

1 Tract 5:

2 Lot(s) 1, 2, 4A and 4B, Koger Executive Center Unit Five, a subdivision in Travis
3 County, Texas, according to the map or plat of record in Volume 84, Pages 6D-7A of
4 the Plat Records of Travis County, Texas (cumulatively, tracts referred to as Austin
5 Oaks PUD),

6 and locally known as 3409, 3420, 3429, 3445, 3520, 3636, 3701, 3721, 3724 and 3737
7 Executive Center Drive and 7601, 7718 and 7719 Wood Hollow Drive, in the City of
8 Austin, Travis County, Texas, and generally identified in the map attached as **Exhibit A:**
9 **Zoning Map.**

10 **PART 2.** This ordinance, including exhibits, constitutes the land use plan for the Austin
11 Oaks PUD. Development of and uses within the Austin Oaks PUD shall conform to the
12 limitations and conditions set forth in this ordinance and in the land use plan. If this
13 ordinance and an attached exhibit conflicts, this ordinance controls. Except as otherwise
14 provided by this ordinance, all other rules, regulations, and ordinances of the City in effect
15 at the time of permit application apply to development within the Austin Oaks PUD. In this
16 ordinance, Landowner means the owner of property located within the 31.4 acres of land
17 described in **Exhibit A**, and the owner's successors and assigns.

18 **PART 3.** The attached exhibits are incorporated into this ordinance in their entirety as
19 though set forth fully in the text of this ordinance. The exhibits are as follows:

20 Exhibit A. Zoning Map

21 Exhibit B. Land Use Plan

22 Exhibit C. Phasing Plan

23 Exhibit D. Permitted Use Table

24 Exhibit E. Park Plan and Park Space

25 Exhibit F. Creek Plan

26 Exhibit G. Streetscape Plan

27 Exhibit H. Tree Plan

28 Exhibit I. Topography and Land Use Plan

1 Exhibit J. Open Space Plan

2 Exhibit K. Tree Survey

3 Exhibit L. Affordable Housing Restrictive Covenants

4 **PART 4. Definitions.**

5 A. Section 25-1-21 is modified to add or revise the following terms:

- 6 1. AO Hotel is a classification for Parcel 6 as shown in **Exhibit B: Land Use**
7 **Plan.**
- 8 2. AO Mixed Use is a classification for Parcel 9 as shown in **Exhibit B.**
- 9 3. AO Restaurant is a classification for Parcels 4 and 5 as shown in **Exhibit B.**
- 10 4. Mopac Expressway Office Mixed Use is a classification for Parcels 1, 2 and
11 3 as shown in **Exhibit B.**
- 12 5. Parcel means one of ten separate parcels as shown on **Exhibit B.**
- 13 6. Phasing Plan means the plan of development for the Austin Oaks PUD as
14 shown in **Exhibit C: Phasing Plan.** Any portion of any parcel may be
15 developed as a phase and any phase may be implemented at any time.
- 16 7. Spicewood Springs Office Mixed Use is a classification for Parcels 7 and 8
17 as shown in **Exhibit B.**
- 18 8. Streetscape is a classification for the portions of all parcels as shown in
19 **Exhibit B** and **Exhibit G: Streetscape Plan** and for the public rights-of-
20 way for Executive Center Drive, Wood Hollow Drive, and Hart Lane located
21 within, or adjacent to, the Austin Oaks PUD.

22 **PART 5. Land Use.**

23 The following conditions apply:

- 24 A. A mixed-use development is required on Parcel 9 with a commercial ground floor
25 use and multifamily residential above the ground floor.

- 1 B. Automotive washing shall be considered an accessory use for office uses, may be
2 used solely for employees or patrons of the buildings, and shall occur only within
3 structured parking.
- 4 C. The minimum size of any lot within any parcel within the Austin Oaks PUD is
5 20,000 square feet.
- 6 D. The minimum width of any lot within any parcel within the Austin Oaks PUD is
7 100 feet.
- 8 E. Total impervious cover within the Austin Oaks PUD is limited to 58% of the
9 PUD's gross site area. This total impervious cover limit applies to the PUD
10 overall, not on an individual subdivision or site plan basis. In addition to the
11 overall limit, land uses within the PUD shall comply with the impervious cover
12 limits in **Exhibit B**. Impervious cover is limited to 50% within 300 feet of the
13 offsite springs as shown in **Exhibit B**. Impervious cover in dedicated parkland is
14 limited to a total of 27,000 square feet. Each subdivision or site plan application
15 shall track the Austin Oaks PUD's compliance with the impervious cover limits.
- 16 F. No more than a combined total of 250 residential dwelling units shall be
17 permitted within Parcel 9 and Parcel 6. The maximum number of each type of
18 residential unit shall be as follows:
- 19 1. The number of efficiency units shall not exceed 125 units.
 - 20 2. The number of one-bedroom units shall not exceed 125 units.
 - 21 3. The number of two-bedroom units shall not exceed 100 units.
- 22 G. Any cell towers or similar communications or information relay facilities
23 constructed on any parcel within the Austin Oaks PUD shall be screened
24 concurrently with the construction of, or architecturally incorporated into, a
25 building to be constructed on such parcel.

26 **PART 6. Open Space and Parkland.**

- 27 A. The Austin Oaks PUD shall include (1) open space and (2) dedicated parkland
28 for park and recreational purposes in accordance with **Exhibit E: Park Plan and**
29 **Park Space**. Development of the dedicated parkland will follow the Phasing Plan
30 as shown in **Exhibit C**. Parkland dedication requirements set forth in this
31 ordinance shall satisfy all City parkland requirements for the Austin Oaks PUD.

1 B. The Austin Oaks PUD shall include at least 11.01 acres of open space, as
2 generally shown on **Exhibit J: Open Space Plan**, which shall satisfy open space
3 requirements for any subdivision or site plan submitted within the Austin Oaks
4 PUD. Areas designated as open space may include, but are not limited to:

- 5 1. Natural and undeveloped areas, landscaped areas, plazas, patios, open air
6 gathering places, multi-use trails, and detention or water quality facilities
7 designed and maintained as an amenity;
- 8 2. Vegetative roofs and other landscaped areas on roofs, if accessible to
9 building occupants and designed as an amenity; and
- 10 3. All courtyards and other areas located within any building that are open and
11 unobstructed from the surface to the sky and that are covered by grass,
12 ground cover, or other landscaping.

13 **PART 7. Environmental.**

14 A. All buildings in the Austin Oaks PUD will achieve a two-star or greater rating
15 under the Austin Energy Green Building program using the applicable rating
16 version in effect at the time a rating registration application is submitted for the
17 building.

18 B. Landscaping

- 19 1. At least 75% of trees planted within the street yard shall be from the
20 Environmental Criteria Manual (ECM) Appendix N (City of Austin Preferred
21 Plant List). Trees planted within the street yard shall be no less than three inch
22 caliper in size and eight feet in initial height. If more than ten trees are
23 required in the street yard, pursuant to the ECM, no more than 30% of planted
24 trees shall be from the same species.
- 25 2. At least 75% of all non-turf plant materials shall be native to Central Texas or
26 included in the 5th Edition of City of Austin's "Grow Green Native and
27 Adapted Landscape Plants" guide (revised 2016). This requirement shall not
28 apply to plantings within dedicated parkland.

29 C. Tree Protection

- 30 1. The Landowner shall preserve a minimum of 3,150 caliper inches of
31 Protected and Heritage Trees, calculated together, which represents 75% of

1 the total caliper inches of Protected and Heritage Trees within the Austin
2 Oaks PUD. The Landowner shall also preserve a minimum of 7,137 caliper
3 inches of all trees eight inches in diameter at breast height or larger, which
4 represents 63% of the total caliper inches of regulated trees within the
5 Austin Oaks PUD. These requirements apply to the Austin Oaks PUD as a
6 whole and not on an individual subdivision or site plan basis. Each
7 subdivision, site plan, and building permit application that includes a tree
8 removal request shall demonstrate that the Austin Oaks PUD is in
9 compliance with these requirements.

- 10 2. Existing impervious cover shall be removed and no more new impervious
11 cover shall be placed within the full critical root zone (CRZ) of Protected
12 and Heritage Trees, except as follows:
- 13 a. Structures and access drives may be located within the outer half of the
14 CRZ in compliance with ECM Section 3.5.2;
 - 15 b. Internal drive aisles on Parcels 1, 2, 3, and 4 are allowed within the outer
16 half of the CRZ in compliance with ECM Section 3.5.2;
 - 17 c. Sidewalks and multi-use trails are allowed within the CRZ in compliance
18 with ECM Section 3.5.2.
- 19 3. Mitigation credit shall be granted for removing existing impervious cover
20 from the CRZ of preserved trees. Mitigation credit shall be defined as the
21 dollar value of the arboricultural services provided to remove the impervious
22 cover, improve soil health and composition, and reduce compaction within
23 the CRZ.

24 D. Drainage

- 25 1. The Landowner shall provide a minimum of 20,000 cubic feet of on-site flood
26 detention, as described in **Exhibit F: Creek Plan**.
- 27 2. Each subdivision or site plan shall demonstrate no adverse flooding impact to
28 the confluence with Shoal Creek for the 2, 10, 25, and 100-year frequency
29 storms, based on a PUD-wide analysis utilizing existing impervious cover as
30 described in Part 10.B.4.

31 E. Riparian Restoration
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1. The Landowner shall remove existing, non-compliant impervious cover from the critical water quality zone and critical environmental feature buffers within the Austin Oaks PUD, as illustrated in **Exhibit F**. The areas shall be restored as described in **Exhibit F**.
2. The Landowner shall lay back the west creek bank on Parcels 4 and 5, as illustrated in **Exhibit F**. The resulting inundation bench shall be restored as described in **Exhibit F**. Laying back the bank as described is a permitted floodplain modification within the critical water quality zone.

F. An integrated pest management (IPM) plan that complies with Section 1.6.9.2 (D) and (F) of the ECM shall be submitted for approval with each site plan application. The Landowner shall provide copies of the IPM plan to all property owners within the Austin Oaks PUD.

PART 8. Affordable Housing Program.

In this Part 8, MFI means median family income for the Austin-Round Rock metropolitan statistical area, as determined annually by the United States Department of Housing and Urban Development. In order to meet the City's affordable housing goals and to ensure long term affordability, the Landowner agrees to the following:

A. Multifamily Rental Housing

At least 10% of the total number of multifamily rental housing units located within the Austin Oaks PUD will be set aside for occupancy by households with incomes at 60% of or below the MFI for a rental affordability period of forty years from the date the certificate of occupancy is issued for the affordable development. The 10% set aside under this section constitutes the "Affordable Rental Units." In addition the Landowner agrees to comply with the following:

1. Each lot sold or developed for multifamily development use that will include Affordable Rental Units shall be subject to a restrictive covenant using the form shown in **Exhibit L: Affordable Housing Restrictive Covenants** recorded at the time of sale or development in the official public records of the county where the affordable development is located. The form of the restrictive covenant may be revised by agreement of the Director of Neighborhood Housing and Community Development (NHCD) and the Landowner.

- 1 2. At least 50% of the Affordable Rental Units must contain 2 or more
2 bedrooms and shall have the same minimum average unit size as the market
3 rate units located in the same building.
- 4 3. Income qualifications and rents must comply with NHCD compliance
5 guidelines. For each Affordable Rental Unit, income qualifications shall
6 include a requirement that households spend no more than 30% of the
7 household's gross monthly income on utilities and rental payments.
8 Compliance with the affordable housing requirements will be monitored by
9 NHCD.

10 B. Owner-occupied Housing

11 At least 10% of the total number of units sold as owner-occupied residential
12 housing units located within the Austin Oaks PUD will be set aside for
13 occupancy by households with incomes at 80% of or below MFI for an
14 affordability period of not less than forty years. The 10% set aside under this
15 section constitutes the Affordable Ownership Units. In addition the Landowner
16 agrees to comply with the following:

- 17 1. The Affordable Ownership Units shall have substantially similar
18 architectural design and restrictions as other residential units offered for sale
19 to the general public.
- 20 2. At least 50% of the Affordable Rental Units must contain 2 or more
21 bedrooms and shall have the same minimum average unit size as the market
22 rate units located in the same building
- 23 3. Affordable Ownership Units:
 - 24 a. Must be sold to an income eligible household at 80% of or below MFI;
25 and
 - 26 b. Shall be secured through a restrictive covenant or other title encumbrance
27 agreed upon by the City and Landowner to include, but not be limited to
28 the following:
 - 29 i. Resale restrictions that require that resale of the affordable unit must
30 be to a household at 80% of or below MFI;

- 1 ii. Restrictions that will cap the equity gain to the homeowner that can
2 be realized upon resale of the affordable unit to maintain the unit's
3 long term affordability in accordance with NHCD guidelines;
- 4 iii. Right of First Refusal to the Austin Housing Finance Corporation
5 (AHFC) or other entity designated by the City that is assignable to
6 an income-qualified buyer, to ensure long term affordability; and
- 7 iv. Be subject to a restrictive covenant using a form shown in **Exhibit L**
8 and recorded at the time of sale in the official public records of the
9 county where the Affordable Ownership Unit is located. The form of
10 the restrictive covenant may be revised by agreement of the Director
11 of NHCD and the Landowner.

- 12 C. The Landowner agrees to execute a blanket restrictive covenant in a form
13 substantially similar to the form attached in **Exhibit L**. To ensure that Affordable
14 Ownership and Rental Units are set aside in compliance with Part 8 of this
15 ordinance, the Landowner agrees to enter into an agreement with the City that
16 establishes the terms for releasing the blanket restrictive covenant once the
17 Affordable Ownership Units and Affordable Rental Units have been identified
18 within the Austin Oaks PUD.
- 19 D. The Landowner shall file a written report, in a format approved by NHCD, with
20 the Director of NHCD including the number and location of each Affordable
21 Ownership Unit and Affordable Rental Unit meeting the Affordable Housing
22 Requirements within the Austin Oaks PUD. The initial report shall be filed not
23 later 15 calendar days following the date of recordation of a plat or site plan
24 within the Austin Oaks PUD and shall be updated every six months until the
25 Austin Oaks PUD is complete.
- 26 E. NHCD shall monitor compliance with the requirements of this ordinance, at a
27 minimum, through annual audits.

28 **PART 9. Transportation.**

- 29 A. The Landowner shall mitigate transportation impacts as set forth in the
30 Development Services Department, Transportation Review Section's
31 Transportation Impact Analysis (TIA) memo dated October 6, 2016 and **Exhibit**
32 **G**. The Landowner shall pay 100% of costs, including design and overhead.

- 1 B. The portions of the public rights-of-way of Executive Center Drive, Wood
2 Hollow Drive, and Hart Lane within, or adjacent to, the Austin Oaks PUD shall
3 be developed in accordance with **Exhibit G** and as may be required by the TIA
4 memo and **Exhibit D**.

5 **PART 10. Code Modifications.** In accordance with Chapter 25-2, Subchapter B, Article
6 2, Division 5 (*Planned Unit Development*) of the Code, the following site development
7 regulations apply to the Austin Oaks PUD instead of otherwise applicable City regulations:

8 A. Zoning.

- 9 1. Section 25-2-1065 (B)-(D) (*Scale and Clustering Requirements*) is modified
10 to allow building placement within the Austin Oaks PUD as designated in
11 **Exhibit B**.
- 12 2. Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*) is modified
13 as follows:
- 14 a. Subsections 2.2.2.B.–E. of Article 2 (*Site Development Standards*),
15 Section 2.2 (*Relationship of Buildings to Streets and Walkways*) are
16 modified so that regulations for the construction of sidewalks, the
17 supplemental zone, building placement, and off-street parking do not
18 apply within the Austin Oaks PUD.
- 19 b. Subsection 2.3.1.B. (*Standards*) of Article 2 (*Site Development*
20 *Standards*), Section 2.3 (*Connectivity Between Sites*) is modified to allow
21 entrances within the Austin Oaks PUD as designated in **Exhibit B**.
- 22 c. Section 2.4 (*Building Entryways*) is modified to allow building placement
23 within the Austin Oaks PUD as designated in **Exhibit B**.
- 24 d. Subsections 3.2.2.A.–C. of Article 3 (*Building Design Standards*),
25 Section 3.2 (*Glazing and Facade Relief Requirements*) are modified so
26 that the regulations do not apply to the AO Hotel on Parcel 6 or the AO
27 Mixed Use on Parcel 9.
- 28 e. Subsection 3.3.2.A. (*Building Design Options*) of Article 3 (*Building*
29 *Design Standards*), Section 3.3 (*Options to Improve Building Design*) is
30 modified to require a minimum total of five base points in the aggregate
31 for all buildings within the Austin Oaks PUD.

1 f. Subsection 4.2.1.D. (*District Standards*) of Article 4 (*Mixed Use*),
2 Section 4.2 (*Mixed Use Zoning Districts*) is modified so that the unit size
3 square footage requirements within the zoning districts do not apply
4 within the Austin Oaks PUD.

5 B. Environmental.

- 6 1. ECM Section 2.4.3 (*Buffering*) is modified to allow shrubs used as buffering
7 elements on Parcels 1 and 4 to be planted in a permeable landscape area at
8 least three feet wide.
- 9 2. Section 25-2-1008(A) (*Irrigation Requirements*) is modified such that natural
10 areas and existing trees where impervious cover is removed shall be
11 considered undisturbed for the purposes of this requirements. Portions of a
12 site within the Austin Oaks PUD that cannot comply with this code section
13 using a gravity fed conveyance system are exempt from its requirements.
- 14 3. Section 25-7-32 (*Director Authorized to Require Erosion Hazard Zone*
15 *Analysis*) shall not apply to the Austin Oaks PUD. An erosion hazard zone
16 analysis prepared by Urban Design Group, consisting of a report dated March
17 30, 2016 and an addendum dated August 15, 2016, was submitted with the
18 Austin Oaks PUD application and the identified erosion hazard zone shall be
19 used for future development applications.
- 20 4. Drainage Criteria Manual Section 1.2.2.D (*General*) is modified such that the
21 analysis shall be based on the Austin Oaks PUD boundary rather than the
22 parcel boundaries. The drainage analysis shall utilize the Austin Oaks PUD's
23 existing impervious cover, which is 66% of gross site area, as the benchmark
24 for identifying additional adverse impacts.
- 25 5. Section 25-8-25(B)(1) and (3) (*Redevelopment Exception in Urban and*
26 *Suburban Watersheds*) is modified such that impervious cover and vehicle trip
27 limits shall apply to the Austin Oaks PUD overall rather than by site plan. For
28 purposes of Section 28-8-25(B)(5), non-compliant development may be
29 relocated within the critical water quality zone and critical environmental
30 feature buffers if the degree of encroachment (total square footage and
31 minimum distance to the protected feature) and overall impact to the protected
32 feature does not increase.
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- 1 6. Section 25-8-641(B) (*Removal Prohibited*) is modified to allow the removal
2 of trees identified as tag numbers 904, 952, 1075, 1094, 1163, 1289, 2008,
3 2031, 2033, 2037, 2107, 2227, and 2233 in **Exhibit H: Tree Plan**.
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5 7. ECM Section 3.3.2.A (*General Tree Survey Standards*) is modified to allow
6 **Exhibit K: Tree Survey** to be used for 20 years from the survey date.
7 Development applications submitted after November 22, 2033 shall require a
8 new tree survey that complies with the rules and regulations in effect at the
9 time of application.

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11 C. Transportation.

12 Section 25-6-472(A) (*Parking Facility Standards*) is modified to allow the
13 following minimum parking requirements within the Austin Oaks PUD:

- 14 1. 3.5 parking spaces per 1,000 square feet of office;
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16 2. 5 parking spaces per 1,000 square feet of retail uses;
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18 3. 8 parking spaces per 1,000 square feet of restaurant uses; and
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20 4. 1 parking space per each multifamily dwelling unit.

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22 **PART 11. Code Incorporations.** The following code sections, as they exist on the
23 effective date of this ordinance are (1) incorporated herein as if set forth in full; and (2) shall
24 be considered as regulations adopted as part of this ordinance.

25 A. Environmental

- 26 1. Section 25-8-25 (*Redevelopment Exception in Urban and Suburban*
27 *Watersheds*), except as modified in Part 10.B.5;
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29 2. Section 25-8-63(C)(2) (*Impervious Cover Calculations*);
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31 3. Section 25-8-261(B)(3), (D), and (E) (*Critical Water Quality Development*);
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33 4. Section 25-8-262(C) (*Critical Water Quality Zone Crossings*); and
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35 5. ECM Section 1.6.2.E (*Subsurface Ponds*).

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PART 12. This ordinance takes effect on _____, 2017.

PASSED AND APPROVED

_____, 2017 § _____

Steve Adler
Mayor

APPROVED: _____ **ATTEST:** _____

Anne L. Morgan
City Attorney

Jannette S. Goodall
City Clerk

