

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NOS. 20070326-002 AND 20221027-049 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 3300 NORTH INTERSTATE HIGHWAY 35 SERVICE ROAD SOUTHBOUND, TO CHANGE A CONDITION OF ZONING.

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 The first amendment to the Original Ordinance proposed in Case No. C814-06-0174.01 was withdrawn. A second amendment was approved administratively on February 7, 2009. A third amendment was approved by City Council on October 27, 2022, under Ordinance No. 20221027-046.

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 H, 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 described in Zoning Case No. C814-06-0175.04, on file at the Planning Department, as follows:

LOT 4, BLOCK “A”, EAST AVENUE SUBDIVISION, a subdivision in Travis County, Texas, according to the map or plat thereof as recorded in Document No. 200800152 of the Official Public Records of Travis County, Texas (the “Property”),

locally known as 3300 North Interstate Highway 35 Service Road Southbound in the City of Austin, Travis County, Texas, generally identified in the map attached as **Exhibit “A”**.

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2
3 **PART 4.** This ordinance and the attached exhibits amend the Original Ordinance, as
4 amended, for the Property. Development of and uses within the Property shall conform to
5 the limitations and conditions set forth in this ordinance. If this ordinance and the attached
6 exhibits conflict, the ordinance applies. Except as otherwise provided by this ordinance and
7 the Amended Land Use Plan, all other rules, regulations, and ordinances of the City apply
8 to the Property.

9
10 **PART 5.** The attached exhibits are incorporated into this ordinance in their entirety as
11 though set forth fully in the text of this ordinance. The exhibits are as follows:

12
13 Exhibit A: Zoning Map for Parcel H

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15 **PART 6.** Part 7. C. Permitted, Conditional, and Prohibited Uses of the Original Ordinance
16 is amended as follows:

- 17
18 1. Seventy-five percent of the ground floor area as depicted on Exhibit C-3
19 (*Ground Floor Pedestrian-Oriented Use Frontages*) and shown as cross-hatched
20 areas must be used for the following ~~[pedestrian-oriented]~~ uses: administrative
21 and business office, art gallery, food sales, general retail sales (convenience or
22 general), residential uses, restaurant (limited or general); and
23
24 2. The remaining twenty-five percent of the ground floor area as depicted on
25 Exhibit C-3 may be administrative and business office use, and any pedestrian-
26 oriented use ~~[from the list of uses]~~ set forth in Section 25-2-691 (C)(*Waterfront*
27 *Overlay (WO) District Uses*) ~~[of the City Code as it exists on the effective date of~~
28 ~~this ordinance]~~, excluding [a] cocktail lounge use. Additional uses may not be
29 added by the Land Use Commission under Section 25-2-691(C)(12).
30

31 **PART 7.** Part 8. Site Development Regulations of the Original Ordinance is amended to
32 read as follows:

- 33
34 Q. ~~[All new residential and commercial development shall comply with Austin~~
35 ~~Energy Green Building Program in effect on March 26, 2007, to achieve a~~
36 ~~minimum two-star rating.]~~ All buildings with residential or commercial uses
37 on the Property shall achieve a two-star or greater rating under the Austin
38 Energy Green Building program using the applicable rating version in effect
39 at the time a rating registration application is submitted for the building.
40

1 **PART 8.** Except as otherwise provided for in this ordinance, the terms and conditions of
2 Ordinance No. 20070326-002, as amended, remain in effect.
3

4 **PART 9.** Except as specifically modified by this ordinance, the Property is subject to
5 Ordinance No. 040826-59 that established zoning for the Hancock Neighborhood Plan.
6

7 **PART 10.** This ordinance takes effect on _____, 2023.
8

9 **PASSED AND APPROVED**

10
11 §
12 §
13 _____, 2023 § _____
14 Kirk Watson
15 Mayor
16
17

18 **APPROVED:** _____ **ATTEST:** _____
19 Anne L. Morgan Myrna Rios
20 City Attorney City Clerk
21