

ORDINANCE NO. 20221027-049

AN ORDINANCE AMENDING ORDINANCE NO. 20070326-002 TO MODIFY THE LAND USE PLAN FOR THE EAST AVENUE PUD IN THE CENTRAL AUSTIN COMBINED NEIGHBORHOOD PLAN AND CHANGING THE ZONING MAP FROM PLANNED UNIT DEVELOPMENT-NEIGHBORHOOD PLAN (PUD-NP) COMBINING DISTRICT TO PLANNED UNIT DEVELOPMENT-NEIGHBORHOOD PLAN (PUD-NP) COMBINING DISTRICT FOR THE PROPERTY LOCATED AT 1012, 1012 1/2, 1016, 1018, 1018 1/2 CONCORDIA AVENUE AND 3500, 3500 1/2, 3502, 3506, 3508 1/2 NORTH INTERSTATE HIGHWAY 35 SERVICE ROAD SOUTHBOUND.

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

PART 1. The East Avenue planned unit development (“East Avenue PUD”) was approved by City Council on March 26, 2007, under Ordinance No. 20070326-002 (the “Original Ordinance”). The first amendment proposed in Case No. C814-06-0174.01 to the Original Ordinance was withdrawn. An amendment was approved administratively on February 27, 2009.

PART 2. The East Avenue PUD is comprised of approximately 22 acres of land located generally in the vicinity of 3400 North Interstate Highway 35 in the City of Austin, Travis County, Texas and more particularly described by metes and bounds in the land use plan incorporated into the Original Ordinance. This ordinance only affects Parcel A, identified in the East Avenue PUD as described in Part 3 below.

PART 3. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from planned unit development-neighborhood plan (PUD-NP) combining district to planned unit development-neighborhood plan (PUD-NP) combining district on the property generally known as Parcel A of the East Avenue PUD, described in Zoning Case No. C814-06-0174.03, on file at the Housing and Planning Department, as follows:

LOT 11, BLOCK B, EAST AVENUE SUBDIVISION, a subdivision in the City of Austin, Travis County, Texas, recorded in Document No. 200800152 of the Official Public Records of Travis County, Texas (the “Property”),

locally known as 1012, 1012 1/2, 1016, 1018, 1018 1/2 Concordia Avenue and 3500, 3500 1/2, 3502, 3506, 3508 1/2 North Interstate Highway 35 Service Road Southbound, in the City of Austin, Travis County, Texas, and generally identified in the map attached as **Exhibit “A”**.

PART 4. This ordinance and the attached exhibits amend the Original Ordinance for the Property. Development of and uses within the Property shall conform to the limitations and conditions set forth in this ordinance and in **Exhibit “B”**. If this ordinance and the attached exhibits conflict, the ordinance applies. Except as otherwise provided by this ordinance and the Amended Land Use Plan, all other rules, regulations and ordinances of the City apply to the Property.

PART 5. The attached exhibits are incorporated into this ordinance in their entirety as though set forth fully in the text of this ordinance. Exhibit C-2: Maximum Building Area and Height Zones of the Original Ordinance is amended as shown on **Exhibit “B”**. The attached exhibits are as follows:

Exhibit A: Zoning Map for Parcel A

Exhibit B: Amended Exhibit C-2: Maximum Building Area and Height Zones

PART 6. Part 6. C. of the Original Ordinance is amended to read as follows:

- 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. Part 8. C. of the Original Ordinance is amended to read as follows:

- 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. Except for Parcel A, which is not subject to any site area requirements.

PART 8. Part 8. L. Building Area of the Original Ordinance is amended to add new Sections 5 to read as follows:

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

PART 9. Part 8. of the Original Ordinance is amended to add new Section U. to read as follows:

- U. To the extent on-site alternative water sources are sufficient, and available, including AC condensate, foundation drain water, rainwater, and stormwater

development on Parcel A shall use on-site alternate water sources to meet 100 percent of non-potable uses, including irrigation, cooling, toilet/urinal flushing, and other significant non-potable water uses identified in Austin Water Utility's Water Balance Calculator Tool.

PART 10. The Original Ordinance is amended to add new Part 10 to read as follows:

PART 10. Landowner shall provide onsite affordable housing on Parcel A, for square footage of the building in excess of 65 feet in height, or pay fee in-lieu for square footage of the building in excess of 65 feet in height prior to initial site plan approvals as follows:

- A. Provide a minimum of five percent of the residential units, for at least 99 years from the date of initial sale, for ownership and occupancy by households earning 80 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Median Family Income as determined by the Director of the Housing and Planning Department, including approval of a plan for managing homeowner association fees or including an assumption that a homeowner will be required to pay an ownership association fee when determining the maximum affordable sales price; or
- B. Pay as fee in-lieu to the City's Housing Trust an amount of seven dollars (\$7.00) per square foot of bonus area.

PART 11. Development of the Property shall comply with the following regulations:

- A. No exterior of a buildings shall include Mirrored Glass as defined in Section 25-1-21(67) (*Definitions*).
- B. Landowner shall comply with Leadership in Energy and Environmental Design (LEED) Bird Collision Deterrence standards on all buildings and structures.
- C. Landowner shall restrict glass reflectivity to 13.5 percent in the LEED-identified "critical compliance zone" from ground level to 36 feet above grade on all buildings and structures.
- D. Landowner shall restrict glass to an average 13.5 percent reflectivity on all buildings and structures.
- E. Landowner shall design buildings and structure with additional bird-friendly design elements:

- i. a podium overhang to shield the critical compliance zone;
- ii. fully shielded lighting;
- iii. full cut off landscape lighting;
- iv. no exterior building-up lighting; and
- v. building articulation that reduce the size of the building's reflective plane.

F. Landowner shall construct a vegetative wall along the west side of the first two stories of all buildings and structures.

G. Vehicular access is prohibited to Concordia Avenue if required by the City of Austin at the time of site plan approval.

PART 12. Except as otherwise provided for in this ordinance, the terms and conditions of Ordinance No. 20070326-002, as amended, remain in effect.

PART 13. Except as specifically modified by this ordinance, the Property is subject to Ordinance No. 040826-59 that established zoning for the Hancock Neighborhood Plan.

PART 14. This ordinance takes effect on November 7, 2022.

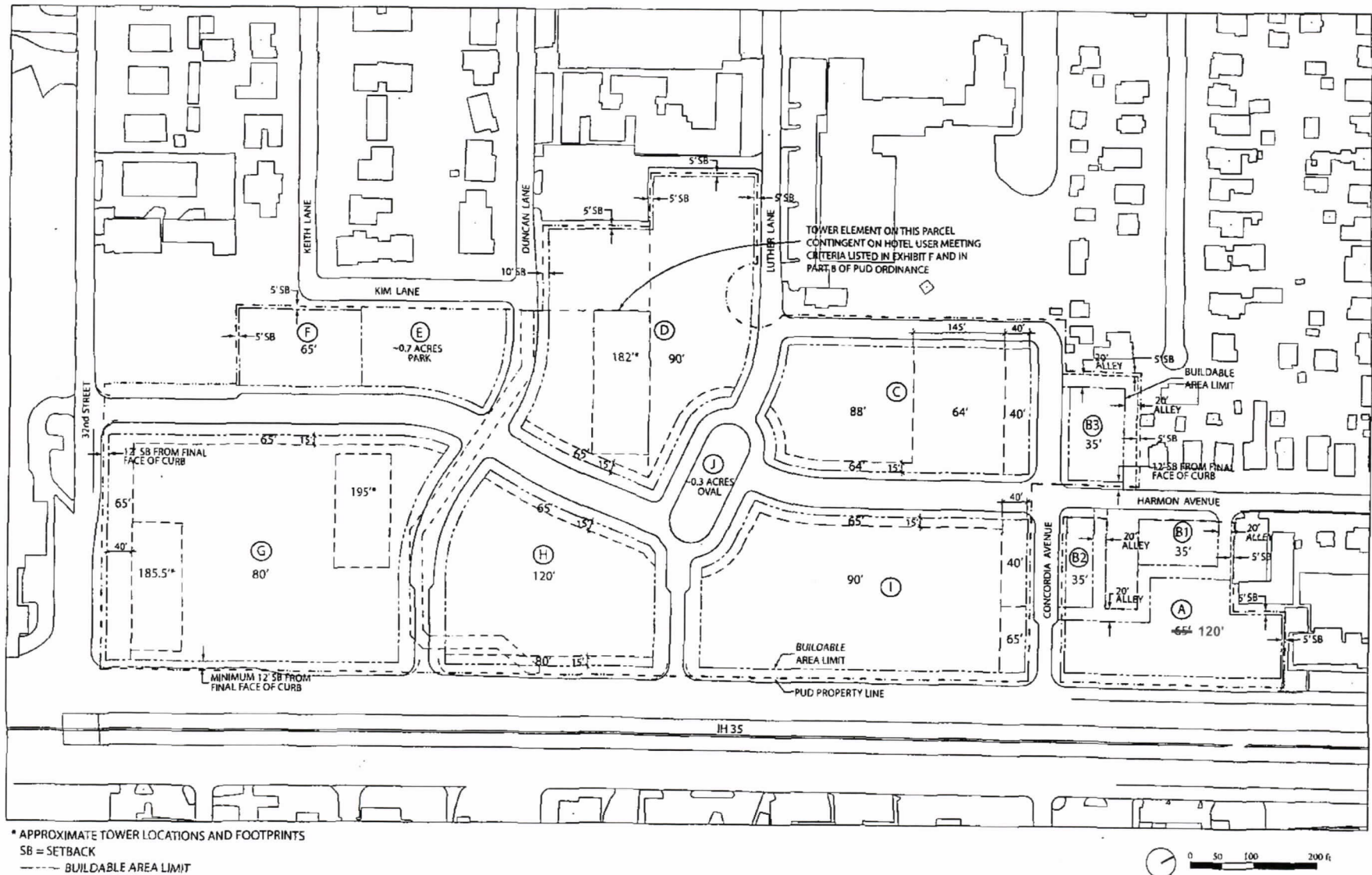
PASSED AND APPROVED

_____, 2022 §
§
§
Steve Adler
Mayor

APPROVED: Anne L. Morgan **ATTEST:** Myrna Rios
Anne L. Morgan City Attorney Myrna Rios City Clerk

$$1'' = 400'$$

EXHIBIT "B"



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