

ZONING CHANGE REVIEW SHEET

CASE: C814-06-0175.04 – East Avenue PUD Amendment,
Parcel H

DISTRICT: 9

ZONING FROM / TO: PUD-NP, to add **administrative and business office** uses to the pedestrian-oriented uses list for Parcel H

ADDRESSES: 3300 North IH 35 Service Road Southbound

SITE AREA: 1.579 acres

PROPERTY OWNER: LHREV Austin University Park, LP (Aaron P. Russell)

AGENT: Drenner Group, PC (Amanda Swor)

CASE MANAGER: Nancy Estrada (512-974-7617, nancy.estrada@austintexas.gov)

STAFF RECOMMENDATION:

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

PLANNING COMMISSION ACTION:

May 23, 2023: APPROVED THE FOURTH AMENDMENT TO PUD-NP DISTRICT ZONING AS STAFF RECOMMENDED, BY CONSENT

[J. CONNOLLY; F. MAXWELL – 2ND] (9-0) N. BARRERA-RAMIREZ, G. COX, J. MUSHTALER – ABSENT; ONE VACANCY ON THE DIAS

CITY COUNCIL ACTION:

July 20, 2023:

ORDINANCE NUMBER:

ISSUES:

None at this time.

EXHIBITS AND ATTACHMENTS TO THE STAFF REPORT:

Exhibit A: Zoning Map
Exhibit A-1: Aerial Map

Attachment A: Applicant's Summary Letter
Attachment B: Proposed Revisions to 2006 East Ave PUD (Ordinance No. 20070326-002)

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 mixed-use development 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. There are single family residences, two-family residences, and multi-family on the west side of Harmon Avenue (SF-3-CO-NP; MF-4-NP). ***Please refer to Exhibits A and A-1 – Zoning Map and Aerial Exhibit.***

The subject property is 1.579 acres located on the west side of North IH-35 Southbound Frontage Road between Duncan Lane and Luther Lane and is identified as **Parcel H**. Seventy-five percent (75%) of the IH 35 service road and Concordia Avenue frontage is required to have ground floor pedestrian-oriented uses by the original Council-approved PUD ordinance in 2007 (Attachment B).

The Applicant's letter states:

The proposed Amendment requests a modification to Part 7, C, 1. Current language is as follows, with the proposed addition in underlined text: "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: administrative and business office, art gallery, food sales, general retail sales (convenience or general), residential uses, restaurant (limited or general); and".

PROPOSED PUD AMENDMENT

Pedestrian-oriented use: The requested modification is to include an additional use to Part 7, C, 1. The proposed addition in this amendment is to allow "administrative and business office" as a Pedestrian Oriented Use for Parcel H. The proposed request will allow for the use of administrative and business office space within the currently vacant areas.

The proposed addition in this amendment will also allow more than 75% of the Pedestrian Oriented Use for Parcel H to include "administrative and business office" in Part 7, C, 2.

Austin Energy Green Building: Part 8 Q of the existing PUD ordinance will be revised to comply with the Austin Energy Green Building rating system.

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. This will bring Parcel H into compliance with current PUD ordinance language.

The proposed modifications to the PUD ordinance and accompanying land use plan are summarized in ***Attachments A and B (Applicant's Summary Letter and Proposed Revisions to Ordinance No. 20070326-002).***

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.

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. Due to the amount of vacant rentable area in these ground floor retail spaces, the proposed amendment will allow for the use of administrative and business office space within the currently vacant areas; thus, supporting additional pedestrian occupied space along the street area.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	PUD-NP	5-story mixed use development w/ multi-family & retail
<i>North</i>	PUD-NP; MF-4-CO-NP	Multi-family
<i>South</i>	PUD-NP	Multi-family
<i>East</i>	Not Applicable	Southbound IH 35 service road and main lanes (including elevated portion)
<i>West</i>	MF-4-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:

Hancock Neighborhood Association
 North Austin Neighborhood Alliance
 Austin Lost and Found Pets
 Austin Independent School District
 Sierra Group, Austin Regional Group
 Friends of Austin Neighborhoods
 Neighbors United For Progress
 Neighborhood Empowerment Foundation
 Upper Boggy Creek Neighborhood Planning Team

Cherrywood Neighborhood Association
 Austin Neighborhoods Council
 CANPAC
 SEL Texas
 Del Valle Community Coalition
 Homeless Neighborhood Association
 Preservation Austin

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C814-06-0175 – 3400 North IH 35 Service Road Southbound	LO-MU-NP, GO-NP, CS- MU-NP to PUD-NP	To Grant PUD-NP	Apvd PUD-NP as PC recommended (3-26-2007).
C814-06-0175.01 – 3400 North IH 35 Service Road Southbound Southbound	PUD-NP to PUD-NP	Withdrawn	
C814-06-0175.02 – 3400 North IH 35 Service Road Southbound	PUD-NP to PUD-NP	Administrative Approval to establish new roadway cross-section for Concordia Ave.; modify alleyways; include additional architectural features	Apvd (2-27-2009).
C814-06-0175.03 – 1012, 1012 1/2, 1016, 1018, 1018 1/2 Concordia Ave; 3500, 3500 1/2, 3502, 3506, 3508	PUD-NP to PUD-NP	To Grant PUD-NP as staff recommended to increase maximum height	Apvd PUD-NP as PC recommended (10-27-2022).

1/2 North IH 35 Service Road Southbound			
---	--	--	--

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. Proposed land use through zoning change: Mixed Use. A plan amendment is **not** required.

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 fourth amendment, titled East Avenue PUD Amendment, Parcel H comprised of 1.579 acres. Parcel H is also known as Lot 4, Block A, East Avenue Subdivision recorded as Document No. 200800152 in the Travis County Plat Records.

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

- 1) Amendment #1 C814-06-0175.01 – Application withdrawn.
- 2) 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.
- 3) Amendment #3 C814-06-0175.03 – Administratively approved amendment dated October 27, 2022 to increase the maximum allowable height of Parcel A from 65 feet to 120 feet.

Subdivision

The property is platted as Lot 4, Block A, East Avenue Subdivision, recorded in March, 2016 (C8-2007-0203.0A).

ADDITIONAL STAFF COMMENTS:Comprehensive Planning

Project Name and Proposed Use: 3400 N IH 35 SERVICE ROAD SB, C814-06-0175.04. Project: East Avenue PUD Amendment Parcel H. 1.579 acres to allow administrative and business office use to exceed 75% of the ground floor area as depicted on Exhibit C-3 of the ordinance. Approximately 12,350 square feet of net rentable area has been leased as office since 2011. Approximately 11,000 square feet of net rentable area is still left in its shell condition since opening in 2009. This request will allow for the use of administrative and business office space within the currently vacant areas. Oct 19, 2022

Yes	Imagine Austin Decision Guidelines
Complete Community Measures	
Y	Imagine Austin Growth Concept Map: Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. Name(s) of Activity Center/Activity Corridor/Job Center: Located within the Downtown Regional Center
Y	Mobility and Public Transit: Located within 0.25 miles of public transit stop and/or light rail station.
Y	Mobility and Bike/Ped Access: Adjoins a public sidewalk, shared path, and/or bike lane.
Y	Connectivity, Good and Services, Employment: Provides or is located within 0.50 miles to goods and services, and/or employment center.
	Connectivity and Food Access: Provides or is located within 0.50 miles of a grocery store/farmers market.
Y	Connectivity and Education: Located within 0.50 miles from a public school or university.
Y	Connectivity and Healthy Living: Provides or is located within 0.50 miles from a recreation area, park or walking trail.
Y	Connectivity and Health: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, and/or specialized outpatient care.)
	Housing Affordability: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
	Housing Choice: Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
	Mixed use: Provides a mix of residential and non-industrial uses.
	Culture and Creative Economy: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
	Culture and Historic Preservation: Preserves or enhances a historically and/or culturally significant site.
	Creative Economy: Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
Y	Workforce Development, the Economy and Education: Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in a particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	Industrial Land: Preserves or enhances industrial land.
8	Total Number of "Yes's"

Drainage

It is understood that no modifications to the previously approved PUD application, as related to drainage/detention requirements, is proposed with this application.

Water Quality

It is understood that no modifications to the previously approved PUD application, as related to water quality requirements, is proposed with this application.

Floodplain

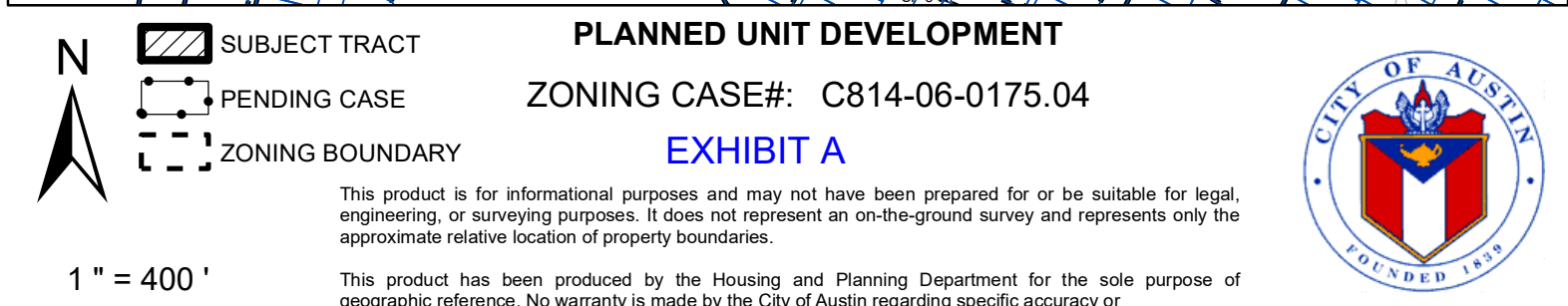
No regulatory floodplain on Parcel H where the amendment is proposed. The application does not request any changes to floodplain regulations for the PUD nor the Parcel H. If changes to floodplain regulations are later requested for this PUD, a more thorough review will be required.

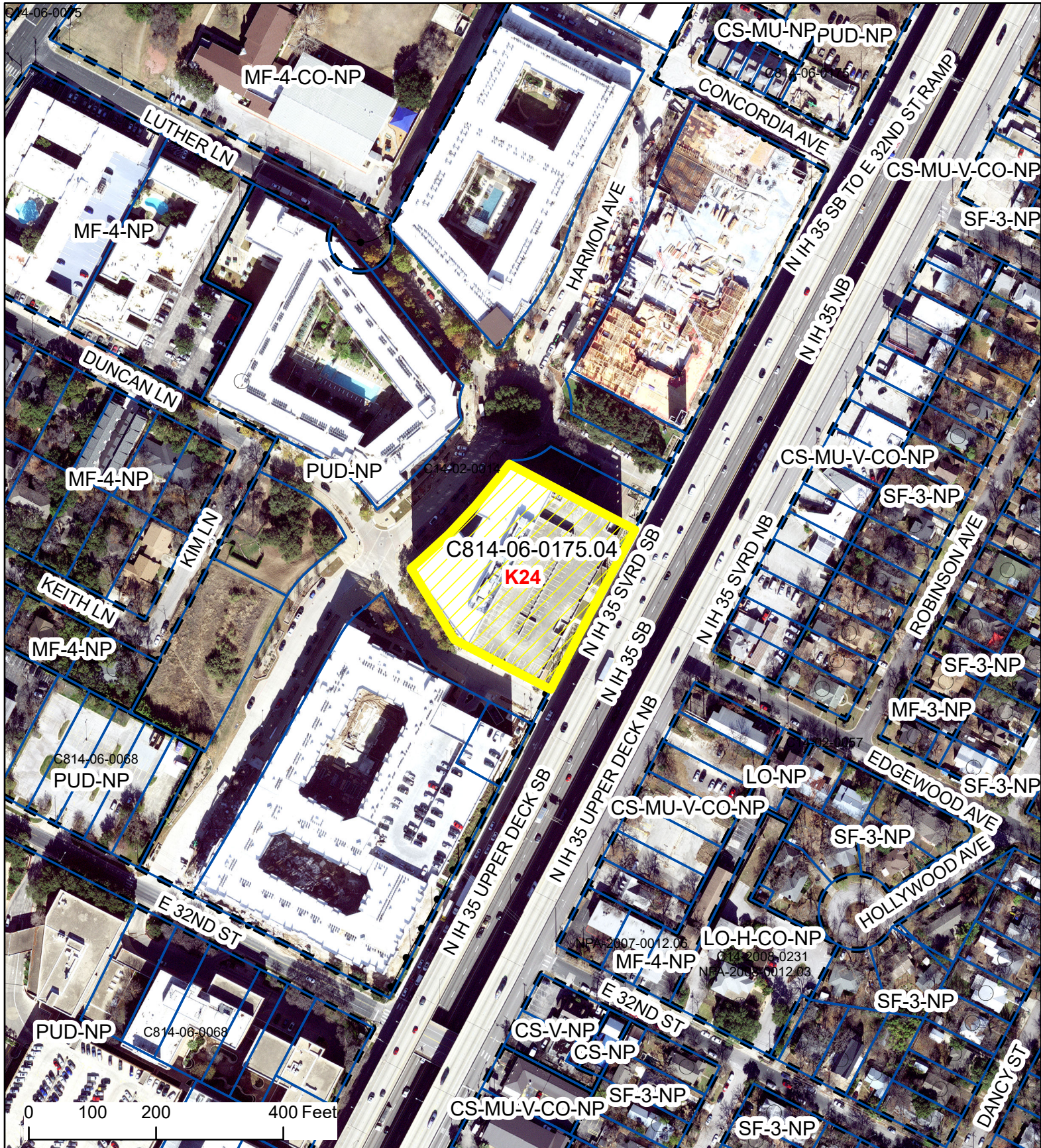
Impervious Cover

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

Austin Transportation Department – Engineering Review





The TIA compliance has been deferred to the time of site plan. The applicant's requested PUD amendment to allow for office use on the ground floor is acceptable to ATD as it is a less intense trip generator than the permitted retail use.





East Avenue PUD Amendment Parcel H

EXHIBIT A-1

-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

ZONING CASE#: C814-06-0175.04
 LOCATION: 3300 N. IH 35 Srvrd. Southbound
 SUBJECT AREA: 1.579 Acres
 GRID: K24
 MANAGER: Nancy Estrada



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: 10/26/2022

DRENNER GROUP

Amanda Swor
direct dial: (512) 807-2904
aswor@drennergroupp.com

August 22, 2022

Ms. Rosie Truelove
Housing and Planning Department, City of Austin
Street-Jones Building
1000 East 11th Street, Ste. 200
Austin, TX 78702

Via Electronic Delivery

Re: East Avenue PUD Amendment Parcel H – Planned Unit Development Amendment application for the 1.579-acre piece of property located at 3300 North Interstate Highway 35 in Austin, Travis County, Texas (the “Property”)

Dear Ms. Truelove:

As representatives of the owner of the Property, we respectfully submit the enclosed Planned Unit Development Amendment application package. The project is titled East Avenue PUD Amendment Parcel H, consists of 1.579 acres, and is located west of Interstate Highway 35, between Duncan Lane and Luther Lane. The Property is currently developed as a 5-story mixed-use development composed of multifamily residential and retail.

The proposed Amendment requests a modification to Part 7, C, 1. Current language is as follows, with the proposed addition in underlined text: “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: **administrative and business office**, art gallery, food sales, general retail sales (convenience or general), residential uses, restaurant (limited or general); and”.

The reason for this request is due to the amount of vacant rentable area in these ground floor retail areas. The University Park office building was completed in 2009. Approximately 12,350 square feet of net rentable area has been leased as office since 2011. Despite aggressive marketing and rental fee accommodations, approximately 11,000 square feet of net rentable area is still left in its shell condition since opening in 2009. The University Park PUD originally contemplated mixed uses including automotive sales, hotel, indoor sports and recreation, and theater. The original version of the overall PUD never quite coalesced. Today, all University Park

sites have been developed for residential use except the University Park Office Building. This request will allow for the use of administrative and business office space within the currently vacant areas. Allowing this space to be occupied and not sit dark and empty will bring lights, pedestrians, and interest to the street. This request will not change the buildout of the structure but would allow the spaces to transition back to retail should the market allow for it. This use addition is the only change proposed with this amendment. No new construction or additional entitlements are being requested.

The Property falls within the Central Austin Combined Neighborhood Plan. Maureen Meredith has issued a memo that a Neighborhood Plan Amendment will not be required with this Amendment application.

A Traffic Impact Analysis ("TIA") has been waived via a TIA Determination Form from Justin Good, P.E., dated July 22, 2022 with the note that we must demonstrate compliance with the TIA approved with C814-06-0175 and that the TIA may require an update upon further review.

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.

Very truly yours,

A handwritten signature in blue ink that reads "Amanda Swor". The signature is fluid and cursive, with the first name "Amanda" and last name "Swor" clearly distinguishable.

Amanda Swor

cc: Wendy Rhoades, Planning and Zoning Review Department (*via electronic delivery*)

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*).

"C814-06-0175.04"

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.

"Except as otherwise provided by this ordinance and the Land Use Plan, the Original Ordinance and all other rules, regulations, and ordinances of the City apply to the Property."

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.

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).

"administrative and business office, "

"including administrative and business office, but "

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.

- 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.

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, considered, or developed unless **"All residential and commercial development shall comply with Austin Energy Green Building (AEGB) rating system for a minimum two-star rating. Certification from AEGB shall be met as specified by the version of the rating system current at the time of design."** All development shall be in accordance with 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 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

20.563 ACRES
TRACT A
(TRACTS 1-4)

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

EXHIBIT A

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



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

8/9/06

DATE



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 Volume 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;

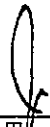
FN 06-443 (ACD)
AUGUST 09, 2006
PAGE 3 OF 5

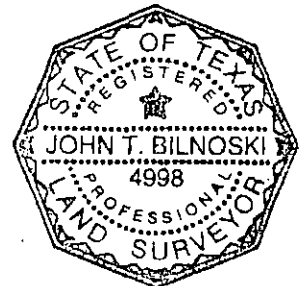
THENCE, S62°25'12"E, leaving the easterly line of said Lot B, along the southerly line of said Reuben M. Brooks tract, being the northerly line of said 0.766 acre tract, a distance of 118.21 feet to the POINT OF BEGINNING, and containing 1.642 acres (71,545 square feet) of land, more or less, within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

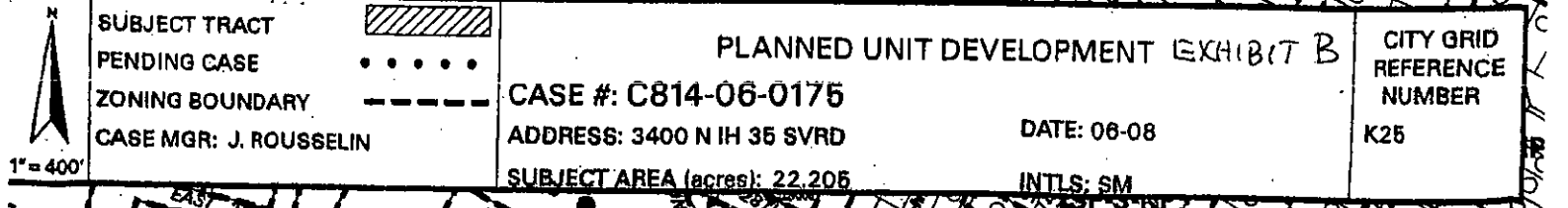
BEARING BASIS NOTE: THE BASIS OF BEARING IS REFERENCED TO THE TEXAS COORDINATE SYSTEM, 83(93), CENTRAL ZONE, UTILIZING CITY OF AUSTIN GPS CONTROL NETWORK.

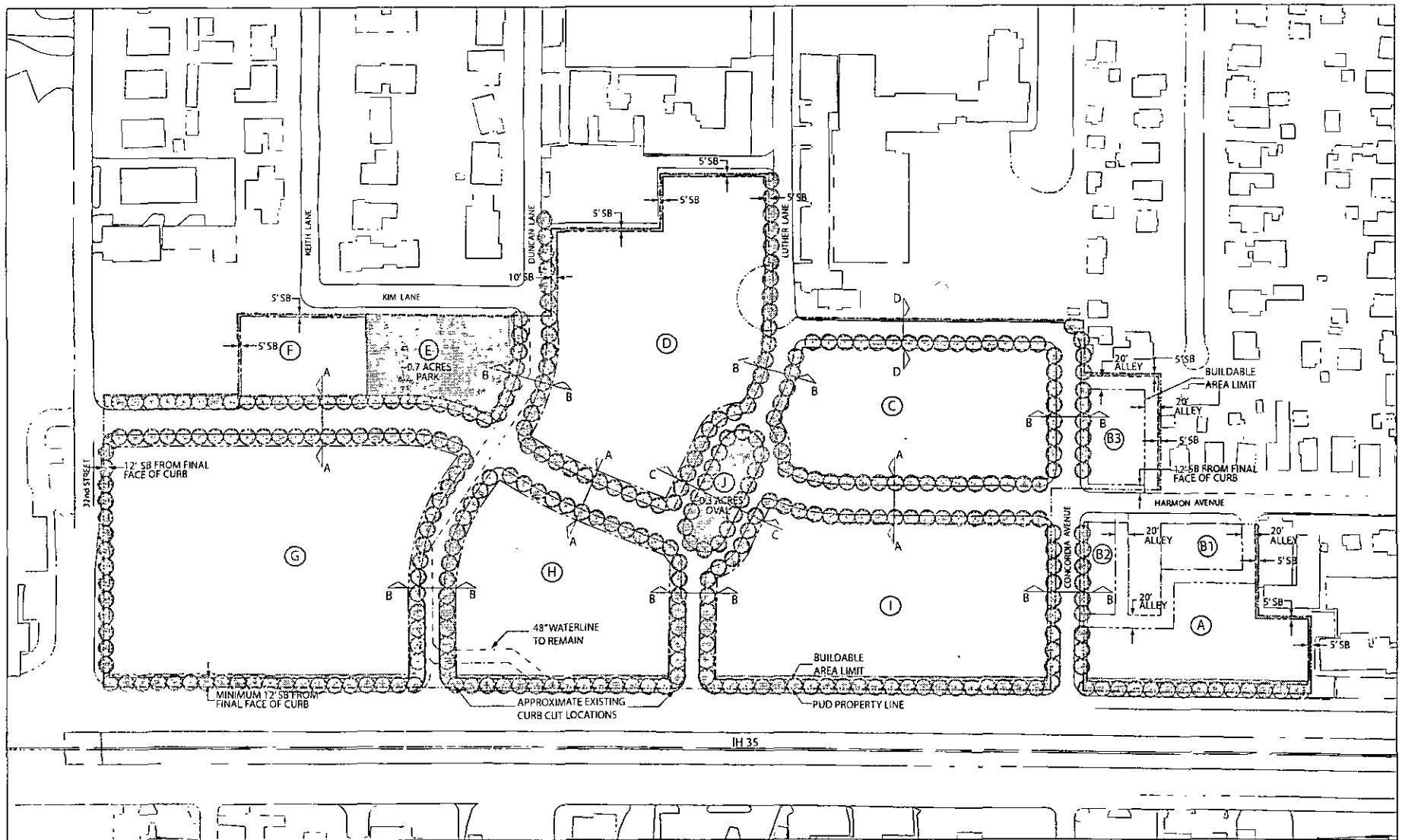
I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE THAT THIS DESCRIPTION IS BASED UPON A SURVEY MADE ON THE GROUND BY BURY+PARTNERS, INC., COMPLETED DURING THE MONTH OF AUGUST 2006. A LAND TITLE SURVEY WAS PREPARED TO ACCOMPANY THIS FIELDNOTE DESCRIPTION.

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

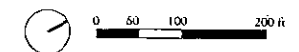

8/9/06
JOHN T. BILNOSKI, R.P.L.S.
NO. 4998
STATE OF TEXAS



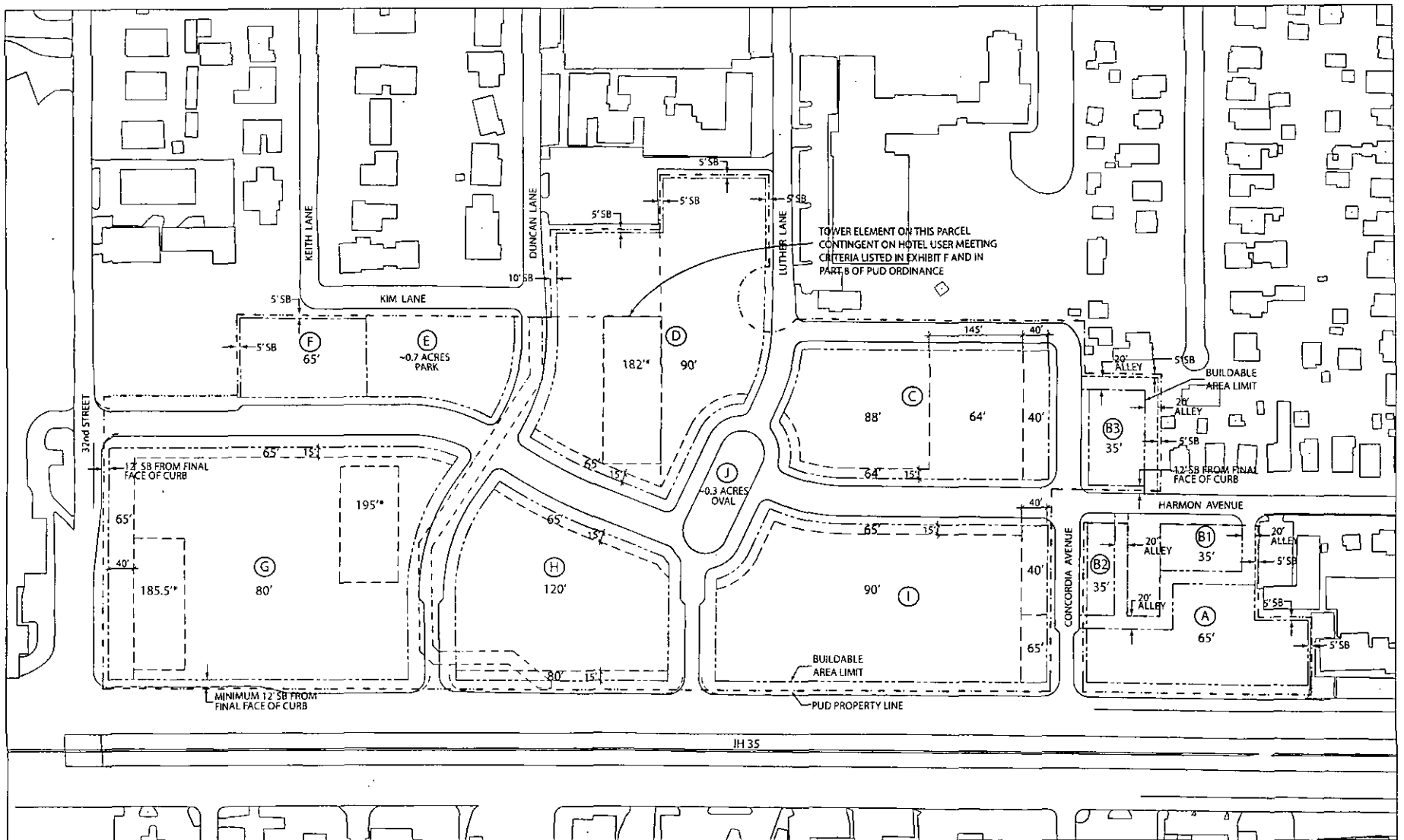




----- BUILDABLE AREA LIMIT



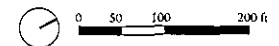
EAST AVENUE PUD
EXHIBIT C-1: LAND USE PLAN
INTERNAL STREET OR DRIVEWAY AND BLOCK PLAN
Prepared by ROMA Design Group



* APPROXIMATE TOWER LOCATIONS AND FOOTPRINTS

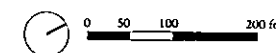
SB = SETBACK

----- BUILDABLE AREA LIMIT

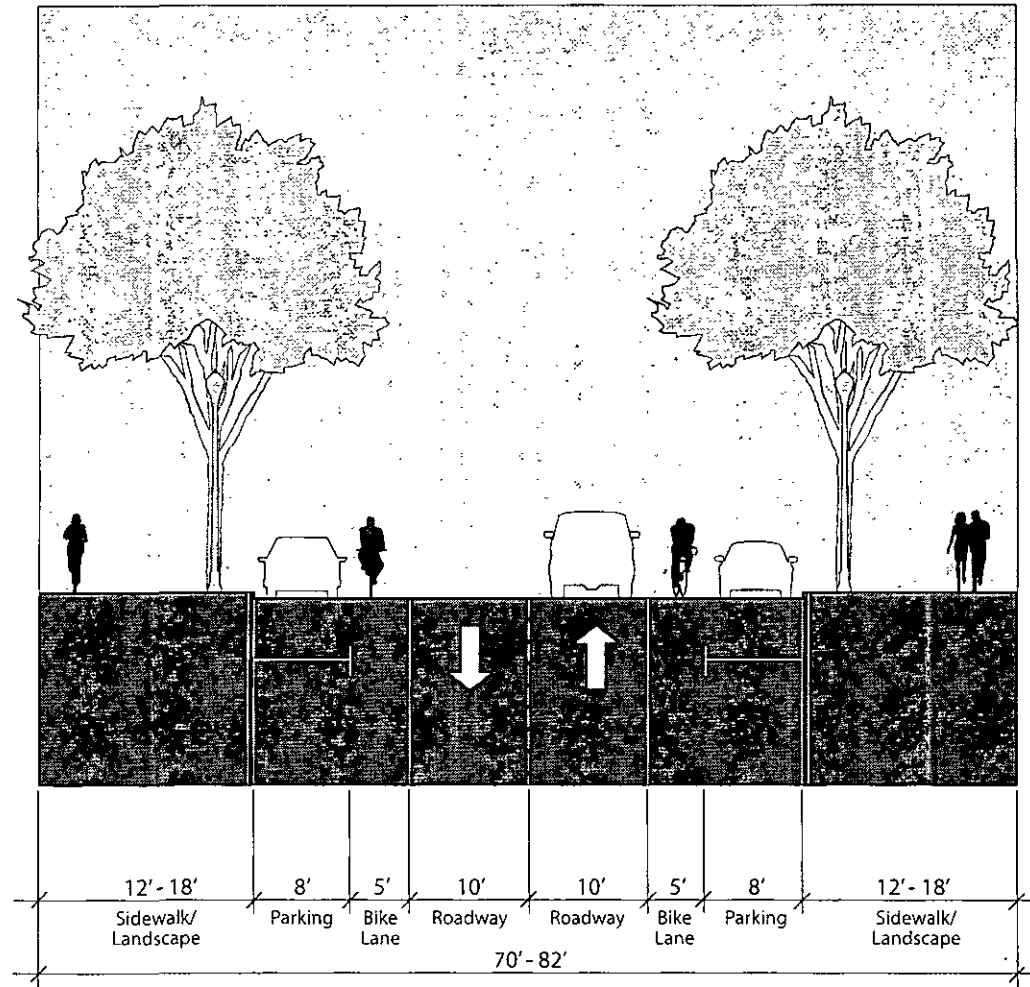


EAST AVENUE PUD
EXHIBIT C-2: LAND USE PLAN
MAXIMUM BUILDING AREA AND HEIGHT ZONES
Prepared by ROMA Design Group

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

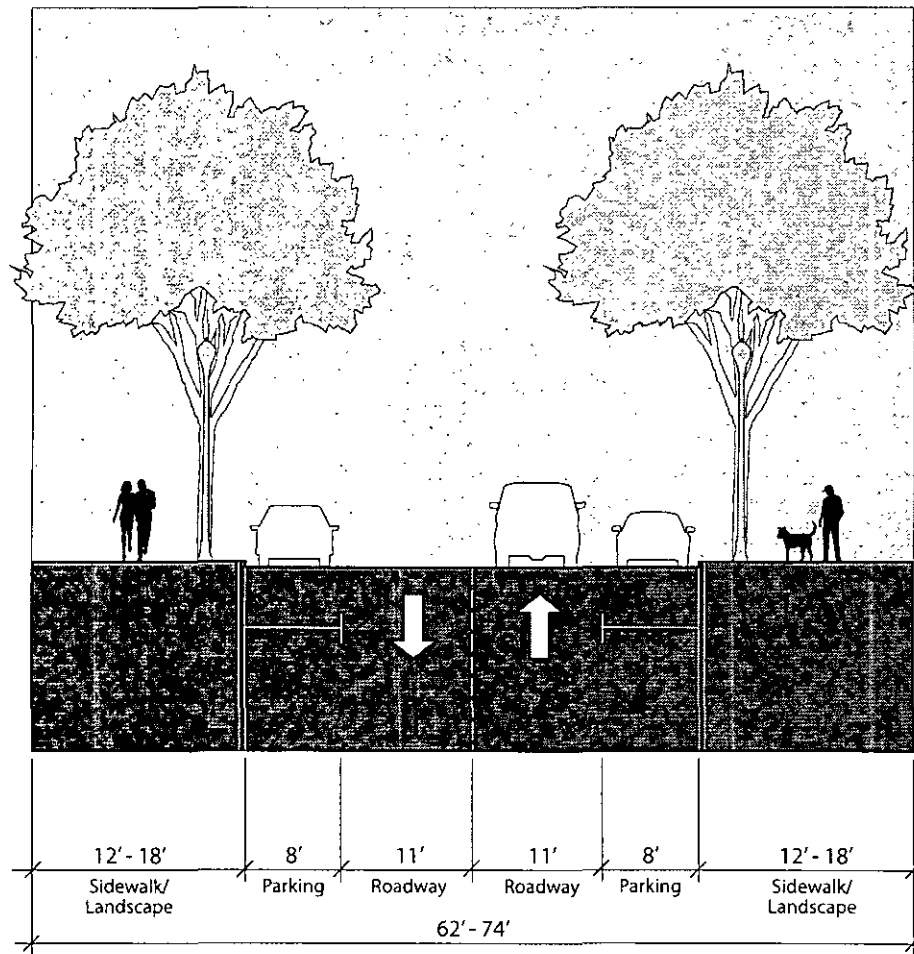


EAST AVENUE PUD
EXHIBIT C-3: LAND USE PLAN
GROUND FLOOR PEDESTRIAN-ORIENTED USE FRONTS
Prepared by ROMA Design Group



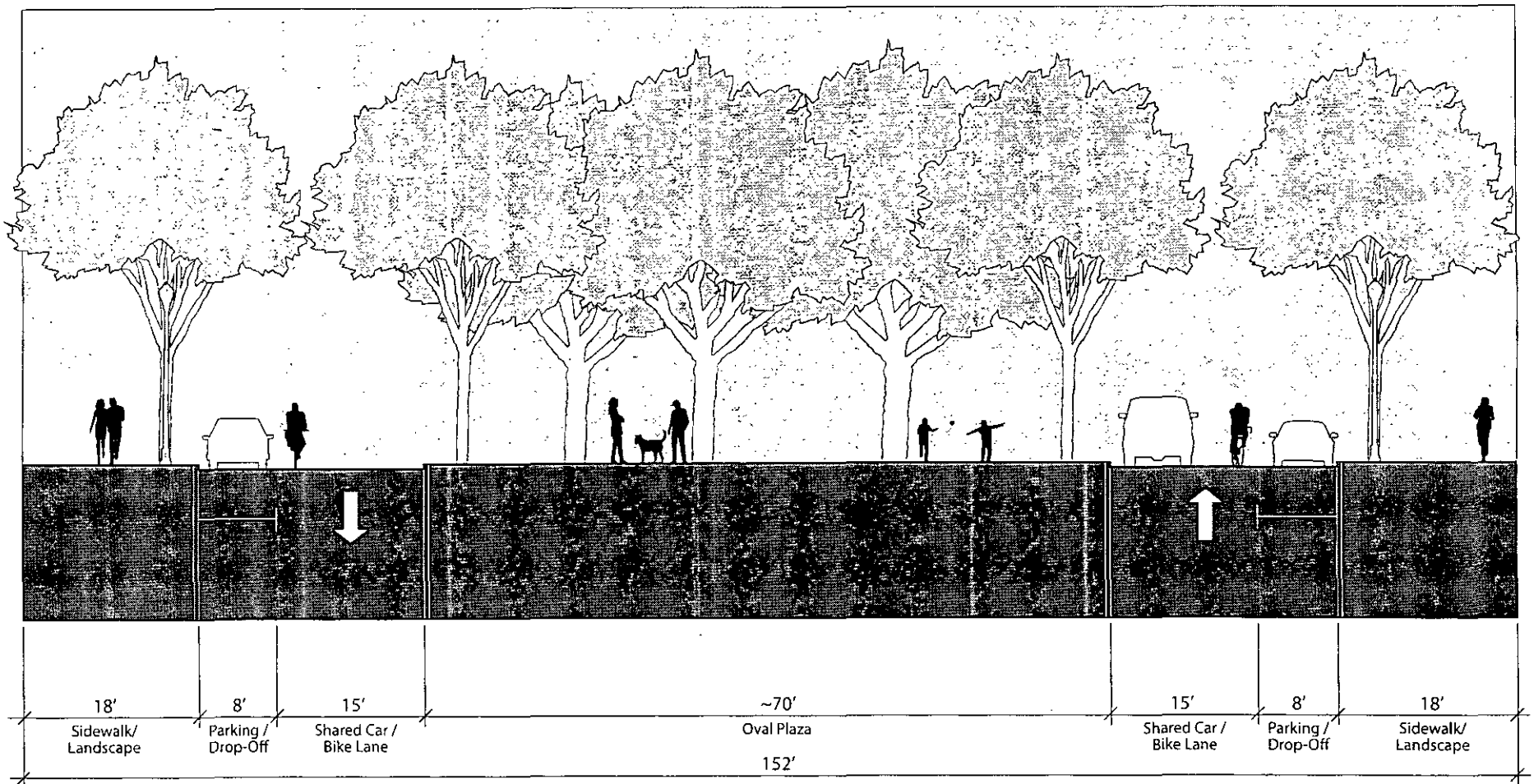
EAST AVENUE PUD
EXHIBIT C-4-A
SECTION AA : NORTH / SOUTH INTERNAL STREET OR DRIVEWAY
Prepared by ROMA Design Group

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



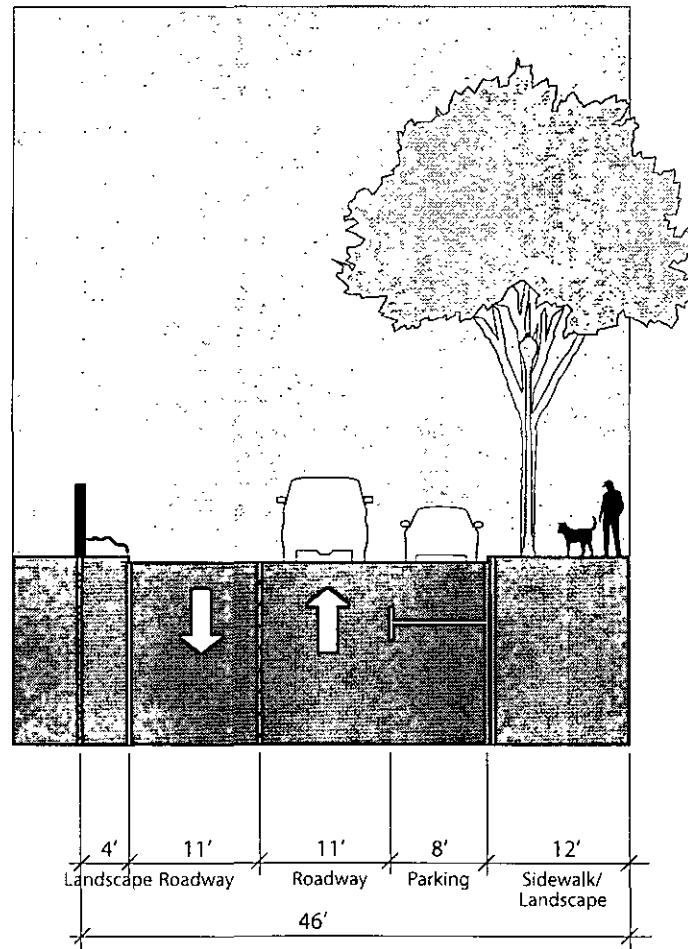
EAST AVENUE PUD
EXHIBIT C-4-B
SECTION BB: EAST / WEST STREETS OR DRIVEWAYS
Prepared by ROMA Design Group

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



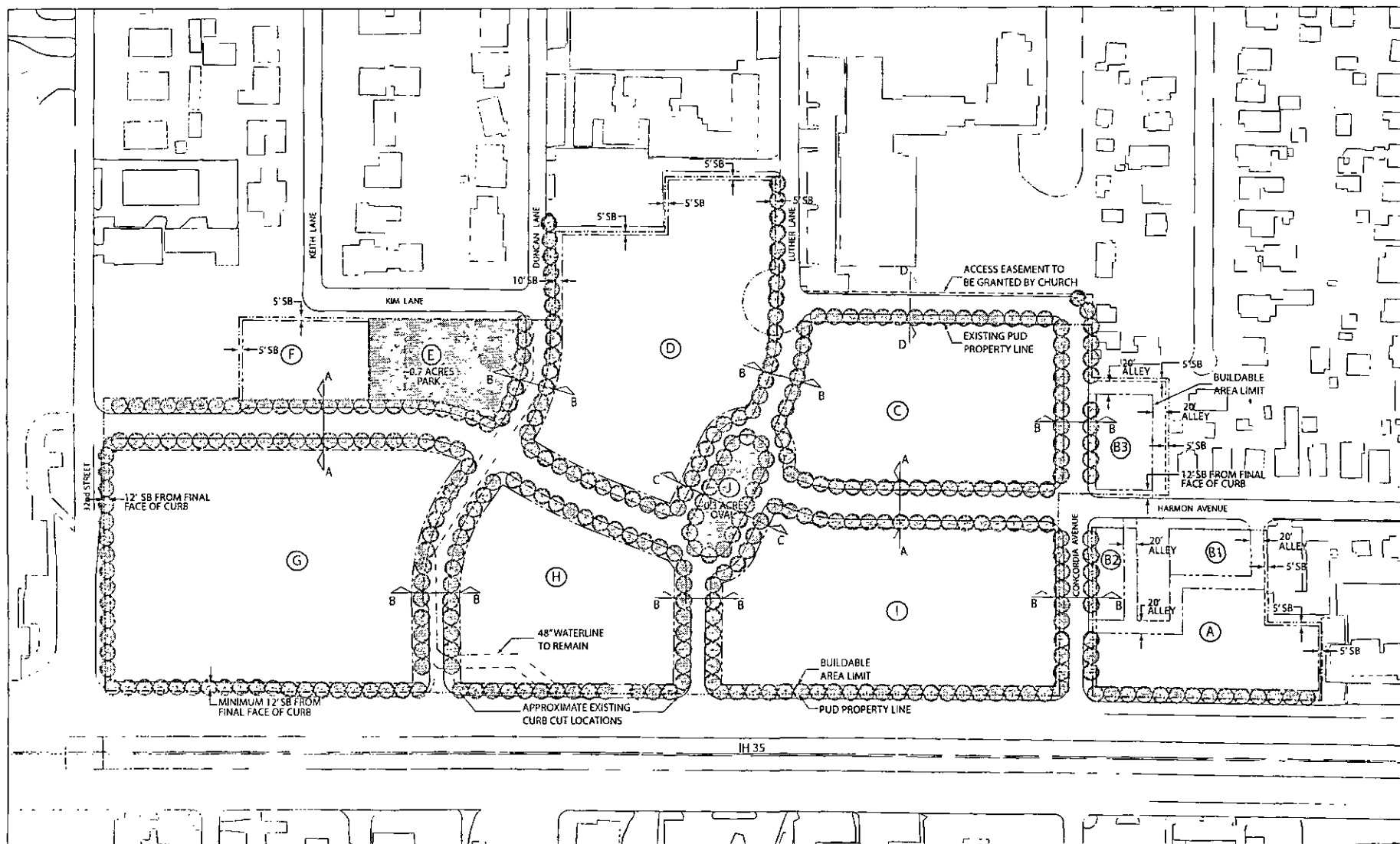
EAST AVENUE PUD
EXHIBIT C-4-C
SECTION CC: INTERNAL OVAL STREET OR DRIVEWAY
Prepared by ROMA Design Group

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

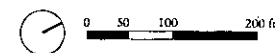


EAST AVENUE PUD
EXHIBIT C-4-D
SECTION DD : INTERNAL STREET OR DRIVEWAY AT CHURCH PROPERTY EDGE
Prepared by ROMA Design Group

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



----- BUILDABLE AREA LIMIT



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

Perennials

Black-eyed Susan *Rudbeckia hirta*
 Bulbine *B. frutescens* or *caulescens*
 Bush Morning Glory *Ipomoea fistulosa*
 Butterfly Weed *Asclepias tuberosa*
 Butterfly 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*
 Dianthus *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) *Tetranneuris 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 *Perovskia atricplifolia*
 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 *Sorghastrum 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*
 Horsetail *Calypocarpus 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*
 Woolly 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

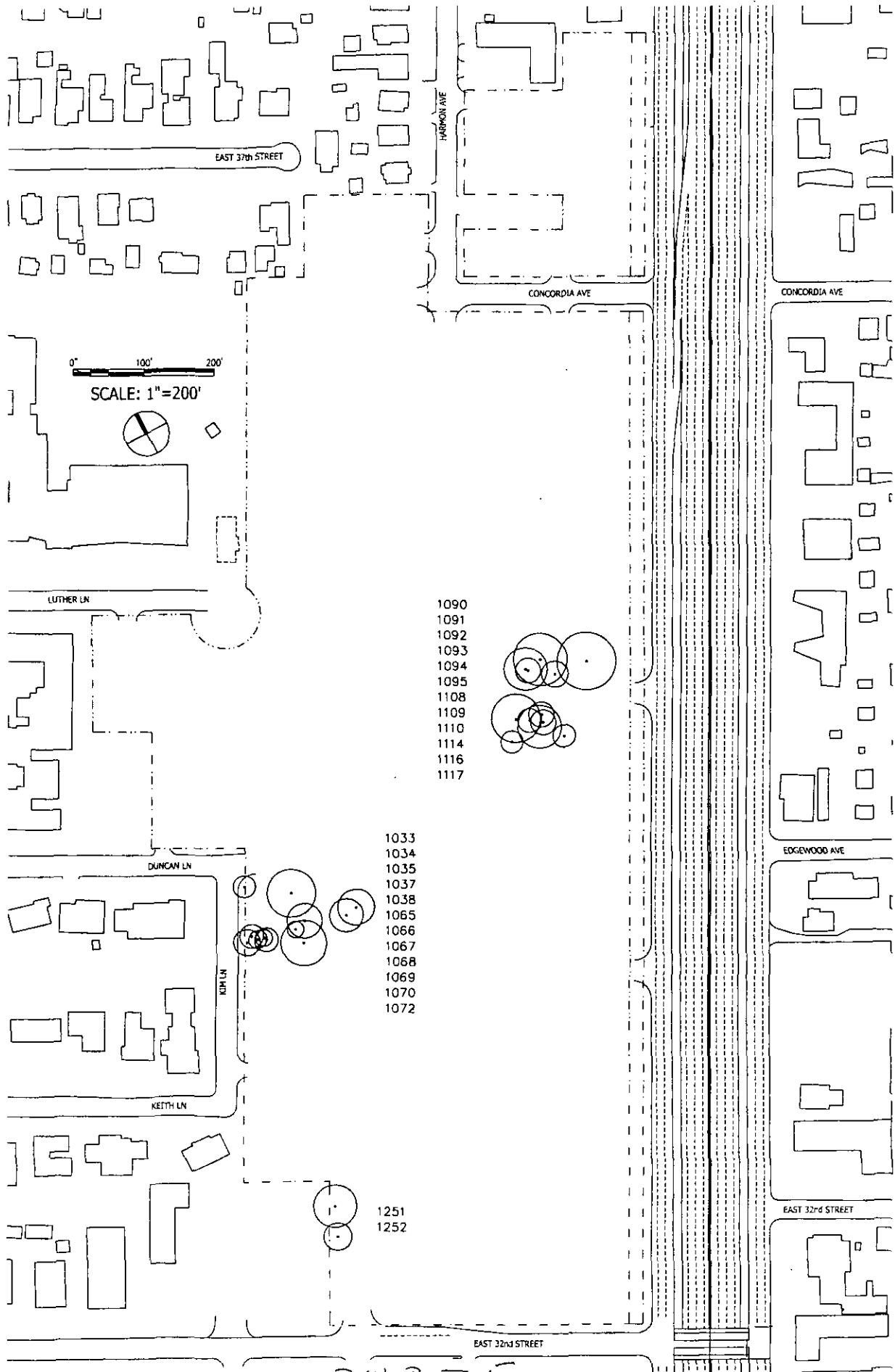
(travel by runners, rhizomes, and stems so only invade neighboring areas):

- 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



1090
1091
1092
1093
1094
1095
1108
1109
1110
1114
1116
1117

1033
1034
1035
1037
1038
1065
1066
1067
1068
1069
1070
1072

1251
1252

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.