

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 Part 1, 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 Exhibit M. Affordable Housing Agreement

5 **PART 4. Definitions.**

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

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

25 **PART 5. Land Use.**

1 The following conditions apply:

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

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

- 2 A. The Austin Oaks PUD shall include (1) open space and (2) dedicated parkland
3 for park and recreational purposes in accordance with **Exhibit E: Park Plan and**
4 **Park Space**. Development of the dedicated parkland will follow the Phasing Plan
5 as shown in **Exhibit C**. Parkland dedication requirements set forth in this
6 ordinance shall satisfy all City parkland requirements, including parkland
7 development fee requirements, for the Austin Oaks PUD, as set forth in **Exhibit**
8 **E**.
- 9 B. The Austin Oaks PUD shall include at least 11.01 acres of open space, as
10 generally shown on **Exhibit J: Open Space Plan**, which shall satisfy open space
11 requirements for any subdivision or site plan submitted within the Austin Oaks
12 PUD. Areas designated as open space may include, but are not limited to:
- 13 1. Natural and undeveloped areas, landscaped areas, plazas, patios, open air
14 gathering places, multi-use trails, and detention or water quality facilities
15 designed and maintained as an amenity;
 - 16 2. Vegetative roofs and other landscaped areas on roofs, if accessible to
17 building occupants and designed as an amenity; and
 - 18 3. All courtyards and other areas located within any building that are open and
19 unobstructed from the surface to the sky and that are covered by grass,
20 ground cover, or other landscaping.

21 **PART 7. Environmental.**

- 22 A. All buildings in the Austin Oaks PUD will achieve a two-star or greater rating
23 under the Austin Energy Green Building program using the applicable rating
24 version in effect at the time a rating registration application is submitted for the
25 building.
- 26 B. Landscaping
- 27 1. At least 75% of trees planted within the street yard shall be from the
28 Environmental Criteria Manual (ECM) Appendix N (City of Austin Preferred
29 Plant List). Trees planted within the street yard shall be no less than three inch
30 caliper in size and eight feet in initial height. If more than ten trees are
31 required in the street yard, pursuant to the ECM, no more than 30% of planted
32 trees shall be from the same species.

- 1 2. At least 75% of all non-turf plant materials shall be native to Central Texas or
2 included in the 5th Edition of City of Austin’s “Grow Green Native and
3 Adapted Landscape Plants” guide (revised 2016). This requirement shall not
4 apply to plantings within dedicated parkland.

5 C. Tree Protection

- 6 1. The Landowner shall preserve a minimum of 3,150 caliper inches of
7 Protected and Heritage Trees, calculated together, which represents 75% of
8 the total caliper inches of Protected and Heritage Trees within the Austin
9 Oaks PUD. The Landowner shall also preserve a minimum of 7,137 caliper
10 inches of all trees eight inches in diameter at breast height or larger, which
11 represents 63% of the total caliper inches of regulated trees within the
12 Austin Oaks PUD. These requirements apply to the Austin Oaks PUD as a
13 whole and not on an individual subdivision or site plan basis. Each
14 subdivision, site plan, and building permit application that includes a tree
15 removal request shall demonstrate that the Austin Oaks PUD is in
16 compliance with these requirements.
- 17 2. Existing impervious cover shall be removed and no new impervious cover
18 shall be placed within the full critical root zone (CRZ) of Protected and
19 Heritage Trees, except as follows:
- 20 a. Structures and access drives may be located within the outer half of the
21 CRZ in compliance with ECM Section 3.5.2;
- 22 b. Internal drive aisles on Parcels 1, 2, 3, and 4 are allowed within the outer
23 half of the CRZ in compliance with ECM Section 3.5.2;
- 24 c. Sidewalks and multi-use trails are allowed within the CRZ in compliance
25 with ECM Section 3.5.2.
- 26 3. Mitigation credit shall be granted for removing existing impervious cover
27 from the CRZ of preserved trees. Mitigation credit shall be defined as the
28 dollar value of the arboricultural services provided to remove the impervious
29 cover, improve soil health and composition, and reduce compaction within
30 the CRZ.

31 D. Drainage

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

7 8 E. Riparian Restoration

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

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

21 22 23 **PART 8. Affordable Housing Program.**

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

28 A. Multifamily Rental Housing

29 At least 10% of the total number of multifamily rental housing units located
30 within the Austin Oaks PUD will be set aside for occupancy by households with
31 incomes at 60% of or below the MFI for a rental affordability period of forty
32 years from the date the development achieves full compliance with the terms of
33 the affordable housing program. The 10% set aside under this section constitutes
34 the "Affordable Rental Units." In addition the Landowner agrees to comply with
35 the following:

- 1 1. Each lot sold or developed for multifamily development use that will include
2 Affordable Rental Units shall be subject to a restrictive covenant using the
3 form shown in **Exhibit L: Affordable Housing Restrictive Covenants**
4 recorded at the time of sale or development in the official public records of
5 the county where the affordable development is located. The form of the
6 restrictive covenant may be revised by agreement of the Director of
7 Neighborhood Housing and Community Development (NHCD) and the
8 Landowner.
- 9 2. At least 50% of the Affordable Rental Units must contain 2 or more
10 bedrooms and shall have the same minimum average unit size as the market
11 rate units located in the same building.
- 12 3. Income qualifications and rents must comply with NHCD compliance
13 guidelines. For each Affordable Rental Unit, income qualifications shall
14 include a requirement that households spend no more than 30% of the
15 household's gross monthly income on utilities and rental payments.
16 Compliance with the affordable housing requirements will be monitored by
17 NHCD.

18 B. Owner-occupied Housing

19 At least 10% of the total number of units sold as owner-occupied residential
20 housing units located within the Austin Oaks PUD will be set aside for
21 occupancy by households with incomes at 80% of or below MFI for an
22 affordability period of ninety-nine years for fee-simple ownership units and
23 community land trust units. The 10% set aside under this section constitutes the
24 Affordable Ownership Units. In addition the Landowner agrees to comply with
25 the following:

- 26 1. The Affordable Ownership Units shall have substantially similar
27 architectural design and restrictions as other residential units offered for sale
28 to the general public.
- 29 2. At least 50% of the Affordable Ownership Units must contain 2 or more
30 bedrooms and shall have the same minimum average unit size as the market
31 rate units located in the same building.
- 32 3. Affordable Ownership Units:

- 1 a. Must be sold to an income eligible household at 80% of or below MFI;
2 and
- 3 b. Shall be secured through a restrictive covenant using a form shown in
4 **Exhibit L** and recorded at the time of sale in the official public records of
5 the county where the Affordable Ownership Unit is located. The form of
6 the restrictive covenant may be revised by agreement of the Director of
7 NHCD and the Landowner. The restrictive covenant shall include, but
8 not be limited to the following:
- 9 i. Resale restrictions that require that resale of the affordable unit must
10 be to a household at 80% of or below MFI;
- 11 ii. Restrictions that will cap the equity gain to the homeowner that can
12 be realized upon resale of the affordable unit to maintain the unit's
13 long term affordability in accordance with NHCD guidelines;
- 14 iii. Right of First Refusal to the Austin Housing Finance Corporation
15 (AHFC) or other entity designated by the City that is assignable to
16 an income-qualified buyer, to ensure long term affordability.

17 C. The Landowner shall execute a blanket restrictive covenant in a form
18 substantially similar to the form attached in **Exhibit L**. To ensure that Affordable
19 Ownership and Rental Units are set aside in compliance with Part 8 of this
20 ordinance, the Landowner shall execute the agreement with the City attached as
21 **Exhibit M: Affordable Housing Agreement** that establishes the terms for
22 releasing the blanket restrictive covenant once the Affordable Ownership Units
23 and Affordable Rental Units have been identified within the Austin Oaks PUD.

24 D. The Landowner shall submit a condo declaration to the Director of NHCD for
25 review and approval and the declaration shall include provisions related to the
26 affordable units.

27 E. The Landowner shall file a written report, in a format approved by NHCD, with
28 the Director of NHCD including the number and location of each Affordable
29 Ownership Unit and Affordable Rental Unit meeting the Affordable Housing
30 Requirements within the Austin Oaks PUD. The initial report shall be filed not
31 later 15 calendar days following the date of recordation of a plat or site plan
32 within the Austin Oaks PUD and shall be updated every six months until the
33 Austin Oaks PUD is complete.

1 F. NHCD shall monitor compliance with the requirements of this ordinance, at a
2 minimum, through annual audits.

3 **PART 9. Transportation.**

4 A. The Landowner shall mitigate transportation impacts as set forth in the
5 Development Services Department, Transportation Review Section's
6 Transportation Impact Analysis (TIA) memo dated October 6, 2016, **Exhibit C**,
7 and **Exhibit G**. The Landowner shall pay 100% of costs, including design and
8 overhead, of the improvements specified in **Exhibit C**.

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

13 **PART 10. Code Modifications.** In accordance with Chapter 25-2, Subchapter B, Article
14 2, Division 5 (*Planned Unit Development*) of the Code, the following site development
15 regulations apply to the Austin Oaks PUD instead of otherwise applicable City regulations:

16 A. Zoning

17 1. Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*) is modified
18 as follows:

19 a. Subsections 2.2.2.B.–E. of Article 2 (*Site Development Standards*),
20 Section 2.2 (*Relationship of Buildings to Streets and Walkways*) are
21 modified so that regulations for the construction of sidewalks, the
22 supplemental zone, building placement, and off-street parking do not
23 apply within the Austin Oaks PUD;

24 b. Subsection 2.3.1.B. (*Standards*) of Article 2 (*Site Development*
25 *Standards*), Section 2.3 (*Connectivity Between Sites*) is modified to allow
26 building placement and pedestrian, bicycle, and vehicular connectivity
27 within the Austin Oaks PUD as designated in **Exhibit B**;

28 c. Section 2.4 (*Building Entryways*) is modified to allow entrances within
29 the Austin Oaks PUD as designated in **Exhibit G**;

30 d. Subsections 3.2.2.A.–C. of Article 3 (*Building Design Standards*),
31 Section 3.2 (*Glazing and Facade Relief Requirements*) are modified so

1 that the regulations do not apply to the AO Hotel on Parcel 6 or the AO
2 Mixed Use on Parcel 9;

3 e. Subsection 3.3.2. (*Building Design Options*) of Article 3 (*Building*
4 *Design Standards*), Section 3.3 (*Options to Improve Building Design*) is
5 modified to require a minimum total of five base points in the aggregate
6 for all buildings within the Austin Oaks PUD; and

7 f. Subsection 4.2.1.D. (*District Standards*) of Article 4 (*Mixed Use*),
8 Section 4.2 (*Mixed Use Zoning Districts*) is modified so that the
9 minimum site area requirements for each dwelling unit within the zoning
10 districts do not apply within the Austin Oaks PUD.

11 2. Section 25-2-243 (*Proposed District Boundaries Must Be Contiguous*) is
12 modified to provide that the boundaries of the Austin Oaks PUD may be
13 noncontiguous.

14 3. Section 25-2-1062 (*Height Limitations and Setbacks for Small Sites*) is
15 modified to waive compatibility standards to allow for increased heights as
16 shown on **Exhibit B**.

17 4. Section 25-2-1063 (*Height Limitations and Setbacks for Large Sites*)
18 modified to waive compatibility standards to allow for increased heights as
19 shown on **Exhibit B**.

20 5. Section 25-2-1065 (A)-(D) (*Scale and Clustering Requirements*) is modified
21 to allow massing, clustering, and building placement within the Austin Oaks
22 PUD as designated in **Exhibit B**.

23 6. Pursuant to Section 25-1-133 (*Notice of Applications and Administrative*
24 *Decisions*), notice shall be provided prior to approval of an amendment to
25 Exhibit B under Section 3.1.3 (*Approval Director*) that is not a substantial
26 amendment described under Subsection 3.1.2 (*Substantial Amendments*) of
27 Chapter 25-2, Subchapter B, Article 2, Division 5 (*Planned Unit*
28 *Developments*).

29 **B. Environmental**

30 1. ECM Section 2.4.3 (*Buffering*) is modified to allow shrubs used as buffering
31 elements on Parcels 1 and 4 to be planted in a permeable landscape area at
32 least three feet wide.

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2. Section 25-2-1008(A) (*Irrigation Requirements*) is modified such that natural areas and existing trees where impervious cover is removed shall be considered undisturbed for purposes of this requirement. Portions of a site within the Austin Oaks PUD that cannot comply with this code section using a gravity fed conveyance system are exempt from its requirements.
 3. Section 25-7-32 (*Director Authorized to Require Erosion Hazard Zone Analysis*) shall not apply to the Austin Oaks PUD. An erosion hazard zone analysis prepared by Urban Design Group, consisting of a report dated March 30, 2016 and an addendum dated August 15, 2016, was submitted with the Austin Oaks PUD application and the identified erosion hazard zone shall be used for future development applications.
 4. Section 25-7-61(A)(5) (*Criteria for Approval of Development Applications*) and Drainage Criteria Manual Section 1.2.2.D (*General*) are modified such that the drainage analysis shall be based on the Austin Oaks PUD boundary rather than the parcel boundaries. The drainage analysis shall utilize the Austin Oaks PUD's existing impervious cover, which is 66% of gross site area, as the benchmark for identifying additional adverse impacts.
 5. Section 25-8-25(B)(1) and (3) (*Redevelopment Exception in Urban and Suburban Watersheds*) is modified such that impervious cover and vehicle trip limits shall apply to the Austin Oaks PUD overall rather than by site plan. For purposes of Section 25-8-25(B)(5), non-compliant development may be relocated within the critical water quality zone and critical environmental feature buffers if the degree of encroachment (total square footage and minimum distance to the protected feature) and overall impact to the protected feature do not increase.
 6. Sections 25-8-621 (*Permit Require for Removal of Protected Trees: Exceptions*) and 25-8-641(B) (*Removal Prohibited*) are modified to allow the removal of trees identified in **Exhibit H: Tree Plan**, including those trees identified as tag numbers 904, 952, 1075, 1094, 1163, 1289, 2008, 2031, 2033, 2037, 2107, 2227 and 2233.
 7. ECM Section 3.3.2.A (*General Tree Survey Standards*) is modified to allow **Exhibit K: Tree Survey** to be used for 20 years from the survey date. Development applications submitted after November 22, 2033 shall require a

1 new tree survey that complies with the rules and regulations in effect at the
2 time of application.

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4 C. Transportation

- 5 1. Section 25-6-472(A) (*Parking Facility Standards*) is modified to allow the
6 following minimum parking requirements within the Austin Oaks PUD:
- 7 a. 3.5 parking spaces per 1,000 square feet of office;
 - 8 b. 5 parking spaces per 1,000 square feet of retail uses;
 - 9 c. 8 parking spaces per 1,000 square feet of restaurant uses; and
 - 10 d. 1 parking space per each multifamily dwelling unit.
- 11 2. For office, residential, and hotel uses, off-street bicycle parking shall comply
12 with the requirements of Section 25-6-477 (*Bicycle Parking*), except that a
13 minimum of 20% of all required bicycle parking spaces shall be located
14 within 50 feet of any principal building entrance and shall not be obscured
15 from public view.
- 16 3. Section 25-6-531 (*Off-Street Loading Facility Required*) is modified to
17 provide that no off-street loading spaces shall be required for buildings in
18 the AO Restaurant use classification on Parcels 4 and 5.

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

22 A. Environmental

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

