

APPLICANT'S DRAFT

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY COMMONLY KNOWN AS THE AUSTIN OAKS PLANNED UNIT DEVELOPMENT LOCATED AT 3409, 3420, 3429, 3445, 3520, 3636, 3701, 3721, 3724 and 3737 Executive Center Drive and 7601, 7718 and 7719 Wood Hollow Drive FROM LIMITED OFFICE (LO), NEIGHBORHOOD COMMERCIAL (LR) AND COMMUNITY COMMERCIAL (GR) TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT.

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 districts from limited office (LO), neighborhood commercial (LR) and community commercial (GR) districts to planned unit development (PUD) district on the property described in File C814-2014-0120 on file at the Planning and Zoning Department, as approximately 31.4 acres of land, being more particularly described by metes and bounds in Exhibit “A” incorporated into this ordinance (the “Property”), locally known as the property located at 3409, 3420, 3429, 3445, 3520, 3636, 3701, 3721, 3724 and 3737 Executive Center Drive and 7601, 7718 and 7719 Wood Hollow Drive, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit “B.”

PART 2. This ordinance, together with the attached Exhibits A through L, are the land use plan (the “Land Use Plan”) for the Austin Oaks planned unit development district (the “PUD”) created by this ordinance. Development of and the uses within the PUD shall conform to the limitations and conditions set forth in this ordinance and in the Land Use Plan. If this ordinance and the attached exhibits conflict, the ordinance applies. Except as otherwise specifically provided by this ordinance, all other rules, regulations and ordinances of the City shall apply to the PUD. All references in this ordinance and the exhibits to the City Code sections or regulations shall mean those sections and regulations as they exist on the effective date of this ordinance.

PART 3. The attached exhibits are incorporated into this ordinance in their entirety as though set forth fully in the text of this ordinance, with the exception of Exhibit M which is for background informational purposes only and if this ordinance and Exhibit M conflict, the ordinance applies. The exhibits are as follows:

- Exhibit A: Description of Property
- Exhibit B: Zoning Map
- Exhibit C: Land Use Plan
- Exhibit D: Phasing Plan
- Exhibit E: Permitted Uses Table

Exhibit F: Site Development Regulations
Exhibit G: AO Park Plan and Park Space
Exhibit H: AO Creek Plan
Exhibit I: Streetscape Plan
Exhibit J: Tree Plan
Exhibit K: Topography and Land Use Plan
Exhibit L: Open Space
Exhibit M: Code Modification Background - For Informational Purposes Only

PART 5. Definitions.

1. In this ordinance:
 - A. **PARCEL.** The PUD is divided into ten (10) separate Parcels, which shall be used and developed according to the Land Use Plan and the Phasing Plan.
 - B. **PHASING PLAN** means the plan of development for the PUD as shown in Exhibit D. Any portion of any Parcel may be developed as a phase and any phase may be implemented at any time.
 - C. **MOPAC EXPRESSWAY OFFICE** is a land use classification for Parcels 1, 2 and 3 as shown on Exhibit C. The primary building types permitted in the MoPac Expressway Office classifications are office buildings with uses as shown in Exhibit E and with site development regulations as shown in Exhibit F.
 - D. **SPICEWOOD SPRINGS OFFICE** is a land use classification for Parcels 7 and 8 as shown on Exhibit C. The primary building types permitted in the Spicewood Springs Office classifications are mixed use office and retail buildings with uses as shown in Exhibit E and with site development regulations as shown in Exhibit F.
 - E. **AO HOTEL** is a land use classification for Parcel 6 as shown on Exhibit C. The primary building types permitted in the AO Hotel classification is a hotel with uses as shown in Exhibit E and with site development regulations as shown in Exhibit F.
 - F. **AO RESTAURANT** is a land use classification for Parcels 4 and 5 as shown on Exhibit C. The primary building types permitted in the AO Restaurant classifications are restaurant buildings with uses as shown in Exhibit E and with site development regulations as shown in Exhibit F.
 - G. **AO MULTIFAMILY** is a land use classification for Parcel 9 as shown on Exhibit C. The primary building types permitted in the AO Multifamily classification are mixed use with multifamily and retail buildings with

uses as shown in Exhibit E and with site development regulations as shown in Exhibit F.

- H. STREETSCAPE is a land use classification for the portions of all Parcels as shown on Exhibit C and Exhibit I and for the public rights-of-way for Executive Center Drive and Wood Hollow Drive located within the PUD. Open Space is intended to allow limited land uses and are to be developed as provided in Part 8 of this Ordinance.
- I. AO PARK is a land use classification for Parcels 2, 3, 4, 5, 6, 7, 8, and 10 as shown on Exhibit C. AO Park is intended to allow moderate and active recreation activities as provided in Part 8 of this Ordinance.
- J. AO CREEK is a land use classification for portions of Parcels 2, 3, 4 and 5 along the Wood Hollow Branch (Unnamed Branch) and the Foster Branch that includes the critical water quality zone (CWQZ) and the 100-year flood plain as shown on Exhibit H. AO CREEK is intended to allow for the improvement and enhancement of the creeks as well as the development and maintenance of improved-surface trails and a pedestrian bridge.
- K. CUMULATIVE PARKING permits multiple land uses to use a single parking area, based on peak areas of demand or allocating parking spaces to each land use as provided in Part 11 of this Ordinance.

- 2. All other terms have the meaning provided in the City Code.

PART 6. Use Regulations.

- 1. The locations of the Parcels and land use classifications within the PUD are shown on Exhibit C (*Land Use Plan*).
- 2. Permitted, conditional and prohibited uses applicable to each Parcel's land use classification are shown in Exhibit E (*Permitted Uses Table*).

PART 7. Site development regulations.

- 1. The site development regulations as shown on Exhibit F (*Site Development Regulations*) apply to the respective Parcels instead of otherwise applicable City regulations.
- 2. The existing subdivision plats of the various lots within the PUD may be amended pursuant to Section 212.016 of the Texas Local Government Code to be consistent with the configuration of the various Parcels as shown on Exhibit C (*Land Use Plan*). The director of the Development Services Department shall be authorized to approve such amended subdivision plats, including upon the

vacation of the plat of the Resubdivision of Lot 6 Koger Executive Center Unit Three by the Land Use Commission, an amendment of the plat of Koger Executive Center, Unit 3.

PART 8. AO Park, AO Creek and Streetscape Classifications

1. The AO Park shall be developed in accordance with the provisions and requirements set forth in Exhibit G (*AO Park Plan*).
2. The AO Creek shall be developed in accordance with the provisions and requirements set forth in Exhibit H (*AO Creek Plan*).
3. The portions of the public rights-of-way of Executive Center Drive and Wood Hollow Drive within the PUD shall be developed in accordance with the provisions and requirements set forth in Exhibit I (*Streetscape Plan*).
4. The buildings, structures, parking and other improvements shown in Exhibit C (Land Use Plan), Exhibit G (AO Park Plan), Exhibit H (AO Creek Plan) and Exhibit I (Streetscape) are graphic representations and are not exact. The exact locations and specifications for the buildings, structures, parking and other improvements shall be determined in consultation with and subject to approval by the Development Services, the Parks and Recreation and the Watershed Protection departments as site development permits are issued as is consistent with the provisions of this Ordinance and the intent of Exhibit C, Exhibit G, Exhibit H and Exhibit I.
5. The completion of the development of the AO Park, the AO Creek and the Streetscape within the public rights-of-way shall be accomplished as provided in Exhibit D.
6. The AO Park classification may contain uses and improvements (that are publicly accessible) as shown on Exhibit G, and may include hard surface paths/trails/walkways, pedestrian bridges with support piers (if necessary), benches, seating and similar outdoor furniture, trash receptacles, non-conditioned community facilities (boardwalks, decks, pavilions, gazebos, etc.) and access and utility easements (including utility lines and systems and necessary connections to such lines and systems to provide services to the buildings and improvements within the PUD). The design of the Neighborhood Park on Parcel 10 (as shown on Exhibit G, page 2 of 2) will be developed with input from neighborhood stakeholders and the Parks and Recreation Department, and approved by the Parks and Recreation Board with an overall cost to redevelop not to exceed \$1,946,500, including removal of the current structure and the addition of soil. If deemed necessary by the owner, utility lines and systems, and necessary connections to such lines and systems to provide services to the buildings and improvements within the PUD may be included within those portions of the Property that contain AO Park Classification. Any design changes from what is submitted by

the Owner that are required or requested by neighborhood stakeholders or the Parks and Recreation Department, and approved by the Parks and Recreation Board, that will cause the cost to redevelop the Neighborhood Park on Parcel 10 to exceed \$1,946,500 will be made by the Owner only if such additional cost is paid by the City or other third-parties to the Owner prior to the issuance of the site development permit; if such additional cost is not so paid, then Owner shall not be required to make such design changes.

7. The AO Creek classification may contain uses and improvements (that are publicly accessible) as shown on Exhibit H, and may include hard surface paths/trails/walkways, pedestrian bridges with support piers (if necessary), benches and seating, trash receptacles, stormwater detention facilities by laying back the bank (including drainage outflow structures) and access and utility easements (including utility lines and systems and necessary connections to such lines and systems to provide services to the buildings and improvements within the PUD).
8. The area within the AO Park (Parcel 10) shall be included as “open space” for purposes of compliance with open space requirements under the provisions this Ordinance and under the City Code. Plazas, patios, open air gathering places, detention facilities and water quality facilities, including rain gardens, rainwater collection areas, vegetative filter strips, biofiltration and porous pavement for pedestrian use, shall be permitted within all portions of the PUD located outside the boundaries of the Critical Water Quality Zone (CWQZ), and shall be included as “open space” for purposes of compliance with the open space requirements under the provisions of this Ordinance and under the City Code. Vegetative roofs and other landscaped areas on roofs shall be permitted within the PUD and shall be included as “open space” for purposes of compliance with open space requirements under the provisions this Ordinance and under the City Code. All courtyards and other areas located within any building that are open and unobstructed from the surface to the sky and that are covered by grass, ground cover or other landscaping shall be included as “open space” for purposes of compliance with open space requirements under the provisions this Ordinance and under the City Code. See Exhibit L.
9. The owner of Parcel 10 will spend up to \$1,946,500 to redevelop Parcel 10 as a park and provide improvements prior to deeding Parcel 10 to the City as City parkland and such improvements will be implemented with the approval of the City of Austin. Parkland dedication requirements set forth herein shall satisfy all parkland requirements of the City with respect to the Property, including parkland dedication and parkland development fees. A portion of the improvement expenditures may be spent on placing of a historic marker or interpretive signage on Parcels 10 and Parcel 8 (within the Heritage Park).
10. At least 75% of the total required plant material planted, exclusive of turf and land within dedicated parkland, shall be native to Central Texas or on the 5th

Edition of the City of Austin and Texas Agrilife Extension, "Grow Green Native and Adaptive Landscape Guide," Revised 2014.

11. Section 2.4.1 D of the Environmental Criteria Manual is modified for the PUD Property as follows:

"D. Street Yard Trees.

Within the area described as street yard in Section 2.4.0 a minimum amount of trees are required to be planted or preserved with at least 75% of the trees planted from the Preferred Plant List (see Appendix N). No tree shall be planted within five feet of an underground utility line (e.g., water, wastewater, and stormwater systems) which is in a city maintained easement. Heat absorbing surfaces such as courtyards and the west facing walls of buildings are encouraged to be shaded. A minimum of 50% of the trees required in the landscape yard area, which is not utilized for parking, are to be large shade providing tree species or from the Descriptive Categories of Tree Species (see Appendix F). In areas where utility lines are present or proposed only trees from the Utility Compatible Shade Trees list (see Appendix F) shall be planted within: a) 10 lateral feet from any overhead distribution conductor; b) 30 to 40 lateral feet from any overhead transmission conductor, unless a more restrictive dedicated right-of-way has been established; c) 10 lateral feet from any underground electric facility. Any plantings near transmission facilities must also allow for required access to the facilities. Variations to these planting distances and species may be made only with the explicit written approval of Austin Energy or the affected utility owner. Planted trees shall be no less than eight feet in initial height and no less than three inch caliper measured at six (6) inches above grade. No more than 30% of planted trees will be from the same species (if more than 10 trees are required), as follows:

TOTAL STREET YARD AREA	REQUIRED TREES
1,000 to 10,000 sq. ft.	1 tree/1,000 sq. ft.
10,000 to 110,000 sq. ft.	10 trees for first 10,000 sq. ft. plus 1 tree/2,500 sq. ft. over 10,000 sq. ft.
over 110,000 sq. ft.	50 trees for first 110,000 sq. ft. plus 1 tree/5,000 sq. ft. over 110,000 sq. ft.

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PART 9. Environmental

1. Each office, multifamily and retail building constructed within the PUD that is served by Austin Energy shall comply with the requirements of the Austin Energy Green Building (AEGB) rating system in effect on the Effective Date of this Ordinance for a minimum two-star rating.

2. No construction is permitted within the critical water quality zone except as provided in City Code Sections 25-8-261 (*Critical Water Quality Zone Development*) and 25-8-262 (*Critical Water Quality Zone Street Crossings*) and as provided in Exhibit H.
3. As provided in City Codes Sections 25-8-341(A)(1) and 25-8-342(A)(1), cut and fill limitations shall not apply within the PUD. As provided in City Code Sections 25-8-341(A)(3) and 25-8-342(A)(3), the cut and fill limitations shall not apply to cut and fill under the foundations of all buildings and structures within the PUD.
4. Trees shall be installed in accordance with Exhibit J (*Tree Plan*) as each Parcel is redeveloped. Pursuant to Chapter 25-8, Subchapter B and the City of Austin Environmental Criteria Manual Section 3, the tree survey dated November 22, 2013 identifies the protected and heritage trees and Exhibit J identifies which protected and heritage trees will be removed or relocated; any application for a site development permit filed after November 22, 2038 will require a new tree survey. Mitigation shall be provided by planting replacement trees to the extent reasonably possible as determined by staff on each Parcel as it is redeveloped. Credits against any mitigation or any mitigation fee that may be applicable for a site shall be available for alternative mitigation pursuant to the provisions of Section 3.5.0 (*Design Criteria*) of the City of Austin Environmental Criteria Manual; including caliper inch credit for the removal of impervious cover from the Critical Root Zone of trees using the standing formula for translating caliper inches to Critical Root Zone as established by Section 3.3.2(D) (*General Tree Survey Standards*) of the City of Austin Environmental Criteria Manual. By way of example only, if an existing 18" caliper tree has 4 feet of pervious area surrounding the trunk at grade and the remaining Critical Root Zone of 36 feet diameter is impervious cover, then the maximum credit that could be obtained would be 16" caliper. The measurements of trees on the Property shall be based on the tree survey completed on November 22, 2013, and such survey may be used for site development permit applications that are filed prior to November 22, 2038. For any site plan application filed after November 22, 2038, the applicant will have to prepare a new tree survey. Subject to the City's approval and direction, replacement trees may be planted within the AO Park or AO Creek, either prior to or after the date the AO Park or AO Creek is conveyed to the City as provided in this Ordinance.
5. The provisions of City Code Section 25-8-25 (*Redevelopment Exception in Urban and Suburban Watersheds*) shall apply to the Property overall, and not on a Parcel-by-Parcel basis and, therefore, Section 25-8-25(B)(1) and (3) do not apply to the Property. The total amount of impervious cover on the Property will be less than the amount of impervious cover on the Property as of January 1, 2017 and the development will generate less than the maximum of 30,086 vehicle trips a day allowed and will instead be subject to and set

forth in the Traffic Impact Analysis prepared by Kimley-Horn and dated July 26, 2016 submitted in conjunction with this Ordinance. City Code Subchapter A of Chapter 25-8 does not apply to the Property.

6. Each Parcel of the PUD shall meet onsite water quality treatment in accordance with the standards outlined in City Code Chapter 25-8, Article 6; provided the following shall apply to all water quality facilities:
 - (a) subject to the requirements for access to allow maintenance in Section 1.6.3 (*Maintenance and Construction Requirements*) of the City of Austin Environmental Criteria Manual, water quality facilities may be covered, decked or buried (and landscaped); and
 - (b) the provisions of Section 1.6.7 (*Green Storm Water Quality Infrastructure*) of the City of Austin Environmental Criteria Manual shall apply and various forms of water quality treatment, including rainwater harvesting, may be employed within PUD and receive water quality credits as provided therein.
7. The owner will participate in the Regional Stormwater Management Program ("RSMP") and pay the calculated fee as if the entire 31.4 acres (minus the Neighborhood Park) were greenfield for a total of \$435,993.88; this RSMP fee shall be reduced by the construction costs, design costs, and permitting costs associated with laying back the West side of the unnamed creek bank on Parcels 4 and 5 to the extent possible, and as reflected and described in Exhibit H (*AO Creek Plan*). Except as provided in this Exhibit H (*AO Creek Plan*), no further on-site detention, or RSMP shall be provided or required for the PUD Property. The RSMP payment, if any, will be paid after subtracting the costs associated with the laying back of the West side of the unnamed creek bank on Parcels 4 and 5 and prior to, and as a condition for, obtaining the permanent Certificate of Occupancy for the building to be constructed on the last of Parcel 4 or 5.

PART 10. Affordable Housing Program

1. The PUD shall provide a total of 10% of the residential units to households whose income is 80 percent or below the median family income of the Austin metropolitan statistical area for ownership units and 60 percent or below the Austin metropolitan statistical area for rental units. Up to 5% of the residential units may be provided to households in which one of the members is employed by the Austin Independent School District, so long as their income does not exceed 120 percent of the median family income of the Austin metropolitan statistical area for ownership units or rental units.

2. Income limits are established annually as determined by the director of the Neighborhood Housing and Community Development Office (NHCD) and the United State Department of Housing and Urban Development (HUD).
3. The affordability period for affordable housing units provided in this ordinance shall be 40 years for rental housing and 99 years for on-site for sale housing. The affordability period begins on the date a certificate of occupancy is issued for rental and upon sale of each individual unit for ownership.
4. Rents will be established annually based on the 60 percent median annual family income multiplied by 28 percent divided by 12.
5. On-site affordable housing units offered for sale shall be sold at a price affordable to persons whose household income is 80 percent or below the median family income in the Austin metropolitan statistical area. The affordable sales price shall be established and approved by NHCD.
6. On-site affordable housing units offered for sale shall be reserved, sold and transferred to an income eligible buyer subject to a resale restricted, shared equity agreement approved by NHCD and in compliance with Austin Housing Finance Corporation (AHFC) land trust policies. To ensure long term affordability, AHFC shall hold the shared equity agreement and/or ground lease for the affordable units. AHFC shall also have a Right of First Refusal and may also elect to purchase the homes at the affordable price and resell the units to an income eligible buyer.
7. Compliance and monitoring of these affordability housing provisions shall be performed by the NHCD. The Director of NHCD will establish rules and criteria for implementation for the affordability section.

PART 11. Parking

1. Cumulative Parking shall be permitted for the AO Restaurant Parcels 4 and 5, the AO Hotel Parcel 6, and Spicewood Office Parcel 7; and for MOPAC EXPRESSWAY Office Parcels 1 and 2.
2. Parking within the PUD shall be provided in accordance with the following minimum requirements:
 - 3.5 parking spaces per 1,000 square feet of office
 - 5 parking spaces per 1,000 square feet of retail uses
 - 1.1 parking spaces per each hotel guest room
 - 8 parking spaces per 1,000 square feet of restaurant uses
 - 1 parking space per each multifamily dwelling unit

Not more than thirty (30) percent of the required parking spaces may be reserved for small or compact cars.

3. All on-street parking spaces shall apply towards satisfying the parking requirements for the buildings within the PUD on an aggregate basis.

PART 12. Code Modifications

In addition to the other provisions of this Ordinance and the Exhibits, the following provisions of City Code and the City Environmental Criteria Manual have been replaced, otherwise satisfied or exceeded and do not apply within the PUD:

1. Section 25-8-25(B)(1) and (3) (*Redevelopment Exception in Urban and Suburban Watersheds*);
2. Section 2.4.3 (*Buffering*) of the Environmental Criteria Manual does not apply to Parcel 1 or Parcel 4;
3. Section 25-6-477 (*Bicycle Parking*) for office, residential, and hotel uses;
4. Section 25-2-1008(A)(1) (*Irrigation Requirements*);
5. Section 2.4.1 D (*Street Yard Trees*) of the City of Austin Environmental Criteria Manual;
6. Section 3.3.2(A) (*General Tree Survey Standards*) of the City of Austin Environmental Criteria Manual;
7. Sections 25-7-32 (*Director Authorized to Require Erosion Hazard Zone Analysis*);
8. Section 25-2-1062 (*Height Limitations and Setbacks for Small Sites*);
9. Section 25-2-1063 (*Height Limitations and Setbacks for Large Sites*);
10. Section 25-2-1065 (*Scale and Clustering Requirements*);
11. Subchapter E (*Design Standard and Mixed Use*) Section 2.2 (*Relationship of Buildings to Streets and Walkways*);
12. Subchapter E (*Design Standard and Mixed Use*) Section 2.3 (*Connectivity*);
13. Subchapter E (*Design Standard and Mixed Use*) Section 2.4 (*Building Entryways*);
14. Subchapter E (*Design Standard and Mixed Use*) Section 3.2 (*Glazing and Facade Relief Requirements*) shall not apply to the AO Hotel Parcel 6 or the AO Multifamily Parcel 9;
15. Subchapter E (*Design Standard and Mixed Use*) Article 4 (*Mixed Use*);

EXHIBIT A

DESCRIPTION OF PROPERTY

TRACT 1: Lot 5, KOGER EXECUTIVE CENTER UNIT THREE, a subdivision in Travis County Texas, according to the map or plat thereof recorded in Volume 75, Page 322 of the Plat Records of Travis County, Texas.

TRACT 2: Lots 6A and 6B, RESUBDIVISION LOT 6 KOGER EXECUTIVE CENTER UNIT THREE, a subdivision in Travis County Texas, according to the map or plat thereof recorded in Volume 77, Page 167 of the Plat Records of Travis County, Texas.

TRACT 3: Lots 8, 9 and 10, KOGER EXECUTIVE CENTER UNIT FOUR, a subdivision in Travis County Texas, according to the map or plat thereof recorded in Volume 80, Page 176 of the Plat Records of Travis County, Texas.

TRACT 4: Lots 3A, 3B and 3C, RESUBDIVISION OF A PORTION OF LOT 3, KOGER EXECUTIVE CENTER UNIT TWO, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 76, Page 50 of the Plat Records of Travis County, Texas.

TRACT 5: Lot(s) 1, 2, 4A and 4B, KOGER EXECUTIVE CENTER, UNIT FIVE, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 84, Pages 6D-7A of the Plat Records of Travis County, Texas.

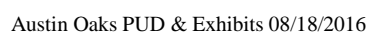


EXHIBIT D

PHASING PLAN

A. The PUD is divided into ten (10) separate parcels identified on the PUD Land Use plan as specific classifications. The PUD shall be developed in phases to accommodate the redevelopment of the existing office building and parking improvements. Any one or more parcels may be included in a phase.

B. The following shall be developed as part of the first phase of the development of the PUD and shall be completed prior to, and as a condition to, the issuance of a permanent Certificate of Occupancy for the first new building to be constructed within the PUD:

- (1) An Integrated Pest Management Plan (IPM) that follows the Grow Green Program shall be submitted to, and approved by, the Development Services Department. The IPM will be done with the site plan for each Parcel.
- (2) The amount of \$420,000.00 shall be deposited with the City to be used for the installation of a traffic signal at the intersection of Hart Lane and Spicewood Springs Road; and
- (3) The amount of \$25,000 shall be deposited with the City to be used to provide a free eastbound right-turn movement from Spicewood Springs Road to Loop 1 Southern Bound Frontage Road.

C. The AO Park on Parcel 10 (Neighborhood Park) shall be developed prior to or concurrently with the development of the AO Multifamily Parcel 9, and shall be completed prior to, and as a condition to, the issuance of the permanent Certificate of Occupancy for the primary building constructed on the AO Multifamily Parcel 9. The AO Park on Parcel 10 shall be conveyed to the City as a condition to the issuance of the permanent Certificate of Occupancy for the primary building constructed on the AO Multifamily Parcel 9.

D. The AO Park on Parcel 8 (Heritage Park) shall be developed prior to or concurrently with the development of Parcel 8, and shall be completed prior to, and as a condition to, the issuance of the permanent Certificate of Occupancy for the first building to be constructed on Parcel 8. The Heritage Park shall be conveyed to the City as a condition to the issuance of the permanent Certificate of Occupancy for the first building to be constructed on Parcel 8.

E. The AO Creek shall be improved consistent with the provisions of this Ordinance and related Exhibits in phases as follows:

- (1) The parking areas on the southern portion of the AO Creek (South of Executive Center Drive) shall be restored prior to or concurrently with the development of the MoPac Expressway Office Parcel 2, and such restoration of the parking areas shall be completed prior to, and as a condition to, the issuance of the permanent Certificate of Occupancy for the primary building constructed on the MoPac Expressway Office Parcel 2. The southern portion of the AO Creek (South of Executive Center Drive) shall be conveyed to the City as a condition to the issuance of the permanent Certificate of Occupancy for the first building to be constructed on Parcel 2.
- (2) The northern portion of the AO Creek (North of Executive Center Drive) that is located on AO Restaurant Parcels 4 and 5 shall be developed prior to or concurrently with the development of improvements on all or any part of either the AO Restaurant Parcels 4 or 5, and shall be completed prior to, and as a condition to, the issuance of the permanent Certificate of Occupancy for the first building to be constructed on either of the AO Restaurant Parcels 4 or 5. The northern portion of the AO Creek (North of Executive Center Drive) that is located on AO Restaurant Parcels 4 and 5 shall be conveyed to the City as a condition of issuance of the permanent Certificate of Occupancy for the first building to be constructed on Parcels 4 or 5.
- (3) The northern portion of the AO Creek (North of Executive Center Drive) that is located on MoPac Expressway Office Parcel 3, including the pedestrian bridge with support piers (if necessary) over the creek, shall be developed prior to or concurrently with the development of improvements on all or any part of the MoPac Expressway Office Parcel 3, and shall be completed prior to, and as a condition to, the issuance of the permanent Certificate of Occupancy for the first building to be constructed on the MoPac Expressway Office Parcel 3. The owner of Parcel 3 will be responsible for the maintenance of the concrete trails and pedestrian bridge within the Creek Park for 10 years from the date of the permanent Certificate of Occupancy for the first building to be constructed on the MoPac Expressway Office Parcel 3; and thereafter the City will be responsible for such maintenance. The pedestrian bridge will be a pre-engineered steel frame bridge with a minimum width of 8 feet. The northern portion of the AO Creek (North of Executive Center Drive) that is located on MoPac Expressway Office Parcel 3, shall be conveyed to the City as a condition of issuance of the permanent Certificate of Occupancy for the first building to be constructed on Parcel 3.

F. The Streetscape shall be developed in phases as follows:

- (1) The portion of the Streetscape within the northern right-of-way of Executive Center Drive from Hart Lane to Wood Hollow Drive and within the western right-of-way of Wood Hollow Drive from Executive Center Drive to Spicewood Springs Road shall be developed prior to or concurrently with the development of the improvements on all or any part of the AO Hotel Parcel 6 or either of the

Spicewood Springs Office Parcels 7 or 8, and shall be completed prior to, and as a condition to, the issuance of the permanent Certificate of Occupancy for the first building to be constructed on AO Hotel Parcel 6 or either of the Spicewood Springs Office Parcels 7 or 8.

- (2) The portion of the Streetscape within the southern right-of-way of Executive Center Drive from Hart Lane to Wood Hollow Drive shall be developed prior to or concurrently with the development of the improvements on all or any part of the AO Multifamily Parcel 9, and shall be completed prior to, and as a condition to, the issuance of the permanent Certificate of Occupancy for the primary building to be constructed on the AO Multifamily Parcel 9.
- (3) The portion of the Streetscape within the eastern right-of-way of Wood Hollow Drive from Executive Center Drive to Spicewood Springs Road shall be developed prior to or concurrently with the development of the improvements on all or any part of either AO Restaurant Parcels 4 or 5, and shall be completed prior to, and as a condition to, the issuance of the permanent Certificate of Occupancy for the first building to be constructed on either AO Restaurant Parcel 4 or 5.
- (4) The portion of the Streetscape within the eastern right-of-way of Wood Hollow Drive from Executive Center Drive to the southern boundary of the PUD shall be developed prior to or concurrently with the development of the improvements on all or any part of the MoPac Expressway Office Parcel 2, and shall be completed prior to, and as a condition to, the issuance of the permanent Certificate of Occupancy for the primary building to be constructed on the MoPac Expressway Office Parcel 2.
- (5) The portion of the Streetscape located outside of the right-of-way of Executive Center Drive and Wood Hollow Drive within each Parcel shall be developed prior to or concurrently with the development of the improvements on each such Parcel, and shall be completed prior to, and as a condition to, the issuance of the permanent Certificate of Occupancy for the primary building constructed on each such Parcel.

G. The conveyance of the Neighborhood Park, Heritage Park, and AO Creek (both Southern and Northern portions), along with the provision of an easement for the Heritage Trail as shown on the Streetscape plan and the Land Use Plan, shall satisfy the parkland dedication requirements, including parkland development fees, otherwise applicable for the entire PUD Property.

H. Impervious cover, building coverage, floor to area ratio, parking, landscaping and required open space are reflected on Exhibit C, in Exhibit F, and Exhibit L, and are calculated and determined on the cumulative gross site area of the PUD. The portions of the property included in any phase or the site plan/site development permit of each phase are not required to

satisfy those requirements on a stand alone basis and shall be approved if consistent with Exhibit C, Exhibit F, and Exhibit L.

I. During construction of any phase, the required parking for then existing uses shall be provided on a cumulative basis on the entire PUD property.

J. During construction of any phase of the PUD, a construction office and a sales and leasing office may be located in the retail or garage portions of the building(s) within such phase.

EXHIBIT E

PERMITTED USES TABLE

LAND USE CLASSIFICATION:	Mopac Expressway Office	Spicewood Springs Office	AO Hotel	AO Multifamily	AO Restaurant
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RESIDENTIAL USES

Condominium Residential	N	N	P	P	N
Multifamily Residential	N	N	N	P	N

COMMERCIAL USES

Administrative & Business Office	P	P	N	P	N
Art Gallery	N	P	P	P	N
Art Workshop	N	P	P	P	N
Building Maintenance Services	P	P	N	P	N
Business or Trade School	P	P	N	N	N
Business Support Services	P	P	N	N	N
Cocktail Lounge	P	P	P	P	P
Commercial Off-Street Parking	P	P	P	P	P
Communication Services	P	P	N	P	N
Consumer Convenience Services	P	P	N	P	N
Consumer Repair Services	P	P	N	P	N
Electronic Prototype Assembly	P	P	N	N	N
Electronic Testing	P	P	N	N	N
Financial Services	P	P	N	P	N
Food Preparation	P	P	P	P	P
Food Sales	P	P	P	P	P
General Retail Sales (Convenience)	N	P	P	P	N
General Retail Sales (General)	N	P	P	P	N
Hotel-Motel	N	N	P	N	N
Indoor Entertainment	P	P	P	P	N
Indoor Sports & Recreation	N	P	N	P	N

LAND USE: CLASSIFICATION	MoPac Expressway Office	Spicewood Springs Office	AO Hotel	AO Multifamily	AO Restaurant
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COMMERCIAL USES (continued)

Liquor Sales	N	P	P	P	P
Medical Office (exceeding 5,000 sq. ft. gross floor area)	P	P	N	N	N
Medical Office (not exceeding 5,000 sq. ft. gross floor area)	P	P	N	N	N
Off-Site Accessory Parking	P	P	P	P	P
Personal Improvement Services	P	P	P	P	N
Personal Services	P	P	P	P	N
Pet Services	P	P	P	P	N
Printing & Publishing	P	P	P	P	N
Professional Office	P	P	N	P	N
Research Services	P	P	N	N	N
Restaurant (General)	P	P	P	P	P
Restaurant (Limited)	P	P	P	P	P
Software Development	P	P	P	P	N

CIVIC USES

College and University Facilities	P	P	N	N	N
Communication Services Facilities	P	P	N	N	N
Counseling Services	P	P	N	P	N
Cultural Services	P	P	N	P	N
Day Care Services (Commercial)	P	P	N	P	N
Day Care Services (General)	P	P	N	P	N
Day Care Services (Limited)	P	P	N	P	N
Employee Recreation	P	P	N	N	N
Guidance Services	P	P	N	P	N
Hospital Services (General)	P	P	N	N	N
Hospital Services (Limited)	P	P	N	N	N
Religious Assembly	P	P	P	P	P

Note: "P" means a use is a permitted use, "N" means a use is prohibited.

GENERAL PROVISIONS:

1. No more than a total 250 residential dwelling units shall be permitted within AO Multifamily Parcel 9 and the AO Hotel Parcel 6 (a hotel/motel room is not considered a residential dwelling unit). So long as the total number of units within AO Multifamily Parcel 9 and AO Hotel Parcel 6 does not exceed 250 residential dwelling units, the maximum number of each type of residential unit shall be as follows:

Number of Efficiency Units shall not exceed 125 units;
Number of 1-bedroom Units shall not exceed 125 units; and
Number of 2-bedroom Units shall not exceed 100 units.

2. All parking for the office, hotel, retail and multifamily uses within the PUD shall be provided by structured parking facilities, subject to the provisions of Part 11 of this Ordinance for Cumulative Parking; provided, surface parking may be provided for retail uses, restaurant uses, leasing office uses, visitor or customer parking, temporary loading and unloading, and on-street locations.

3. Gated streets and roads are not allowed within the PUD. Private resident, retail, and restaurant parking areas may be secured with a gate.

4. Any cell towers or similar communications or information relay facilities constructed on any Parcel within the PUD shall be screened concurrently with the construction of, or architecturally incorporated into, a building to be constructed on such Parcel.

5. The Accessory Use provisions of City Code Article 5 of Chapter 25-2, Subchapter C, apply within the PUD. Automotive washing shall be considered an accessory use for office uses and may be used solely by employees or patrons of the buildings.

EXHIBIT F

SITE DEVELOPMENT REGULATIONS TABLE

BUILDING TYPE	SETBACKS			Maximum Height MSL/STORIES*	FAR	Maximum Building Coverage	Maximum Impervious Cover
	Front Yard	Side Yard	Rear Yard				
MoPAC EXPRESSWAY OFFICE	10'	10'	10'	875'/7**	1.5:1	75%	80%
SPICEWOOD SPRINGS OFFICE	10'	0'	10'	870'/5	1.5:1	80%	80%
AO HOTEL	10'	0'	10'	835'/5	1.5:1	75%	75%
AO MULTIFAMILY	10'	10'	10'	870'/4	1.5:1	90%	90%
AO RESTAURANT	10'	0'	10'	770'/1	1:1	75%	75%

*feet above sea level based on the Texas State Plane Coordinate System (Nad83 Texas Central Zone, Vertical datum is NAVD-88) measured from the average elevation of the highest and lowest elevations of the finished grade of the building to top of structure.

**The buildings on Parcel 1 and 2 will be limited to 6 stories. See Exhibit C (Land Use Plan)

GENERAL SITE DEVELOPMENT REGULATIONS.

1. The minimum size of any lot or site within any Parcel within the PUD is 20,000 square feet.
2. The minimum width of any lot or site within any Parcel within the PUD is 100 feet.
3. The maximum heights of buildings are subject to the exceptions in City Code Section 25-2-531 (*Height Limit Exceptions*), which shall apply to the PUD.
4. The PUD is located within an Urban Watershed, and City Code Section 25-8-62(c) (*Net Site Area*) applies to the PUD so that impervious cover is calculated on the gross site area.

5. Impervious cover is limited to a total of 58% of the gross site area for the entire PUD area. Impervious cover within the portion of the PUD located within 300 feet of the existing off-site springs as shown on Exhibit C shall be limited to 50%.

6. All signage shall comply with the Commercial Sign District regulations of City Code Chapter 25-10-130 and the other regulations of City Code Chapter 25-10, except that:

- a. Section 25-10-101(C), which regulates signs directing the movement or placement of vehicular and pedestrian traffic, shall be modified to allow that (i) the sign area may not exceed 32 square feet and (ii) the height of such a sign may not exceed, for a freestanding sign, six feet above grade.
- b. A wall sign may be a projecting sign if the sign complies with the following:
 - i. No more than 2 projecting signs for each building façade is permitted;
 - ii. The sign area of a projecting sign may not exceed 35 square feet; and
 - iii. A projecting sign may extend from the building façade not more than the lesser of six feet or a distance equal to two-thirds the width of the abutting sidewalk.
- c. A total of eight freestanding subdivision identification signs are permitted on the Property. One subdivision identification sign adjacent to MoPac Expressway (Loop 1) may be constructed to a maximum height of 60 feet and for each of the remaining seven subdivision identification signs the height may not exceed 12 feet. The sign area of a subdivision sign may not exceed 128 square feet. For purposes of this ordinance, a subdivision sign is a freestanding sign that identifies a project, including a mixed use project, and may include a subdivision identification sign. Tenant signage is prohibited on a freestanding subdivision identification sign described in this paragraph.
- d. A sign support of more than 36 inches in diameter must be set back at least 12 feet from the street pavement.
- e. All existing commercial flag poles and flags shall be permitted to be continued, maintained, repaired and replaced.

7. The requirements of City Code Sections 25-7-32 (*Director Authorized to Require Erosion Hazard Zone Analysis*) has been satisfied for the PUD, and additional studies and analyses shall not be required for any site development permit or building permit issued in connection with the development of any Parcel for the construction of the primary building on such Parcel so that this Section shall not apply to the development within the PUD. Although a drainage study may be performed pursuant to City Code Section 25-7-31 (*Director Authorized to Require Drainage Studies*) for a site development permit or building permit within the PUD Property, except as provided on Exhibit H, no further on-site detention or RSMP shall be provided or required for the PUD Property.

8. The PUD will comply with Section 4.4.0 (*General Provisions for Fire Safety*) of the City Fire Protection Criteria Manual, and fire access from Spicewood Springs Road will be allowed by the construction of exterior stairways, as allowed by varying topography.

9. An area equal to at least 20% of the total required landscaped area within the PUD Property must be (a) undisturbed natural area(s) or undisturbed existing trees with no potable irrigation; or (b) irrigated by stormwater runoff conveyed from impervious surfaces on the site using one or more of: overland flow, storm drains, downspouts, rainwater harvesting, retention-irrigation, or other methods of conveyance as may be prescribed by rule, and the provisions of City Code Section 25-2-1008(A) shall not apply to development within the PUD.

10. A minimum of one 30-foot off-street loading space shall be provided for each building within the AO Multifamily and AO Hotel use classifications and within MoPac Expressway Office, Spicewood Springs Office and AO Hotel use classifications with less than 150,000 square feet of floor area. Each building within the MoPac Expressway Office and Spicewood Springs Office use classifications with more than 150,000 square feet of floor area shall provide a minimum of two (2) 30-foot off-street loading spaces. At the time of site plan, alternative sizing and number of spaces may be permitted by the Director to achieve off-street loading requirements. No off-street loading spaces shall be required for buildings in the AO Restaurant use classification. An administrative variance may be sought to allow vehicles to use a public right-of-way to back into or out of an off-street loading area or solid waste collection area.

11. For office, residential, and hotel uses, off-street bicycle parking shall comply with the requirements of City Code Section 25-6-477 (*Bicycle Parking*), except that a minimum of twenty (20) percent of all required bicycle parking spaces shall be located within 50 feet of any principal building entrance and shall not be obscured from public view.

12. All buildings constructed within the PUD shall comply with the provisions of City Code Article 10 (*Compatibility Standards*) except the following shall not apply:

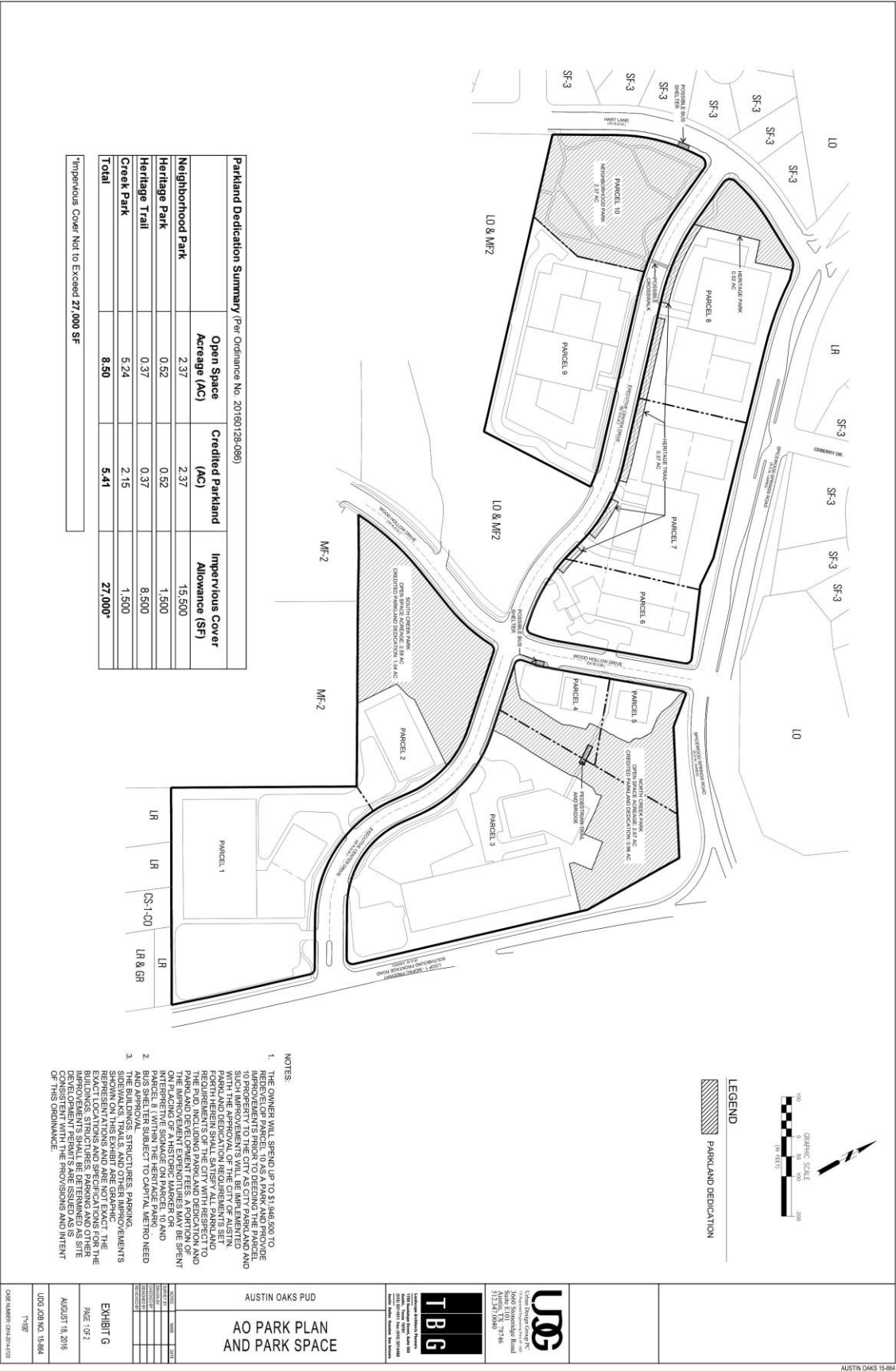
- a. Section 25-2-1062 (*Height Limitations and Setbacks for Small Sites*)
- b. Section 25-2-1063 (*Height Limitations and Setbacks for Large Sites*)
- c. Section 25-2-1065 (*Scale and Clustering Requirements*)

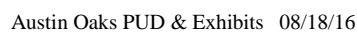
13. All buildings constructed within the PUD shall comply with the provisions of City Code Subchapter E (*Design Standard and Mixed Use*) except the following shall not apply:

- a. Section 2.2 (*Relationship of Buildings to Streets and Walkways*)
- b. Section 2.3 (*Connectivity*)
- c. Section 2.4 (*Building Entryways*)
- d. Article 4 (*Mixed Use*)

14. The provisions of City Code Section 3.2 (*Glazing and Facade Relief Requirements*) shall not apply to the AO Hotel Parcel 6 or the AO Multifamily Parcel 9.

15. The PUD shall achieve a minimum of a total of five (5) points in the aggregate for all buildings within the PUD under the provisions of Section 3.3.2 of Subchapter E (*Building Design Options*).



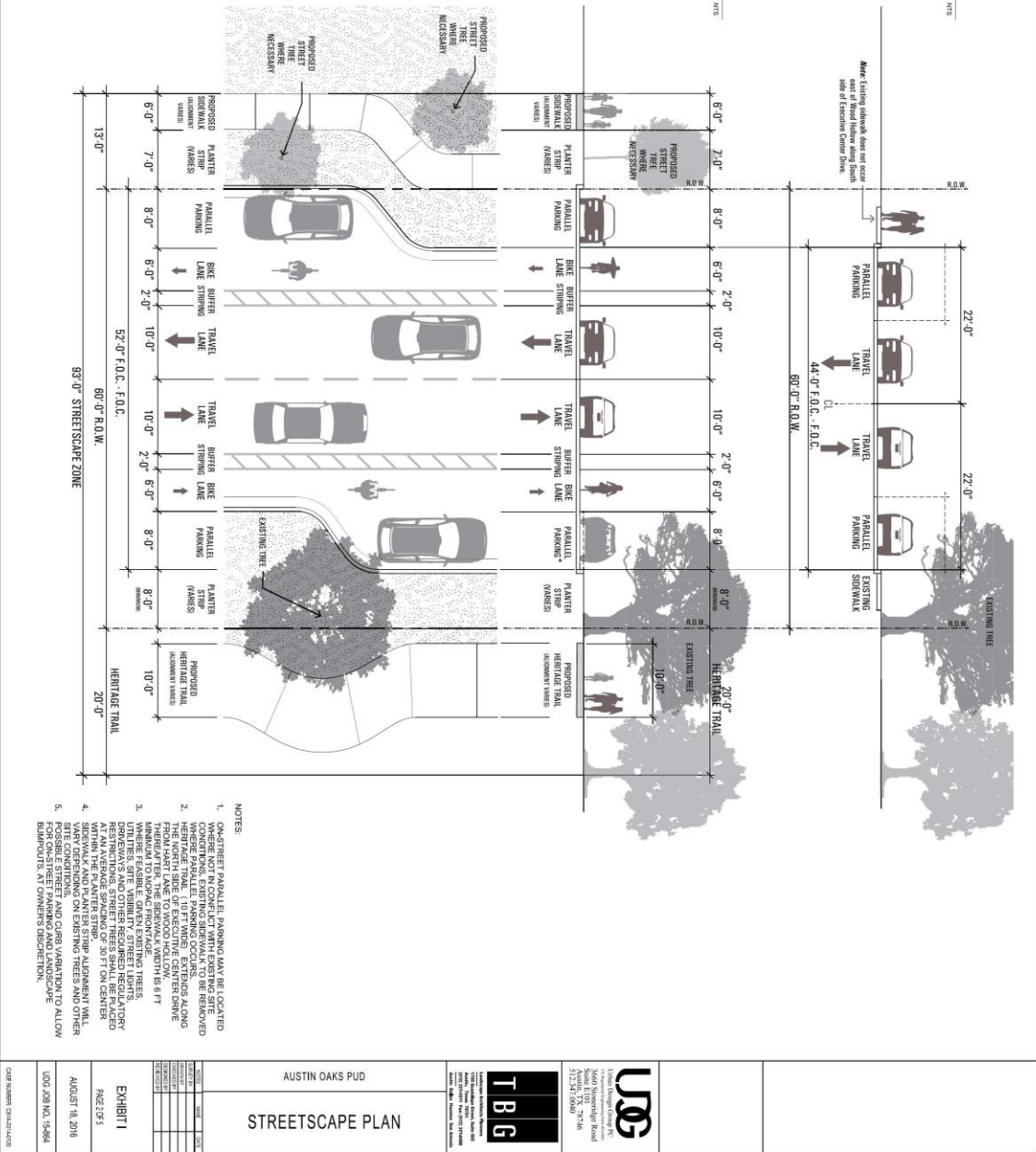


EXECUTIVE CENTER DRIVE - EXISTING CONDITIONS

NTS

EXECUTIVE CENTER DRIVE - PROPOSED CONDITIONS

NTS



SLIM



- 1870

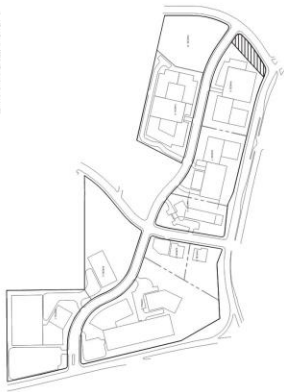
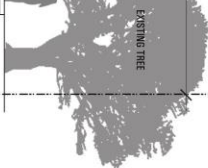
AUSTIN OAKS PUD

STREETSCAPE PLAN





367



FRONTAGE.

AUSTIN OAKS PUD

TBG

UDG
Urban Design Group PC
11 Regency Square, Suite 1101
16660 Stoneridge Road
Austin, TX 78746
512.347.0040

CASE NUMBER C814701401

NTS



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512.347.0040

ALU

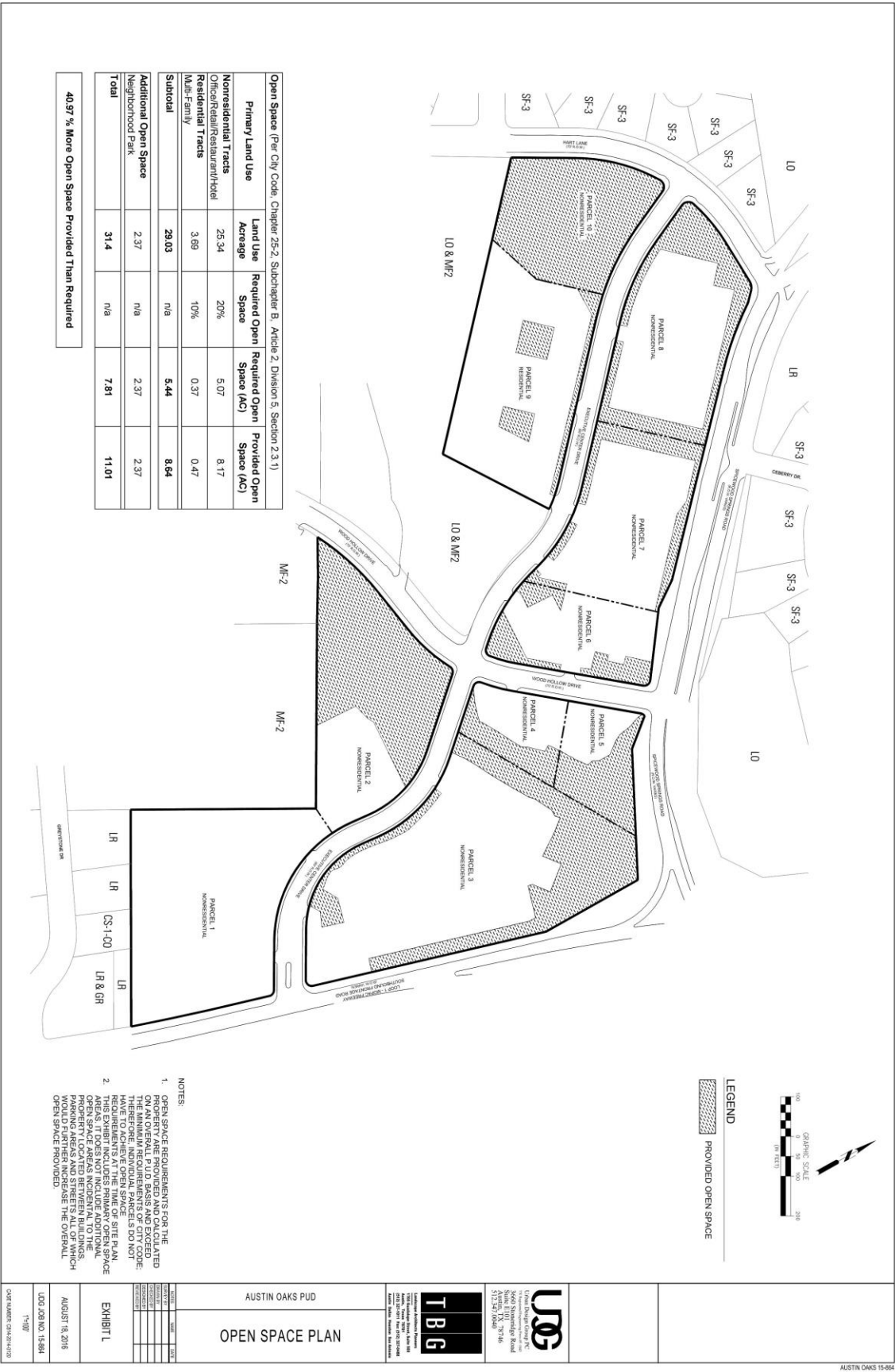


EXHIBIT M

BACKGROUND FOR INFORMATION PURPOSES ONLY

A. Section 25-8-25 (Redevelopment Exception in Urban and Suburban Watersheds) shall apply to the Property overall, and not on a Parcel-by-Parcel basis and, therefore, Section 25-8-25(B)(1) and (3) do not apply to the Property: Nevertheless, the total amount of impervious cover on the Property will be less than the existing amount of impervious cover on the Property and the development will generate less than 30,086 vehicle trips a day that would otherwise be allowed if this property was redeveloped on a Parcel-By-Parcel basis. Instead, the trips will be restricted to the number set forth in the Traffic Impact Analysis submitted in conjunction with this Ordinance. Because 25-8-25 would be applied on an overall Property basis, City Code Subchapter A of Chapter 25-8 would not apply to the Property.

B. Section 2.4.3 (Buffering) of the Environmental Criteria Manual is modified (as to Parcels 1 and 4 only) to limit required buffering in order to preserve trees and to provide a minimum 4-foot wide planting strips located between the street and site features requiring buffering: the environmental site constraints on the Property make compliance with the buffering requirements difficult, including (i) a limited width of permeable landscape areas between the street and buildings, and (ii) compact development areas that are connected and oriented to the streets, thus promoting a combination of widely distributed preserved trees within an urban character, with the vast majority of vehicle parking located in structured parking garages. Moreover, in the context of the overall Property, the amount of areas that will remain open space or natural area far exceeds Code requirements.

C. Section 25-6-477 (Bicycle Parking) for office, residential, and hotel uses: the requirement that a minimum of 50% of the bicycle parking shall be located within 50 feet of any principal building entrance has been modified to 20% in order to (i) further reduce impervious cover, and (ii) retain the bicycle parking in nearby and conveniently shaded structured garages.

D. Section 25-2-1008(A)(1) shall not apply to development within the PUD: because 8.49 acres of land will be dedicated as parkland and public space and will remain undisturbed, there will be less area on each redeveloped parcel for undisturbed natural areas. The requirement should be evaluated in the context of the entire Property; in doing so, the owner has more than exceeded the requirement.

E. Compatibility provisions (Section 25-2-1062, 25-2-1063, 25-2-1065): The process for designing the Austin Oaks redevelopment plan included a 3-month process that concluded with a 1-week Design Charrette, and then further refinements thereafter to focus on further reduction of height, location of buildings, and preservation of trees. The result is a complete package that includes stakeholder interests, environmental superiority, and a pedestrian experience over a 31.4-acre site that is far superior to any similarly-sized site within NW Hills. Moreover, all SF-zoned property is across a major street and at least 200' away from any structure. The height on the Property has been concentrated at the lower points along MoPac

Expressway, and the single-family residences across Spicewood Springs Rd. that would trigger compatibility sit within a CEF buffer completely hidden by a tree canopy that benefits from the natural springs.

F. Subchapter E (Design Standard and Mixed Use) Sections 2.2, 2.3, 2.4 3.2 (shall not apply to the Hotel Parcel 6 or the Multifamily Parcel 9), and Article 4 (Mixed Use):

With regard to Wood Hollow Drive, the existing tree-lined condition from Spicewood Springs Road to Executive Center Drive truly make strict application of Subchapter E impossible unless a large number of these meaningful trees are removed. The existing sidewalk along Wood Hollow on the east side of the street is configured to minimize impacts to these large canopy trees. Therefore, the land use plan and streetscape plan that would be attached to the ordinance have provided multiple pedestrian routes – especially within and across the AO Creek Zone – for pedestrians to connect between the varied uses on the property.

The critical water quality zone, along with CEF buffers associated with the creek, also limits the buildable areas upon which sidewalks and buildings can be placed both along the east side of Wood Hollow and the corner of Executive Center Drive bridging over the creek. The sidewalk placement for Parcel 2 is the most environmentally appropriate solution since the sidewalk itself – if not placed within the right-of-way – would be located in the CEF buffer. These environmental features place significant constraints on designers to comply with important environment rules while addressing sidewalk/building placement standards.

The west side of Wood Hollow Drive is constrained by a steep grade rising abruptly behind the existing sidewalk to the west. A number of existing trees are sited on this steep slope. Both the steep slope condition and existing trees make strict compliance with Subchapter E impossible without significant grade cut and removal of these trees.

The grade change between the existing sidewalk on Spicewood Springs Road and the property in some places is more than twenty feet and within three hundred feet of existing springs; therefore, it would not be practical or make environmental sense to require widening the sidewalk along Spicewood Springs Road between Hart Lane and Wood Hollow. In addition, the sidewalk area on Spicewood Springs Road between Wood Hollow and MoPac includes a CEF buffer and is within the critical water quality zone of the creek. The addition of a mid-block pedestrian pathway within a public easement on Parcel 7 or Parcel 8 improves pedestrian connectivity and will encourage the use of the Heritage Trail that will meander along Executive Center Drive through the site from Hart Lane to Wood Hollow.

A public access/sidewalk easement for the Heritage Trail will be provided as part of the parkland dedication requirement. By creating the unique Heritage Trail on the north side of Executive Center Drive, the Charrette designers specifically found a way to save existing trees and use this organizing feature of the development to encourage shaded pedestrian circulation for the public to enjoy, with a wide sidewalk meandering (in order to avoid trees) for approximately a quarter of a mile from the neighborhood park located on Parcel 10 at Hart Lane to the creek park located east of Wood Hollow. The Heritage Trail serves a critical role as a major pedestrian connection between these two parkland destinations. The applicant has modified the design to

increase the width of the Heritage Trail from eight feet to ten feet to further promote community activity and a range of compatible uses of the trail.

Depending on the City's desires, the sidewalk on Parcel 10 (the Neighborhood Park located on the south side of Executive Center Drive at Hart Lane) could be expanded. The remaining portion of the south side of Executive Center Drive located within the property has a new, continuous sidewalk six feet in width separated from the street with a new, seven-foot-wide planting strip located behind the curb (where an existing sidewalk currently exists).

G. Section 25-10-130 (Commercial Sign District Regulations): For sign purposes, all buildings on the site will be treated as part of the commercial sign district. In addition, to the requirements set forth in 25-10-130, each building will also be allowed up to two projecting signs that extend from the building façade. Furthermore, the height and size of freestanding subdivision signs has been modified to accommodate the projects scope. And all existing commercial flag poles and flags shall be permitted to be continued, maintained, repaired and replaced.

H. Section 25-10-154 (Subdivision Identification Sign): Although many subdivision identification signs would be permitted among the 13 lots (two per each major entry), the number of subdivision signs is limited to a total of eight.

I. Section 2.4.1 D (*Street Yard Trees*) of the City of Austin Environmental Criteria Manual was revised to increase the requirements for landscaping, to provide the following:

- 75% of the street trees planted from the Preferred Plan List, rather than 60%;
- Planted street trees will be no less than 8 feet in initial height, rather than 6 feet;
- Planted street trees will be no less than 3 inch caliper measured at six inches above grade, rather than 1.5 inch caliper;
- No more than 30% of planted street trees will be from the same species, rather than 50%.

J. Section 3.3.2(A) (*General Tree Survey Standards*) of the City of Austin Environmental Criteria Manual was modified to allow for the tree survey to last until November 22, 2038. Requiring a new survey every 5 years puts at risk the balanced approach that the redevelopment plan represents and unfairly exposes the owner to a "gotcha" at a later date if a non-regulated or protected tree were to grow and become a regulated or heritage tree that prevents the construction of a building essential to the balancing effort. As a compromise, the owner proposes that the tree survey may be used with any application for a site development permit for 22 years (25 years from the date of the survey) and, thereafter, a new tree survey will have to be performed for each site plan - putting the owner at risk after the 22-year period.