicated to facilitate ladder operations. At a minimum note on the street exhibit and PUD documents: "Streets less than the Fire Code required 25 feet width shall have scrub zones (25'x35') located at the building corners and commensurate with the building height, a spacing where the ladder shall reach all exterior windows/balconies (aka scrub area) and access the rooftop level. Scrub areas shall overlap to facilitate complete coverage of the building openings with the ladder at the optimum angle of 30 to 60 degrees. Street adjacent to lots with the occupied floor greater than 75 above fire department vehicle access shall have street widths of 25 feet or greater, void of parked vehicles."

A height increase above 75 feet of the highest occupied floor is a high-rise building. All adjacent fire access roads shall be minimum 25 feet wide for operational area. Street widths/sections were revised to support a commensurate the height increase.

Floodplain
Site is not located in or near floodplain or creek which would require a floodplain study.

Parks & Recreation Department (PARD) – Planning & Design Review

A fee in lieu of parkland dedication, Title 25, Article 14, of the City Code, as amended, applies to the subject Parcel.

Site Plan / Urban Design

The increase in height does not create a site plan or an urban design issue.

With the exception of heights and setbacks, compatibility standards do not apply to the PUD (Part 6. B. of the ordinance).

The Applicant is not proposing to change either the 85% impervious cover limit or the 2.8 : 1 Floor Area Ratio (FAR).

Austin Transportation Department – Engineering Review

The Austin Strategic Mobility Plan (ASMP), adopted 04/11/2019, identifies existing right-of-way as sufficient for Concordia Avenue. The site must demonstrate compliance with the TIA and final memo approved with zoning case C814-06-0175. The traffic impact analysis may require an update upon further review but should be deferred to the time of site plan application.

Austin Water Utility

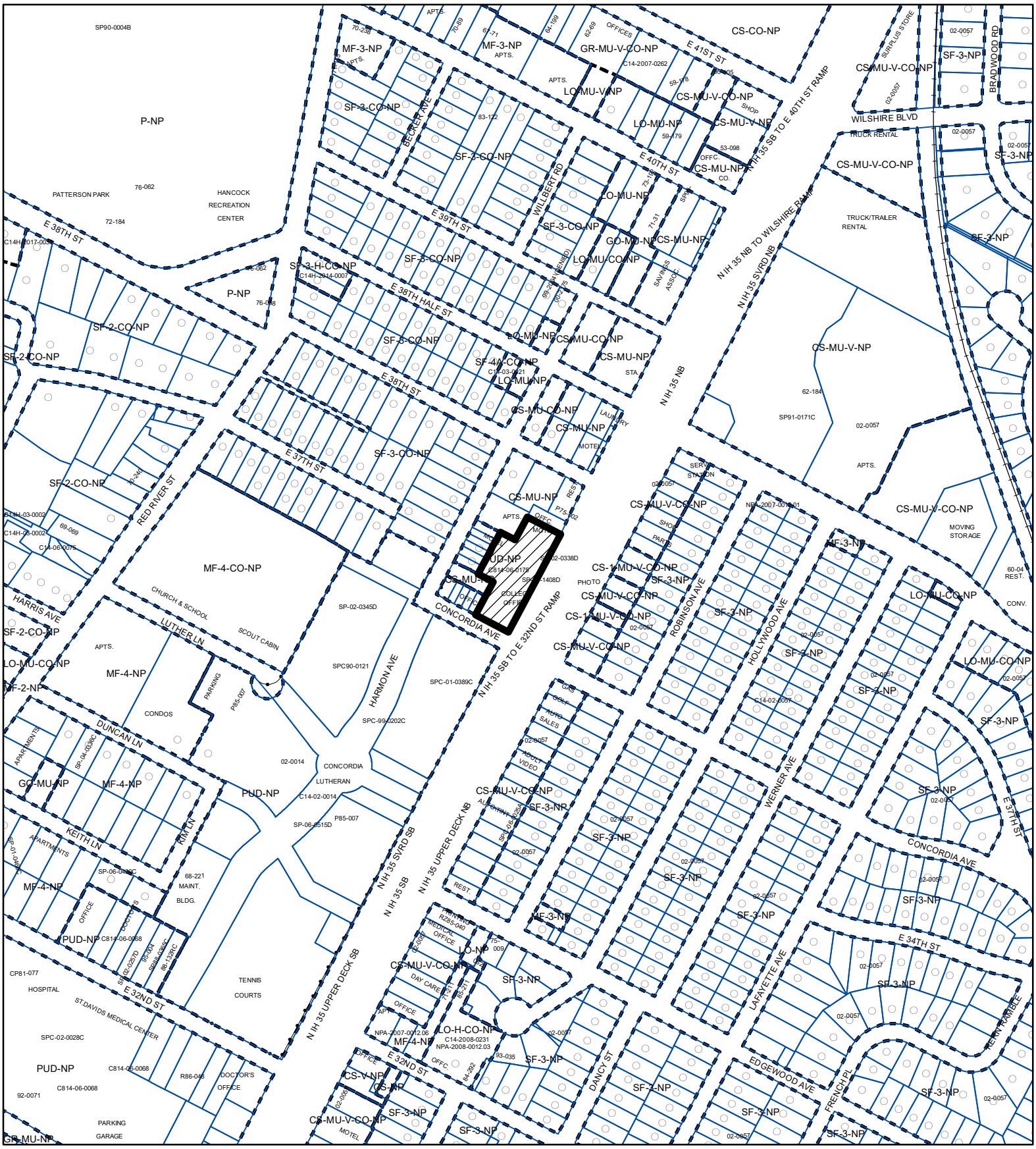
East Avenue PUD Parcel A shall submit revised completed versions of Austin Water's Water Balance Calculator tool when more specific detail becomes available.

East Avenue PUD Parcel A shall use alternative water sources, either onsite sources or municipal reclaimed water, within the development for all non-potable uses such as irrigation, cooling and toilet/urinal flushing applications.

East Avenue PUD Parcel A shall build an off-site reclaimed main from the Duncan Ln./Harmon Av. intersection (point of connection to existing reclaimed system) to the development. Any site development permit application within East Avenue PUD Parcel A must comply with the City's mandatory connection requirements for Commercial/Multi-family developments located in proximity to a reclaimed water distribution line and shall not be used for irrigation within water quality controls or other prohibited areas.

All buildings within East Avenue PUD Parcel A shall use alternate water sources (AC condensate, foundation drain water, rainwater, stormwater etc.) to meet all non-potable uses such as irrigation, cooling and toilet/urinal flushing applications within the development.

Remaining SER requirements will be addressed at the site plan stage.



PLANNED UNIT DEVELOPMENT

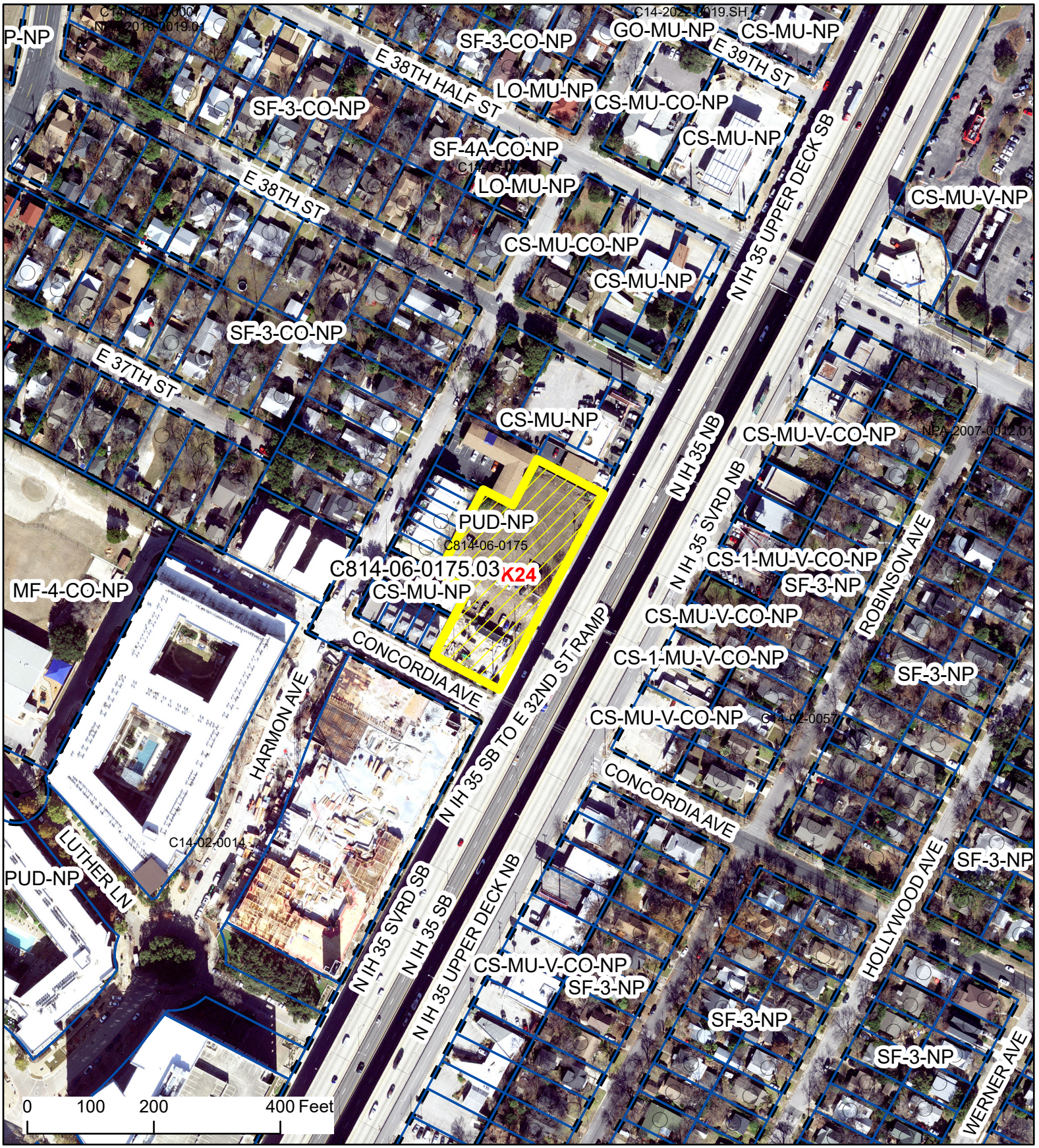
Exhibit A

ZONING CASE#: C814-04-0055.04.SH

1 " = 400 '

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM 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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SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

CREEK BUFFER

East Avenue PUD, Parcel A PUD Amendment

Exhibit A - 1

ZONING CASE#:	C814-06-0175.03
LOCATION:	Concordia Ave at N IH 35 Sv Rd S
SUBJECT AREA:	1.13 Acres
GRID:	K24
MANAGER:	Wendy Rhoades

This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Created: 9/15/2022

DRENNER GROUP

Leah M. Bojo
direct dial: (512) 807-2918
lbojo@drennergroup.com

May 26, 2020

Ms. Denise Lucas
Planning and Zoning Department
City of Austin
505 Barton Springs Road
Austin, TX 78704

Via Electronic Delivery

Re: East Avenue PUD Amendment - C814-06-0175.03 – PUD Amendment for Parcel A, a 1.13-acre portion of the 22.00-acre East Avenue PUD known as Lot 11 of the East Avenue Subdivision located at 3500-3700 North IH-35 Southbound Frontage Road in Austin, Travis County, Texas (the "Property").

Dear Ms. Lucas:

As representatives of the owner of the Property, we respectfully submit the enclosed PUD amendment application to the East Avenue PUD referenced in zoning case C814-06-0175. The Property is located at 3500-3700 North IH-35 Southbound Frontage Road and is designated as Parcel A on the land use plan.

In its entirety, the PUD encompasses 22 acres of land; the Property encompasses 1.13 acres. The remaining portion of the PUD is not included in this amendment request. The Property is also known as Lot 11, Block B of the East Avenue Subdivision, per City of Austin case number C8-2007-0203.0A and recorded as document number 200800152 of the Travis County Plat Records.

The purpose of the PUD amendment is to increase the maximum allowable height of Parcel A from 65 feet to 120 feet. The additional height on this parcel will screen the adjacent Hancock neighborhood from the noise and air pollution of nearby IH-35, and will allow for increased density in the City of Austin urban core. Additionally, the East Avenue PUD in its entirety is limited to 85% impervious cover and 2.8:1 FAR, all of which will remain intact and unimpacted by the proposed development of Parcel A.

A Traffic Impact Analysis ("TIA") was completed and approved for the East Avenue PUD upon its initial PUD zoning in August, 2006 by WHM Transportation Engineering. An analysis of all site development within the East Avenue PUD area indicates that Parcel A will be the last parcel to be permitted for development in the PUD. A traffic analysis prepared by HDR Engineering dated June 26, 2019 indicates that per existing and permitted development in the East Avenue PUD,

17,349 daily trips remain per the TIA, and 12,545 daily trips remain per the PUD ordinance. A TIA Determination Form has been completed via a TIA waiver from Amber Mitchell dated May 14, 2020, with the note that a TIA determination will be deferred to the site development permit review process when the final land use mix and intensities are established.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Sincerely,



Leah M. Bojo
Drenner Group

cc: Joi Harden, Planning and Zoning Department *(via electronic delivery)*

C814-06-0175.03
Redlined: 03.25.2020
Revised Redlines: 09.20.2022

ORDINANCE NO. 20070326-002

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY COMMONLY KNOWN AS THE EAST AVENUE PUD LOCATED AT 3400 NORTH IH-35 IN THE HANCOCK NEIGHBORHOOD PLAN AREA FROM LIMITED OFFICE-MIXED USE-NEIGHBORHOOD PLAN (LO-MU-NP) COMBINING DISTRICT, GENERAL OFFICE-NEIGHBORHOOD PLAN (GO-NP) COMBINING DISTRICT, AND GENERAL COMMERCIAL SERVICES-MIXED USE-NEIGHBORHOOD PLAN (CS-MU-NP) COMBINING DISTRICT TO PLANNED UNIT DEVELOPMENT-NEIGHBORHOOD PLAN (PUD-NP) COMBINING DISTRICT; AND DECLARING AN EMERGENCY.

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 zoning district from limited office-mixed use-neighborhood plan (LO-MU-NP) combining district, general office-neighborhood plan (GO-NP) combining district, and general commercial services-mixed use-neighborhood plan (CS-MU-NO) combining district to planned unit development-neighborhood plan (PUD-NP) combining district on the property described in File C814-06-0175 on record at the Neighborhood Planning and Zoning Department, as 22 acres of land, more or less, being more particularly described in Exhibit A *(Description of Property)* incorporated into this ordinance (the "Property"), locally known as the property located at 3400 North IH-35, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit B *(Zoning Map)*.

PART 2. This ordinance, together with the attached Exhibits A through F, is the land use plan for the East Avenue planned unit development district (the "PUD") created by this ordinance. The PUD shall conform to the limitations and conditions set forth in this ordinance and in the East Avenue planned unit development land use plan. 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 3. The Property is subject to Ordinance No. 040826-59 that established the Hancock neighborhood plan combining district.

Exhibit B - 1

PART 4. 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:	Description of Property
Exhibit B:	Zoning Map
Exhibit C-1:	Land Use Plan: Internal Street or Driveway and Block Plan
Exhibit C-2:	Land Use Plan: Maximum Building Area and Height Zones
Exhibit C-3:	Land Use Plan: Ground Floor Pedestrian-Oriented Use Frontages
Exhibit C-4-A:	Section AA: North/South Internal Street or Driveway
Exhibit C-4-B:	Section BB: East/West Streets or Driveways
Exhibit C-4-C:	Section CC: Internal Oval Street or Driveway
Exhibit C-4-D:	Section DD: Internal Street or Driveway at Church Property Edge
Exhibit C-5:	Land Use Plan: Alternative Internal Street or Driveway and Block Plan With Church Access Easement
Exhibit D:	Grow Green Native and Adapted Landscape Plants
Exhibit D-1	Invasive Species/Problem Plants
Exhibit E:	Tree Survey
Exhibit F:	Operational Criteria for Hotel

PART 5. Definitions.

A. In this ordinance:

1. PARCEL. The PUD is divided into twelve parcels, identified on Exhibit C-1 (*Land Use Plan: Internal Street or Driveway and Block Plan*) as Parcels A, B1, B2, B3, C, D, E, F, G, H, I, and J.

2. LIVE WORK UNIT means single family residential, or a townhouse residential use with ground level workspace or commercial space and upper level living space. The work space or commercial space and living space must be used and occupied by the same owner or occupant.

3. SITE means all the Property included in the PUD.

4. PARCEL BLOCK LENGTH means the linear distance of the boundary of a Parcel measured as it abuts an internal street or driveway frontage that generally runs north and south; and PARCEL BLOCK WIDTH means the linear distance of the boundary of a Parcel measured as it

abuts an internal street or driveway frontage that generally runs east and west.

B. All other terms have the meaning provided in the Code.

PART 6. In accordance with Section 25-2-411 (A) *(Planned Unit Development District Regulations)* of the City Code, the following regulations 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. Section 25-2, Article 10 *(Compatibility Standards)* of the City Code does apply to the PUD with exception of heights and setbacks.

C. Section 25-4, Article 3, Division 5 *(Parkland Dedication)* of the City Code as amended, does not apply to the Property or the PUD, and no parkland dedication or payment instead of dedication of land is required for the development of the PUD. Except for Parcel A, which is required to pay a fee in lieu of parkland dedication, per Title 25, Article 14, of the City Code, as amended.

PART 7. Permitted, Conditional, and Prohibited Uses. A use that is not included as a permitted or conditional use in this Part is a prohibited use in the PUD. A prohibited use may not be established as a principal use or as an accessory use to a principal use.

A. Except as modified in Subsections C and D of this Part the following uses are permitted uses in the PUD:

Bed and breakfast (Group I and II)
Condominium residential
Duplex residential
Multi-family residential
Single family residential
Townhouse residential
Administrative and business offices
Art gallery
Art workshop
Business or trade school
Business support services

Communication services
Consumer convenience services
Consumer repair services
Financial services
Food sales
General retail sales (convenience)
General retail sales (general)
Personal improvement services
Personal services
Pet services
Printing and publishing
Professional office
Research services
Restaurant (limited)
Restaurant (general)
Software development
College and university facilities
Communications services facilities
Congregate living
Cultural services
Day care services (commercial, general and limited)
Family home
Group Home, Class I (general and limited)
Group Home, Class II
Private and public primary educational facilities
Private and public secondary educational facilities
Religious assembly
Telecommunication tower (to the extent authorized by City Code)

B. The following uses are permitted and must comply with the conditions set forth below:

1. An automotive sales use may only be conducted within an enclosed building. Incidental maintenance or service associated with the use is prohibited.

2. On Parcel C north of the area designated as the 88 foot height zone on Exhibit C-2 the only permitted use is a residential use.

3. A food preparation use is only permitted on Parcels G and H.

4. A hotel-motel use is only permitted on Parcel D. If Parcel D is developed with a hotel-motel use, a cocktail lounge use, an indoor entertainment use, an outdoor swimming pool use (together with one or more associated hot tubs), and a laundry service use are each permitted as accessory uses to the hotel-motel use on Parcel D. A cocktail lounge use is not permitted as a principal use in the PUD.

5. A residential use includes the following uses that are authorized and may be permitted as an accessory use to the principal residential use:
   i. Personal improvement services use;
   ii. Sales, management, and leasing offices;
   iii. Indoor entertainment use;
   iv. Outdoor swimming pool use (together with one or more associated hot tubs); and
   v. Outdoor basketball or sport court use without lighting for night use.

6. Indoor sports and recreation use is limited to: (i) one bowling alley not to exceed 5,000 square feet of gross floor area, and (ii) an indoor racquetball or sports court use as an accessory use to a health or physical fitness studio use.

7. The total square footage for medical office use in the PUD may not exceed 175,000 square feet of gross floor area.

8. A theater use is limited to one movie theater use in the PUD not exceeding 28,000 square feet of gross floor area.

9. Any single ground floor commercial use on Parcel I located north of the internal demarcation line shown on Exhibit C-3 may not exceed 15,000 square feet of gross floor area.

10. A condominium residential use, multifamily residential use, hotel-motel use, and any accessory use to those uses are permitted in a tower on Parcel D that exceeds a height of 90 feet.

11. A condominium residential use or multifamily residential use, and any accessory use to those uses, are the only permitted uses in the two towers on Parcel G that exceed a height of 80 feet.

12. On Parcels B1 and B3 the only permitted use is a townhouse residential use. Subsection (A) of Section 25-2-775 (*Townhouses*) is waived and the townhouse site does not have to be platted to create individual townhouse lots if the townhouse development site is established as a condominium regime. Exclusive use areas will be created that function as lots for purposes of compliance with Section 25-2-775 (B) and (D) through (G).

13. On Parcel B2, permitted uses are a live-work unit, single family residential or townhouse residential use. Subsection (A) of Section 25-2-775 (*Townhouses*) is waived and the townhouse site does not have to be platted to create individual townhouse lots if the townhouse development site is established as a condominium regime. Exclusive use areas will be created that function as lots for purposes of compliance with Section 25-2-775 (B) and (D) through (G).

C. This subsection relates to a pedestrian-oriented use.

1. Seventy-five percent of the ground floor area as depicted on Exhibit C-3 *(Ground Floor Pedestrian-Oriented Use Frontages)* and shown as cross-hatched areas must be used for the following pedestrian oriented uses: art gallery, food sales, general retail sales (convenience or general), residential uses, restaurant (limited or general); and

2. The remaining twenty-five percent of the ground floor area as depicted on Exhibit C-3 may be any pedestrian-oriented use from the list of uses set forth in Section 25-2-691 (C)*(Waterfront Overlay(WO) District Uses)* of the City Code as it exists on the effective date of this ordinance, excluding a cocktail lounge use. Additional uses may not be added by the Land Use Commission under Section 25-2-691 (C)(12) .

3. A driveway may be located in the area designated for pedestrian-oriented uses.

D. The following uses are conditional uses in the PUD:

Commercial off-street parking
Off-site accessory parking
Custom manufacturing
Guidance services
Hospital services (limited)
Transportation terminal

E. The following activities are prohibited in the PUD:

1. A drive-in service is prohibited.

2. A helicopter facility as set forth in Section 25-2-861 *(Facilities for Helicopters and Other Nonfixed Wing Aircraft)* is prohibited.

PART 8. Site Development Regulations. Except as set forth in the ordinance, the Property is subject to community commercial-mixed use (GR-MU) site development regulations.

A. The PUD shall be developed according to the land use plan shown as Exhibits C-1 through C-4-A through C-4-D and as set forth in this part.

B. Section 2.3.1.B.2.b. of Subchapter E *(Design Standards and Mixed Use)* of Chapter 25-2 does not apply to this PUD.

C. Section 4.2.1.D.6.c of Subchapter E *(Design Standards and Mixed Use)* of Chapter 25-2 does not apply to this PUD, provided, however, that at least 650 square feet of site area is required for each dwelling unit.

D. The site development regulations established by Section 25-2-775 *(Townhouses)* with the exception of Section 25-2-775(C) apply to Parcels B1, B2, and B3.

except for Parcel A, whch is not subject to any site area requirements.

E. The total maximum impervious cover that may be developed overall on the Property is 85 percent. Individual lots may exceed 85 percent impervious cover.

F. The maximum floor-to-area ratio that may be developed overall on the Property is 2.8 to 1.0.

G. Except on Parcels B1, B2, and B3, the maximum building coverage for each parcel is 100 percent, subject to compliance with Subsection D and Exhibits C-4-A through C-4-D.

H. Except on Parcels B1, B2, and B3, the minimum lot size is 0 square feet.

I. Except on Parcels B1, B2, and B3, the minimum lot width is 0 feet.

J. There is no maximum number of residential units per acre, unless otherwise limited by other requirements established for this PUD.

K. Outdoor amplified sound is not permitted in the PUD.

L. Height limits and setbacks shall comply with Exhibit C-2 (*Maximum Building Area and Height Zones)* and as follows.

1. Building height shall be measured from the lowest point of the north/south internal street or driveway sidewalk grade adjacent to the building to:

   a. for a flat roof, the highest point of the coping;
   b. for a mansard roof, the deck line;
   c. for a pitched or hip roof, the average height of the highest gable; or
   d. for other roof styles, the highest point of the building.

2. Development of Parcel D is limited to a maximum height of 90 feet, except that one hotel/condominium residential tower above a maximum height of 90 feet may be constructed to a maximum height of 182 feet if the application for site plan approval for development of Parcel D complies with the following:

   a. the minimum distance between the finished ground floor of the building and the structural portion of the ceiling is 18 feet;

b. the minimum distance between the finished floor of one or more ballroom/meeting rooms and the structural portion of the ceiling is 33 feet;
c. the minimum distance between the finished floor and the structural portion of the ceiling for all hotel rooms shall be 9 feet;
d. no more than 65% of the gross floor area constructed above a height of 90 feet may be dwelling units;
e. no more than 50% of the combined gross floor area of all structures on Parcel D may be dwelling units;
f. the structure contains spaces designed, identified, and intended for each of the following uses: restaurant, cocktail lounge, spa, fitness center, and swimming pool; and
g. the applicant provides a letter commitment to the Watershed Protection and Development Review Department for review and approval that contains all of operational criteria as set forth in Exhibit F (*Operational Criteria for Hotel*).

3. Building Area.

a. For a tower on Parcel D, the building coverage above 90 feet may not exceed 20,000 square feet.
b. The building coverage above 80 feet of the two residential towers located on Parcel G may not exceed 32,000 square feet.
c. The building coverage above 80 feet of a single tower located on Parcel G may not exceed 17,600 square feet.
d. Except as authorized by Subsections e and f, no commercial use on a ground floor may have a ground floor footprint that exceeds 15,000 square feet of gross floor area.
e. One food sales use established in the PUD may have a ground floor footprint that exceeds 15,000 square feet of gross floor area up to a maximum of 45,000 square feet of gross floor area, but may not exceed 200 linear feet of frontage along an internal street or driveway or a public street.
f. In addition to the food sales use authorized by subsection e, four commercial uses may each have a ground floor footprint of up to a maximum of 20,000 square feet of gross floor area.

4. Setbacks. Setback requirements and required alleys are established by and illustrated on Exhibit C-2 *(Land Use Plan; Maximum Building Area and Height Zones)*. If a setback is not shown on the exhibit, the setback is 0 feet. The five foot setbacks from the alleys abutting Parcels B1 and B3 as illustrated on Exhibit C-2 shall be landscaped except for driveways and utility crossings.

5. Development of Parcel A is limited to a maximum height of 120 feet.

M. Internal Street or Driveway and Block Plan. *(Exhibit C-1)*

1. Internal streets or driveways within the PUD shall be developed with streetscape improvements and street design that comply with the applicable standards established by Exhibits C-4-A through C-4-D and with City of Austin Great Streets Program criteria that do not conflict with a requirement established by Exhibits C-4-A through C-4-D, except that site furnishings may be modified by the owner with the approval of the City. No certificate of occupancy for a structure on a parcel shall be issued until all internal streets or driveways abutting that structure are completed in compliance with this subsection.

2. Streetscapes for internal streets or drives, sidewalks and adjacent landscape zones shall be built according to Exhibits C-4-A through C-4-D, and according to the City of Austin's Great Streets Program criteria, which establishes street tree species, caliper, spacing, location from curb, planting detail, etc. The parallel parking (including drop-off and customer service zones) illustrated in Exhibits C-4-A through C-4-D may be eliminated if replaced by landscaped zones or publicly-accessible hardscape zones (e.g., plaza, sidewalk extension). The parallel parking including drop-off and customer service zones may be eliminated if required by City of Austin for safety purposes. The type and location of site furnishings (benches, internal street or driveway lighting, waste bins, etc.), may be modified from the Great Streets Program standard furnishings by the owner with the approval of the City. An internal street or driveway in the PUD shall be deemed to be an "Internal Circulation Route" for purposes of applying Subchapter E *(Design Standards and Mixed Use)* of Chapter 25-2.

3. A minimum 5-foot wide continuous unobstructed path must be maintained for all sidewalks within the PUD.

4. Internal drive alignments and curb cuts are subject to approval by all applicable governmental entities. The internal street or driveway alignments may be modified as long as no parcel block length or width is increased or decreased by more than five percent, unless the modification is required to satisfy a requirement of a governmental entity or to protect a tree pursuant to Subsection 8.

5. All internal street or driveways shall be constructed using City of Austin construction standards (e.g., paving depth), except as modified by the applicable design standards established by Subsection 1.

6. All internal streets or driveways may be public or private, and shall be accessible for public use and shall not be gated.

7. Drop-off and customer service zones may be provided within the eight foot wide parallel parking lanes as needed for safety purposes.

8. The twenty-six existing trees identified on Exhibit E *(Tree Survey)* must be preserved on the site. Internal street or driveway and parking locations may be adjusted to preserve existing trees identified on Exhibit E.

9. A minimum of one acre identified on Exhibit C-1 as Parcel E and Parcel J must be provided as public open space. A minimum of 75% of this public open space must be a landscaped area. For purposes of this requirement, "public open space" means an outdoor area located on the ground (but not on a roof, balcony, deck, porch, or terrace) that is designed and accessible to the public for outdoor recreation, pedestrian access, and excludes parking facilities, driveways, utility, and service areas.

N. Development in the PUD shall incorporate vegetative filter strips, retention/ irrigation systems, biofiltration, rainwater harvesting, or porous pavement for pedestrian surfaces. When one or more of those methods is utilized to the full extent feasible as determined by the Developer and approved by the City of Austin Watershed Protection and Development Review Department, the Developer may rely on traditional water quality methods to comply with remaining water quality requirements. If rainwater harvesting is incorporated, all cisterns shall be screened from public view (for example, within a garage, underground, or behind a decorative façade).

O. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, an Integrated Pest Management (IPM) plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. The IPM plan shall comply with the guidelines in Section 1.6.9.2 (D) and (F) of the Environmental Criteria Manual that are in effect on the date of this covenant.

P. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, a landscape plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. Ninety percent of the total plant material used, exclusive of turf, shall be native to Central Texas or on the Grow Green Native and Adapted Landscape Plants list, attached as Exhibit "D". Plants on the Invasive Species/Problem Plants list, attached as Exhibit "D-1", may not be included.

Q. All new residential and commercial development shall comply with Austin Energy Green Building Program in effect on March 26, 2007, to achieve a minimum two-star rating.

R. 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 30,906 trips. All development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department, dated March 26, 2007 which was based on a Traffic Impact Analysis ("TIA") prepared by WHM Transportation Engineering, Inc., dated August 2006, or as amended and approved by the Director of the Watershed Protection and Development Review Department. The TIA shall be kept on file at the Watershed Protection and Development Review Department.

S. Notice of all site plan applications to develop Property within the PUD shall be sent by the City to the owners of land within 1,000 feet of the boundary of the PUD. The City shall be responsible for providing this notice and shall use its best efforts to do so. A failure or deficiency by the City in providing

notice to the owner of land more than 300 feet from the boundary of the PUD shall not be a basis, by itself, for delay or adverse action by the City in processing or approving a site development application.

T. As an alternative, a building permit for a structure on Parcel C may be issued using the building envelope, setback, location, and dimensions illustrated by Exhibit C-5 (*Land Use Plan: Alternative Internal Street or Driveway and Block Plan With Church Access Easement*) only after the roadway shown in Exhibit C-4-D is constructed abutting the western boundary of the PUD north of Luther Lane to Concordia Avenue and is accessible for public use. No certificate of occupancy for any structure on Parcel C shall be issued until the all improvements required by Exhibit C-4-D are installed.

Part 10

~~**PART 9.**~~ The Council finds that the need for development certainty for the Property creates an emergency. Because of this emergency, this ordinance takes effect immediately on its passage for the preservation of the public peace, health, and safety.

PASSED AND APPROVED

§
§
§

March 26, 2007

Will Wynn
Mayor

APPROVED: David Allan Smith
City Attorney

ATTEST: Shirley A. Gentry
City Clerk

Part 9. Parcel A shall reserve 5% of the total residential units as affordable units for individuals or families earning at or below 80% Median Family Income (MFI) for the bonus area (above 65 feet); or shall pay a fee in-lieu of $7 per square foot of bonus area.

U. Development on Parcel A shall use on-site alternate water sources (AC condensate, foundation drain water, rainwater, stormwater, etc.) to meet 100% of non-potable uses, to the extent that such on-site alternative sources are available and sufficient to meet non-potable demand, such as irrigation, cooling, toilet/urinal flushing, and other significant non-potable water uses identified in Austin Water Utility's Water Balance Calculator Tool.

20.563 ACRES
TRACT A
(TRACTS 1-4)

EXHIBIT A

FN. NO. 06-442(MAZ)
AUGUST 09, 2006
BPI JOB NO. 1689-01

DESCRIPTION

OF 20.563 ACRES OF LAND OUT OF OUTLOT NUMBERS TWENTY-ONE AND TWENTY-TWO, DIVISION "C" OF THE GOVERNMENT OUTLOTS ADJOINING THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING COMPRISED OF THE FOLLOWING CERTAIN TRACTS OF LAND DESCRIBED IN DEEDS TO CONCORDIA LUTHERAN COLLEGE: A PORTION OF 18.656 ACRES IN VOLUME 1467, PAGE 57; A 14,618 SQUARE FOOT TRACT IN VOLUME 9315, PAGE 438; A 0.138 ACRE TRACT IN VOLUME 8896, PAGE 111; ALL OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; LOT 34, LOT 35, AND A PORTION OF LOT 36, HANCOCK PARK SUBDIVISION OF RECORD IN VOLUME 4, PAGE 345, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID LOTS HAVING BEEN CONVEYED TO CONCORDIA LUTHERAN COLLEGE BY THE DEEDS OF RECORD IN VOLUME 2404, PAGE 601, VOLUME 2404, PAGE 590, AND VOLUME 2404, PAGE 596, RESPECTIVELY OF SAID DEED RECORDS; LOT 9 AND LOT 10 OF PLAINVIEW HEIGHTS RESUBDIVISION OF RECORD IN VOLUME 4, PAGE 23, OF SAID PLAT RECORDS; SAID LOTS HAVING BEEN CONVEYED TO CONCORDIA LUTHERAN COLLEGE BY THE DEED OF RECORD IN VOLUME 6628, PAGE 1313 OF SAID DEED RECORDS;SAID 20.563 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2 inch iron rod with cap set on the northerly right-of-way line of East 32nd Street(60' R.O.W.), for the southerly common corner of said 18.656 acre tract and that certain 237 square foot tract conveyed to the City of Austin, of record in Volume 10864, Page 249 of said Deed Records, for the southerly most southwesterly corner hereof, from which a 1/2 inch iron rod found on said northerly right-of-way line of East 32nd Street, for the southwesterly corner of Lot 1, Block 'A", Resubdivision of CPLMA Subdivision, of record in Volume 77, Page 153 of said Plat Records bears N62°36'12"W, a distance of 356.70 feet;

THENCE, N27°23'01"E, along a portion of the westerly line of said 18.656 acre tract, being in part the easterly line of said 237 square foot tract and in part the easterly line of that certain 0.2201 acre tract described in the deed to Columbia/St.David's Healthcare System, L.P., of record in Volume 12725, Page 1436, of the Real Property Records of Travis County, Texas, for a portion of the westerly line hereof, a distance of 210.00 feet to a 1/2 inch iron rod pipe found for the northeasterly corner of said 0.2201 acre tract and being an interior ell corner of said 18.656 acre tract, for an angle point hereof;

THENCE, N62°36'12"W, continuing along the westerly line of said 18.656 acre tract, being in part the northerly line of said 0.2201 acre tract and in part the northerly line of that certain tract described in the deed to Bruno Ybarra Et Ux, of record in Volume 8102, Page 578, of said Deed Records, for a portion of the westerly line hereof, a distance of 123.23 feet to a 1/2 inch iron rod with cap set for the southeasterly corner of Lot 14 of said Hancock Park subdivision, said Lot 14 having been conveyed to James B. Stedman and Dana P. Stedman, by the deed of record in Volume 12865, Page 1863 of said Real Property Records, for an angle point hereof, from which a 1/2 inch iron pipe found in the southerly line of said Lot 14, for the apparent northwesterly corner of said Ybarra tract bears N62°36'12"W, a distance of 23.23 feet;

THENCE, N28°00'39"E, continuing along the westerly line of said 18.656 acre tract, being in part the easterly line of said Lot 14 and in part the easterly line of Kim Lane (50'R.O.W.) dedicated by said plat of Hancock Park, for a portion of the westerly line hereof, passing at a distance of 89.46 feet a 1/2 inch iron rod found for the northeasterly corner of said Lot 14, continuing for a total distance of 486.55 feet to a 1/2 inch iron rod with cap set for the southeasterly corner of said 14,618 square foot tract, for an angle point hereof;

THENCE, N62°28'47"W, leaving the westerly line of said 18.656 acre tract, in part along the southerly line of said 14,618 square foot tract and in part the southerly line of Lot 34 of said Hancock Park subdivision, same being in part the northerly right-of-way line of Duncan Lane (50' R.O.W.) dedicated by said plat of Hancock Park, for a portion of the westerly line hereof, a distance of 133.39 feet to a 1/2 inch iron rod with cap set for the southerly common corner of said Lot 34 and Lot 2, Resubdivision of Hancock Park Annex, a subdivision of record in Volume 50, Page 92, of said Plat Records, said Lot 2 being included within a Master Deed and Declaration for the Pointe Condominiums, of record in Volume 7629, Page 643 of said Deed Records, from which a 1/2 inch iron pipe found bears S27°33'39"W, a distance of 0.46 feet;

THENCE, N27°33'39"E, leaving said northerly right-of-way line of Duncan Lane along the common line of said Lot 34 and said Lot 2, for a portion of the westerly line hereof, a distance of 169.91 feet to a 1/2 inch iron rod with cap set for the common corner of said Lot 2, said Lot 34, said Lot 35, and said Lot 36, for an angle point hereof;

THENCE, along the common line of said Lot 2 and said Lot 35, for a portion of the westerly line hereof, the following two (2) courses and distances:

1) N62°26'21"W, a distance of 83.63 feet to a 1/2 inch iron rod with cap set for the southwesterly corner of said Lot 35;

2) N27°33'39"E, a distance of 169.97 feet to a 1/2 inch iron pipe found for the northerly common corner of said Lot 2 and said Lot 35, being on the southerly right-of-way line of Luther Lane (50' R.O.W.) dedicated by said plat of Hancock Park, for an angle point hereof, from which a 1/2 inch iron rod found on said southerly right-of-way line of Luther Lane and on the easterly right-of-way line of Red River (R.O.W. varies) bears N62°28'47"W, a distance of 380.33 feet;

THENCE, S62°28'47"E, along said southerly right-of-way line of Luther Lane, being in part the northerly line of said Lot 35 and in part a portion of the northerly line of said Lot 36, for a portion of the westerly line hereof, a distance of 139.69 feet to a 1/2 inch iron rod with cap set for the northwesterly corner of that certain 982 square foot Tract "A" conveyed to the City of Austin for street right-of-way, of record in Volume 9547, Page 959, of said Real Property Records, for the beginning of a curve to the left;

THENCE, continuing along the southerly right-of-way line of Luther Lane, being in part the southerly line of said 982 square foot Tract "A", in part the northerly line of said 14,618 square foot tract, and in part the easterly line of that certain 1118 square foot Tract "B" of record in said Volume 9547, Page 959, for a portion of the westerly line hereof, with said curve to the left having a radius of 50.00 feet, a central angle of 232°29'43", an arc length of 202.89 feet, and a chord which bears S88°52'16"E, a distance of 89.69 feet to a 1/2 inch iron rod found for the northerly corner of said 1118 square foot Tract "B", being in the westerly line of said 18.656 acre tract, for an angle point hereof;

THENCE, N28°00'39"E, along the westerly line of said 18.656 acre tract, being in part the easterly line of said Luther Lane, and in part the easterly line of that certain 5.8681 acre tract described in a Deed of Trust executed by Saint Paul's Evangelical Lutheran Church, of record in Document No. 2004024228 of the Official Public Records of Travis County, Texas, for a portion of the westerly line hereof, a distance of 447.51 feet to a 1/2 inch iron rod found for the northerly common corner of said 5.8681 acre tract and said 18.656 acre tract, for an angle point hereof, being in the southerly line of that certain 150'x 66.8' tract described in the deed to Nathan H. Lestico and Kent R. Lestico, of record in Volume 5368, Page 1643 of said Deed Records;

THENCE, S62°09'37"E, along a portion of the northerly line of said 18.656 acre tract, being in part the southerly line of said Lestico tract and in part the southerly line of that certain 0.229 acre tract described in the deed to Joseph E. Piper, of record in Document No. 2001216768 of said Official Public Records, for a portion of the northerly line hereof, passing at a distance of 13.27 feet a 1/2 inch iron rod found for the southerly common corner of said Lestico tract and said 0.229 acre tract, continuing for a total distance of 80.10 feet to a 1/2 inch iron rod with cap set for the southerly common corner of said 0.229 acre tract and said Lot 10 of Plainview Heights, from which a 1/2 inch iron pipe found bears S62°09'37"E, a distance of 0.84 feet;

THENCE, N27°56'19"E, leaving the northerly line of said 18.656 acre tract along the westerly line of said Lot 10 and said Lot 9, being the easterly line of said 0.229 acre tract, for a portion of the northerly line hereof, a distance of 117.80 feet to a 1/2 inch iron rod with cap set for the northwesterly corner of said Lot 9 and being the southwesterly corner of Lot 8 of said Plainview Heights, for the northerly most northwesterly corner hereof, from which a 1/2 inch iron rod found in the westerly line of said Lot 8 for the apparent northeasterly corner of said 0.229 acre tract bears N27°56'19"E, a distance of 32.38 feet;

THENCE, S62°19'56"E, along the common line of said Lot 9 and said Lot 8, for a portion of the northerly line hereof, a distance of 177.08 feet to a 1/2 inch iron pipe found for the easterly common corner of said Lot 9 and said Lot 8, for the northerly most northeasterly corner hereof, being on the westerly right-of-way line of Harmon Avenue (50'R.O.W.), from which a 1/2 inch iron pipe found on said westerly right-of-way line of Harmon Avenue bears N28°12'56"E, a distance of 101.37 feet;

THENCE, S28°12'56"W along said westerly right-of-way line of Harmon Avenue, being in part the easterly line of said Lot 9, the easterly line of said Lot 10 and the easterly line of said 0.138 acre tract, for a portion of the northerly line hereof, passing at a distance of 118.50 feet, a 1/2 inch iron pipe found 0.19' east of line for the easterly common corner of said 0.138 acre tract and said Lot 10, continuing for a total distance of 168.33 feet to a calculated point for the southeasterly corner of said 0.138 acre tract, being in the northerly line of said 18.656 acre tract and the southerly line of Concordia Avenue (50' R.O.W.), for an angle point hereof, from which an "X" found cut in concrete bears N26°31'18"W, a distance of 0.43 feet;

THENCE, S62°22'15"E, along said southerly line of Concordia Avenue, being the northerly line of said 18.656 acre tract, for a portion of the northerly line hereof, a distance of 307.30 feet to a 1/2 inch iron rod found on the westerly right-of-way line of Interstate Highway No. 35 (R.O.W. varies), for the easterly most northeasterly corner hereof;

THENCE, along the westerly right-of-way line of Interstate Highway No. 35, being the easterly line of said 18.656 acre tract, for the easterly line hereof, the following two (2) courses and distances:

1) S27°56'35"W, a distance of 784.07 feet to a 1/2 inch iron rod found for an angle point;

2) S27°34'22"W, a distance of 686.55' feet to a 1/2 inch iron rod with cap set for the southeasterly corner of said 18.656 acre tract, being on the northerly right-of-way line of East 32ND Street, for the southeasterly corner hereof;

THENCE, N62°36'12"W, along said northerly right-of-way line of East 32ND Street, being the southerly line of said 18.656 acre tract, for the southerly line hereof, a distance of 444.41 feet to the **POINT OF BEGINNING,** containing an area of 20.563 acres (895,743 square feet) of land, more or less, within these metes and bounds.

BEARING BASIS NOTE: THE BASIS OF BEARING IS REFERENCED TO THE TEXAS COORDINATE SYSTEM, 83(93), CENTRAL ZONE, UTILIZING CITY OF AUSTIN GPS CONTROL NETWORK MONUMENTS.

I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE THAT THIS DESCRIPTION IS BASED UPON A SURVEY MADE ON THE GROUND BY BURY+PARTNERS, COMPLETED DURING THE MONTH OF AUGUST 2006. A LAND TITLE SURVEY WAS PREPARED TO ACCOMPANY THIS FIELDNOTE DESCRIPTION.

BURY & PARTNERS, INC.
ENGINEERING SOLUTIONS
3345 BEE CAVE ROAD, SUITE 200
AUSTIN, TEXAS 78746

8/9/06

JOHN T. BILNOSKI DATE
R.P.L.S. NO. 4998
STATE OF TEXAS



1.642 ACRES
TRACT B
(TRACTS 5-11)

EXHIBIT A

FN. NO. 06-443(ACD)
AUGUST 09, 2006
BPI JOB NO. 1689-01

DESCRIPTION

OF 1.642 ACRES OF LAND OUT OF OUTLOT NUMBER TWENTY-ONE, DIVISION "C" OF THE GOVERNMENT OUTLOTS ADJOINING THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING COMPRISED OF THE FOLLOWING CERTAIN TRACTS OF LAND: ALL OF THAT 0.766 ACRE TRACT OF LAND CONVEYED TO CONCORDIA LUTHERAN COLLEGE BY DEED OF RECORD IN VOLUME 10359, PAGE 237, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; ALL OF LOTS 1 AND 2, RESUBDIVISION OF A PORTION OF BLOCK 3, PLAINVIEW HEIGHTS, A SUBDIVISION OF RECORD IN VOLUME 9, PAGE 85, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AS CONVEYED TO CONCORDIA LUTHERAN COLLEGE BY DEED OF RECORD IN VOLUME 11100, PAGE 1194, OF SAID REAL PROPERTY RECORDS (LOT 1) AND TO CONCORDIA UNIVERSITY AT AUSTIN BY DEED OF RECORD IN VOLUME 12850, PAGE 1570, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (LOT 2); ALL OF THOSE CERTAIN TRACTS DESCRIBED IN AND CONVEYED TO CONCORDIA LUTHERAN COLLEGE BY DEEDS OF RECORD IN VOLUME 1962, PAGE 488, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; A PORTION OF THAT CERTAIN TRACT CONVEYED TO CONCORDIA LUTHERAN COLLEGE BY DEED OF RECORD IN VOLUME 4025, PAGE 660, OF SAID DEED RECORDS; AND ALL OF THAT CERTAIN 0.104 ACRE TRACT CONVEYED TO CONCORDIA LUTHERAN COLLEGE BY DEED OF RECORD IN VOLUME 10633, PAGE 145, OF SAID REAL PROPERTY RECORDS; SAID 1.642 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2-inch iron rod found on the westerly right-of-way line of IH-35 (200' R.O.W.), being on the easterly line of Lot C, L.C. Johnson's Resubdivision of a Portion of Lot 3, Plainview Heights, a subdivision of record in Volume 25, Page 22, of said Plat Records, for the southeasterly corner of that certain tract of land conveyed to Reuben M. Brooks by deed of record in Volume 9253, Page 503, of said Real Property Records, for the northeasterly corner of said 0.766 acre tract and hereof;

THENCE, S28°09'04"W, along said westerly right-of-way line of IH-35, being the easterly line of said 0.766 acre tract, same being a portion of the easterly line of said Lot C, at a distance of 82.22 feet passing an iron pipe found for the southeasterly corner of said Lot C, also being the northeasterly corner of Lot 3 of said Resubdivision of a Portion of Block 3, Plainview Heights, and continuing for a total distance of 350.43 feet to a 1/2-inch iron rod with cap set at the southeasterly corner of said 0.104 acre tract, being on the northerly right-of-way line of Concordia Avenue (50' R.O.W.), for the southeasterly corner hereof;

THENCE, N62°22'15"W, leaving said westerly right-of-way line of IH-35, along said northerly right-of-way line of Concordia Avenue, being the southerly lines of said 0.104 acre tract and said tract of record in Volume 1962, Page 488, of said Deed Records, a distance of 256.59 feet to a 1/2-inch iron rod with cap set on the easterly right-of-way line of Harmon Avenue (50' R.O.W.), for the southwesterly corner hereof;

THENCE, N28°08'42"E, leaving said northerly right-of-way line of Concordia Avenue, along said easterly right-of-way line of Harmon Avenue, being the westerly line of said tract of record in Volume 1962, Page 488, of said Deed Records, a distance of 68.08 feet to a 1/2-inch iron rod with cap set at the northwesterly corner of said tract of record in Volume 1962, Page 488, of said Deed Records, being the southwesterly corner of that certain tract conveyed to Nathan H. Leistico and Kent Leistico by deed of record in Voluem 5674, Page 34, of said Deed Records, for an angle point hereof;

THENCE, S62°22'15"E, leaving said easterly right-of-way line of Harmon Avenue, along the southerly line of said Leistico tract, being the northerly line of said tract of record in Volume 1962, Page 488, a distance of 140.01 feet to a 1/2-inch iron rod with cap set at the southeasterly corner of said Leistico tract, for an interior corner hereof;

THENCE, N28°08'42"E, along the easterly line of said Leistico tract, a distance of 49.92 feet to a 1/2-inch iron rod found at the northeasterly corner of said Leistico tract, being on the southerly line of said Lot 2, for an interior corner hereof;

THENCE, N62°22'15"W, along the northerly line of said Leistico tract, being the southerly line of said Lot 2, a distance of 140.01 feet to a 1/2-inch iron rod with cap set at the northwesterly corner of said Leistico tract, being on said easterly right-of-way line of Harmon Avenue, for the southwesterly corner of said Lot 2 and an angle point hereof;

THENCE, N28°08'42"E, along said easterly right-of-way line of Harmon Avenue, being the westerly lines of said Lot 2, said Lot 1, and said 0.766 acre tract, a distance of 150.14 feet to a 1/2-inch iron rod with cap set at the northwesterly corner of said 0.766 acre tract, being the southwesterly corner of Lot B, of said L.C. Johnson's Resubdivision of a Portion of Lot 3, Plainview Heights, for the northwesterly corner hereof, from which an iron pipe found at the northwesterly corner of said Lot B bears N28°08'42"E, a distance of 97.50 feet;

THENCE, S62°29'28"E, leaving said easterly right-of-way line of Harmon Avenue, along the southerly line of said Lot B, being the northerly line of said 0.766 acre tract, a distance of 138.67 feet to a 1/2-inch iron rod found at the southeasterly corner of said Lot B, being the southwesterly corner of said Lot C, for an interior corner of said 0.766 acre tract and hereof;

THENCE, N27°58'11"E, along the easterly line of said Lot B, being the westerly line of said Lot C and said 0.766 acre tract, a distance of 81.89 feet to a 1/2-inch iron rod with cap set at the northwesterly corner of said 0.766 acre tract, being the southwesterly corner of said Reuben M. Brooks tract, for the northwesterly corner hereof, from which a 1/2-inch iron rod found at the northeasterly corner of said Lot B bears N27°58'11"E, a distance of 15.70 feet;

THENCE, S62°25'12"E, leaving the easterly line of said Lot B, along the southerly line of said Reuben M. Brooks tract, being the northerly line of said 0.766 acre tract, a distance of 118.21 feet to the **POINT OF BEGINNING**, and containing 1.642 acres (71,545 square feet) of land, more or less, within these metes and bounds.

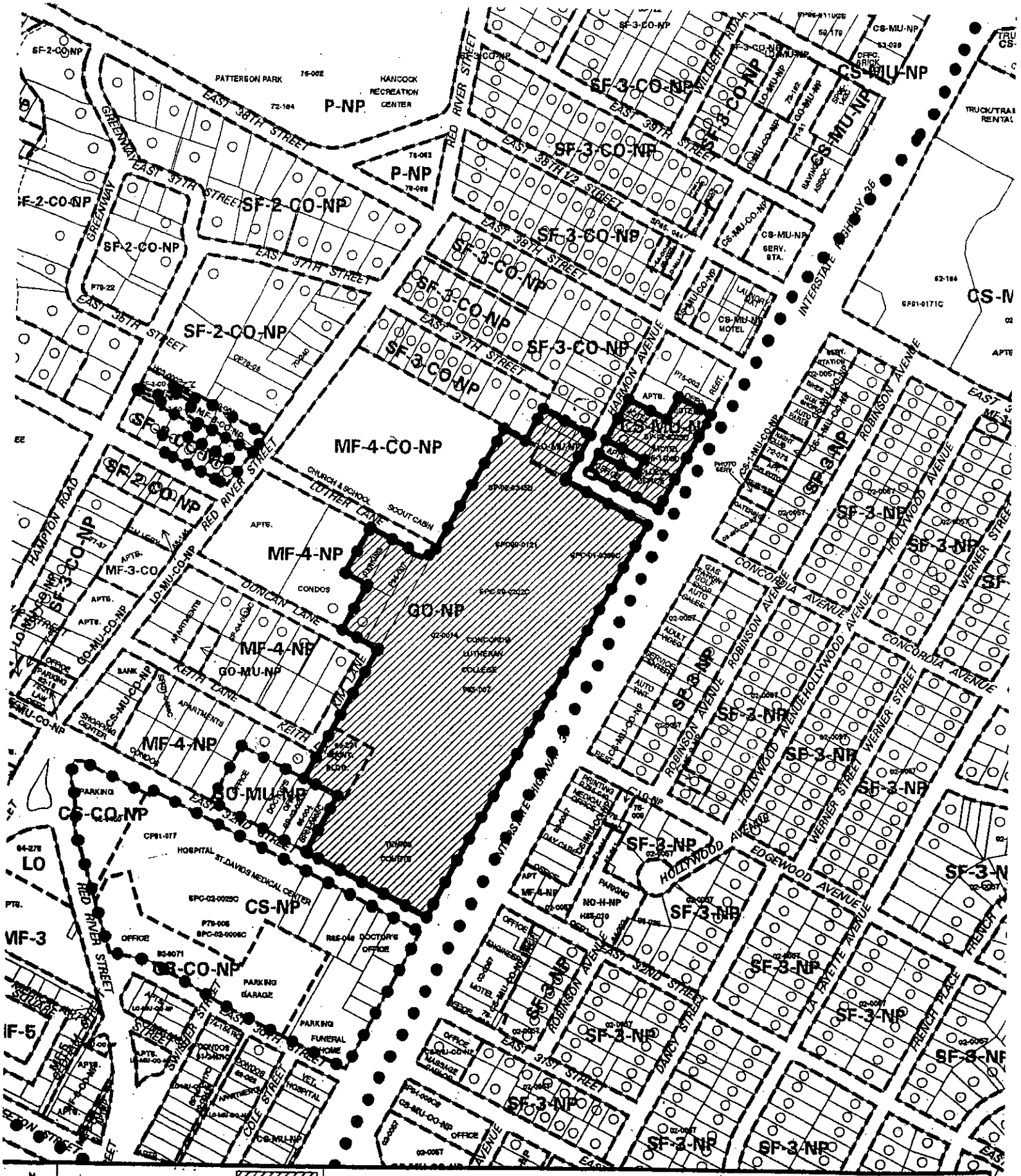
BEARING BASIS NOTE: THE BASIS OF BEARING IS REFERENCED TO THE TEXAS COORDINATE SYSTEM, 83(93), CENTRAL ZONE, UTILIZING CITY OF AUSTIN GPS CONTROL NETWORK.

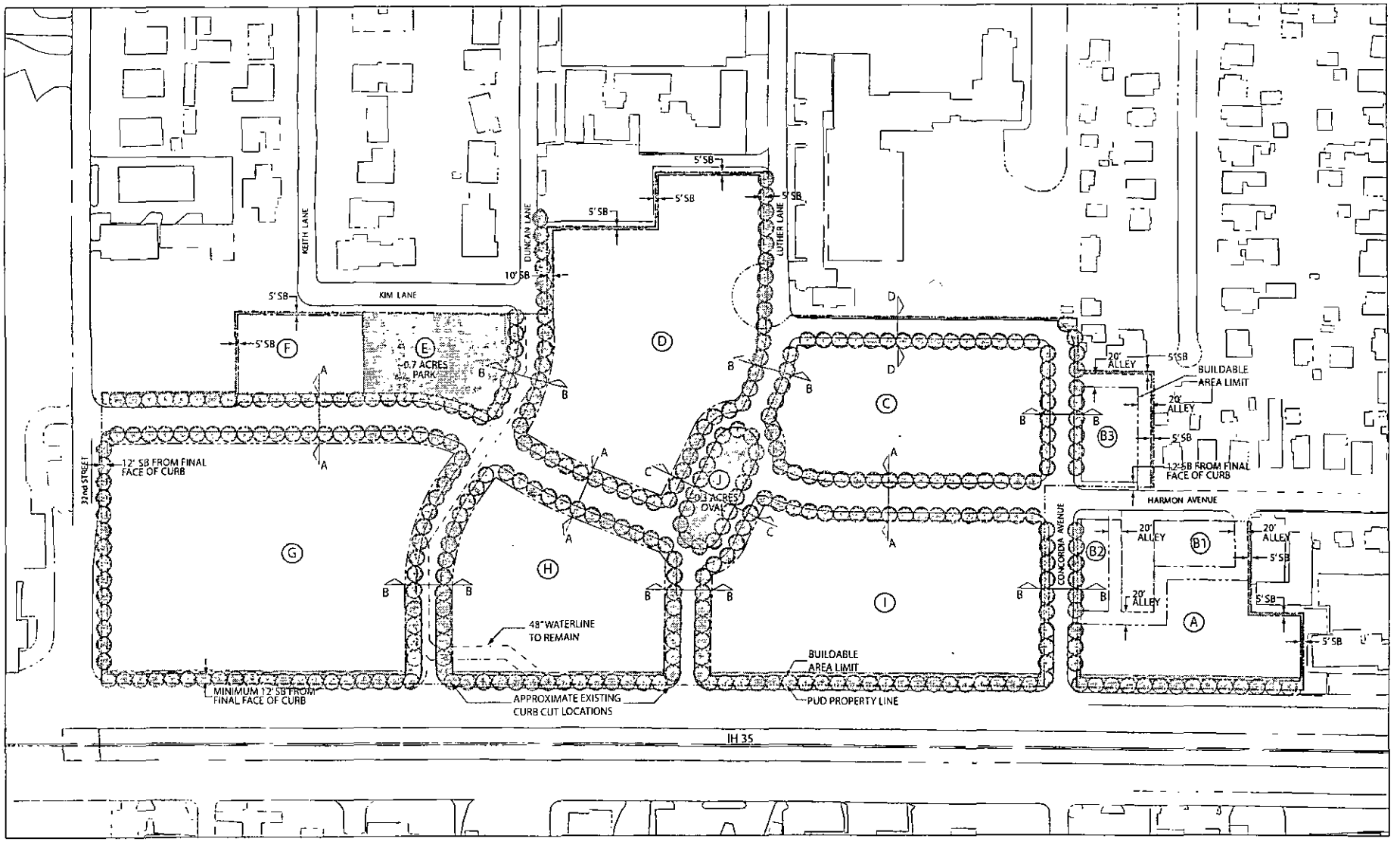
I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE THAT THIS DESCRIPTION IS BASED UPON A SURVEY MADE ON THE GROUND BY BURY+PARTNERS, INC., COMPLETED DURING THE MONTH OF AUGUST 2006. A LAND TITLE SURVEY WAS PREPARED TO ACCOMPANY THIS FIELDNOTE DESCRIPTION.

BURY & PARTNERS, INC.
ENGINEERING SOLUTIONS
3345 BEE CAVES ROAD, SUITE 200
AUSTIN, TEXAS 78746

8/9/06
JOHN T. BILNOSKI, R.P.L.S.
NO. 4998
STATE OF TEXAS

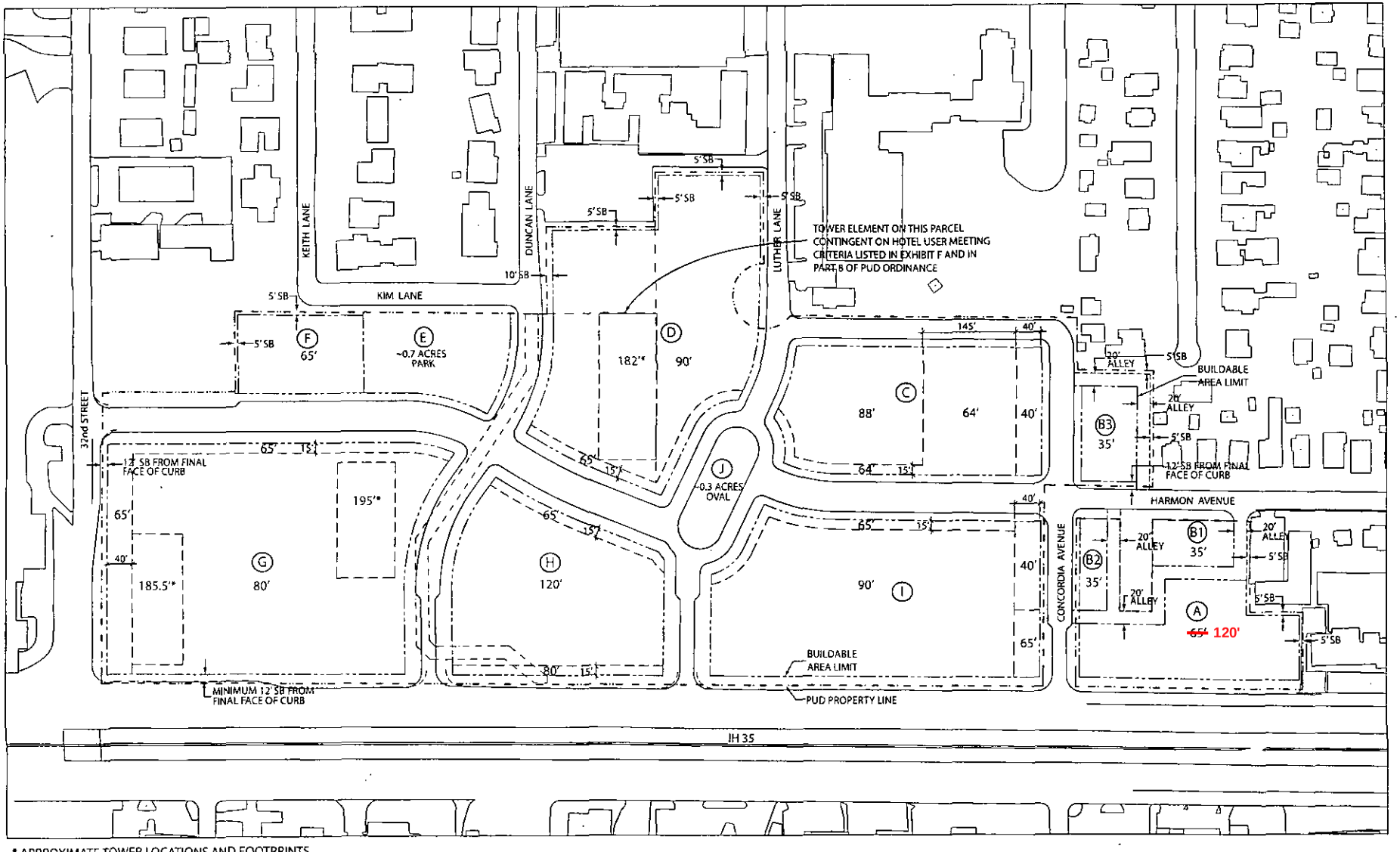



SF-2-CO-NP
SF-3-CO-NP
MF-4-CO-NP
MF-4-NP
GO-NP
GO-MU-NP
CS-NP
CS-CO-NP
CS-MU-NP
P-NP
SF-3-NP
LO
LO-MU-CO-NP
MF-3-CO
PATTERSON PARK
HANCOCK RECREATION CENTER
EAST 38TH STREET
EAST 37TH STREET
EAST 32ND STREET
EAST 31ST STREET
RED RIVER STREET
GREENWAY
HARMON AVENUE
INTERSTATE HIGHWAY 35
ROBINSON AVENUE
HOLLYWOOD AVENUE
WERNER STREET
CONCORDIA AVENUE
EDGEWOOD AVENUE
LA FAYETTE AVENUE
FRENCH PLACE
DANCY STREET
COLE STREET
HAMPTON ROAD
DUNCAN LANE
KEITH LANE
OM LANE
LUTHER LANE
CHURCH & SCHOOL
SCOUT CABIN
CONCORDIA LUTHERAN COLLEGE
ST. DAVIDS MEDICAL CENTER
TRUCK/TRAILER RENTAL
SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR: J. ROUSSELIN
1" = 400'
PLANNED UNIT DEVELOPMENT EXHIBIT B
CASE #: C814-06-0175
ADDRESS: 3400 N IH 35 SVRD
DATE: 06-08
SUBJECT AREA (acres): 22.205
INTLS: SM
CITY GRID REFERENCE NUMBER
K25



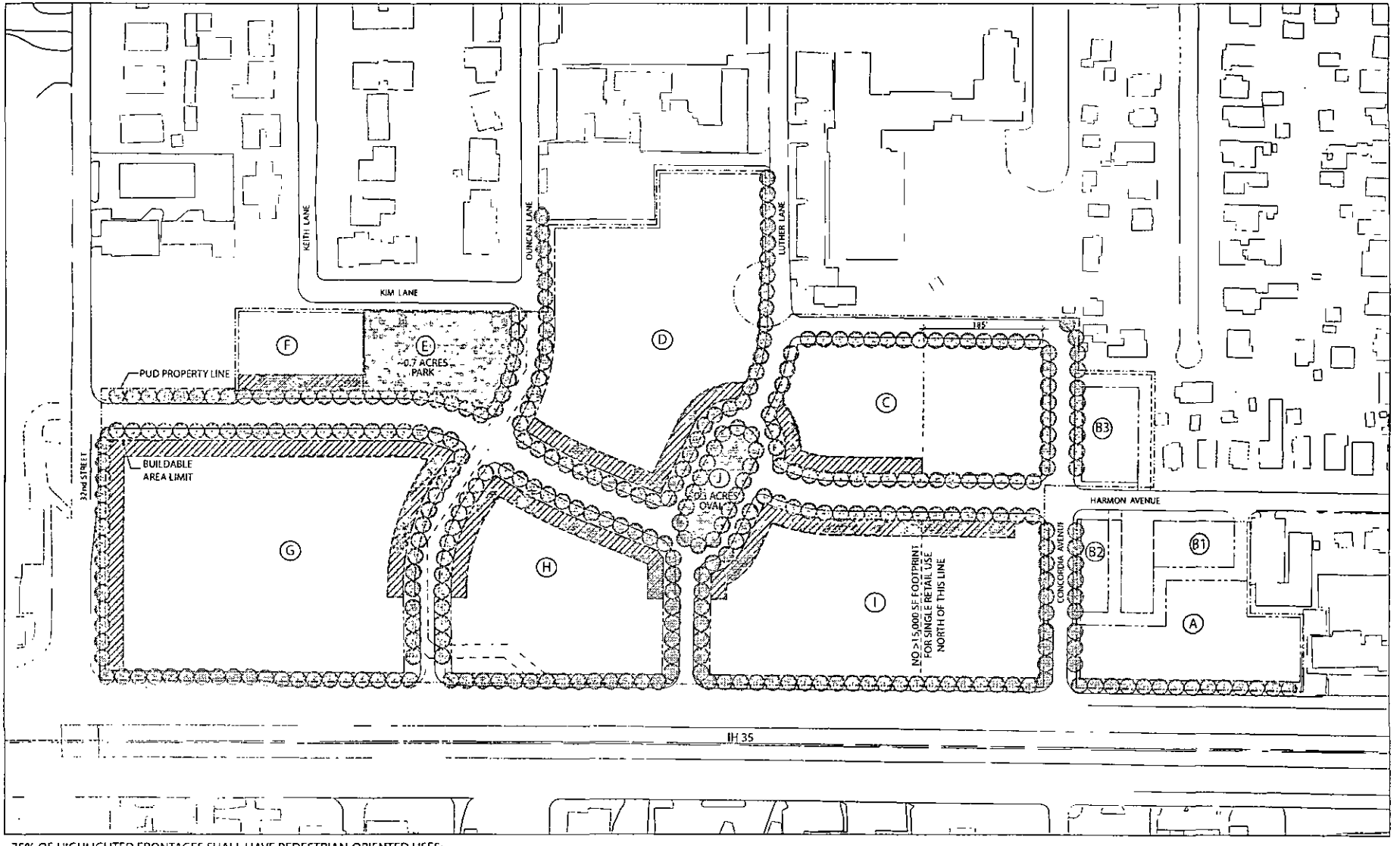
—·—·— BUILDABLE AREA LIMIT

EAST AVENUE PUD
EXHIBIT C-1: LAND USE PLAN
INTERNAL STREET OR DRIVEWAY AND BLOCK PLAN
Prepared by ROMA Design Group



* APPROXIMATE TOWER LOCATIONS AND FOOTPRINTS
SB = SETBACK
– – – – BUILDABLE AREA LIMIT

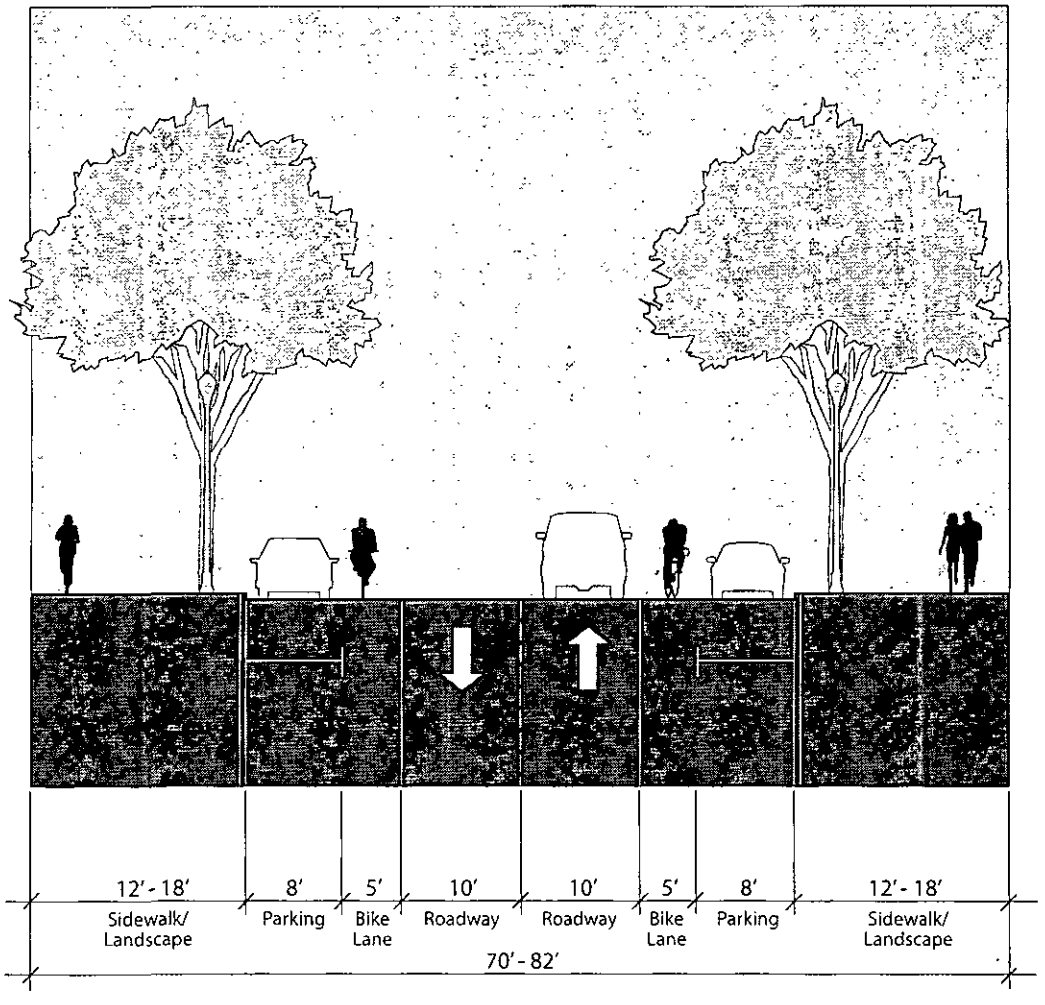
EAST AVENUE PUD
EXHIBIT C-2: LAND USE PLAN
MAXIMUM BUILDING AREA AND HEIGHT ZONES
Prepared by ROMA Design Group



75% OF HIGHLIGHTED FRONTAGES SHALL HAVE PEDESTRIAN-ORIENTED USES;
USES ON REMAINING UNHIGHLIGHTED FRONTAGES ARE NOT LIMITED

0 50 100 200 ft

EAST AVENUE PUD
EXHIBIT C-3: LAND USE PLAN
GROUND FLOOR PEDESTRIAN-ORIENTED USE FRONTAGES
Prepared by ROMA Design Group



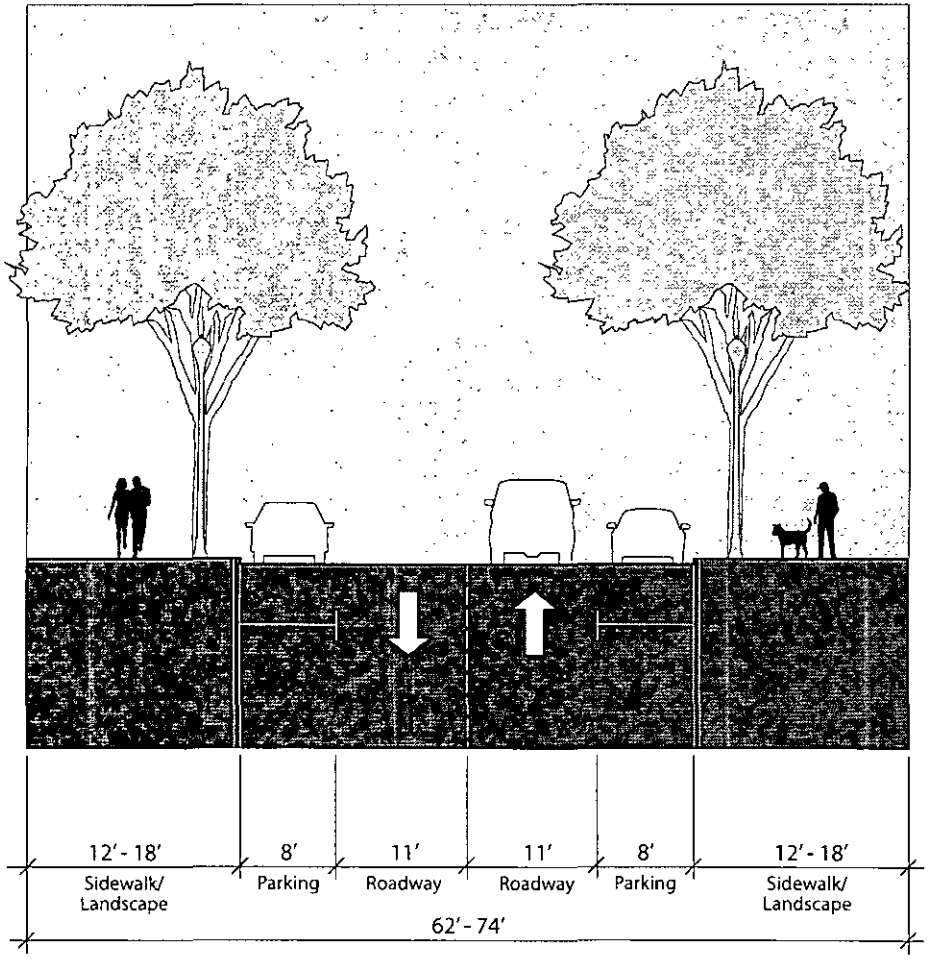
EAST AVENUE PUD

EXHIBIT C-4-A

SECTION AA : NORTH / SOUTH INTERNAL STREET OR DRIVEWAY

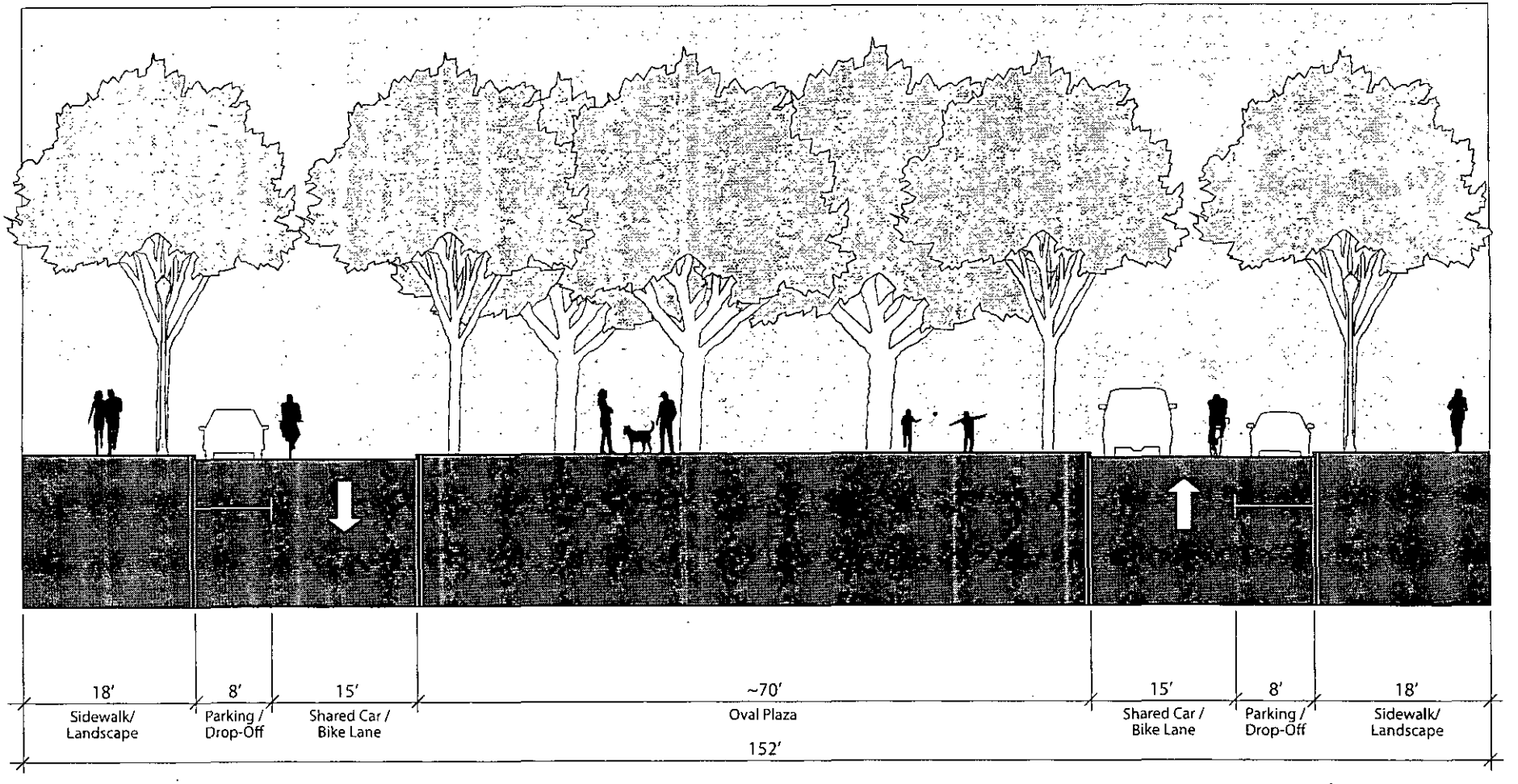
Prepared by ROMA Design Group

NOTE: ALL INTERNAL STREETS OR DRIVEWAYS AND PUBLIC STREET FRONTAGES SHALL COMPLY WITH THOSE CITY OF AUSTIN GREAT STREETS PROGRAM STANDARDS NOT MODIFIED BY THIS EXHIBIT OR THE PUD ORDINANCE



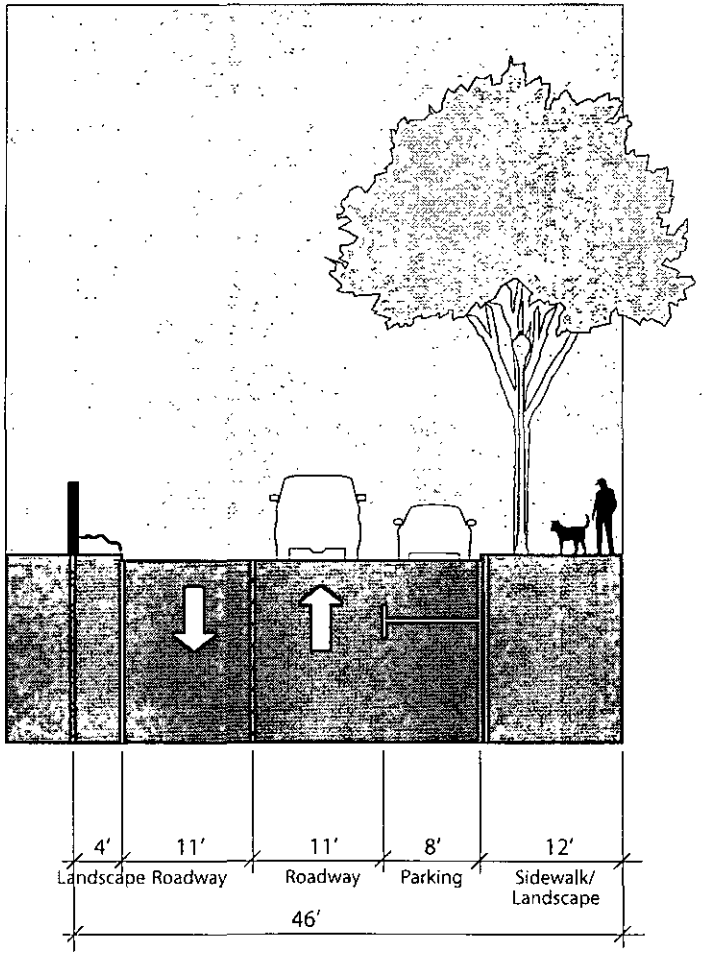
EAST AVENUE PUD
EXHIBIT C-4-B
SECTION BB: EAST / WEST STREETS OR DRIVEWAYS
Prepared by ROMA Design Group

NOTE: ALL INTERNAL STREETS OR DRIVEWAYS AND PUBLIC STREET FRONTAGES SHALL COMPLY WITH THOSE CITY OF AUSTIN GREAT STREETS PROGRAM STANDARDS NOT MODIFIED BY THIS EXHIBIT OR THE PUD ORDINANCE



EAST AVENUE PUD
EXHIBIT C-4-C
SECTION CC: INTERNAL OVAL STREET OR DRIVEWAY
Prepared by ROMA Design Group

NOTE: ALL INTERNAL STREETS OR DRIVEWAYS AND PUBLIC STREET FRONTAGES SHALL COMPLY WITH THOSE CITY OF AUSTIN GREAT STREETS PROGRAM STANDARDS NOT MODIFIED BY THIS EXHIBIT OR THE PUD ORDINANCE



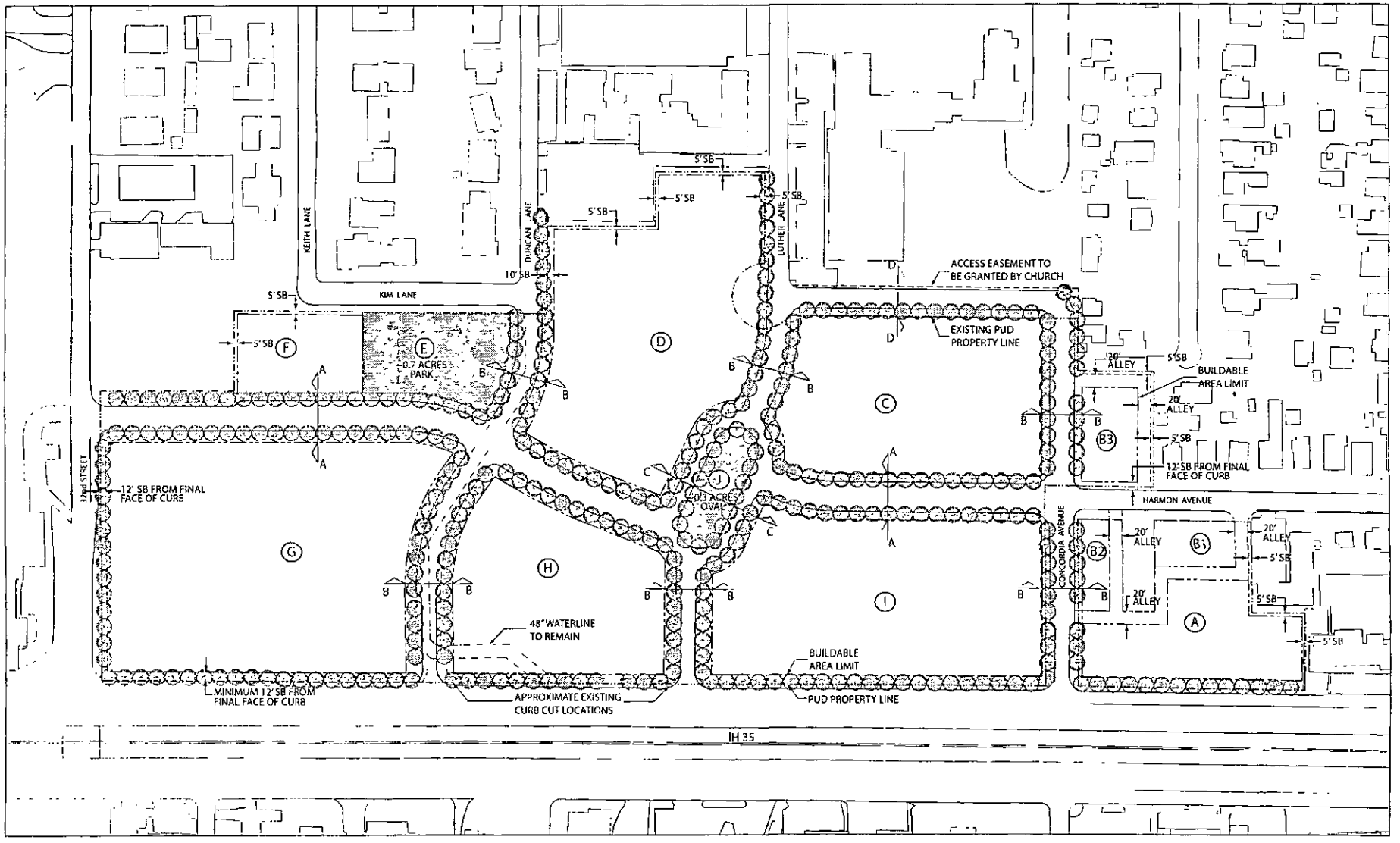
EAST AVENUE PUD

EXHIBIT C-4-D

SECTION DD : INTERNAL STREET OR DRIVEWAY AT CHURCH PROPERTY EDGE

Prepared by ROMA Design Group

NOTE: ALL INTERNAL STREETS OR DRIVEWAYS AND PUBLIC STREET FRONTAGES SHALL COMPLY WITH THOSE CITY OF AUSTIN GREAT STREETS PROGRAM STANDARDS NOT MODIFIED BY THIS EXHIBIT OR THE PUD ORDINANCE



EAST AVENUE PUD
EXHIBIT C-5: LAND USE PLAN
ALTERNATIVE INTERNAL STREET OR DRIVEWAY AND BLOCK PLAN WITH CHURCH ACCESS EASEMENT
Prepared by ROMA Design Group

EXHIBIT D
Grow Green Native and Adapted Landscape Plants

Trees

Ash, Texas *Fraxinus texensis*
Arizona Cypress *Cupressus arizonica*
Big Tooth Maple *Acer grandidentatum*
Cypress, Bald *Taxodium distichum*
Cypress, Montezuma *Taxodium mucronatum*
Elm, Cedar *Ulmus crassifolia*
Elm, Lacebark *Ulmus parvifolia*
Honey Mesquite *Prosopis glandulosa*
Oak, Bur *Quercus macrocarpa*
Oak, Chinquapin *Quercus muhlenbergii*
Oak, Southern Live *Quercus virginiana*
Oak, Escarpment Live *Quercus fusilformis*
Oak, Lacey *Quercus glaucoides*
Oak, Monterey (Mexican White) *Quercus polymorpha*
Oak, Shumard *Quercus shumardii*
Oak, Texas Red *Quercus texana (Quercus buckleyi)*
Pecan *Carya illinoinensis*
Soapberry *Sapindus drummondii*

Small Trees/Large Shrubs

Anacacho Orchit Tree *Bauhinia congesta*
Buckeye, Mexican *Ungnadia speciosa*
Buckeye, Rec *Aesculus pavia*
Caolina Buckthorn *Rhamnus caroliniana*
Cherry Laurel *Prunus caroliniana*
Crape Myrtle *Lagerstroemia indica*
Desert Willow *Chilopsis linearis*
Dogwood, Roughleaf *Cornus drummondii*
Escarpment Black Cherry *Prunus serotina var. eximia*
Eve's Necklace *Sophora affinis*
Goldenball Leadtree *Leucaena retusa*
Holly, Possumhaw *Ilex decidua*
Holly, Yaupon *Ilex vomitoria*
Mountain Laurel, Texas *Sophora secundiflora*
Persimmon, Texas *Diospyros texana*
Pistachio, Texas *Pistacia texana*
Plum, Mexican *Prunus mexicana*
Pomegranate *Punica granatum*
Redbud, Mexican *Cercis canadensis 'mexicana'*
Redbud, Texas *Cercis canadensis var. 'texensis'*
Retama Jerusalem Thorn *Parkinsonia aculeata*
Senna, Flowering *Cassia corymbosa*
Smoke Tree, American *Cotinus obovatus*
Sumac, Flameleaf *Rhus lanceolata*
Viburnum, Rusty Blackhaw *Viburnum rufidulum*
Viburnum, Sandankwa *Viburnum suspensum*

Shrubs

Abelia, Glossy *Abelia grandiflora*
Agarita *Berberis trifoliata*
Agave (Century Plant) *Agave sp.*
American Beautyberry *Callicarpa americana*
Artemisia *Artemisia 'Powis Castle'*
Barbados Cherry *Malpighia glabra*
Barberry, Japanese *Berberis thunbergii 'Atropurpurea'*
Basket Grass (Sacahuista) *Nolina texana*
Black Dalea *Dalea frutescens*
Bush Germander *Teucrium fruticans*
Butterfly Bush *Buddleja davidii*
Butterfly Bush, Wooly *Buddleja marrubiifolia*
Coralberry *Symphoricarpos orbiculatus*
Cotoneaster *Cotoneaster sp.*
Eleagnus *Eleagnus pungens*
Esperanza/Yellow Bells *Tecoma stans*
Flame Acanthus *Anisacanthus quadrifidus var. wrightii*
Fragrant Mimosa *Mimosa borealis*
Holly, Burford *Ilex cornuta 'Burfordii'*
Holly, Dwarf Chinese *Ilex cornuta 'Rotunda nana'*
Holly, Dwarf Yaupon *Ilex vomitoria 'Nana'*
Jasmine, Primrose *Jasminum mesnyi*
Kidneywood *Eysenhardtia texana*
Lantana, Native *Lantana horrida*
Mistflower, Blue (Blue Boneset) *Eupatorium coelestinum*
Mistflower, White (Shrubby White Boneset) *Ageratina havanense*
Mock Orange *Philadelphus coronarius*
Nandina *Nandina domestica 'Compacta nana' 'Gulf Stream'*
Oleander *Nerium oleander*
Palmetto *Sabal minor*
Prickly Pear *Opuntia engelmannii var. lindheimeri*.
Rose, Belinda's Dream *Rosa 'Belinda's Dream'*
Rose, Lamarne *Rosa 'Lamarne'*
Rose, Livin' Easy *Rosa 'Livin' Easy'*
Rose, Marie Pavie *Rosa 'Marie Pavie'*
Rose, Martha Gonzales *Rosa 'Martha Gonzales'*
Rose, Mutabilis *Rosa 'Mutabilis'*
Rose, Nearly Wild *Rosa 'Nearly Wild'*
Rose, Old Blush *Rosa 'Old Blush'*
Rose, Perle d'or *Rosa 'Perle d'or'*
Rock Rose *Pavonia lasiopetala*
Rosemary *Rosmarinus officinalis*
Sage, Mountain *Salvia regla*
Sage, Texas (Cenizo) *Leucophyllum frutescens*
Senna, Lindheimer *Cassia lindheimeriana*
Southern Wax Myrtle *Myrica cerifera*
Sumac, Evergreen *Rhus virens*
Sumac, Fragrant (Aromatic) *Rhus aromatica*
Texas Sotol *Dasylirion texanum*
Turk's Cap *Malvaviscus arboreus*
Yucca, Paleleaf *Yucca pallida*
Yucca, Red *Hesperaloe parviflora*
Yucca, softleaf *Yucca recurvifolia*
Yucca, Twistleaf *Yucca rupicola*

Perennials

Black-eyed Susan *Rudbeckia hirta*
Bulbine *B. frutescens or caulescens*
Bush Morning Glory *Ipomoea fistulosa*
Butterfly Weed *Asclepias tuberosa*
Buterfly Weed 'Mexican' *Asclepias curassivica*
Cast Iron Plant *Aspidistra elatior*
Chile Pequin *Capsicum annuum*
Cigar Plant *Cuphea micropetala*
Columbine, Red *Aquilegia canadensis*
Columbine, Yellow *Aquilegia chrysantha 'Texas Gold'*
Coreopsis *Coreopsis lanceolata*
Daisy, Blackfoot *Melampodium leucanthum*
Daisy, Copper Canyon *Tagetes lemmonii*
Damiantia *Crysactina mexicana*
Fall Aster *Aster oblongifolius*
Fern, River *Thelypteris kunthii*
Firebush *Hamelia patens*
Gaura *Gaura lindeheimeri*
Gayfeather *Liatris mucronata*
Gregg Dalea *Dalea greggii*
Hibiscus, Perennial *Hibiscus moscheutos, Hibiscus coccineus*
Honeysuckle, Mexican *Justicia spicigera*
Hymenoxys (Four Nerve Daisy) *Tetraneuris scaposa*
Indigo Spires *Salvia 'Indigo Spires'*
Iris, Bearded *Iris albicans*
Iris, Butterfly/Bicolor (African) *Dietes sp.*
Lamb's Ear *Stachys byzantina*
Lantana *Lantana x hybrida (many varieties)*
Lantana, Trailing *Lantana montevidensis*
Marigold, Mexican Mint *Tagetes lucida*
Obedient Plant, Fall *Physostegia virginiana*
Oregano, Mexican *Poliomintha longiflora*
Penstemon *Penstemon sp.*
Phlox, Fragrant *Phlox pilosa*
Pink Skullcap *Scutellaria suffrutescens*
Plumbago *Plumbago auriculata*
Poinciana, Red Bird of Paradise, Pride of Barbados *Caesalpinia pulcherrima*
Primrose, Missouri *Oenothera macrocarpa*
Purple Coneflower *Echinacea purpurea*
Ruellia *Ruellia brittoniana*
Sage, Cedar *Salvia roemeriana*
Sage, Jerusalem *Phlomis fruticosa*
Sage, Majestic *Salvia guaranitica*
Sage, Mealy Blue *Salvia farinacea*
Sage, Mexican Bush *Salvia leucantha*
Sage, Penstemon, Big Red Sage *Salvia penstemonoides*
Sage, Russian *Perovaskia atriciplifolia*
Sage, Scarlet or 'Tropical' *Salvia coccinea*
Salvia, Gregg (Cherry Sage) *Salvia greggii*
Shrimp Plant *Justicia brandegeana*
Texas Betony *Stachys coccinea*
Verbena, Prairie *Verbena bipinnatifida*
Yarrow *Achillea millefolium*
Zexmenia *Wedelia texana*

Ornamental Grasses

Bluestem, Big *Andropogon gerardii*
Bluestem, Bushy *Andropogon glomeratus*
Bluestem, Little *Schizachyrium scoparium*
Fountain Grass, Dwarf *Pennisetum alopecuroides*
Indian Grass *Sorghasturm nutans*
Inland Sea Oats *Chasmanthium latifolium*
Mexican Feathergrass (Wiregrass) *Stipa tenuissima*
Muhly, Bamboo *Muhlenbergia dumosa*
Muhly, Big *Muhlenbergia lindheimeri*
Muhly, Deer *Muhlenbergia rigens*
Muhly, Gulf *Muhlenbergia capillaris*
Muhly, Seep *Muhlenbergia reverchonii*
Sideoats Grama *Bouteloua curtipendula*
Wild Rye *Elymus canadensis*

Vines

Asian Jasmine *Trachelospermum asiaticum*
Carolina Jessamine *Gelsemium sempervirens*
Coral Vine *Antigonon leptopus*
Crossvine *Bignonia capreolata*
Fig Vine *Ficus pumila*
Honeysuckle, Coral *Lonicera sempervirens*
Lady Banksia Rose *Rosa banksiae*
Passion Vine *Passiflora incarnata*
Trumpet Vine *Campsis radicans*
Virginia Creeper *Parthenocissus quinquefolia*

Groundcover

Aztec Grass *Ophiopogon japonicus*
Frogfruit *Phyla incisa*
Horseherb *Calyptocarpus vialis*
Leadwort Plumbago *Ceratostigma plumbaginoides*
Liriope *Liriope muscari*
Monkey Grass (Mondo Grass) *Ophiopogon japonicus*
Oregano *Origanum vulgare*
Periwinkle, Littleleaf *Vinca minor*
Pigeonberry *Rivina humilis*
Purple Heart *Secreasea pallida*
Santolina (Lavender Cotton) *Santolina chamaecyparissus*
Sedge, Berkeley *Carex tumulicola*
Sedge, Meadow *Carex perdentata*
Sedge, Texas *Carex texensis*
Sedum (Stonedrop) *Sedum nuttallianum*
Silver Ponyfoot *Dichondra argentea*
Wooly Stemodia *Stemodia lanata (Stemodia tomentosa)*

Turf Grasses

Bermuda *'Tif 419', 'Sahara', 'Baby', 'Common'*
Buffalo *'609', 'Stampede', 'Prairie'*
St. Augustine *'Baby', 'Common', 'Raleigh', 'Delmar'*
Zoysia, Fine Leaf *'Matrella', 'Emerald', 'Zorro'*
Zoysia, Coarse Leaf *'Japonica', 'Jamur', 'El Toro', 'Palis*

EXHIBIT D-1

Invasive Species/Problem Plants

PLANTS TO AVOID

INVASIVES
(Plants that are non-native to the Central Texas ecosystem and tend to out-compete native species)

Do Not Plant
(Travel by seeds, berries, and spores so can be transported long distances. They have already invaded preserves and greenbelts):

- Arizona Ash
- Chinaberry
- Chinese Pistache
- Chinese Tallow
- Chinese Privet
- Elephant Ear
- Holly Fern
- Japanese Honeysuckle
- Ligustrum, Wax Leaf
- Mimosa
- Mulberry, Paper
- Nandina (large, berrying varieties)
- Photinia, Chinese
- Pyracantha
- Tamarisk
- Tree of Heaven

Do Not Plant Near Parks/Preserves/Greenbelts
(travel by runners, rhizomes, and stems so only invade neighboring areas):

- Bamboo
- English Ivy
- Vinca (Periwinkle)

PROBLEM TREES AND SHRUBS
(Typically fast-growing, highly adaptable, but often have weak wood and are short-lived. Most are susceptible to insect and disease problems.)

- Arizona Ash
- Azalea (not adapted to Austin soils)
- Boxelder
- Camellia
- Chinaberry
- Chinese Privet
- Chinese Tallow
- Cottonwood
- Ligustrum
- Lombardy Poplar
- Mimosa
- Mulberry, Paper
- Photinia, Chinese
- Siberian Elm
- Silver Maple
- Sweetgum
- Sycamore
- Tree of Heaven

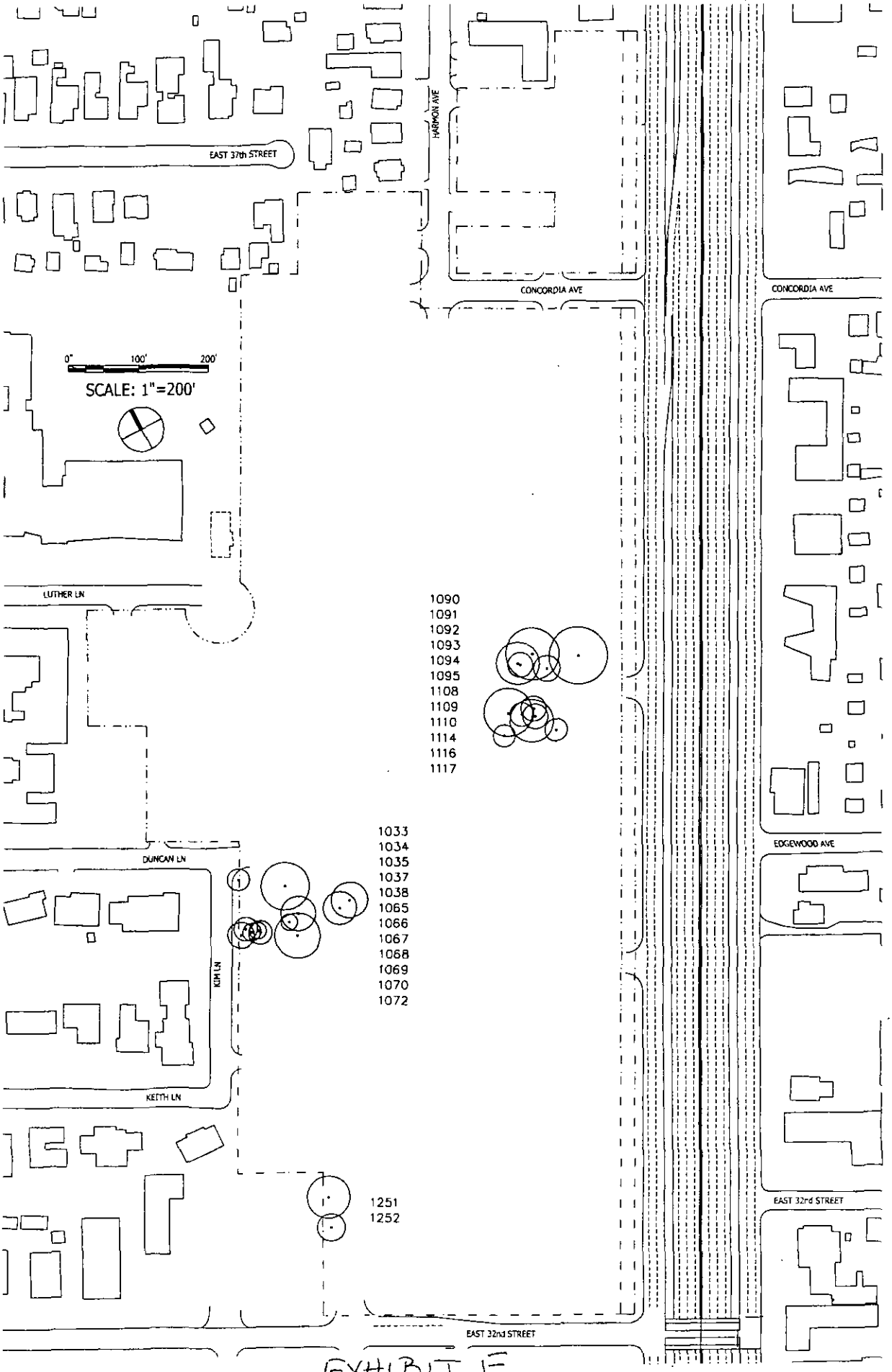

EAST 37th STREET
HARMON AVE
CONCORDIA AVE
CONCORDIA AVE
0'
100'
200'
SCALE: 1"=200'
LUTHER LN
1090
1091
1092
1093
1094
1095
1108
1109
1110
1114
1116
1117
1033
1034
1035
1037
1038
1065
1066
1067
1068
1069
1070
1072
DUNCAN LN
KIM LN
KEITH LN
EDGEWOOD AVE
1251
1252
EAST 32nd STREET
EAST 32nd STREET

EXHIBIT E

Trees to Remain in East Ave

1033	25" LIVE OAK
1034	12" LIVE OAK
1035	33" LIVE OAK (24,18)
1037	24" LIVE OAK
1038	26" LIVE OAK
1065	17" ELM
1066	12" ELM
1067	13" ELM
1068	19" ELM
1069	17" ELM
1070	16" ELM
1072	35" LIVE OAK (22,20)
1090	16" POST OAK
1091	35" POST OAK (15,15,13,13)
1092	17" POST OAK
1093	18" POST OAK
1094	18" POST OAK
1095	31" POST OAK (19,13,12)
1108	42" LIVE OAK (29,27)
1109	19" LIVE OAK
1110	38" LIVE OAK (26,24)
1114	16" POST OAK
1116	31" LIVE OAK (21,20)
1117	18" LIVE OAK
1251	20" POST OAK
1252	31" POST OAK

EXHIBIT F

OPERATIONAL CRITERIA FOR HOTEL

Operational Criteria: The application for site plan approval must include a letter of commitment from the proposed hotel operator that confirms the operator will design, manage, and continuously operate a "luxury including conference facilities" hotel type that includes as a minimum all the following characteristics and features of the hotel to be located on Parcel D:

1. conference facility;
2. general restaurant;
3. cocktail lounge;
4. full service spa;
5. fitness center;
6. concierge service;
7. parking valet;
8. business center;
9. 24-hour room service;
10. daily housekeeping service; and
11. nightly turn-down service.

Carbon Impact Statement

Project:

Scoring Guide:

1-4: Business as usual

5-8: Some positive actions

9-12: Demonstrated leadership



	Response: Y=1, N=0	Documentation: Y/N
Transportation		
T1: Public Transit Connectivity	Y	
T2: Bicycle Infrastructure	Y	
T3: Walkability	Y	
T4: Utilize TDM Strategies		
T5: Electric Vehicle Charging		
T6: Maximize Parking Reductions		
Water + Energy		
WE1: Onsite Renewable Energy		
WE2: Reclaimed Water	Y	
Land Use		
LU1: Imagine Austin Activity Center or Corridor	Y	
LU2: Floor-to-Area Ratio	Y	
Food		
F1: Access to Food	Y	
Materials		
M1: Adaptive Reuse		
Total Score:	**7**	

The Carbon Impact Statement calculation is a good indicator of how your individual buildings will perform in the Site Category of your Austin Energy Green Building rating.

The project is proposing 225 residential units on East Ave. PUD Parcel A. The project has not yet been designed and it is anticipated that it will meet more of the above criteria for a higher CIS score at the time if site development permit.

Exhibit C

T1. Is any functional entry of the project within 1/4 mile walking distance of existing or planned bus stop(s) serving at least two bus routes, or within 1/2 mile walking distance of existing or planned bus rapid transit stop(s), or rail station(s)? **The project has not yet been designed, however it is located within ¼-mile of two Capital Metro bus routes (Red River St and E. 38th St, Robinson Avenue and E. 38 ½ Street).**

T2. Is there safe connectivity from the project site to an "all ages and abilities bicycle facility" as listed in the Austin Bicycle Master Plan? **Yes, the I-35 SB frontage road is part of the All Ages and Abilities Bicycle Facility network with an existing shared bike lane, and is proposed to have a protected bike lane.**

T3. Is the property location "very walkable" with a minimum Walk Score of 70 (found at walkscore.com), or will the project include at least five new distinct basic services (such as a bank, restaurant, fitness center, retail store, daycare, or supermarket)? **Yes, walkscore.com assesses a Walk Score of 81 for the property.**

T4. Does the project utilize two or more of the following Transportation Demand Management strategies: unbundling parking costs from cost of housing/office space, providing shower facilities, providing secured and covered bicycle storage, and/or providing 2+ car sharing parking spaces for City-approved car share programs? **The project has not yet been designed, however it is open to providing at least two of the above Transportation Demand Strategies.**

T5. Will the project include at least one DC Fast Charging electric vehicle charging station? **Unknown at this time, the project has not yet been designed.**

T6. Does the project utilize existing parking reductions in code to provide 20% less than the minimum number of parking spaces required under the current land development code (or 60% less than the code's base ratios if there is no minimum parking capacity requirement)? **The project is not yet designed, however it will likely utilize a 20% parking reduction.**

WE1. Will the project include on-site renewable energy generation to offset at least 1% of building electricity consumption? **Unknown at this time, the project has not yet been designed.**

WE2. Will the project include one or more of the following reclaimed water systems: large scale cisterns, onsite grey or blackwater treatment, and reuse or utilization of Austin Water Utility's auxiliary water system to eliminate the use of potable water on landscape/irrigation? **At this time the project is committing to connecting to reclaimed water purple pipe system for irrigation purposes. Further exploration into the possibility of connecting for HVAC cooling will occur during the time of site development permit.**

LU1. Is the proposed project site located within one of the centers or corridors as defined in the Imagine Austin Comprehensive Plan Growth Concept Map? **Yes.**

LU2. If located in an Imagine Austin activity center or corridor, will the proposed project use at least 90% of its entitled amount of floor-to-area ratio? **The project is not yet designed, however the likely answer is yes.**

F1. Will the project include a full service grocery store onsite, or is one located within 1 mile of the project, or will the project integrate opportunities for agriculture to the scale as defined by Austin Energy Green Building? **Yes, the property is within one mile of the Fiesta Mart at IH-35 and E. 38 ½ St, and the HEB located at E. 41st St. and Red River St.**

M1. Will the project reuse or deconstruct existing buildings on the project site? **N/A, the site is undeveloped.**

Leah M. Bojo
lbojo@drennergroup.com
512-807-2918

DRENNER GROUP

October 13, 2022

Ms. Rosie Truelove
Housing and Planning Department
City of Austin
1000 E 11th Street
Austin, TX 78702

Via Electronic Delivery

Re: East Avenue PUD Amendment 3 – C814-06-0175.03 – Planned Unit Development ("PUD") amendment application pertaining only to Parcel A within the East Avenue PUD project located at 3500-3700 N. IH-35 Southbound Frontage Road in Austin, Travis County, Texas (the "Property").

Dear Ms. Truelove:

As representatives of the owner of the Property, we respectfully submit this letter to amend the application currently under review and assigned zoning case number C814-06-0175.03, submitted on May 27, 2020. With this request we are amending the PUD to include the below commitments requested by the Hancock Neighborhood Association. No other changes are proposed.

A summary of the additional amendments are as follows:

- Mirrored glass is a prohibited material on the exterior of a building (25-1-21(67)) *(Definitions)*.
- Bird Friendly Design – Project will comply with LEED Pilot Bird Collision Deterrence standards. Glass reflectivity is restricted to 13.5% in the LEED-identified "critical compliance zone," (36'-0" above grade) where LEED standards require less than 15% reflectivity. Additional bird-friendly design elements may include a podium overhang to shield the critical zone, fully shielded and/or full cut off landscape lighting, no exterior building-up lighting, and building articulation that reduce the size of the building's reflective plane.
- Vegetative wall is required for first two stories, or 20', along west side of building.
- Access is prohibited to Concordia Avenue, subject to City approval.

Please let me know if you have any questions or if we can provide any additional information. Thank you for your time and attention to this matter.

Sincerely,

Leah M. Bojo

cc: Wendy Rhoades, Planning and Zoning Department (via electronic delivery)
Joi Harden, Housing and Planning Department *(via electronic delivery)*
Jerry Rusthoven, Housing and Planning Department *(via electronic delivery)*